

SDAAFA 2019 Legislative Essay Contest

New Bill to Save Lives

The AB-392 Peace Officers bill that restricts the police officers' use of deadly force is a topic with much debate. In my opinion, the Bill AB-392 should be supported in California because it prevents unlawful use of deadly force by clarifying the situations when police officers can use deadly force, helping the police officers to restore trust from the public, and emphasizing that the accountability for police officers is to protect people.

AB-392 provides clarification on the power for the officers, which can prevent the misapplication of deadly force. One of the most significant modifications of this bill is that it changes the standard for when lethal force can be used from what is "reasonable" to what it is "necessary"¹. While past laws give the officers more freedom to decide whether to use deadly force, under the new bill police officers will risk charges of homicide if they use unlawful deadly force. It requires police officers to assess the situation before exercising force. To teach officers skills to determine the justifiable use of deadly force, the California District Attorneys Association suggests giving police more training, teaching them the new deadly force standard as well as lessons on implicit bias and alternatives to firing their guns². With training and more considered use of force, the police officers' involuntary manslaughter rate will be significantly reduced.

In addition, the bill's emphasis on training for implicit bias will help to restore trust from the public. Often times, people of color, especially African Americans, are the victims of inappropriate killings based on implicit bias. Research shows that in the U.S., African Americans are 2.5 times more likely to be killed by police than white people.³ On March 18, 2018, Clark, a twenty-two-year-old unarmed black man was shot to death by Sacramento police in his grandma's backyard while holding a cellphone that officers allegedly believed to be a gun⁴. Such

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cases have led many in the public to believe that racial prejudice influenced these wrongful assumptions. Many people protest that the endemic of black men being shot and killed by police officers is a tragic cultural aberration in this country⁵. Additional police can reduce implicit bias and help prevent these situations from occurring. California Governor Gavin Newsom advocated the new bill, stating that it “is an important bill, one that will help restore community trust in our criminal justice system” (Chabria and Luna). After acknowledging that the police officers are trained in how to de-escalate and use other tactics before firing a gun, people will be more likely to trust at the decision the police officers make (Roseman).

Opposers of the bill question if it will put the police officers’ lives in greater danger, causing them to hesitate in critical moments. However, statistics show that police officers in California kill at a rate that is 37% higher than the national average⁶. Recently, the most debatable police shooting case in California is the fatal shooting of aspiring rapper Willie McCoy. McCoy was shot at more than 55 times by six police officers surrounding his car while he was asleep with a gun in his lap and the doors locked (Coaston). Many people believe that officers’ interpretation of McCoy’s threat to be unreasonable, especially given that he was surrounded, unresponsive, and shot numerous times. Cases like these, though extreme, show that many shootings in California are arguable unreasonable and occurred in situations not risking officers’ lives. Also, the bill states officers can still use deadly force in the face of imminent danger⁷. Thus, with proper training and judgment, officers can still protect their own lives.

Finally, this bill should be supported because it emphasizes the responsibility of the police officers, which is to protect people’s lives, including those of potential criminals. The old bill is not able to show the common idea that the police officers are responsible for protecting every citizens’ lives, and the new law reflects a compromise between civil rights advocates who

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say it will save lives and law enforcement groups that want more clarity on the use of force⁸. Since “reasonable” gives a vague and objective definition of the situation to use deadly force, changing it to “necessary” shows the police’s wish of reducing the rate of killings during their missions. By changing the premise of using deadly force from “reasonable” to “necessary”, the police can show its attention on the problem of the current high rate of inappropriate use of deadly force and keep its image of protecting people’s lives.

In my opinion, the replacement of old from Bill AB-392 can clarify the situations when police officers can use deadly force, help the police officers to restore trust from the public, and emphasize that the accountability for police officers is to protect people. Therefore, if I were a California State Legislator, I’ll support the bill.

¹ Chabria, Anita and Luna, Taryn, “Police use-of-force bill advances after California law enforcement agrees to changes”, Los Angeles Times, May 23, 2019, <https://www.latimes.com/politics/la-pol-ca-police-use-of-force-bill-392-20190523-story.html>

² Rosenhall, Laurel, “New CA rules for deadly police force go to governor’s desk”, Cal Matters, <https://calmatters.org/justice/2019/07/new-ca-rules-deadly-police-force-go-to-governors-desk/>

³ Mock, Brentin, “What New Research Says About Race and Police Shootings”, CityLab, August 6, 2019, <https://www.citylab.com/equity/2019/08/police-officer-shootings-gun-violence-racial-bias-crime-data/595528/>

⁴ Coaston, Jane, “California’s new law to stop police shootings, explained”, Vox, August 23, 2019, <https://www.vox.com/2019/8/23/20826646/california-act-to-save-lives-ab-392-explained>

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⁵ Roseman, Mark, “When Can Police Officers Shoot You? AB 392: The California Act to Save Lives”, Medium, April 11, 2019, <https://medium.com/@markeroseman/when-can-police-officers-shoot-you-ab-392-the-california-act-to-save-lives-681277aa05b4>

⁶ Assemblymember Shirley Weber, “California Act to Save Lives - AB 392”, Assemblymember Shirley Weber Representing the 79th California Assembly District, <https://a79.asmdc.org/priorities/california-act-save-lives-ab392>

⁷ Wiley, Hannah, “‘Impossible standard?’ Police oppose it, but California use-of-force bill advances”, The Sacramento Bee, April 9, 2019, <https://www.sacbee.com/news/politics-government/capitol-alert/article229021124.html>

⁸ “New California Law Says Police Should Kill Only When 'Necessary'”, National Public Radio, August 19, 2019, <https://www.npr.org/2019/08/19/752364459/new-california-law-says-police-should-kill-only-when-necessary>