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April 7, 2021

Honorable Reginald B. Jones-Sawyer
Chair, Public Safety
California State Assembly
Capitol Building, Room 2117
Sacramento, CA 95814

RE: AB 94 (Jones-Sawyer) as amended March 18, 2021 – Concerns

Dear Assemblymember Jones-Sawyer:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, respectfully wishes to share some concerns about AB 94 as currently drafted. This bill is scheduled for hearing before Assembly Public Safety Committee on April 13, 2021.

We appreciate the extensive communication your office has provided to discuss this measure and eagerness to ensure this measure does not perpetuate stigma of mental illness. We also commend your efforts to improve accountability of policing and improve the health and safety of marginalized groups who encounter law enforcement personnel.

While DRC does not have a formal position on this measure, our organization is guided by our advocacy principle of eliminating the perceived stigma of mental health and its correlation to violence. As drafted, AB 94 would prohibit corrections staff from performing their typical job duties if a mental health evaluation determines the worker is a perceived threat to themselves or others. For years, DRC has fought to ensure workers with disabilities are not relegated to alternative or lesser job duties as a direct result of mental or physical disability. We fear that certain

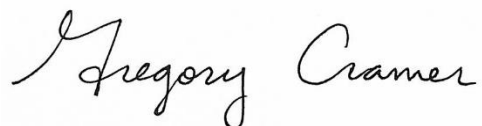
mental health diagnoses are perceived as dangerous, even if they are not or are well managed as to not impact the duties of a position. Your office has made great strides at ensuring workers with perceived mental illness are not singled out for evaluation by having evaluations be applied to all staff, and for providing that these evaluations cannot be used as a form of discipline. Additionally, we are heartened with the language of the current bill allowing for subsequent evaluations to be performed to expedite a potential transition back to typical job duties.

The federal Americans with Disabilities Act of 1990 is clear in its prohibition of workplace discrimination against people with mental or physical disabilities. 42 U.S. Code § 12112 states: “No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.” We know your intent is to create a measure consistent with federal and state law and we are committed to working with you to ensure these protections remain intact.

We sincerely understand your objective to create more accountability in how corrections and law enforcement personnel conduct their business and this bill is one part of several reforms you have authored. We share this goal and look forward to continued discussions on how to better refine the bill to mitigate the concerns provided.

DRC appreciates the open line of communication we have enjoyed with your office and are hopeful that our concerns will be addressed throughout the legislative process. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,

A handwritten signature in cursive script that reads "Gregory Cramer".

Gregory Cramer
Senior Legislative Advocate
Disability Rights California

cc: Honorable Members, Assembly Public Safety Committee
Erika Ngo, Office of Assemblymember Jones-Sawyer
Gary Olson, Consultant, Republican Caucus Committee