

January 30, 2024

Honorable Scott Wiener
California State Senate
1021 O St., Suite 8620
Sacramento, CA 95814

RE: Support for SB 912 (Wiener) – The ROAD Testing Act

Dear Senator Wiener,

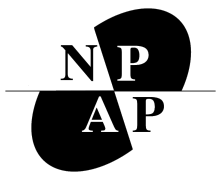
On behalf of the National Police Accountability Project, I write in strong support of SB 912, the Requiring Objective and Accurate Drug (ROAD) Testing Act, by Senator Scott Wiener. This measure would prohibit law enforcement agencies from using the results of a colorimetric field drug test as probable cause for arrest or as the basis for a drug possession charge prior to a confirmatory test from a crime laboratory.

NPAP is a nonprofit organization dedicated to end law enforcement violence in all of its forms by holding police and corrections officers accountable to constitutional and professional standards. We have hundreds of members in California who regularly represent people who have been falsely arrested and wrongfully convicted due to inaccuracies that occur in police investigations. SB 912 will reduce the number of people who are improperly detained, arrested, and convicted due to false positive field drug tests.

According to a report by the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania, presumptive field tests are used in about half of the 1.5 million drug arrests nationally per year. The report estimates that 773,000 of these annual drug-related arrests involve positive results from field drug tests with known accuracy problems. The same report found that every year, approximately 30,000 drug-related arrests involve people who do not possess illegal substances but are falsely implicated by presumptive tests. In specific contexts, the report notes that false positive rates of 15% and as high as 38% have been observed.

On a per capita basis, Black Americans experience these erroneous drug arrests at a rate 3x higher than White Americans.

The Quattrone Center estimates that 216,886 people are arrested on drug charges in California annually. Of those, an estimated 4,099 arrests involve individuals not



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carrying controlled substances who are falsely implicated by presumptive tests. In cases across the United States, cotton candy, powdered milk, sugar, lidocaine, folic acid vitamins, bird feces, and even a loved one's ashes produced positive results on field presumptive tests.

Some departments across California are already leading the way in abandoning these unreliable tests. The San Francisco, Santa Barbara, and Tracy Police Departments, and the Kings, Madera, and Siskiyou County Sheriffs do not use the colorimetric field tests and instead use accurate handheld electronic devices that can identify an exact substance based on its chemical structure.

Our organization lends our voice to the broad coalition calling for your support for SB 912 by Senator Wiener. Thank you for considering our support for this important legislation.

Respectfully,

Lauren Bonds
Executive Director
National Police Accountability Project