

CALIFORNIA STATEWIDE LAW ENFORCEMENT ASSOCIATION

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September 15, 2015

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol
Sacramento, CA 95814

RE: AB 953 (Weber) Law enforcement: racial profiling - VETO REQUEST

Dear Governor Brown:

On behalf of the California Statewide Law Enforcement Association (CSLEA) and our 7,000 public safety professionals, we must respectfully oppose and request a veto of: **AB 953 (Weber) Law enforcement: racial profiling.**

AB 953 would enact the Racial and Identity Profiling Act of 2015. Although Assembly Member Weber is thoughtful and well-intentioned, AB 953 is highly problematic, cumbersome and overly broad. The bill intends to do three main things: 1) modify the definition of racial profiling, 2) require state and local law enforcement to report specified information related to stops to the Attorney General's office, and 3) create a new Racial and Identity Profiling Advisory Board (RIPA).

First, as it relates to the modified definition of racial profiling, we are concerned this bill, ironically, encourages racial profiling. Pursuant to this bill, officers are required to report per Government Code Section 12525 (b)(6), "The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped."

Government Code Section 13519.4(e)(5) then says, "Racial or identity profiling' ... is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity..."

On one hand, AB 953 requires officers in their stop of suspects, and subsequent written report, to intentionally perceive the race of the suspect. And on the other hand, AB 953 would then call that perception "racial profiling." This inconsistency within AB 953 is very problematic, confusing and counter-intuitive.

Second, regarding the reporting requirements, AB 953 would require with particularity not only the above-mentioned profiling information but also additional reporting information for every single stop, no matter how insignificant the incident. Our peace officers should be spending their time policing and building relationships within the communities they serve. They should not be writing more reports at the station. Simply put, public confidence will not rebound with our rank and file if they are not seen in the community maintaining our public safety.

Additionally, these reporting requirements are problematic because of the significant costs that must be absorbed by each local law enforcement agency for the data collection, reporting, and retention requirements that are prescribed by this bill. Rank and file officers are still suffering pay cuts and uncertain retirement and healthcare costs and futures. Now is not the time to heap additional costs on these departments. When asked in committee where the funding for these mandates in AB 953 would be

found, Ms. Weber indicated that savings from “fewer lawsuits” because of her bill would allow departments to fund the costs of these new onerous reporting requirements. This is not a sound solution.

Third and last, this bill creates the (RIPA) board. This board is comprised of up to 19 appointees. Only 4 members, or 20% of this board is comprised of representatives from the law enforcement community. This board will lack the understanding, training, and real world experience of law enforcement. Board action, based on majority vote, therefore will not incorporate this important perspective. Instead, RIPA policies and recommendations will do nothing more than unnecessarily interfere and burden law enforcement with unrealistic expectations and policies.

For these reasons, we must oppose AB 953 and request that you withhold your signature and veto this measure. Should you have any questions, please contact our lobbyist, Shane LaVigne at (916) 444-0400 or slavigne@capitoladvocacy.com.

Sincerely,



Alan Wayne Barcelona
Special Agent, DOJ
President, CSLEA

CC: The Honorable Shirley Weber, Author

