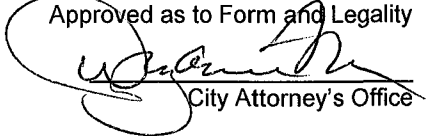


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City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER DAN KALB

RESOLUTION IN SUPPORT OF SENATE BILL 393, BY STATE SENATORS RICARDO LARA AND HOLLY MITCHELL, THAT WOULD ALLOW PEOPLE TO PETITION A COURT TO SEAL RECORDS OF ARRESTS THAT DID NOT RESULT IN ANY CONVICTION, WITH EXCEPTIONS FOR DOMESTIC VIOLENCE, ELDER ABUSE AND CHILD ABUSE; AND REQUIRE CONSUMER REPORTING AGENCIES TO NOT SHARE SUCH RECORDS

WHEREAS, existing law authorizes a person who was arrested and has successfully completed a pre-filing diversion program, a person who has successfully completed a specified drug diversion program, and a person who has successfully completed a specified deferred entry of judgment program to petition the court to seal their arrest records. Existing law also specifies that, with regards to arrests that resulted in the defendant participating in certain other deferred entry of judgment programs, the arrest upon which the judgment was deferred shall be deemed not to have occurred; and

WHEREAS, individuals who are arrested may never be charged, or their cases are charged but later dismissed, or their case may go to trial yet they are acquitted by a jury; and

WHEREAS, although California has a comprehensive statutory process to expunge convictions, it has inconsistent standards for sealing arrest records for individuals not convicted; and

WHEREAS, rapid technological advancements makes government information more public than ever and makes it easier for employers, landlords, and others to access it and base decisions on arrests rather than a convictions, creating serious barrier to employment and housing opportunities; and

WHEREAS, California law prohibits employers from asking an applicant about prior arrests that did not lead to convictions, yet many employers simply refuse to consider any applicant who has a criminal arrest record; and

WHEREAS, studies show that people with unsealed arrest records, are disproportionately people of color, have a substantially increased chance of living in poverty, earn lower wages, and having fewer educational opportunities; and

WHEREAS, that California Senate Bill 393 will establish a uniform legal process for sealing records relating to arrests that did not result in a conviction as well as update criminal records at the California Department of Justice. This bill will strengthen the legal architecture protecting the right of persons arrested but not convicted to privacy about their criminal records, as well as promote the lifelong social inclusion of said persons; and

WHEREAS, SB 393 is supported by the ACLU of California, Alliance for Boys and Men of Color, National Association of Social Workers, California Public Defenders Association, and California Attorneys for Criminal Justice; now therefore, be it

RESOLVED: That the Oakland City Council supports Senate Bill (SB) 393 (Senators Lara and Mitchell), that would allow people to petition a court to seal records of arrests that did not result in any conviction, with exceptions for domestic violence, elder abuse and child abuse; and require consumer reporting agencies to not share such records; and be it

FURTHER RESOLVED: That the City Administrator is directed to forward a copy of this enacted Resolution to state legislative elected officials representing Oakland, Governor Jerry Brown, the authors of SB 393, and to the lobbyist for the City of Oakland to advocate for passage of SB 393.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN,
KALB, KAPLAN AND PRESIDENT REID

NOES –

ABSENT –

ABSTENTION –

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California