



City of Whittier

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Joe Vinatieri
Mayor

Cathy Warner
Mayor Pro Tem

Octavio Martinez
Council Member

Fernando Dutra
Council Member

Mary Ann Pacheco
Council Member

Brian Saeki
City Manager

May 21, 2024

The Honorable Kevin McCarty
Member, California State Assembly
1021 O Street, Room 5610
Sacramento, CA 95814

RE: AB 1725 (McCarty) Law enforcement Settlements and Judgements: Reporting Notice of Opposition *(As Amended on January 3, 2024)*

Dear Assembly Member McCarty:

As Mayor of the City of Whittier, I am writing to oppose AB 1725 which would require cities and counties to post financial details about law enforcement use-of-force settlements and judgments on their internet websites, including how much each settlement cost and how the state and municipalities will pay for each settlement.

Specifically, this bill would require each municipality, on or before February 1 of each year, to post on its internet website law enforcement settlements and judgments of \$50,000 or more during the previous year resulting from allegations of improper police conduct, including claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment.

While promoting transparency and an open government is a strategic priority of the City of Whittier, one unintended consequence of this bill is that this will result in statistics that do not tell the full story. According to the American Judges Association and the Judicial Council, as many as 96 percent of civil cases that are filed are resolved other than by a trial. Many of these resolutions are settlements which are not based on culpability but rather on weighing the costs of settling outside of court versus potentially having to cover costly lawyers' fees. Simply put, in most civil lawsuits, the defendant settles with the plaintiff because it is more economical to do so. Therefore, posting this information publicly would not portray an accurate picture of law enforcement interactions and conduct.

This bill may also lead to an increase in claims against police officers as members of the public may draw the inaccurate conclusion that most, if not

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all claims filed are settled. A similar occurrence has taken place in the City of Whittier regarding incidents involving trees and claims. City staff provided a report regarding the liability costs associated with tree settlements, which led to an uptick in the number of claims being filed against the City for tree-related incidents. Because of the high costs of litigation and because cities are generally not awarded attorneys' costs even when they prevail, it is quite often less costly to the taxpayer for a City to settle an unfounded claim than it is to take a case to court. We therefore ask for your help in ensuring that the aims of the legislature – increased transparency – can be balanced with what will ultimately provide an inaccurate picture of settlements.

For these reasons, the City of Whittier opposes AB 1725.

Sincerely,

A handwritten signature in blue ink that reads "Joe Vinatieri". The signature is stylized with a large, looping initial "J" and a long horizontal stroke extending to the right.

Joe Vinatieri
Mayor

c: Senator Bob Archuleta
Assembly Member Lisa Calderon
Whittier City Council
Kristine Guerrero, Cal Cities
League of California Cities