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Approved as to Form and Legality

Quadi Solis
City Attorney's Office

CORRECTED BY THE CITY ATTORNEY JUNE 22, 2015

OAKLAND CITY COUNCIL

Resolution No. 85586 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT LYNETTE GIBSON MCELHANEY

RESOLUTION TO SUPPORT CALIFORNIA SENATE BILL 411 WHICH CLARIFIES IN STATE LAW THAT RECORDING OR PHOTOGRAPHING PUBLIC SAFETY OFFICERS IN THE COURSE OF THEIR DUTIES DOES NOT IN AND OF ITSELF, CONSTITUTE OBSTRUCTION OF AN OFFICER, THAT RECORDING DOES NOT, IN AND OF ITSELF, CONSTITUTE REASONABLE SUSPICION OR PROBABLE CAUSE TO ARREST, AND REAFFIRMS FIRST AMENDMENT RIGHTS

WHEREAS, in California and around the country, a number of individuals have been arrested or threatened by arrest for using mobile devices to film or record law enforcement activity; and

WHEREAS, existing law prohibits persons for engaging in obstruction of a police officer in his or her course of duty, however, it does not distinguish or specifically clarify that recording or photographing activity of such personnel does not constitute obstruction; and

WHEREAS, technological advances in mobile phones and tablets have provided greater access to photography and video recording devices, and in several cases, cell phone footage taken by ordinary citizens has captured footage of crimes as well as law enforcement activity which has been used as evidence in court proceedings; and

WHEREAS, Senate Bill 411, authored by Senator Ricardo Lara, clarifies an individual's First Amendment Rights by inserting language in California State Law to denote that recording the actions of law enforcement personnel does not, in and of itself, constitute obstruction nor does such recording, in and of itself, constitute suspicion to detain or arrest an individual; and now therefore be it

RESOLVED: that the City Council of Oakland strongly supports the passage of Senate Bill 411.

IN COUNCIL, OAKLAND, CALIFORNIA,
PASSED BY THE FOLLOWING VOTE:

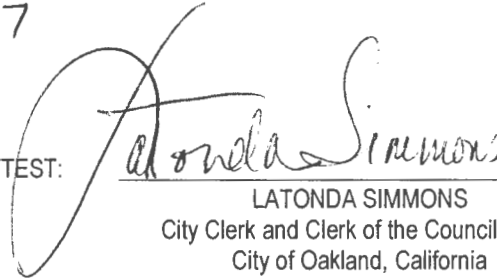
MAY 19 2015

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~AND~~ AND
PRESIDENT GIBSON MCELHANEY - 7

NOES - 0
ABSENT - 0
ABSTENTION - 0

Excused - Reid - 1

ATTEST:



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