


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT PRO TEMPORE KALB AND
COUNCILMEMBER TAYLOR

**RESOLUTION REQUESTING THE OAKLAND POLICE COMMISSION
TO IMMEDIATELY REVIEW AND PROPOSE A CHANGE TO THE
OAKLAND POLICE DEPARTMENT'S USE OF FORCE POLICY THAT
WOULD BAN THE USE OF CAROTID RESTRAINTS AND
CHOKEHOLDS UNDER ANY AND ALL CIRCUMSTANCES**

WHEREAS, The most fundamental of human needs, the need to live, may be challenged by law enforcement's use of carotid restraints and chokeholds. Such holds and the policies that allow these practices result in the unnecessary death of citizens; and

WHEREAS, On May 25, 2020, George Floyd died after a Minneapolis Police Officer held his knee on Mr. Floyd's neck for almost nine minutes, and other unarmed persons of color, including Eric Garner, have died at the hands of law enforcement using carotid restraint techniques; and

WHEREAS, "Chokeholds" means choking by means of pressure to a person's trachea or other means that prevents breathing; and

WHEREAS, "Carotid restraint" means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck for the purpose of restricting blood flow to render the person unconscious or otherwise subdue or control the person.

WHEREAS, According to experts, both carotid restraints and chokeholds can lead to serious bodily injury, brain damage and death; and

WHEREAS, Research shows that deaths in police custody are significantly reduced in police departments that have adopted a policy that bans chokeholds and strangleholds; and

WHEREAS, Governor Gavin Newsom has instructed the State of California Commission on Peace Officers Standards and Training to stop training the use of the carotid restraint in detaining suspects; and

WHEREAS, California Assemblymembers Mike Gipson and Todd Gloria have introduced legislation at the state level (AB 1196) to ban the use of all carotid restraints in California; and

WHEREAS, Charter Article VI, Section 604(b)(4) provides that the Oakland Police Commission has the power to “[p]ropose changes, including modifications to the Department’s proposed changes, to any policy, procedure, custom, or General Order of the Department which governs use of force,” and that all such proposed changes and modifications “shall be submitted to the City Council for approval or rejection;” now, therefore, be it

RESOLVED: That the City Council urges the Oakland Police Department (Department) to immediately ban the use of carotid restraints and chokeholds by sworn officers under any and all circumstances; and be it

FURTHER RESOLVED: That the City Council requests and urges the Oakland Police Commission to immediately review and propose changes to the Department’s use of force policies, specifically including banning the use of carotid restraints and chokeholds under any and all circumstances; and be it

FURTHER RESOLVED: That the Oakland Police Commission, in accordance with Charter Article VI, Section 604(b)(4), shall schedule and submit its proposed recommendations and changes to the Department’s use of force policies relating to carotid restraints and chokeholds to the Council for consideration by no later than July 10, 2020.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

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