

Assembly California Legislature

April 9, 2021

Honorable Rob Bonta
California State Assembly
State Capitol
Sacramento, California 95814

Subject: Special Committee on the Office of the Attorney General

Dear Assemblymember Bonta:

Congratulations on Governor Newsom's nomination of you to serve as the next Attorney General, succeeding Xavier Becerra, who now serves as the United States Secretary of Health and Human Services. Speaker Rendon appointed us to chair the Special Committee on the Office of the Attorney General, to consider the Governor's nomination and make a recommendation to the Assembly. We plan to convene a hearing on April 21 to review your nomination and hear your perspectives on the critical issues facing the next Attorney General.

In order to facilitate the Special Committee's deliberation, we request your assistance in providing information about your record and perspective on some of the critical issues confronting the next Secretary of State. We have identified, in the attached document, several issue areas and questions that likely will require the next Attorney General's attention.

Since the Assembly confirmed Xavier Becerra as California's Attorney General (AG) in 2017, issues related to racial, environmental, and economic justice – and how the AG addresses those issues – have gained attention across the nation and around the world. During the last federal administration, the AG had to defend California's laws for sanctuary cities, clean air and water, and treatment of immigrants. Now that the Biden Administration has taken office, the next AG may turn attention to issues closer to home. These issues include not only racial, environmental, and economic justice, which remain pressing national issues, but also California's homeless population, wildfires, and recovery from the COVID-19 pandemic.

We request that you submit a written response to our inquiry by Friday, April 16, 2021, so that we and committee members may review the information you provide before our committee hearing. We look forward to hearing from you and discussing these critical issues in the weeks ahead. If you have any questions, please contact us or our Special Committee staff.

Sincerely,



Reggie Jones-Sawyer, Co-Chair



Mark Stone, Co-Chair

**Assembly Special Committee on the
Office of the Attorney General
*Issues for Consideration – April 9, 2021***

Police Reform: Prosecuting Police Officer Misconduct

Background: In the wake of increased awareness of police killings in recent years, the Legislature has focused its attention on reducing police misconduct and limiting police officers' use of force. The killing of George Floyd added urgency to the Legislature's efforts to reform peace officer practice and culture. New statutes have changed the standard for use-of-force and named the Attorney General as the state prosecutor to investigate officer-involved shootings and prosecute the officer if you deem criminal charges warranted.

- Will you commit to bringing legal action against bad officers, both in shootings and for disciplinary purposes?
- Will you take the lead in reforming peace officer culture, to eliminate racism and break the code of silence?
- How will you resolve the conflict between the Attorney General's role as the state's leading law enforcement officer and prosecutor of police misconduct?
- Do you support reform of the Bane Civil Rights Act to provide greater accountability for police misconduct, as reflected in SB 2 (Bradford)?
- Will you support creation of a statewide process to decertify peace officers for misconduct, as reflected in bills now before the Legislature, including SB 2?
- Will you timely comply with both the letter and spirit of the California Public Records Act requiring disclosure of police misconduct files?
- Do you believe that when an elected law enforcement official accepts campaign contributions from law enforcement officers and organizations, that the elected official has a conflict of interest with those organizations? How will you resolve the conflicts of interest between police unions who contribute to prosecutor political campaigns and the prosecutors who accept the contributions?

Armed/Prohibited Persons Systems (APPS): Taking Guns from Prohibited Persons

Background: For many years, the Department of Justice has had a backlog of cases where state law requires removing firearms from felons and others who are barred from owning firearms, "prohibited persons." The Legislature has appropriated additional funds for APPS and has limited expansion of the prohibited-persons list, to address the backlog, but the backlog persists.

- How do you plan to eliminate the backlog in APPS cases?
- How will you collaborate with local law enforcement in implementing APPS?
- What priorities would you set for removing guns from prohibited persons?
- Will you timely share the Department of Justice's gun database with researchers such as the California Firearm Violence Research Center, as authorized by state law?

Countering Racial Violence and Hatred

Background: When Governor Newsom nominated you, you identified hatred and violence against Asian-Americans as a “top priority.” You explained that “people are hurting, scared, anxious, angry and it’s a full-on state of emergency, state of crisis and important.” In recent years, many communities of color, in California and across the nation, have suffered violence due to racial hatred.

- How will you address racial violence in all communities of color?
- Will you look beyond hate crimes, to countering incidents of hate that may not rise to the level of a criminal offense?
- Will you counter racial hatred and extremism that appears online or on social media?
- What do you consider domestic terrorism that will require federal law enforcement assistance to prevent?
- How will you build trust with communities of color who now have little trust in law enforcement authorities in light of police misconduct?

Environmental Justice – Air, Water, Land

Background: In recent years, public attention to environmental contamination and pollution suffered by traditionally underserved communities of color has grown substantially. They suffer greater air pollution, contaminated water and other impacts from the state’s polluters. Cal Enviro Screen has identified the communities that are most vulnerable and suffer the greatest pollution impacts. DOJ’s Environmental Unit has prioritized prosecutions of polluters in those communities. The recent bankruptcy of the Exide battery company, and the State assuming millions of dollars in unreimbursed clean-up costs for its LA County facility, have exposed gaps in California’s laws designed to hold polluters accountable. Recent reports allege that the California District Attorneys Association improperly redirected funding slated for environmental enforcement to the Association’s own needs.

- What steps would you take to expand environmental protection for California’s most vulnerable communities?
- If confirmed, how would you ensure that the state is better positioned to recover costs from polluters and protect taxpayers and vulnerable communities?
- How would you ensure that funds directed to protecting the public from polluters are spent on protecting the public good?

Employment Development Department Fraud

Background: In the last year, unemployment insurance fraud has grown substantially in light of an overwhelming number of claims, an antiquated computer system, increased federal funding, limited fiscal oversight, and other problems at the Employment Development Department. Some fraudulent claims reportedly were filed from California Department of Corrections & Rehabilitation (CDCR) facilities.

- How will you collaborate with county district attorneys in prosecuting such fraud?
- Will you prosecute CDCR if found to have participated in the fraud?

Consumer Protection

Background: In recent years, the Legislature has bolstered the state's consumer protection statutes, on financial protection, privacy, elder abuse, and housing discrimination. The Attorney General has the authority and the responsibility to protect California consumers, although you will share that authority with other state agencies.

- What are your top consumer protection priorities for California, both as we emerge from the COVID-19 crisis, and over the long-term?
- How do you plan to collaborate with other state agencies that have authority to protect consumers, such as the Department of Financial Protection and Innovation?
- What steps will you take to identify unfair housing practices that affect our most vulnerable communities?

Immigration and Immigrants

Background: California has a long history of protecting immigrants. When the last president started aggressive enforcement against immigrants and narrowing the rules for asylum, the Legislature passed SB 54 (De León) to limit California's law enforcement cooperation with federal immigration enforcement agencies. The number of unaccompanied child immigrants and children separated from their parents increased. The Federal Government began violating the 1997 *Flores* settlement agreement on minimum standards for initially-detained children. In California, the state agency with licensing/oversight of facilities that serve detained children is the Department of Social Services (CDSS). CDSS currently licenses Foster Family Agencies and Group Homes to provide these services to unaccompanied undocumented minors.

- What role will you play in ensuring that the Federal Government and these facilities comply with the *Flores* requirements?
- Given the recent influx of unaccompanied minors into the US, how should California ensure that our state is ready to meet our legal (and moral) obligations to these children?
- How will you ensure that law enforcement agencies minimize cooperation with federal immigration authorities?

Department of Justice Operations – Rape Kits

Background: The Department of Justice has reported a substantial backlog of untested rape kits. A recent audit revealed that a large number of law enforcement agencies and crime labs have failed to report on the status of their rape kit testing.

- How will you reduce the backlog of rape kit testing and increase local agency reporting on rape kit testing?
- How will you help make the prevention and prosecution of sexual assault a priority for law enforcement agencies across the state?
- How can the Department of Justice expand research to better inform our understanding of sexual assault – and guide prevention and prosecution?