

# AB 392: California Act to Save Lives

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

## SUMMARY

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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

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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

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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

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Incorporating policing best practices, AB 392 authorizes police officers to use deadly force only when it is necessary to prevent imminent and serious bodily injury or death – that is, if, given the totality of the circumstances, there was no

reasonable alternative to using deadly force, including warnings, verbal persuasion, or other nonlethal methods of resolution or de-escalation.

However, this bill specifies that officers can always invoke the self-defense law that applies to the public.

If AB 392 becomes law, police departments can discipline or fire officers who use deadly force that is unnecessary, and in cases where the use of force was not in self-defense or in defense of another person, 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)  
Black Lives Matter – California (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)  
Silicon Valley DeBug (Co-Sponsor)  
STOP Coalition (Co-Sponsor)  
UDW America – AFSCME Local 3930 (Co-Sponsor)  
Youth Justice Coalition (Co-Sponsor)  
AFSCME Local 3299  
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  
Black American Political Association of California  
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 Latinas for Reproductive Justice  
California League of United Latin American Citizens  
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  
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  
Davis People Power  
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  
Friends Committee on Legislation of California  
Greater Sacramento Urban League  
Michael Gennaco, Police Practices Expert  
Green Party of Sacramento County  
HAWK Institute  
Healing Dialogue and Action  
Hillcrest Indivisible  
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 On  
Mid-City CAN  
MILPA  
Martin Monica, Retired Police Chief of Parlier  
National Association for the Advancement of  
Colored People – California State Conference  
National Center for Youth Law  
National Compadres Network  
National Juvenile Justice Network  
National Lawyers Guild Los Angeles  
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 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  
The Praxis Project

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 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 La Raza Lawyers Association  
San Diego LGBT Community Center  
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  
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)  
Local 1000  
Showing Up For Racial Justice (SURJ)  
Sigma Pi Phi Fraternity  
Sister Warriors Freedom Coalition  
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  
United Food and Commercial Workers Western  
States Council  
University of South Carolina Professor Alpert  
University of South Carolina Professor Stoughton  
W. Haywood Burns Institute  
We The People – San Diego  
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  
3 Individuals

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**OPPOSITION**

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Anaheim Police Association  
Association for Los Angeles Deputy Sheriffs  
Association of Orange County Deputy Sheriffs  
Brawley Public Safety Employee Association  
Brisbane Police Officers Association  
California Association of Code Enforcement  
Officers  
California Association of Highway Patrolmen  
California College and University Police Chiefs  
Association  
California Correctional Supervisors Organization  
California Narcotic Officers Association  
California Peace Officers’ Association  
California Rifle and Pistol Association  
California State Sheriffs’ Association  
California Statewide Law Enforcement  
Chief Probation Officers of California  
Chula Vista Police Officers Association  
City of Camarillo  
City of Garden Grove  
Crime Victims United of California  
El Cerrito Police Employees Association  
Fraternal Order of Police  
Fresno County  
Fresno Police Officers Association  
Glendale Police Officers’ Association  
Hanford Police Officers’ Association  
Hawthorne Police Officers Association  
Kern Law Enforcement Association

League of California Cities  
Long Beach Police Officers Association  
Los Angeles County Professional Peace Officers  
Association  
Los Angeles Police Protective League  
Napa County Deputy Sheriffs' Association  
North Valley Chapter of PORAC  
Oakland Police Officers' Association  
Peace Officers Association of Petaluma  
Resource Protection Peace Officers Association  
Riverside County District Attorney Michael  
Hestrin  
Riverside County Sheriff's Department  
Riverside Sheriffs' Association  
Sacramento County Alliance of Law  
Enforcement  
Sacramento County Deputy Sheriffs' 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  
Solano County Deputy Sheriff Association  
Stockton Police Officer's Association  
Union City Police Officer's Association  
Ventura County Deputy Sheriffs' Association  
Ventura County Sheriff William Ayub  
2 Individuals



**FOR MORE INFORMATION**

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