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California Civil Liberties Advocacy
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Monday, April 1, 2019

Submitted Electronically

Assembly Member Shirley Weber
State Capitol
Room 3123
Sacramento, CA 94249

Emailed to alex.harold@asm.ca.gov

Assembly Member Kevin McCarty
State Capitol
Room 2136
Sacramento, CA 94249

RE: **Support for AB 392**

Dear Assembly Members Webber and McCarty:

I am Nicholas Gonzales, a legislative analyst with the California Civil Liberties Advocacy (CCLA). I write to you today in SUPPORT of Assembly Bill-392 (AB-392). The CCLA wants to applaud this change in the code regarding the use of deadly force by peace officers. This will help mitigate the deep mistrust in peace officers so many of our communities have, potentially leading to a safer California from the perspectives of both sides.

Articles like the *Police Don't Deserve Your Trustⁱ*, are becoming more pervasive. This particular one was merely chosen because of how direct the name of the article is. Public awareness of police use of force is increasing more rapidly every day. The average citizen grows less and less content with the standards we use for "acceptable" use of deadly force, as evidenced by the public outcry in response to Stephen Clark. As Dr. D.J. Thomas argues in his article for The National Police Foundation, *The Police Must Regain the Public's Trustⁱⁱ*, "The use of deadly force is the most misunderstood topic today by both police and citizens... [and it] has caused the greatest amount of anger and frustration for both police and citizens." He argues that traditional methods of police gaining control over a situation are at odds with the realities and necessities of the average day when encounters intersect police work and the mentally ill, the physically impaired, or the hard of hearing for examples. He argues that the blanket use of "I was in fear for my life" has dramatically undermined police credibility.

"Indifference to personal liberty is but the precursor of the state's hostility to it."

— Justice Kennedy, U.S. Supreme Court

It doesn't take a degree to recognize that when trust in police is low, citizens will cooperate less with them; peace officers won't be informed of crimes or requested to interfere in questions of public safety. However, Dr. M. Friedman would note in his article *What Happens When We Don't Trust Law Enforcement?*ⁱⁱⁱ there are greater ramifications. An unequal trust in law enforcement tears at the legitimacy of law enforcement itself. With no legitimacy in law enforcement, any sense of obligation to obey the law leaves. Conversely, he notes that trust in law enforcement is the primary motivator of a community to cooperate with law enforcement in regards to matters even so extreme as terrorism investigations.

How, then, do Peace Officers regain the trust of the citizenry? This bill is a great step in that direction. First, it holds peace officers more accountable for their actions. It demands a greater consciousness of their actions. This is crucial for public trust because peace officers demand – demand – unfettered public trust in any encounter for their profession. If there is too little accountability for transgressions, then there is no reason for this trust to be given. A single citizen will never know if they interact with the seemingly more-common “bad egg” or not; they only know they meet with an individual that could be either.

The second reason this bill acts to increase public trust is because it acknowledges the public demand. Nothing will alienate a people faster than feeling they have no voice within the ship of state. Public demand for reform has been ever increasing. Additionally, mistrust in peace officers hits a 22-year new low^{iv} according to the analytics firm GALLUP.

The CCLA supports AB-392 because it acknowledges the growing public conscience regarding police use of force, thereby it doing right by the citizenry of California, and it promotes a stronger cooperation with peace officers and the community they are meant to serve. It is made with the intention of creating a California that is safer and more capable of trusting itself. We thank you for your time in reviewing this, as well as your time in constructing the policy.

For all of the abovementioned reasons, the CCLA strongly supports AB 392.

Yours truly,



Nicholas Gonzales
Legislative Advocate
California Civil Liberties Advocacy

Cc: Assembly Public Safety Committee (*Submitted Electronically*)

ⁱ <https://medium.com/s/trustissues/the-police-dont-deserve-your-trust-6d77687a8415>

ⁱⁱ <https://www.policefoundation.org/law-enforcement-must-regain-the-publics-trust/>

ⁱⁱⁱ <https://www.psychologytoday.com/us/blog/brick-brick/201409/what-happens-when-we-dont-trust-law-enforcement-0>

^{iv} <https://news.gallup.com/poll/183704/confidence-police-lowest-years.aspx>