



# *TBOC Newsletter*

Issue 9: March 2019

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## *Sacramento Update*

### **Sacramento Update**

Since our last update there has been an enormous amount of movement as the Legislature and the Governor wade deeper into the budget and legislative process. From here on out it is reasonable to expect more regular updates from us, and with more specificity. Our last update focused on the various legislative milestones and timelines that determine when items must be considered in Sacramento, with the first major one being passed a few short weeks ago, that being the bill introduction deadline. At the time of your last update there were about 900 bills introduced for 2019; that number now stands at approximately 2700! So as you can imagine, we are taking the requisite time to analyze all the bills for possible threats and opportunities and will advise on items of import moving forward. But for the purpose of this newsletter we want to focus on a couple of extremely high priority bills.

### **Use of Force Legislation**

Officer involved shootings are the worst case scenario of any law enforcement action. We have never known one law enforcement professional to ever willingly want to pull their service weapon and be forced to discharge that weapon in the line of duty. Unfortunately, as we all know, there are circumstances when that outcome is unavoidable. There are some elected officials that believe these instances happen more often than they should and have introduced legislation intended to limit the ability of a law enforcement professional to protect themselves or the community they have sworn to protect. While some could reasonably argue the intentions of these politicians are noble, the proposals place the onus on law enforcement to deescalate a volatile situation that is often beyond their control, and if they do not, they could be prosecuted.

Last year, Assemblymember Shirley Weber led an effort to change the use of force laws in California. That bill, AB 931, was highly contentious and ultimately failed in the last week of the 2018 legislative session after law enforcement organizations, and those that support them, launched a coordinated and targeted effort to inform the elected officials of why the proposal was both unworkable and untenable. Despite the bill not passing last year the author and her supporters vowed to reintroduce the measure this year, and true to their word, AB 392 has been introduced for 2019. This bill has been referred to the Assembly Public Safety Committee, though at the time of this update, a hearing date has not yet been scheduled.

Knowing the intention of Assemblymember Weber and her supporters to

introduce AB 392 this year, law enforcement organizations were able to introduce their own use of force legislation, SB 230 by Senator Anna Caballero.

This bill would also refine the circumstances by which an officer could discharge their weapon, provide additional training to California Peace Officers through the well established POST training process, and perhaps most importantly, not create a subjective review process that places an officer in legal jeopardy even if all the protocols were appropriately followed. This bill has been referred to the Senate Public Safety Committee, though at the time of this update, a hearing date has not yet been scheduled.

These are just two, albeit some of the most contentious and high profile, public safety bills introduced for 2019. As previously mentioned, we will be tracking and more regularly reporting on a number of bills as the year unfolds. Stay tuned!

Related News Articles:

- [Battle Resumes in California over Police Use of Deadly Force](#)
- [Capradio.org/130053](http://Capradio.org/130053)

## **Death Penalty Moratorium**

On Wednesday, March 13, Governor Gavin Newsom signed an Executive Order effectively ending the use of the death penalty in California. Even though there have been recent statewide initiatives on the matter, with the public voting overwhelmingly to continue its use (and even speed up the death penalty process), the Governor has been personally opposed to the death penalty for some time and used his executive authority to end the process. While it's not constitutionally clear that he has the authority to unilaterally end the death penalty, he can certainly slow or curtail the use, and if necessary utilize his constitutionally granted authority to commute sentences or pardon individuals on a case by case basis. Therefore, even if he were to be successfully challenged on the use of the moratorium he absolutely has the right to remove the death penalty sentence individually for the 737 inmates currently sitting on death row. To say this was a surprise announcement would be a colossal understatement and has caught advocates on both sides of the issue completely by surprise.

The Senate Republican Leader had this to say regarding the Governor's action: *"Governor Newsom is well within his authority to exert his executive power to impose a moratorium on the death penalty. However, we cannot ignore the pleas from crime victims and their families, and the more than 7.2 million voters who rejected overturning the death penalty.*

*"With one stroke of the Governor's pen, he has defied the will of the people. The Governor is sending a message to the victims' families and the women and men in law enforcement that there will not be judgment for the most heinous crimes. Senate Republicans remain committed to ensuring California is safe,"* said Leader Grove.

Assemblymember Heath Flora had this to say:

*"I hope Governor Gavin Newsom changes his mind on #CAdeathpenalty with the public response to his executive order today. 1000 victims have been killed by the 737 inmates currently on death row. Of those victims, 226 were children, 43*

*peace officers, and 294 were raped or tortured before they were killed. The voters widely rejected prop. 62 in 2016, which would have repealed the #CAdethpenalty. Gov. Newsom said as a candidate he would not let his personal opinion stand against the will of the voters. This is just another example of Sacramento hypocrisy and ignoring the direct will of the voters."*

Moving forward, legislators that oppose the death penalty are actively talking about introducing a constitutional amendment to outlaw the death penalty in California. Constitutional amendments do not need approval by a governor, however Mr. Newsom has already stated he would be supportive of that proposal should it be introduced. We will continue to monitor and report on this issue as more information is known.

Related News Article:

- [Gavin Newsom Halts Executions California](#)

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## **Prop 57 Once Again Provides Early Release Eligibility to Pedophile and Rapist**

Following a recent ruling made by a California Appellate Judge on the early release of a violent parolee convicted of stabbing his girlfriend, forcibly molesting his 11 year old niece and gang raping a 17-year old pregnant teenager, Assemblyman Cooper made the following statement:

*"Last Thursday, a California Appellate judge ruled that a man originally sentenced to 35 years to life in state prison is now eligible for early release under Proposition 57. It pains me to describe these offenses but its imperative that I do - because there is something grossly wrong with current law pertaining to these offenses."*

The ruling marks the second time in the past year that a court has ruled that pedophiles and rapists will be considered for early release from prison under the highly misrepresented Proposition 57.

Assemblymember Jim Cooper "[Assemblymember Jim Cooper Issues Statement](#)," February 7, 2019

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As TBOC moves forward, we would like to hear back from members. If there are crime-victim stories from your community or updated statistics that you are willing to share with the group or even perhaps have featured in an upcoming marketing video, please let us know by forwarding an email to:  
[Info@TakingBackOurCommunityCA.com](mailto:Info@TakingBackOurCommunityCA.com).

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[info@takingbackourcommunityca.com](mailto:info@takingbackourcommunityca.com)

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