

DRAFT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT NIKKI FORTUNATO BAS

RESOLUTION IN SUPPORT OF SENATE BILL 271 (WEINER), THE SHERIFF DIVERSITY AND DEMOCRACY ACT, WHICH WOULD RETURN CALIFORNIA TO ITS ORIGINAL CONSTITUTIONAL LANGUAGE FOR CANDIDATES SEEKING THE OFFICE OF COUNTY SHERIFF, WHICH IF ENACTED WOULD NO LONGER REQUIRE LAW ENFORCEMENT EXPERIENCE TO SEEK THE OFFICE OF SHERIFF AND LEAD TO A BROADER POOL OF ELIGIBLE CANDIDATES, IDEALLY WITH MORE DIVERSE BACKGROUNDS AND SKILL SETS FAVORING DE-ESCALATION, MENTAL CARE, AND HEALTH CARE

WHEREAS, Sheriffs in California are constitutionally elected officials that exercise great authority in their respective County jurisdictions. All 58 counties in California have a Sheriff's department, and 41 counties provide for the Sheriff to assume the role of Coroner. The Sheriff has three primary duties: keep the peace, attend to the courts, and operate the county jail. Generally, the Sheriff has six functional operations: patrol, detention, civil, court services, records, coroner, administrative, and investigative; and

WHEREAS, prior to 1988, the California constitution required no special qualifications to run for the office of Sheriff. After former prisoner rights' attorney Michael Hennessey was elected Sheriff of San Francisco County, the California State Sheriff's Association successfully lobbied for a bill that restricted candidates to those with current and former law enforcement experience, codified at Government Code Section 24004.3. As a result, the pool of candidates grew smaller and many Sheriffs are unopposed when seeking reelection. In 2014, only 19 of the 58 counties in California had a contested race for the office of Sheriff, and in 2021, 49 of the sitting Sheriffs are white males, which does not reflect the demographics of the diverse constituents most Sheriffs represent; and

WHEREAS, San Francisco Sheriff Michael Hennessey enacted many successful reform and anti-recidivism programs and was reelected seven times, becoming widely respected and the longest tenured Sheriff in California history; and

WHEREAS, community protests against police brutality and violence -- which escalated following the murder of George Floyd in 2020 -- have overwhelmingly called for elected officials nationwide to reimagine public safety, by shifting some duties away from armed law enforcement to unarmed civilians, social workers, and mental health practitioners with expertise providing culturally- and trauma-informed responses; and

WHEREAS, several counties including Los Angeles, Santa Clara, and San Diego have created civilian oversight boards due to reports of horrific conditions in their jails, and misconduct by their Sheriff's department. In *Dibb v. County of San Diego* (1994), the California Supreme Court upheld the authority to create such boards; and

WHEREAS, the restrictions limiting candidates to those with law enforcement experience has resulted in Sheriffs that are generally not well suited to reimagining public safety, as they lack de-escalation training, rehabilitative and restorative justice backgrounds, and mental health crisis intervention training as development of these skills are typically not provided by police and sheriff's training academies; and

WHEREAS, Sheriffs in counties with larger populations manage thousands of employees, most of which are unarmed civilian employees. Such employees outnumber armed sworn employees in each of the 58 California counties, according to a 2020 article in the *Los Angeles Times*; and

WHEREAS, Sheriffs in California formally opposed the sanctuary protections provided by SB 54 (California Values Act) enacted into law in 2018, and many continue to cooperate with Immigrations and Customs Enforcement (ICE); and

WHEREAS, in 2017 Alameda County Sheriff Ahern invited The Oath Keepers to participate in his Urban Shield "war games" and allowed them to distribute propaganda. Members of The Oath Keepers have since been investigated and/or arrested by the FBI for participating in the January 6, 2021 "Trump Insurrection" challenging the certification of President Joe Biden's election results, according to a 2021 article in the *Washington Post*; and

WHEREAS, in July 2017, a woman gave birth alone while confined to solitary confinement at Santa Rita Jail, despite screaming for hours for medical attention. Alameda County and Sheriff Ahern are now the subject of a federal civil rights lawsuit, as reported in a 2018 article in the *East Bay Times*; and

WHEREAS, after paying \$149 million in just five years due to civil rights violations, sexual assault, excessive force, and killings, and due to resisting oversight and reform efforts, in 2020 the Board of Supervisors for the County of Los Angeles voted to explore removing Sheriff Villanueva and making the office of Sheriff an appointed position; and

WHEREAS, Sheriffs have resisted calls to release or socially distance inmates and employees suffering from COVID-19 outbreaks in their respective jails, even as their own jail staff began to suffer the negative health consequences of the coronavirus, including death. San Diego Sheriff Gore's response to the crisis has been to prioritize privatization of the county jail's health care services, which could eliminate 350 county employee positions, according to media reports; and

WHEREAS, an independent internal San Diego County review found that a woman was left alone to die, after striking her head in jail. According to records cited by the San Diego Union-Tribune, more than 150 people have died in custody in San Diego County jails since Sheriff Gore took office. The Union-Tribune also reported that San Diego County has the highest jail mortality rate of the state's six most populous counties; and

WHEREAS, in January 2021, California Attorney General Becerra launched an investigation into the Los Angeles County Sheriff's department for "pattern and practice" civil rights violations; and

WHEREAS, the cities of Alameda and Emeryville in Alameda County have passed similar resolutions in support of Senate Bill 271; and

WHEREAS, Senator Wiener, along with colleagues Senator Skinner, Assembly member McCarty, Assembly member Kalra, Assembly member Lee, Assembly member Wicks, and Assembly member Ting, has introduced Senate Bill 271 ("The Sheriff Diversity and Democracy Act") to return California to its original constitutional language for candidates seeking the office of County Sheriff, which if enacted would no longer require law enforcement experience to seek the office of Sheriff; now, therefore, be it

RESOLVED: that the City Council expresses its support for Senate Bill 271 (Wiener), and the California legislature to pass and Governor Gavin Newsom to sign into law Senate Bill 271; and be it

FURTHER RESOLVED: that the Oakland City Clerk shall submit copies of this Resolution to the Office of Senator Wiener.

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