



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 criterion 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.

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)

FOR MORE INFORMATION

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