

AB 392: California Act to Save Lives

Assemblymember Shirley Weber (D – 79) & Assemblymember Kevin McCarty (D – 7)

SUMMARY

Law enforcement is tasked with keeping the public safe. Protecting and preserving human life should guide how they approach this task. Current law, however, results in officers killing civilians far more often than is necessary, leaving many families and communities devastated and the general public less safe.

With the aim of preserving the lives of both officers and civilians, AB 392 will update California’s use of force standard to reflect the best practices of policing by authorizing deadly force only when necessary to prevent imminent death or serious bodily injury.

BACKGROUND

American political ideals require careful consideration of how government exercises power over its people. Vigilance is especially necessary in policing where, on a daily basis, democratic notions of liberty, security and autonomy are poised against the demands of public safety and the force that may be required to effect it. Because the power to use force is granted by the governed, every effort must be made to ensure that force is exercised with careful attention to preserving the life and dignity of the individual to remain legitimate.

In 2017, officers killed 172 people in California, only half of whom had guns. Police kill more people in California than in any other state – and at a rate 37% higher than the national average per capita. Of the 15 police departments with the highest per capita rates of police killings in the nation, five are in California: Bakersfield, Stockton, Long Beach, Santa Ana and San Bernardino. A 2015 report found that police in Kern County killed more people per capita than

in any other U.S. county. These tragedies disproportionately impact communities of color as California police kill unarmed young black and Latino men at significantly higher rates than they do white men.

Community trust in law enforcement is undermined when force is used unnecessarily and disproportionately. Police are less able to do their job when community distrust leads to decreased respect and cooperation, a situation that increases the risks to officers and civilians.

As recent events have made clear, Californians will no longer tolerate these deaths as acceptable collateral damage for preserving the status quo, especially when there are effective best practices that will save both officer and civilian lives.

EXISTING LAW

California’s law governing when a homicide by an officer is “justified” was written in 1872, and not only fails to include best practices but authorizes deadly force that would violate the U.S. constitution.

Under current law, police can use deadly force whenever an “objectively reasonable” officer would have done so under the same circumstances – regardless of whether there was an immediate threat to life or bodily security, or whether there were available alternatives. This standard provides legal cover for killings that can be justified under the law, but were not necessary.

THIS BILL

Incorporating policing best practices, AB 392 authorizes police officers to use deadly force only when it is necessary to prevent an imminent threat of death or serious bodily injury. 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.

If AB 392 becomes law, police departments can discipline or fire officers who use deadly force that is unnecessary, and local District Attorneys could file criminal charges.

This bill reflects policies that policing experts recognize as effective at better preserving life while also allowing officers the latitude needed to ensure public safety. Under President Obama, the U.S. Department of Justice helped many cities adopt similar policies, including San Francisco and Seattle. Seattle's federal monitor determined that the policy change resulted in a marked reduction in serious uses of force without compromising the safety of officers.

SUPPORT

ACLU of California (Co-Sponsor)
Alliance for Boys and Men of Color/PolicyLink (Co-Sponsor)
Anti Police-Terror Project (Co-Sponsor)
California Faculty Association (Co-Sponsor)
California Families United 4 Justice (Co-Sponsor)
Communities United for Restorative Youth Justice (CURYJ) (Co-Sponsor)
Justice Teams Network (Co-Sponsor)
PICO California (Co-Sponsor)
STOP Coalition (Co-Sponsor)
UDW America – AFSCME Local 3930 (Co-Sponsor)
Youth Justice Coalition (Co-Sponsor)
AFSCME Local 3299
Alameda Labor Council
All Saints Church
Alliance of Californians for Community Empowerment
Alliance San Diego
American Friends Service Committee
Amnesty International Sacramento group 283
Amnesty International USA

Anti-Defamation League
Asian Americans Advancing Justice – California
Asian Law Alliance
Asian Pacific Environmental Network
Asian Solidarity Collective
Associated Students of the University of California
AYPAL: Building API Community Power
Chiraag Bains, Former Senior Counsel to the Assistant Attorney General, USDOJ
Bay Area Student Activists
Bend the Arc: Jewish Action
Bet Tzedek Legal Services
Black American Political Association of California
Black Women's Institute for Leadership Development
Black Youth Leadership Project
Brothers Sons Selves Coalition
Cal Black Student Union
California Black Health Network
California Calls
California Civil Liberties Advocacy
California Foundation for Independent Living Centers
California Immigrant Policy Center
California Labor Federation
California Latinas for Reproductive Justice
California League of United Latin American Citizens
California National Party
California Nurses Association/National Nurses United
California Pan-Ethnic Health Network
California Public Defenders Association
California Urban Partnership
California Voices for Progress
Center for African Peace and Conflict Resolution
Center on Juvenile and Criminal Justice
Cesar Chavez Service Club at San Diego High School
Change Begins With Me
Children's Defense Fund – California
City of San Diego
Roger Clark, Retired Los Angeles County Sheriff's Department Lieutenant
Clergy & Laity United for Economic Justice
Cloverdale Indivisible

Coalition for Humane Immigrant Rights
Coalition for Justice and Accountability
Committee for Racial Justice
Community Coalition for Substance Abuse
Prevention and Treatment
Council on American-Islamic Relations - CA
Courage Campaign
CWA Local 9415
Davis People Power
Delta Sigma Theta Sorority, Inc. – San Diego
Alumnae Chapter
Democrats of Greater Riverside
Disability Rights California
Drug Policy Alliance
Earl B. Gilliam Bar Association
EduResearcher
Ella Baker Center
Empowering Pacific Islander Communities
Exonerated Nation
Fair Chance Project
Faith in Action East Bay
Fannie Lou Hamer Institute
Fathers & Families of San Joaquin
Feminists in Action Los Angeles
Frederick Douglass Family Initiatives
Friends Committee on Legislation of California
Greater Sacramento Urban League
Michael Gennaco, Police Practices Expert
Green Party of Los Angeles County
Green Party of Sacramento County
HAWK Institute
Healing Dialogue and Action
Hillcrest Indivisible
Homie UP
Human Impact Partners
If/When/How: Lawyering for Reproductive
Justice
Japanese American Citizens League, San Jose
Chapter
Imani Community Church
Indivisible CA-37
Indivisible CA-43
Indivisible CA: StateStrong
Indivisible Colusa County
Indivisible Marin
Indivisible Peninsula and CA-14
Indivisible Project
Indivisible Sacramento

Indivisible San Diego Central
Indivisible Sausalito
Indivisible Stanislaus
Indivisible South Bay – LA
Indivisible Ventura
Indivisible Watu
Indivisibles of Sherman Oaks
Initiate Justice
InnerCity Struggle
Jewish Public Affairs Committee of CA
Jewish Voice for Peace – San Diego Chapter
Justice & Witness Ministry of Plymouth United
Church of Christ
Justice for Josiah Campaign
Kehilla Community Synagogue
LA Voice
League of Women Voters of California
Legal Services for Prisoners with Children
Links, Inc. – Sacramento Chapter
Los Angeles Black Worker Center
Los Angeles City Councilmember Marqueece
Harris-Dawson
Los Angeles County Democratic Party
Christy E. Lopez, Former Deputy Chief, Special
Litigation Section, Civil Rights Division, USDOJ
March For Our Lives California
March On
Mid-City CAN
MILPA
Martin Monica, Retired Police Chief of Parlier
NARAL Pro-Choice
National Association for the Advancement of
Colored People – California State Conference
National Association of Social Workers,
California Chapter
National Center for Youth Law
National Compadres Network
National Juvenile Justice Network
National Lawyers Guild Los Angeles
National Union of Healthcare Workers
Nihonmachi Outreach Committee of San Jose
Jeff Noble, Retired Irvine Police Deputy Chief
Oakland Mayor Libby Schaaf
Oakland Police Commission
Oakland Privacy
Orange County Communities Organized for
Responsible Development
Orchard City Indivisible

Our Revolution Long Beach
Pacific Palisades Democratic Club
Pacifica Progressive Alliance
Pacifica Social Justice
Pan African Global Trade and Development
Conference
Partnership for the Advancement of New
Americans
Paving Great Futures
Pillars of the Community
Peace and Freedom Party of California
People Power LA | West
People's Alliance for Justice
The Praxis Project
Prevention Institute
Progressive Students of MiraCosta College
Public Health Advocates
Public Health Justice Collective
The Resistance Northridge – Indivisible
Reuniting Families Contra Costa
Reverend Al Sharpton
Revolutionary Scholars
Riverside Temple Beth El
Rooted in Resistance
Sacramento Area Black Caucus
Sacramento Jewish Community Relations
Council
Sacramento LGBT Community Center
Sacramento Regional Coalition for Palestinian
Rights
Sacramento State Black Student Union
Saint Mark LA United Methodist Church
San Diegans for Criminal Justice Reform
San Diego City College's Urban Scholar's Union
San Diego Coalition for Reproductive Justice
San Diego Immigrant Rights Consortium
San Diego La Raza Lawyers Association
San Diego LGBT Community Center
San Diego LGBT Pride
San Francisco District Attorney George Gascon
San Francisco No Injunctions Coalition
San Francisco Peninsula People Power
San Francisco Public Defender's Office
San Jose Nikkei Resisters
San Jose/Silicon Valley NAACP
San Mateo Adult School Federation of Teachers -
CFT Local 4681
Santa Barbara Women's Political Committee

Santa Clara University School of Law's
International Human Rights Clinic
Self-Awareness and Recovery
Service Employees International Union (SEIU)
California
SEIU Local 1000
Showing Up For Racial Justice (SURJ)
Sigma Pi Phi Fraternity
Sister Warriors Freedom Coalition
Smart Justice California
Jonathan M. Smith, Former Chief, Special
Litigation Section, Civil Rights Division, USDOJ
Social & Environmental Justice Committee of the
Universalist Unitarian Church of Riverside
Southeast Asia Resource Action Center
SURJ Bay Area
SURJ Boston
SURJ Marin
SURJ at Sacred Heart
SURJ San Diego
SURJ Santa Barbara
Starting Over, Inc.
Stonewall Democratic Club
Think Dignity
Together We Stand
Together We Will/Indivisible – Los Gatos
UAW Local 2865
UAW Local 5810
United Food and Commercial Workers Western
States Council
University of South Carolina Professor Alpert
University of South Carolina Professor Stoughton
University Professional and Technical Employees
– Communication Workers of America
W. Haywood Burns Institute
We The People – San Diego
Western Center on Law and Poverty
Western Institute for Social Research
White People 4 Black Lives
Women For: Orange County
Women's Foundation of California
Women's Health Specialists
Youth ALIVE!
Youth Forward
64 Individuals

NEUTRAL

Association for Los Angeles Deputy Sheriffs
Association of Orange County Deputy Sheriffs
California Association of Highway Patrolmen
California Peace Officers' Association
California Police Chiefs Association
California State Sheriffs' Association
California Statewide Law Enforcement
Association
Chief Probation Officers of California
Crime Victims United of California
Fraternal Order of Police
Long Beach Police Officers Association
Los Angeles County Sheriff's Department
Los Angeles Police Protective League
Peace Officers Research Association of
California
Riverside County District Attorney Michael
Hestrin
Riverside County Sheriff's Department
Riverside Sheriffs' Association
Sacramento County Deputy Sheriffs' Association

OPPOSITION

Anaheim Police Association
Brawley Public Safety Employee Association
Brisbane Police Officers Association
Burbank Police Officers' Association
California Association of Code Enforcement
Officers
California College and University Police Chiefs
Association
California Correctional Supervisors Organization
California Narcotic Officers Association
California Rifle and Pistol Association
Chula Vista Police Officers Association
City of Camarillo
City of Clovis
City of Cypress
City of El Centro
City of Escalon
City of Fountain Valley
City of Garden Grove
City of Hemet
City of La Palma
City of Los Alamitos
City of Mission Viejo
City of Ontario

Contra Costa County Deputy Sheriffs Association
County of San Diego
El Cerrito Police Employees Association
Fresno County
Fresno Police Officers Association
Glendale Police Officers' Association
Hanford Police Officers' Association
Hawthorne Police Officers Association
Kern Law Enforcement Association
Kings County Deputy Sheriff's Association
League of California Cities
Los Angeles County Professional Peace Officers
Association
Manhattan Beach Police Officer's Association
National Association of Police Organizations,
Inc.
Napa County Deputy Sheriffs' Association
North Valley Chapter of PORAC
Oakland Police Officers' Association
Ontario Police Officers' Association, Inc.
Peace Officers Association of Petaluma
Redondo Beach Police Officers' Association
Resource Protection Peace Officers Association
Sacramento County Alliance of Law
Enforcement
San Diego Community College Police Officers
Association
San Diego County Probation Officers Association
San Diego District Attorney Investigator's
Association
San Diego Harbor Police Officers Association
San Francisco Police Officers Association
San Joaquin County Deputy Sheriff's Association
Santa Barbara County Deputy Sheriffs'
Association
Shasta County Board of Supervisors
Solano County Deputy Sheriff Association
Southwest California Legislative Council
Stockton Police Officer's Association
Tehama County Deputy Sheriff's Association
Union City Police Officer's Association
Upland Police Management Association
Ventura County Deputy Sheriffs' Association
Ventura County Sheriff William Ayub
Yreka Police Officers Association
6 Individuals

FOR MORE INFORMATION

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