

Assembly Bill 655

California Law Enforcement Accountability Reform Act (CLEAR Act)

Assembly Member Ash Kalra

SUMMARY

AB 655, also known as the California Law Enforcement Accountability Reform Act (CLEAR Act), combats the infiltration of our law enforcement agencies by extremists.

The bill would require law enforcement agencies to screen candidates for participation in a hate group or advocacy of public expressions of hate or violence. Additionally, if a complaint alleging such conduct is filed against a peace officer, it would create grounds for an investigation. If sustained, the complaint could then lead to termination.

BACKGROUND

Over the past fifteen years, the FBI has identified many organizations committed to “domestic terrorism”. These organizations include militia extremists and white supremacist extremists with active links to law enforcement.¹ Without any coordinated federal response to this prevalent issue, the state must take action.

The infiltration of law enforcement agencies by extremist organizations threatens the integrity of criminal investigations; jeopardizes the safety of elected officials, peace officers, and the public; and invites the biased and discriminatory application of laws and services. While peace officers have the right to freedom of expression and association, the U.S. Supreme Court has ruled that the government can limit employment opportunities in sensitive public sector jobs where group membership or speech would interfere with the performance of duties². The exercise of First Amendment protections by a peace officer are further curtailed when it causes, or

¹ Federal Bureau of Investigation, Counterterrorism Division, Intelligence Assessment, [White Supremacist Infiltration of Law Enforcement](#), October 17, 2006 and Federal Bureau of Investigation and Department of Homeland Security, Joint Intelligence Bulletin, [White Supremacist Extremism Poses Persistent Threat of Lethal Violence](#), May 10, 2017. Cited by Brennan Center for Justice, [Hidden in Plain Sight: Racism, White Supremacy, and Far-Right Militancy in Law Enforcement](#), August 27, 2020.

² *Garcetti v. Ceballos* (547 U.S. 410 (2006)).

threatens to cause, actual harm or disruption to the mission and functions of a public safety agency³.

The dangers of employing peace officers with known hate group affiliations are amplified for those targeted by these organizations. This unsettling fact is well-supported by years of research, including two decades of reports by federal agencies and investigative journalists. Additionally, the January 6, 2021, insurrection at the U.S. Capitol building by right wing extremists appeared to have the cooperation, participation, and support of some law enforcement and military personnel. Together, these investigations and events underscore the threat that extremist infiltration poses to equal justice and the rule of law.

In California, sheriff’s departments across the state have been plagued by texting, email, and social media scandals where officers have exchanged racist and homophobic messages. Continued failure to address extremism, racism, and bias among peace officers contributes to the erosion of public confidence in the legitimacy and fairness of our justice system.

SOLUTION

AB 655 will increase public trust in law enforcement by rooting out those who would jeopardize public safety with their extremist and violent behavior.

Specifically, The CLEAR Act would ensure that all peace officers in the state of California who apply for employment undergo a background check that includes examining whether they have participated in a hate group or advocated for public expressions of hate or violence. Furthermore, discovery of the aforementioned behavior can become grounds for disciplinary review and termination.

SPONSOR

California Faculty Association
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³ *Ibid.*