



March 9, 2021

Mayor Dianne Martinez
Vice Mayor Scott Donahue
Council Member John J. Bauters
Council Member Ally Medina
Council Member Christian R. Patz
Emeryville City Council
Emeryville City Hall
1333 Park Ave.
Emeryville, CA 94608

RE: Senate Bill 271 (Wiener): Sheriff Democracy and Diversity Act - SUPPORT

Dear Honorable Mayor and City Council Members:

On behalf of a growing coalition that presently includes seventy organizations throughout the state of California, including several which represent thousands of Emeryville residents and tens of thousands of Alameda County residents, I write to request your support for Council Member Medina's Resolution in support of SB 271 (Wiener), which restores California's long-standing eligibility criteria for candidates seeking the office of Sheriff. Your colleagues on the Alameda City Council formally voted their support on February 16, 2021, and additional municipalities are considering a similar resolution.

This bill will not prevent candidates with law enforcement experience from seeking or occupying the office. Instead, SB 271 will allow for a broader pool of candidates with more diverse skill sets, local control of elections, lead to greater gender and ethnic diversity in candidates, and provide for better management of Sheriff departments. Nationwide, only fifteen states including California require law enforcement experience prior to seeking the office of Sheriff. From our founding in 1850 through 1988, California had no such requirement. Please see the attached fact sheet for additional information about why this bill is necessary, and what we hope to accomplish.

Current law requires that candidates seeking the office of Sheriff possess a certificate from the Peace Officers Standards and Training (POST) Academy and some combination of salaried law enforcement experience. In 1988, this law was enacted in response to prisoners' rights attorney Michael Hennessey's successful campaign to be Sheriff for San Francisco County. These new eligibility requirements have restricted who can be Sheriff to a very narrow pool and have led to many uncontested elections against incumbents or a lack of significant differentiation among candidates. In 2020, sitting Sheriffs included only four white females, three Latino men, and two Japanese American men. There were no black Sheriffs. The remaining forty-nine Sheriffs are white males, which does not reflect California's demographic makeup.

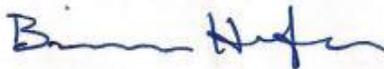
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Today, Sheriffs are essentially managers of a large bureaucracy. In large counties, they manage thousands of employees, the vast majority of whom are unarmed, non-sworn civilians. The three primary duties of the Sheriff are to police unincorporated areas, operate the county jail, and attend to and execute orders of the courts. In 41 counties, the Sheriff is also the Coroner whose authority includes investigating the cause of in-custody deaths. Sheriffs are often the most powerful elected official in a county, and yet only a small, narrow pool of people may seek the position.

Protests against police brutality have called for elected officials to reimagine public safety by, among other things, shifting some duties away from armed officers to unarmed civilians and social workers. The criteria imposed under existing law significantly narrows the pool of candidates for the office of the Sheriff and makes it harder to reimagine our criminal justice system. As recent COVID-19 outbreaks in our jails demonstrate, the skills Sheriffs need to protect public safety include strong management and leadership skills and the ability to move quickly and make difficult decisions, rather than the ability to fire a weapon. Lawsuits throughout the state are raising awareness of the dire inadequacy of health care and mental health services provided in our county jails. Moreover, the ongoing cooperation between many Sheriffs and the U.S. Immigration and Customs Enforcement (ICE) further demonstrates that many elected Sheriffs do not share the values of their constituents.

SB 271 simply reverts California law to what it was from the State's founding until 1989 to allow voters to choose from a broader pool of candidates with more diverse backgrounds, skill sets and values.

Sincerely,



Brian Hofer
Executive Director

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<https://secure-justice.org/>

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An act to amend Section 13.5 of the Elections Code, and to repeal Section 24004.3 of the Government Code, relating to local government.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13.5 of the Elections Code is amended to read:

13.5. (a) (1) Notwithstanding subdivision (a) of Section 13, no person shall be considered a legally qualified candidate for any of the offices set forth in subdivision (b) unless that person has filed a declaration of candidacy, nomination papers, or statement of write-in candidacy, accompanied by documentation, including, but not necessarily limited to, certificates, declarations under penalty of perjury, diplomas, or official correspondence, sufficient to establish, in the determination of the official with whom the declaration or statement is filed, that the person meets each qualification established for service in that office by the provision referenced in subdivision (b).

(2) The provision of "documentation," for purposes of compliance with the requirements of paragraph (1), may include the submission of either an original, as defined in Section 255 of the Evidence Code, or a duplicate, as defined in Section 260 of the Evidence Code.

(b) This section shall be applicable to the following offices and qualifications therefor:

(1) For the office of county auditor, the qualifications set forth in Sections 26945 and 26946 of the Government Code.

(2) For the office of county district attorney, the qualifications set forth in Sections 24001 and 24002 of the Government Code.

(3) For the office of county sheriff, the qualifications set forth in Section 24004.3 of the Government Code.

~~(4)~~

(3) For the office of county superintendent of schools, the qualifications set forth in Sections 1205 to 1208, inclusive, of the Education Code.

~~(5)~~

(4) For the office of judge of the superior court, the qualifications set forth in Section 15 of Article VI of the California Constitution.

~~(6)~~

(5) For the office of county treasurer, county tax collector, or county treasurer-tax collector, the qualifications set forth in Section 27000.7 of the Government Code, provided that the board of supervisors has adopted the provisions of that section pursuant to Section 27000.6 of the Government Code.

SEC. 2. Section 24004.3 of the Government Code is repealed.

~~24004.3. (a) No person is eligible to become a candidate for the office of sheriff in any county unless, at the time of the final filing date for election, he or she meets one of the following criteria:~~

~~(1) An active or inactive advanced certificate issued by the Commission on Peace Officer Standards and Training;~~

~~(2) One year of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a master's degree from an accredited college or university;~~

~~(3) Two years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall~~



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~~have been accomplished within five years prior to the date of filing, and possesses a bachelor's degree from an accredited college or university.~~

~~(4) Three years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses an associate in arts or associate in science degree, or the equivalent, from an accredited college.~~

~~(5) Four years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a high school diploma or the equivalent.~~

~~(b) All persons holding the office of sheriff on January 1, 1989 shall be deemed to have met all qualifications required for candidates seeking election or appointment to the office of sheriff.~~

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: County sheriffs: eligibility requirements.

The California Constitution requires the Legislature to provide for an elected county sheriff in each county. Existing statutory law specifies that a person is not eligible to become a candidate for the office of sheriff in a county unless the person has an advanced certificate issued by the Commission on Peace Officer Standards and Training or meets a combination of certain educational degree and full-time, salaried law enforcement experience requirements, as specified. Existing law deems a person holding the office of sheriff on January 1, 1989, to have met those qualifications.

This bill would repeal those eligibility provisions, and would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.



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Senator Scott Wiener, 11th Senate District

Senate Bill 271 – The Sheriff Democracy and Diversity Act

SUMMARY

Senate Bill 271 restores California's long-standing eligibility criteria for candidates seeking the office of Sheriff. Specifically, SB 271 allows all registered voters to run for Sheriff. From our state's founding in 1850 until 1989 — 139 years — California operated under what SB 271 proposes: anyone could run for Sheriff. In 1989, the law changed to allow only law enforcement officers to run for Sheriff. This severe restriction is unreasonable, dramatically shrinks the pool of eligible candidates, and effectively eliminates accountability for Sheriffs since so few people can challenge them for reelection. This dysfunction plays out regularly in California, with some Sheriffs refusing to enforce state law around immigration or refusing to enforce public health orders around COVID-19.

BACKGROUND/EXISTING LAW

Current law requires that candidates seeking the office of Sheriff possess a certificate from the Peace Officers Standards and Training (POST) and some combination of salaried law enforcement experience, as defined in Government Code §24004.3. In 1988, this law was enacted in response to prisoners' rights attorney Michael Hennessey's successful campaign to be Sheriff for San Francisco County. Sheriff Hennessey was reelected seven times, and after serving for thirty-two years, he was widely admired and the longest tenured Sheriff in state history. His long service as Sheriff led to a backlash from law enforcement, who preferred Sheriffs to be former police officers with POST certificates.

These new eligibility requirements have restricted who can be Sheriff to a very narrow pool, and have led to elections without much competitiveness or differentiation between candidates. Additionally, the lack of candidate diversity harms statewide efforts to reimagine public safety. In 2014, only nineteen of California's fifty-eight counties had a contested Sheriff election. In 2020, sitting Sheriffs

included only four females, three Latinx individuals, and two Japanese-Americans. There are no black Sheriffs. The remaining forty-nine Sheriffs are white males, which does not reflect California's demographic makeup.

Today, Sheriffs are essentially managers of a large bureaucracy. In large counties, they manage thousands of employees, the vast majority of whom are unarmed, non-sworn civilians. The three primary duties of the Sheriff are to police unincorporated areas, operate the county jail, and attend to and execute orders of the courts. In 41 counties, the Sheriff is also the Coroner whose authority includes investigating the cause of in-custody deaths. Sheriffs can be the most powerful elected official in a county and yet only a small pool of people may seek the position.

Nationwide, only fifteen states including California require law enforcement experience prior to seeking the office of Sheriff.

PROBLEM

Protests against police brutality have called for elected officials to reimagine public safety by, among other things, shifting some duties away from armed officers to unarmed civilians and social workers. The criteria imposed by the state in Gov. Code §24004.3 has significantly narrowed the pool of candidates for office of the Sheriff and makes it harder to reimagine our criminal justice system.

Many current Sheriffs lack mental health or de-escalation training. As recent COVID-19 outbreaks in our jails demonstrates, the skills Sheriffs need to protect public safety include strong management, leadership, and the ability to move quickly and make difficult decisions, rather than the ability to fire a weapon. Lawsuits throughout the state are raising awareness of the dire inadequacy of health care and mental health services provided in our county jails. Moreover, the ongoing cooperation between many Sheriffs and the U.S. Immigration and Customs Enforcement (ICE) further demonstrates that many

elected Sheriffs do not share the values of their constituents. We have also seen Sheriffs refusing to enforce health orders while California's death and hospitalization numbers rose.

SOLUTION

SB 271 simply reverts California law to what it was from the State's founding until 1989 and thus allows voters to choose from a broader pool of candidates with more diverse backgrounds and skill sets and greater accountability. This bill will not prevent candidates with law enforcement experience from seeking or occupying the office. Instead, SB 271 will allow for a broader pool of candidates with more diverse skill sets, lead to greater gender and ethnic diversity in candidates, and provide for better management of Sheriff departments.

SUPPORT

- California Immigrant Policy Center (co-sponsor)
- NextGen California (co-sponsor)
- Secure Justice (co-sponsor)
- Wellstone Democratic Renewal Club (co-sponsor)
- California Faculty Association
- Asian Americans Advancing Justice – California
- Alameda County Public Health Commission
- American Civil Liberties Union of California
- Bend the Arc: Jewish Action
- California Public Defenders Association
- Change Begins with Me Indivisible Group
- Coalition for Police Accountability
- Courage California
- Drug Policy Alliance
- East Bay for Everyone
- East Area Progressive Democrats
- Ella Baker Center for Human Rights
- Ensuring Opportunity Campaign to End Poverty in Contra Costa
- Friends of Adeline
- ICE Out of Marin
- Initiate Justice
- Indivisible Elmwood
- Indivisible Sausalito
- Indivisible Yolo
- Interfaith, Immigration Social Justice Team of Congregation Beth El
- Interfaith Movement for Human Integrity
- LA Voice
- Lift Up Contra Costa

- Livermore Indivisible
- Oakland Privacy
- Prosecutors Alliance California
- Public Health Advocates
- Rossmoor Lesbians for Social Justice
- Sacramento Immigration Coalition
- San Francisco District Attorney, Chesa Boudin
- San Francisco Public Defender
- Showing Up For Racial Justice (SURJ) Bay Area
- Showing Up For Racial Justice (SURJ) Contra Costa County
- Showing Up For Racial Justice (SURJ) Marin
- Smart Justice California
- Sonoma County Commission on Human Rights
- TriValley Democratic Club
- Women's March Contra Costa

FOR MORE INFORMATION

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Assembly Member Kalra
Assembly Member Lee
Assembly Member Wicks
Assembly Member Ting

Municipalities In Formal Support by Resolution

Alameda City Council

Coalition

Alameda County Democratic Central Committee
Alameda County Public Health Commission
American Civil Liberties Union – CA (ACLU)
American Friends Service Committee
Anti Police-Terror Project
Asian Americans Advancing Justice – Asian Law Caucus
Asian Solidarity Collective
Bend The Arc – CA
Berkeley Citizens Action
Block By Block Organizing Network
Borderlands For Equity
California Faculty Association (**co-sponsor**)
California Immigrant Policy Center (CIPC) (**co-sponsor**)
California Sanctuary Campaign
Coalition For Humane Immigrants Rights (CHIRLA)
Coalition For Police Accountability - Oakland
Communities United For Restorative Youth Justice (CURYJ)
Community For Law Enforcement Accountability Now
Courage California
Defending Rights & Dissent
East Action Progressive Democrats
East Bay For Everyone
Ella Baker Center For Human Rights
Friends of Adeline
Immigrant Defense Advocates (IDA)
Immigrant Legal Resource Center (ILRC)
Indivisible Elmwood
Indivisible Sacramento
Indivisible San Diego
Indivisible Sausalito
Indivisible Yolo
Initiate Justice
Interfaith Movement For Human Integrity

Justice Teams Network
LA Voice/Faith in Action
Muslim American Society – PACE
National Association For The Advancement of Colored People (NAACP) – CA
National Lawyers Guild – Berkeley Law School Chapter
NextGen Policy (**co-sponsor**)
Partnership For The Advancement Of New Americans (PANA)
Pillars Of The Community
Secure Justice (**co-sponsor**)
Service Employees International Union 1021 (SEIU)
Service Employees International Union 521 (SEIU)
Showing Up For Racial Justice – Marin (SURJ)
Showing Up for Racial Justice – San Diego (SURJ)
Silicon Valley De-Bug
Sonoma County Human Rights Commission
Smart Justice California
Tech Workers Coalition
Temple Beth El, Berkeley
Temple Beth El, Riverside
TriValley Democratic Club
Trusting Sheriffs
Wellstone Democratic Renewal Club (**co-sponsor**)