

V. M. Be
Approved as to Form and Legality

Oakland City Council

FILED
OFFICE OF THE CITY CLERK

RESOLUTION No. 780000-4-PM-7:00 P.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE AN AMICUS BRIEF IN SUPPORT OF THE CITY OF BERKELEY IN ALAMEDA COUNTY SUPERIOR COURT IN AN ACTION CHALLENGING THE PROCESS AND PROCEDURES OF BERKELEY'S POLICE REVIEW COMMISSION, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 2002057569

WHEREAS, the Berkeley Police Association, the union representing Berkeley police officers, filed a Petition for Writ of Mandate in Alameda County Superior Court on July 11, 2002, challenging the process and procedures used by the City of Berkeley's Police Review Commission, Alameda County Superior Court Case No. 2002057569;

WHEREAS, a hearing on the Writ is now scheduled to occur on November 22, 2004;

WHEREAS, the Oakland Police Officers' Association has filed but not yet served a Petition for Writ of Mandate challenging the Citizens' Police Review Board on substantially similar grounds, Alameda County Superior Court Case No. WG04166653;

WHEREAS, a ruling by the Court invalidating Berkeley's police review process and procedures on the same bases raised in the writ against the Citizens' Police Review Board would likely result in invalidating aspects of Oakland's process and procedures for review of citizens' complaints against the Oakland Police Department; therefore be it

RESOLVED: that the City Attorney, on behalf of the City of Oakland, is authorized to file an amicus brief supporting the City of Berkeley in the challenge to its police review process by the Berkeley Police Association, Alameda County Superior Court Case No. 2002057569.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 16 2004

PASSED BY THE FOLLOWING VOTE:

AYES- ~~BROOKS~~, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE - 7

NOTES- ~~0~~

ABSENT- ~~0~~

ABSTENTION- ~~0~~

Excused - Brooks - 1

Attest: *Cecilia Simmons*
CEDA FLOYD

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