



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

**RESOLUTION ADOPTING OAKLAND POLICE DEPARTMENT
SPECIAL ORDER 9205, BANNING OF THE CAROTID RESTRAINT AND
ALL FORMS OF ASPHYXIA, AS RECOMMENDED BY THE OAKLAND
POLICE COMMISSION**

WHEREAS, the Oakland Police Department (OPD) has a responsibility to serve all the people of Oakland, and to treat all members of the public with respect; and

WHEREAS, the Oakland Police Commission (Commission) was created by the voters of Oakland in 2016 to be the voice of the community in matters of police policy and practice; and

WHEREAS, both the Commission and OPD recognize that the use of authorized force by police officers, acting as agents of the state, is fundamentally an exercise of governance with the consent of the people; and

WHEREAS, both the Commission and OPD recognize that certain custodial encounters may require body-to-body contact between officers and a person; and

WHEREAS, OPD does not authorize nor train officers to utilize "chokeholds," which obstruct a person's ability to breathe; and

WHEREAS, OPD recognizes the public and the Police Commission's call for the immediate end of the use of hogtying, chokeholds, and any holds intended to cause obstruction to a person's airway; and

WHEREAS, OPD bans and otherwise immediately eliminates all holds or other maneuvers which are designed to, or may foreseeably result in, cutting off blood or oxygen to a person's head, despite the fact that the State of California requires that officers be trained to apply some such holds; and

WHEREAS, Article VI, section 604(b)(4) of the Oakland City Charter grants the Commission the authority to make changes to certain policies, procedures, customs or General Orders which pertain to OPD; and

WHEREAS, OPD Special Order 9205 serves as an immediate change to DGO K-03 Use of Force until such time as the new revised DGO K-03 is adopted; and

WHEREAS, on June 25, 2020, the Police Commission established an Ad Hoc Committee to create a revised version of OPD's Special Order 9025 to be submitted to the City Council; and

WHEREAS, on July 9, 2020 the Police Commission voted to approve the Commission's version of Special Order 9205 for submission to City Council; and

WHEREAS, the City Council recognizes that OPD consistently needs to balance building community trust in conjunction with the need to address crime; and

WHEREAS, the Commission and OPD recognize that building community trust requires transparency and good judgment in the application of law enforcement tools such as uses of force; now therefore be it

RESOLVED: That, pursuant to City Charter section 604(b)(4), the City Council adopts the Commission's version of Special Order 9205, "Banning of the Carotid Restraint and All Forms of Asphyxia" attached hereto as **Attachment A**.

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