



## Senator Scott Wiener, 11<sup>th</sup> 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**

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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**

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- California Immigrant Policy Center (co-sponsor)
- NextGen California (co-sponsor)
- Secure Justice (co-sponsor)
- Wellstone Democratic Renewal Club (co-sponsor)
- California Faculty Association (co-sponsor)
- Asian Americans Advancing Justice – California
- Alameda County Public Health Commission
- American Civil Liberties Union of California
- Bend the Arc: Jewish Action
- Berkeley Citizens Action
- Borderlands for Equity
- Californians for Safety and Justice
- California Nurses Association
- California Public Defenders Association
- Change Begins with Me Indivisible Group
- City of Alameda
- City of Emeryville
- Coalition for Humane Immigrant Rights (CHIRLA)
- Coalition for Police Accountability
- Courage California
- Democratic Party of Contra Costa
- 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
- Faith in Action East Bay
- Family Violence Law Center

- Friends of Adeline
- Friends Committee on Legislation of California
- Kehilla Community Synagogue
- ICE Out of Marin
- Immigrant Defense Advocates
- Initiate Justice
- Indivisible Elmwood
- Indivisible Sacramento
- Indivisible Sausalito
- Indivisible StateStrong
- Indivisible Yolo
- Interfaith, Immigration Social Justice Team of Congregation Beth El
- Interfaith Movement for Human Integrity
- LA Voice
- Legal Services for Prisoners with Children
- Lift Up Contra Costa
- Livermore Indivisible
- Muslim American Society
- Oakland Privacy
- Pillars of the Community
- 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
- Silicon Valley De-Bug
- Smart Justice California
- Sonoma County Commission on Human Rights
- Sonoma County Democratic Party
- Starting Over, Inc.
- Tech Workers Coalition – San Diego
- TriValley Democratic Club
- Women’s March Contra Costa

### **FOR MORE INFORMATION**

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