



## Defending Human Dignity in California: Local Law Enforcement's Ongoing Discrimination, Abuse and Impunity

Summary of Shadow Report by Alliance San Diego

Local law enforcement agencies across the United States discriminate, harass and kill community members with near total impunity. [Alliance San Diego's Shadow Report](#) provides a snapshot of the laws and policies that allow these egregious practices to occur in California, especially in San Diego.

### RACIAL & IDENTITY DISCRIMINATION (ART. 26):

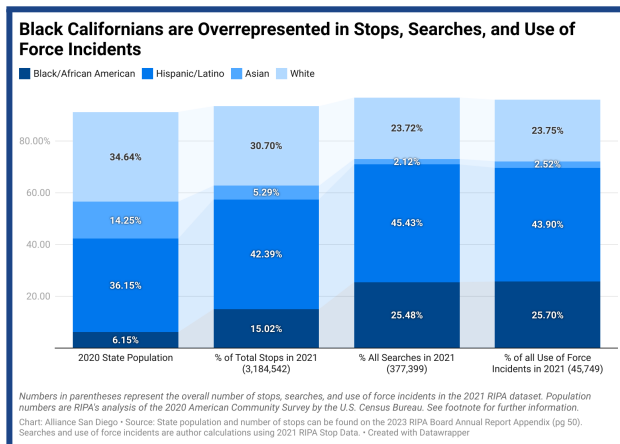
Despite the U.S. Constitution and California Constitution prohibiting discrimination, local law enforcement engage in discriminatory practices. [Profiling data](#) submitted by local law enforcement, reveals disparate treatment of communities of color at every level of an encounter: from who gets stopped,

to who is searched, and who force is

used against. Black Californians are 144% more frequently stopped than is expected based on population, and they are 243% more frequently stopped by the San Diego Police Department.



Ted Womack lives in San Diego, California: ***"I have personally had at least 100 encounters with law enforcement ranging from being stopped to talk to having multiple officers pull guns on me."*** Where Ted lives, ***"it is normal to feel scared to leave your street. Not because of the people in the neighborhood, but because there might be a lot of police in the neighborhood."***



**QUESTION:** How will California ensure their laws and policies to prevent discrimination by local and state law enforcement are carried out in practice?

**RECOMMENDATION:** Pass legislation to eliminate the use of highly discretionary police stops known as 'pretext stops' that are susceptible to bias and the elimination of which pose a low risk to public safety.

### ARBITRARY POLICING THROUGH WARRANTLESS SEARCHES (ART. 9):

The right to be free from unreasonable searches and seizures is a cornerstone of the U.S. Constitution. However, [California Penal Code § 3067\(a\)\(3\)](#) strips this right for individuals who are on probation or parole. California also allows officers to ask for consent, which is [rarely voluntary](#), to waive that right. Ted Womack says, ***"Officers frequently ask if they can search my car ... [they] have these different tiers of things they do to pressure you to consent to search."*** In California, over 23% of law enforcement searches are warrantless, and over 41% of San Diego County Sheriff searches are warrantless. These searches are highly discretionary and occur regardless of any evidence of wrongdoing.

**QUESTION:** How will California change its laws and policies to prohibit arbitrary policing and warrantless searches?

**RECOMMENDATION:** Adopt legislation that prohibits the use of warrantless searches so that officers may not ask for "consent" or ask about probation, parole or supervision status in order to justify a search without articulable facts establishing probable cause that a crime has been committed.



### EXCESSIVE FORCE & INHUMANE POLICING (ART. 6, 7):

In the last five years in California, [over 750 individuals have died](#) and nearly four times that amount sustained serious bodily injury at the hands of law enforcement, due in part to a deficient use of force standard. [California's use of force laws](#) **do not require** law enforcement to use the minimum amount of force necessary; or force proportionate to the threat posed; to exhaust available less-harmful force alternatives; or to deploy de-escalation tactics. Rather, the law codifies the 'objectively reasonableness' standard, which is based on an officer's perspective and falls short of the international standard of 'necessary and proportional'.

As a result, San Diego law enforcement were exonerated for shooting and killing Dr. Yan Li in the course of serving her an eviction notice in 2022. Despite being informed she was paranoid schizophrenic, police barged into her home without a warrant, and when she yelled "intruder" and retreated to her bedroom, they shot her with beanbags. When she wielded a knife in defense, they shot her 13 times. All for an eviction notice that could have been left at the door.

**QUESTION:** How will California change its use of force standard to limit force to that which is 'necessary and proportional' rather than 'objectively reasonable' in order to protect life and prevent inhumane treatment pursuant to the ICCPR, the U.N. Code of Conduct for Law Enforcement Officials, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials?

**RECOMMENDATIONS:** (1) Incorporate international law on use of force into California jurisprudence. (2) Adopt legislation in California that limits use of force to 'necessary and proportional'. (3) Require the California Peace Officer Standards and Training (POST) Commission to train officers on the Basic Principles on Use of Force.

### IMPUNITY & LACK OF EFFECTIVE REMEDY (ART. 2, 50):

California law enforcement continues to act with impunity with [98% of killings](#) by California law enforcement going unprosecuted. Despite law enforcement killing 754 people over the last five years, charges were only brought against 11 officers and only 2 were convicted. Outside of criminal prosecutions, officers are insulated from thorough administrative investigation by the [Public Safety Officers Procedural Bill of Rights](#). This law provides officers with extra protections, shielding them from immediate questioning and providing them with information regarding the nature of the investigation ahead of time. The lack of prosecutions and the inadequate administrative investigations are compounded by the lack of transparency in the disciplinary process, leaving victims and their families without information, without access to an effective remedy, and without justice.



**QUESTION:** How will California change its laws, policies, and practices to ensure criminal investigations are independent and impartial and lead to prosecution, conviction and decertification of officers violating human rights?

**RECOMMENDATION:** Adopt laws and policies in California, and in San Diego, that prohibit an officer in a use of force incident from any involvement in the investigation of that incident. In addition, so that justice can be served, eliminate the exceptions that allow officers to delay investigations into an incident.