



*MEMORANDUM*

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**TO:** CITY COUNCIL

**FROM:** Mayor Libby Schaaf

**SUBJECT:** State and Federal Advocacy on  
Racial Justice

**DATE:** July 15, 2020

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**INFORMATION**

This memo provides information regarding current legislation that the Mayor's office has been advocating for at both the federal and state level related to racial equity and police reform. Below is a summary of bills. The landscape is changing quickly and we are working closely with Townsend Public Affairs to identify other opportunities to support this work.

**State Legislation**

**SB 731 (Bradford)**: This bill would disqualify a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated in an administrative, military, or civil judicial process as having committed, a violation of certain specified crimes against public justice, including the falsification of records, bribery, or perjury. The bill would also disqualify any person who has been issued a certificate by the Commission on Peace Officer Standards and Training and had that certificate revoked by the commission, has voluntarily surrendered the certificate, or has been denied issuance of a certificate. The bill would require a law enforcement employing peace officers to employ only individuals with a current, valid certification or pending certification.

**AB 2054 (Kamlager)**: will establish the Community Response Initiative to Strengthen Emergency Systems (C.R.I.S.E.S) Act pilot program, which will promote community-based responses to local emergency situations. This will help reduce the reliance on police and instead gives more power to localized communities. PolicyLink is one of the Co-Sponsors of the legislation. The foundation of this bill is in response to the requests to defund the police and invest in the caring and supportive infrastructure that communities need to achieve real safety. This legislation seeks to establish a statewide grant program that would strengthen community-based responses to local emergencies, ensuring vulnerable people have access to the support and care they need when in crisis. Part of the deep support of this bill originates from the fact that Oakland has already pioneered a program similar to this known as MACRO which stands for "the Mobile Assistance Community Responders of Oakland" and it is designed to integrate the community into emergency services.

**AB 1950 (Kamlager)**: amends the California State Penal Code to limit adult probation to a maximum of one year for misdemeanor offenses and two years for felony offenses. This bill has been supported by a variety of civil rights organizations and legal groups including The Alliance for Boys and Men of Color, California Attorneys for Criminal Justice, and California Public Defenders Association to name a few. The goal in this is to reduce the number of individuals who go to prison for violating minor probation terms such as missing a drug test. By lowering the maximum number of times an individual can be on probation it is less likely that an individual will be convicted of violating the terms of their probation as they won't be on it for as long.

**AB 1196 (Gipson)**: is being amended to prohibit a number of police restraint tactics. The bill is co-authored by members of the CA Black Caucus, Latino Caucus, API, and LGBTQ Caucus. As used in AB 1196, "carotid restraint" means a vascular neck restraint or any similar restraint, hold, or other defensive tactics in which pressure is applied to the sides of a person's neck for the purpose of restricting blood flow to render the person unconscious or otherwise subdue or control the person. The goal here is to limit the restraints police can use such as the aforementioned carotid restraint and therefore protecting more individuals taken into police custody from undergoing potentially dangerous restraints.

**ACA 5 (Weber)**: The City has also been an active supporter of Assembly Constitutional Amendment 5 which has been passed by the legislature. ACA 5, if approved by the voters, would permit the use of race, gender, and ethnic diversity as factors in college admissions, government hiring, and government contracting. In 1996, the voters of California passed Proposition 209 by a 55%-45% margin. Nearly 25 years out, the reasons for the passage of this proposition have receded into rearview for many Californians – and for many others, they were not born or did not reside in California. As ACA 5 is now before the Committee, it is worth revisiting some of the primary beliefs and ideas behind Proposition 209. In short, the repeal of Proposition 209 would permit the use of race and/or gender as a 'plus' factor in college admissions, public employment, and public contracting. It would not permit the use of quotas or policies that are broadly tailored and do not consider the totality of the individual college applicant, job applicant, or contract bidder. Nearly twenty-five years later, it is clear that the proposition has hurt, not helped, Californians by prohibiting time-tested affirmative action programs that bolster education and job opportunities for women and people from Black and Brown communities. We are a majority-minority state, yet our public institutions continue to favor white people and men.

**SB 773 (Skinner)**: This bill, the Community Assistance Response Act, would empower California's 911 Advisory Board to recommend changes to local 911 systems so that violent crime and other true police emergencies are prioritized by law enforcement, and calls that require something closer to a welfare check could be dispatched to non-law enforcement agencies or staff. It begin the process of reforming California's 911 system so that calls concerning mental health, homelessness, drug overdoses, and other issues not requiring police intervention can go to an appropriate social services agency rather than law enforcement.

**SB 776 (Skinner):** This bill would make every incident involving use of force subject to disclosure. The bill would remove the requirement that a complaint relating to sexual assault or dishonesty be sustained following an investigation in order to be subject to disclosure. The bill would require records relating to sustained findings of wrongful arrests and wrongful searches to be subject to disclosure. The bill would also require the disclosure of records relating to an incident involving prejudice or discrimination on the basis of specified protected classes.

**ACA 6 (McCarty):** This bill would restore the right to vote for individuals on parole. Currently, they are barred from participating in the elective process and this bill would change that. This would give the right to vote back to around 50,000 Californian citizens.

### **Federal Legislation**

We are strongly supporting the **Justice in Policing Act (H.R. 7120)**, introduced by Congresswoman Karen Bass.

This bill addresses a wide range of policies and issues regarding policing practices and law enforcement accountability, including curtailing “qualified immunity”; dropping the threshold for defining police misconduct from “willfully” violating constitutional rights to doing so with knowing or reckless disregard; banning choke-holds and no-knock warrants; making lynching a federal crime; creating a national registry of police violations; requiring Federal officers to wear body cameras; placing new limits on federal funding for local and state police; requiring bias training and the use of de-escalation tactics in order for grants to be approved; and curtailing the transfer of military weaponry to state and local police.

We also support Congresswoman Lee’s bill, **Urging the establishment of a United States Commission on Truth, Racial Healing, and Transformation (H. Con. Res. 100)**. This concurrent resolution would affirm the U.S. debt of remembrance not only to those who lived through the injustices of slavery but also to their descendants; and would propose a U.S. Commission on Truth, Racial Healing, and Transformation to properly acknowledge, memorialize, and be a catalyst for progress, including permanently eliminating persistent racial inequities.

We are also supporting a bill introduced by Congresswoman Sheila Jackson Lee and Senator Cory Booker, **Commission to Study and Develop Reparation Proposals for African-Americans Act (H.R. 40/S. 1083)**, which establishes the Commission to Study and Develop Reparation Proposals for African-Americans. The commission would examine slavery and discrimination in the colonies and the United States from 1619 to the present and recommend appropriate remedies. Among other requirements, the commission would identify the role of federal and state governments in supporting the institution of slavery, forms of discrimination in the public and private sectors against freed slaves and their descendants, and lingering negative effects of slavery on living African-Americans and society.

Additional federal bills we are supporting include:

The **COVID-19 Racial and Ethnic Disparities Task Force Act (S. 3721/H.R. 6763)**, introduced by Senator Kamala Harris and Congresswoman Robin Kelly, would establish a COVID-19 Racial and Ethnic Disparities Task Force to gather data about disproportionately affected communities and provide recommendations to combat the racial and ethnic disparities in the COVID-19 response.

**The Black Maternal Health Omnibus Act (S. 3424/ H.R.6142)**, introduced by Senator Kamala Harris and Congresswoman Lauren Underwood, would direct the Department of Health and Human Services (HHS) and other agencies to address maternal health outcomes among minority populations. The Department of Housing and Urban Development and the Department of Transportation would be required to report on the impact of housing and transportation during prenatal and postpartum periods, respectively. The Department of Veterans Affairs would be required to submit a plan for maternity care coordination for women veterans, and the Bureau of Prisons would be required to establish programs and award grants to certain prisons and jails to improve maternal health outcomes among incarcerated individuals. The bill would also expand eligibility for certain nutrition programs by increasing the postpartum and breastfeeding periods, and reduce certain funding to states without laws restricting the use of restraints on pregnant women who are incarcerated.

**The Closing the Racial Wealth Gap Act (H.R. 5360)**, introduced by Congresswoman Joyce Beatty, would direct the Federal Reserve Board to collect, in specified surveys conducted by the board, data on household assets and debt with respect to respondents' race, ethnicity, tribal affiliation, and ancestral origin.

In terms of racial health equity, the Covid-19 Racial Disparities Task Force will develop policy recommendations by December 2020. In addition, I will be co-chairing the COVID-19 Response and Health Equity Working Group through the United States Conference of Mayors, which will develop policy recommendations to address the disparate health impacts on communities of color. We will continue to keep the Council apprised of ongoing legislative advocacy work.

Respectfully submitted,



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MAYOR LIBBY SCHAAF

For questions, please contact Elinor Buchen, Deputy Chief of Staff/Legislative Director at [ebuchen@oaklandca.gov](mailto:ebuchen@oaklandca.gov) or 510-238-7439