**PLEASE ADD YOUR LETTERHEAD AND EMAIL TO** AB392LetUsLive@gmail.com and Anthony.DiMartino@asm.ca.gov.

DATE, 2019

The Honorable Shirley Weber

Member, California State Assembly

State Capitol, Room 3123

Sacramento, CA 95814

**RE: AB 392 (Weber) — Support**

Dear Assemblymember Weber:

[YOUR ORGANIZATION] is pleased to support your AB 392, which will protect community members by allowing law enforcement to use deadly force only when they have no other option for preventing imminent death or serious bodily injury.

[OPTIONAL: INSERT BRIEF STATEMENT ABOUT WHY YOUR ORGANIZATION SUPPORTS AB 392 AND/OR HOW IT WILL IMPACT YOUR MEMBERS. IF YOU DO NOT WANT TO INCLUDE A STATEMENT, PLEASE DELETE THIS PARAGRAPH.]

California must update its outdated law on deadly use of force. Current law allows police to use deadly force whenever “reasonable”,[[1]](#footnote-1) even if there is no threat to life or bodily security, and even if safe alternatives to deadly force are available. California law even authorizes deadly force that is below the standard of the Constitution.[[2]](#footnote-2) This disturbing level of discretion has had dire consequences: Police in California kill community members at a rate 37 percent higher than the national average, per capita,[[3]](#footnote-3) and several of our state’s police departments have among the highest rates of killings in the country.[[4]](#footnote-4)

In line with recommendations from policing and legal experts,[[5]](#footnote-5) including the California Attorney General,[[6]](#footnote-6) AB 392 updates California law so that police can use deadly force only when necessary to prevent death or serious injury, and that the necessity of a use of deadly force is evaluated based on the totality of the circumstances, including the conduct of both the officer and subject leading up to the use of force. The bill also clarifies that current law does not conflict with a requirement for de-escalation. Changing this standard will mean that officers will be trained to use deadly force less often and will be held accountable when they shoot and kill unnecessarily.

The harm from police killings extends beyond the lives lost and impacts all involved. Police shootings cause extraordinary trauma for the families and communities impacted – trauma that disproportionately impacts communities of color. Studies show that police departments with more restrictive use of force policies not only have fewer shootings by police, but also lower rates of assaults against officers and lower crime rates.[[7]](#footnote-7) One of the Legislature’s primary goals is to protect public safety, and safeguarding Californians’ right to be safe from unnecessary deaths by law enforcement is a critical step in that direction. [YOUR ORGANIZATION] strongly supports the enactment of AB 392.

Sincerely,

[Signature]

**[Typed Name]**

1. *See Graham v. Connor*, 490 U.S. 386 (1989). [↑](#footnote-ref-1)
2. *See* Cal Pen Code §§ 196(2)-(3), which do not meet the standard set by *Tennessee v. Garner,* 471 U.S. 1 (1985). [↑](#footnote-ref-2)
3. US Census 2017 Population Data; *Fatal Force Database*, The Washington Post (2015-2017). [↑](#footnote-ref-3)
4. McKesson D *et al*, *Police Use of Force Policy Analysis*, Campaign Zero (2016). [↑](#footnote-ref-4)
5. *See*, e.g., Police Executive Research Forum, *Use of Force: Taking Policing to a Higher Standard, 30 Guiding Principles* (Jan. 29, 2016); Police Executive Research Forum, *An Integrated Approach to De-Escalation and Minimizing Use of Force* (Aug. 2012); American Law Institute, *Principles of the Law - Policing, Revised Tentative Draft No. 1* (2017). [↑](#footnote-ref-5)
6. California Department of Justice, *Sacramento Police Department: Report and Recommendations, 2019* (2019). [↑](#footnote-ref-6)
7. Sinyangwe, S., *Examining the Role of Use of Force Policies in Ending Police Violence*, Campaign Zero (2016). [↑](#footnote-ref-7)