



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER LOREN TAYLOR, COUNCIL PRESIDENT
NIKKI FORTUNATO BAS, COUNCILMEMBER CARROLL FIFE, AND
COUNCILMEMBER TREVA REID

**RESOLUTION URGING ALAMEDA COUNTY DISTRICT ATTORNEY
NANCY O'MALLEY TO CHARGE FORMER BART POLICE OFFICER
ANTHONY PIRONE IN THE KILLING OF OSCAR GRANT AND SEEK
THE MAXIMUM PENALTY UPON CONVICTION**

WHEREAS, on January 1, 2009, Oscar Grant was shot and killed by former BART police officer Johannes Mehserle on the platform of the Fruitvale BART station in the City of Oakland in Alameda County, CA; and

WHEREAS, although Mehserle fired the fatal gunshot, several other BART police officers were present on the platform at that tragic moment; and

WHEREAS, Mehserle resigned his employment with BART and was convicted of involuntary manslaughter for this shooting; and

WHEREAS, according to reports one of those officers present on the platform, Anthony Pirone, participated in the detainment of Mr. Grant and his companions, and both struck and kned Mr. Grant while detaining him, with the autopsy report revealing that Mr. Grant suffered trauma in his facial area and significant brain injury; and

WHEREAS, according to reports Pirone also held Mr. Grant down on the platform by kneeling on him until just before Mr. Grant was shot by Mehserle; and

WHEREAS, according to reports Pirone directed a racial slur at Mr. Grant during his detainment; and

WHEREAS, BART commissioned an independent investigation into this tragedy and a report was issued; and

WHEREAS, that report, among other findings, determined that "Officer Pirone's overly aggressive and unreasonable actions and conduct in violation of policy and acceptable standards, contributed substantially to the escalation of the hostile and volatile atmosphere during the course of the incident"; and

WHEREAS, that report also stated that "Pirone was, in large part, responsible for setting the events in motion that created a chaotic and tense situation on the platform, setting the stage, even if inadvertent, for the shooting of Oscar Grant"; and

WHEREAS, Pirone was terminated from his employment at BART; and

WHEREAS, Pirone has not yet been held criminally accountable for any of his actions that night; and

WHEREAS, for more than a decade, the Justice for Oscar Grant Community Coalition, representing a broad array of community and religious organizations as well as legal and civil rights advocates, has organized rallies and peacefully protested the unjust killing of Oscar Grant; and

WHEREAS, the steadfast action of the Justice for Oscar Grant Community Coalition movement has helped spawn movements throughout the country, such as Black Lives Matter, protesting police excessive use of force against people of color and demanding greater police accountability; and

WHEREAS, the Justice for Oscar Grant Community Coalition is currently seeking action by the Alameda County District Attorney to file felony murder charges against Pirone to hold him accountable for behavior that led to the death of Oscar Grant; and

WHEREAS, the BART Board of Directors supports the efforts of the Justice for Oscar Grant Community Coalition; now, therefore, be it

RESOLVED: That the City Council urges Alameda County District Attorney Nancy O'Malley to expeditiously charge former BART police officer Anthony Pirone with felony murder and any other criminal charges she finds applicable for the killing of Oscar Grant; and be it

FURTHER RESOLVED: That District Attorney O'Malley is urged to seek the maximum penalty for such crimes upon conviction.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
Interim City Clerk and Clerk of the Council of
the City of Oakland, California