

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER KALB AND COUNCILMEMBER REID

**RESOLUTION IN SUPPORT OF CALIFORNIA STATE ASSEMBLY BILL 2557
(BONTA) THAT SPECIFIES THAT RECORDS AND INFORMATION
OBTAINED FROM RECORDS OF CIVILIAN LAW ENFORCEMENT
OVERSIGHT AGENCIES ARE SUBJECT TO THE DISCLOSURE
REQUIRMENTS OF THE PUBLIC RECORDS ACT AND NOT CONSIDERED
CONFIDENTIAL**

WHEREAS, in Copley Press, Inc. v. Superior Court (2006) 39 Cal.4th 1272, the California State Supreme Court decided that records and information obtained from records of civilian law enforcement oversight agencies will be treated as if they were confidential personnel records held by police departments; and

WHEREAS, as these records are considered confidential, agencies have been required to withhold almost all such records involving investigations of officer misconduct; and

WHEREAS, the Copley Press decision prevents the public from learning the extent of any discipline, but for some minimal exceptions, that may have been imposed as a result of misconduct; and

WHEREAS, prior to 2006, civilian law enforcement oversight agencies operated with full transparency; and

WHEREAS, the ability for the public to have access to information regarding complaints about police misconduct and the response to any such complaints builds public confidence in the ability of government to hold police officers who engage in misconduct accountable; and

WHEREAS, if AB 2557 is enacted into law, the legislation will save jurisdictions time and resources currently being expended on redactions and settlements for non-compliance with public records requests for documents following the passage of both Senate Bill 1421 and Senate Bill 16; and

WHEREAS, AB 2557 is a direct legislative repeal of the Copley Press decision; and

WHEREAS, AB 2557 will allow civilian law enforcement agencies to operate transparently as they did prior to 2006; now, therefore be it

RESOLVED: that the City Council hereby endorses AB 2557 and urges the California State Legislature and Governor Gavin Newsom to support its enactment into law.

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