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PRACTICE BRIEF · CIVIL RIGHTS

Recent Developments in California Civil Rights Law: 2024-2025

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The 2024-2025 period marked one of the most consequential stretches for civil rights law in California in a generation. From the first real-world implementation of sweeping police accountability reforms to an expanding body of case law under the California Racial Justice Act, the state continued to push the boundaries of civil rights protections in ways that ripple outward through both state and federal practice. This review examines five developments that practitioners, public agencies, and affected communities should understand.

I. SB 2 and PEACE Act Implementation

Senate Bill 2 (Bradford, 2021), the **PEACE Act** (Police Accountability and Community Protection Act), took effect on January 1, 2023, creating California's first statewide framework for decertifying peace officers who commit serious misconduct. The 2024-2025 period saw the transition from statutory framework to operational reality, and the results have been both significant and contentious.

A. POST Decertification Proceedings Take Shape

The Commission on Peace Officer Standards and Training (POST) began accepting and processing decertification complaints in earnest during 2024. Under Penal Code section 13510.1, POST is authorized to investigate and revoke the certification of peace officers found to have committed serious misconduct, including use of excessive force causing great bodily injury or death, sexual assault, committing a felony or certain specified misdemeanors, or engaging in conduct that constitutes a violation of the rights of a person under the color of authority. By mid-2025, POST had

opened over 200 investigations and completed its first round of adjudicatory hearings. Officers subjected to decertification proceedings are entitled to a hearing before a panel, with the right to counsel, and the standard of proof is clear and convincing evidence — higher than the preponderance standard used in most administrative proceedings.

B. Due Process Challenges and Early Litigation

Peace officer unions and individual respondents have mounted due process challenges, arguing that SB 2's retroactivity provisions — which permit POST to consider misconduct that occurred before the statute's effective date where the officer was not yet separated from service — violate procedural due process under the Fourteenth Amendment and Article I, section 7 of the California Constitution. Several respondents have filed writs of mandate in superior court challenging POST hearing procedures, and the first appellate decisions interpreting SB 2 are expected in late 2026.

> *"SB 2 promised a sea change in police accountability. Two years into implementation, the structural question is not whether decertification will happen — it will — but whether the procedural architecture can withstand the inevitable constitutional challenges while remaining accessible to the communities it was designed to protect."*

II. Racial Justice Act (AB 2542) Expansion

The **California Racial Justice Act**, enacted in 2020 as AB 2542 and codified at Penal Code sections 745-745.5, was one of the most ambitious legislative interventions into racially disparate criminal justice outcomes in any American jurisdiction. Effective January 1, 2021, the Act allows criminal defendants to challenge convictions or sentences by demonstrating that race, ethnicity, or national origin was a factor — even if not the sole or primary motivation — in charging decisions, jury selection, trial conduct, or sentencing.

A. The 2023-2024 Amendments Expand the Act's Reach

AB 256 (2022) expanded the Racial Justice Act retroactively, allowing individuals sentenced before January 1, 2021, to file petitions for resentencing or vacatur beginning January 1, 2024. This expansion opened the courthouse doors to potentially thousands of incarcerated individuals, and the volume of petitions filed during 2024 overwhelmed several county superior courts, particularly in Los Angeles, Alameda, and Sacramento Counties.

Under the Act, a defendant may establish a violation by showing that the judge, an attorney, a law enforcement officer, or any expert witness exhibited bias or animus toward the defendant because of race, or that during trial the defendant was racially profiled. Critically, the Act does not require a showing of intentional discrimination — a violation can be established through statistical evidence showing that similarly situated defendants of other races were not charged, not convicted, or not given comparable sentences in the same jurisdiction.

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B. People v. Superior Court and the Emerging Case Law

The first wave of contested RJA proceedings produced significant trial court rulings on the evidentiary framework. Courts have grappled with foundational questions: What constitutes an adequate statistical showing? What is the relevant comparison group for "similarly situated" defendants? Does a defendant's statistical evidence need to control for case-specific factors like criminal history and offense severity, or can raw disparity data suffice at the prima facie stage? Trial courts in Los Angeles County adopted divergent approaches during 2024, with some requiring regression-based statistical analyses and others permitting cruder comparisons at the initial burden-shifting stage. The Courts of Appeal are now poised to establish uniform standards as the first appeals from denied and granted RJA motions work their way through the system.

KEY TAKEAWAY: RACIAL JUSTICE ACT

- The RJA does not require proof of intentional racial discrimination — statistical disparity evidence can establish a violation
- Retroactive application (effective January 1, 2024) has generated a high volume of resentencing petitions statewide
- Appellate courts have not yet resolved the standard for what statistical evidence is sufficient at the prima facie stage
- Prosecutors' offices must now maintain and produce data on charging, conviction, and sentencing patterns by race and ethnicity

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III. Police Accountability Database (SB 16) Effects

Senate Bill 16 (Skinner, 2021), effective January 1, 2022, significantly expanded public access to peace officer personnel records by broadening the categories of sustained misconduct findings subject to disclosure under Penal Code sections 832.7 and 832.8. While SB 1421 (2018) first pierced the traditional confidentiality of peace officer files for specified categories of serious misconduct, SB 16 extended the disclosure mandate to sustained findings involving **dishonesty**, **sexual assault**, **unreasonable or excessive force**, and **discriminatory conduct** based on race, national origin, religion, gender identity, sexual orientation, or disability.

A. Impact on Brady and Pitchess Motions

The practical effect on civil rights litigation has been transformative. In Section 1983 excessive force cases, plaintiffs now have access to an officer's sustained disciplinary history previously shielded behind Pitchess protections (Evidence Code sections 1043-1045). Prior sustained findings of excessive force or dishonesty can now be obtained through public records requests rather than through the cumbersome in-camera review that Pitchess motions historically required.

For criminal defendants, SB 16 has reshaped Brady obligations. Under *Brady v. Maryland*, 373 U.S. 83 (1963), prosecutors are constitutionally required to disclose material impeachment evidence, including information bearing on a testifying officer's credibility. Sustained findings of dis-

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honesty now publicly available under SB 16 create an affirmative obligation for prosecutors to track and disclose these records, and several district attorneys' offices have established dedicated Brady compliance units to manage the expanded disclosure requirements.

B. Departmental Compliance Challenges

Not all law enforcement agencies have embraced the new transparency requirements. Litigation under the California Public Records Act (Government Code section 7920.000 et seq.) has been necessary in several jurisdictions to compel disclosure. Some agencies argued that sustained findings predating SB 16's effective date are not subject to retroactive disclosure, a position that trial courts have generally rejected, holding that the statute applies to records regardless of when the underlying conduct occurred.

IV. Voting Rights Litigation Post-Redistricting

California's voting rights landscape in 2024-2025 was shaped by the ongoing aftermath of the 2020 redistricting cycle and the continued vitality of the **California Voting Rights Act** (CVRA), Elections Code sections 14025-14032, which provides state-law protections that go significantly beyond the diminished federal protections available after *Shelby County v. Holder*, 570 U.S. 529 (2013).

A. CVRA Challenges to At-Large Elections

The CVRA prohibits the use of at-large election systems that impair the ability of a protected class to elect candidates of its choice or influence the outcome of an election. Unlike Section 2 of the federal Voting Rights Act as interpreted in *Brnovich v. Democratic National Committee*, 594 U.S. 647 (2021), the CVRA does not require plaintiffs to demonstrate a geographically compact majority-minority district as a precondition to relief, making it the primary vehicle for voting rights enforcement in California.

During 2024-2025, CVRA challenges targeted at-large city council and school board election systems throughout the state. Several San Joaquin Valley municipalities settled CVRA claims by voluntarily transitioning to by-district elections, while contested cases in Southern California produced trial court findings that at-large systems diluted the voting strength of Latino communities in violation of Elections Code section 14027. The attorney's fees provisions of the CVRA — which allow prevailing plaintiffs to recover fees but do not impose reciprocal liability on unsuccessful plaintiffs — continued to incentivize both litigation and pre-litigation settlement.

B. Redistricting Commission Disputes

The California Citizens Redistricting Commission's 2021 maps faced ongoing legal challenges. Disputes centered on whether the Commission adequately complied with the Voting Rights Act and the California Constitution's fair representation requirements when drawing Assembly, Senate, and Congressional district lines. The California Supreme Court's supervisory role over the Commission's work, established in *Legislature v. Padilla*, generated several procedural rulings on the scope of judicial review available to challenge Commission-drawn maps.

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> *"In the post-Shelby County era, the California Voting Rights Act has become the most consequential state-level voting rights statute in the country — providing a cause of action that no longer has a meaningful federal analogue."*

V. ADA Website Accessibility Enforcement Wave

Title III of the Americans with Disabilities Act (42 U.S.C. sections 12181-12189) prohibits discrimination on the basis of disability in places of public accommodation. The 2024-2025 period saw an unprecedented surge in enforcement activity targeting **digital accessibility** — specifically, whether websites and mobile applications constitute places of public accommodation subject to Title III, and what technical standards govern compliance.

A. The Post-Robles Enforcement Landscape

The Ninth Circuit's decision in *Robles v. Domino's Pizza, LLC*, 913 F.3d 898 (9th Cir. 2019), established that the ADA applies to websites and mobile applications that have a nexus to a physical place of public accommodation. The Supreme Court's denial of certiorari left the Ninth Circuit rule intact, and subsequent district court decisions in California have extended the principle to businesses that operate primarily or exclusively online.

During 2024-2025, federal courts in the Central and Northern Districts of California saw a marked increase in website accessibility lawsuits. Plaintiffs — typically individuals who are blind or visually impaired and use screen-reading software — alleged that websites failed to comply with the **Web Content Accessibility Guidelines (WCAG) 2.1** Level AA standards, including inadequate alternative text for images, missing form labels, inaccessible navigation menus, and keyboard-navigation barriers. While the DOJ has not formally adopted WCAG as the regulatory standard under Title III, courts have increasingly treated WCAG 2.1 AA as the de facto benchmark.

B. Parallel Claims Under the California Unruh Civil Rights Act

Plaintiffs in California routinely pair federal ADA website claims with state-law claims under the **Unruh Civil Rights Act** (Civil Code sections 51-53). The Unruh Act provides that a violation of the ADA constitutes a per se violation of California law, and — critically — provides for statutory minimum damages of $4,000 per violation per occasion. This damages provision, combined with California's broad standing rules, has made the Unruh Act a powerful parallel enforcement vehicle. Significant litigation has emerged over what constitutes a discrete "occasion" for damages purposes — does each visit to an inaccessible website constitute a separate occasion, or each page within a single session? Trial courts have split, and the resulting exposure calculations vary enormously.

KEY COMPLIANCE CONSIDERATIONS FOR WEBSITE ACCESSIBILITY

- Audit all public-facing websites and applications against WCAG 2.1 Level AA standards — this is the standard courts are applying regardless of formal DOJ rulemaking
- Ensure screen-reader compatibility, keyboard navigability, alternative text for all images, and accessible form elements
- California businesses face dual exposure under both federal ADA Title III and the Unruh Civil Rights Act, with statutory damages of $4,000 per violation under state law
- Document remediation efforts — courts have shown willingness to narrow injunctive relief where defendants demonstrate good-faith compliance efforts
- Consider engaging a qualified accessibility auditor and implementing an ongoing monitoring program rather than relying on one-time compliance fixes

The legal landscape described reflects developments through mid-2026 and may not reflect subsequent legislative, regulatory, or judicial developments. Consult qualified counsel for advice specific to your situation.

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