



The Honorable Isaac Bryan
1021 O St., Ste. 5630
Sacramento, CA 95814

RE: AB 93 (Bryan) – SUPPORT

Dear Assemblymember Bryan,

On behalf of the Woodhull Freedom Foundation, I write in strong support of your bill **AB 93**, which will prohibit the police practice of escalating stops by pursuing intrusive searches when there is no evidence of a public safety threat.

Woodhull Freedom Foundation is a human rights organization focused on the human right to sexual freedom. Our work is guided by the Universal Declaration of Human Rights (UDHR). The United States participated in writing the UDHR which was signed in 1948. I would like to remind you of two articles in the UDHR that support AB 93. Article 9 states, “No one shall be subjected to arbitrary arrest, detention or exile.” Current law enforcement practices that search and detain people during these searches are a clear violation of Article 9. Article 12 states, “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.” Searches of a person’s belongings or car without evidence are clearly privacy violations. The practices outlined below are clear human rights violations and should be put to an end.

Under current law, police do not need to have any reason to suspect they’ll find evidence of a crime to ask someone to submit to a search of their person, belongings, or car. Officers have full discretion to choose when and from whom to seek such searches. These searches routinely escalate stops into longer and more intrusive encounters, making people feel harassed and unsafe in their own communities, and even causing people to lose their jobs when long stops make them late for work. They are invasive and traumatizing and amount to fishing expeditions that are significantly influenced by officers’ biases.

Indeed, research shows that people of color are significantly more likely to be asked to submit to a search than people who are white. Statewide, Black people are 4 times as likely, Latine people 2.4 times as likely, and multiracial people 2.2 times as likely to be asked for consent to search during a traffic stop than white people.¹ In Los Angeles, 7 out of every 10 bicyclists searched by the LA Sheriff’s Department was Latine.² In San Francisco, Black motorists were eight times more likely than white drivers to be subjected to a consent search after a traffic stop, and Latine drivers were searched at almost four times the rate of white drivers.³ Yet research consistently

¹ Racial and Identity Profiling Advisory Board, Annual Report 2023, 71.

² Tchekmedyian A, et al. “L.A. sheriff’s deputies use minor stops to search bicyclists, with Latinos hit hardest.” Los Angeles Times, November 4, 2021. At: <https://www.latimes.com/projects/la-county-sheriff-bike-stops-analysis/>

³ Palomino, J. “Racial disparities in SF traffic searches raise concerns of bias.” San Francisco Chronicle, April 8, 2016. At: <https://www.sfchronicle.com/crime/article/Racial-disparities-in-SF-traffic-searches-raise-7235690.php>

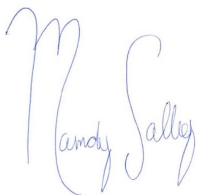
shows that searches of Black and Latine people are significantly *less* likely to uncover contraband than are searches of people who are white.⁴

Data and research show that factually baseless searches have very low rates of discovering evidence of crime. At the same time, when such searches are performed, the reason given for the stop is more likely to be traffic enforcement for people of color than it is for people who are white, raising the concern that the ability to seek these searches incentivizes police to conduct racially-biased pretext stops.

Both the Racial and Identity and Profiling Advisory Board⁵ and the Committee on Revision of the Penal Code⁶ have recommended prohibiting searches based solely on a person's purported consent, instead requiring searches to be justified by an evidentiary basis. The states of Minnesota, New Jersey, Rhode Island, and Connecticut have implemented similar policies without any negative impact on public safety.⁷

AB 93 will prohibit these invasive, traumatizing, and racially biased searches that endanger rather than support public safety. For these reasons, we are pleased to support AB 93. Please contact me at mandy@woodhullfoundation.org for any questions about our position.

Sincerely,



Mandy Salley, MSW MEd
Chief Operating Officer
Woodhull Freedom Foundation

⁴ RIPA Board, *supra* note 1.

⁵ *Id.*

⁶ Committee on Revision of the Penal Code, *Annual Report and Recommendations 2022*, 35.

⁷ Racial and Identity Profiling Advisory Board, *Annual Report 2022*, 142.