



June 19, 2018

The Honorable Scott Wiener
Senator, California State Senate
State Capitol, Room 5100
Sacramento, CA 95814

RE: Support for AB 931

Dear Senator Wiener:

Santa Clara University School of Law's International Human Rights Clinic ("IHRC") supports California Bill AB 931, which will reduce the number of police killings and protect communities by imposing a use of force standard that aligns with international human rights law. We urge you to support AB 931 in the Senate Public Safety Committee because this bill will protect community members by allowing law enforcement to use deadly force only when it is necessary to prevent imminent death or serious bodily injury.

Police kill more people in California than in any other state. Despite the public outcry for officers to be held accountable, District Attorneys in California have rarely charged police officers after a shooting, even where there is overwhelming evidence that the officers' use of deadly force was neither proportionate nor a result of an imminent threat. In practice, the current law is shielding officers from liability when they use disproportionate, unnecessary, and lethal force. AB 931 would rectify this situation.

AB 931 would align California law with applicable international human rights legal standards on the use of lethal force by police. Under international human rights law, the use of lethal force is only permissible when there are "no other means available", "only as a last resort", in order to protect against "imminent threat of death or serious injury", and only when necessary and proportionate. Amnesty International's 2015 report on "Deadly Force in the United States" found that the laws of all 50 states on the use of lethal force by police are incompatible with minimum international human rights standards. AB 931 encourages officers to use other available reasonable alternatives such as de-escalation tactics or use less lethal weapons.

The alarming trend of police unnecessarily using lethal force and the reigning impunity of their actions to unjustifiably kill people needs to end. AB 931 would reduce the number of unnecessary killings at the hands of police and ultimately prevent the arbitrary deprivation of life.

For example, AB 931 would prevent tragic incidents like the killing of Luis Góngora Pat. On the morning of April 7, 2016, Sergeant Nate Seger and Officer Michael Mellone used excessive, disproportionate and

deadly force against Luis Góngora - an indigenous Mayan from Mexico living in a homeless encampment in San Francisco's Mission District. Several witnesses state that Luis Góngora posed no immediate threat to anyone, and therefore the use of deadly force was unnecessary and unjustified. From 2014-2016, there were ten similar police shootings in the city of San Francisco.

San Francisco District Attorney George Gascón has decided not to press charges against any of the officers involved, including those who killed Luis Gongora Pat. The existing low standards on the use of force by police was used by DA Gascón to justify his decision not to press charges. The death of Luis and subsequent impunity of the officers has had a profound impact on his family, including emotional trauma and financial loss. In addition, the indigenous and immigrant communities in San Francisco feel marginalized and have not received any justice. AB 931 would prevent similar tragedies from recurring.

Under international human rights law, all State/Government actors play a vital role in protecting, respecting, and guaranteeing human rights. Federal, state, and local governments have to protect against human rights violations and ensure that not only do they not interfere but actively promote a person's enjoyment of their rights. AB 931 will allow for more accountability for police violence, limit the circumstances that can lead to the arbitrary deprivation of life, and ensure that officers and the state government are protecting, respecting, and guaranteeing the right to life for all people. We strongly urge that you support the passage of this critical bill.

Sincerely,

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cc: Senators, Senate Committee on Public Safety