

AB-392: One Less Gunshot

A gun, a shot, a body.

Another death, another tear, another funeral.

A hope, a hope for change. A change in the law, AB-392, a bill stating that the use of deadly force by peace officers is permitted "only when necessary in defense of human life" (1). However, people against this bill think that the amendments will do nothing to improve upon the present circumstances. However, I believe that this bill is a necessary step towards the revision of outdated laws and the stepping stone towards future ones. Therefore, I support AB-392.

The outdated use-of-force laws have resulted in unnecessary deaths and unpunished killings. Currently, the fatality rate in California due to police shootings is "37% higher than the national average" and in most cases the involved police officers were not held responsible (2). This exact scenario happened on March 18, 2018 when Stephon Clark was shot excessively to death in his grandparents' backyard in Sacramento (3) and during the fatal shooting of Mikel McIntyre, an emotionally disturbed man, on May 8, 2017 on the shoulder of Highway 50 in the same city (4). In both scenarios, all charges against the police officers were dropped despite their unjustified actions. During the shooting, Clark was completely unarmed yet shot over 20 times. McIntyre did throw a rock towards the police officers however he was shot in the back while running away and not posing a threat to the officers anymore. In both scenarios, the use of lethal force was excessive. Although they may have committed a crime, death should not have been the consequence for it. These events act as a clear call to hold police officers accountable for their unjustified actions. It is not to place restrictions on police officers, but to reduce the use of lethal force on duty. Our state has gotten to a point where there is no penalty for unjustified killing ,

where the court is unable to charge police officer for unethical behavior because of existing law, If this isn't an indication of outdated use-of-force laws and a call for change, nothing will be.

Some say this bill will change nothing in the pursuit of charges against officers in the cases of Stephon Clark and Mike McIntyre. However, Nancy O'Malley, the incoming president of the California District Attorneys Association, said the bill will require "a slightly different analysis than they do now when determining if a shooting is justified", such as the question of if "other available resources and techniques...feasible to an objectively reasonable officer" were used (5). This question is not nearly enough to charge all cases like those aforementioned, however, AB-392 would allow attorneys to ask these questions. It would allow for that new element, that slightly different perspective, and that is a valuable step towards justice.

Another concern is that the bill is too laden with compromises and, therefore, too weak. Revisions to the first proposed bill modified the definition of "necessary" use of force (6) and dropped "the requirement to exhaust nonlethal methods" before use of lethal force (7). The original definition of "necessary" was when there is "no reasonable alternative" (6). However, these revisions were made after taking into consideration the rights of both sides. The proposed amendments are not perfect, but they can be improved on. It is unwise to oppose a law that improves on the current law even though it may not measure up to one's ideal standard. By withdrawing support from this bill, opposition is choosing to keep the existing law rather than having more limits placed on use-of-force. These limits have been statistically proven to reduce murder rates and nonfatal shootings by 30% (2) "without negative impact on law enforcement or community safety" (7). Eventually, Californians can amend the bill further to include "a requirement that police exhaust other alternatives before shooting" like Delaware and Tennessee, or "call for police to de-escalate situations" like Washington, before using lethal force (6). The

goal of AB-392 is to protect the life and rights of both peace officers and civilians, and these amendments are the exact steps to start off this slow but sure process.

In conclusion, AB-392 will be the first but vital step towards reducing peace officer related violence, though it is by no means the perfect solution. It is the starting measure to ensure one less gunshot, one less death, and one less funeral. For this reason, I support AB-392, the California Act to Save Lives.

Works Cited

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