

Approved as to Form and Legality



City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN

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**RESOLUTION SEEKING A POLICY RECOMMENDATION FROM THE OAKLAND POLICE COMMISSION FOR BICYCLE AND PEDESTRIAN STOPS; AND REQUESTING AN INTERIM MORATORIUM ON THE ARREST OF PERSONS FOR BICYCLE AND PEDESTRIAN VIOLATIONS BY THE OAKLAND POLICE DEPARTMENT; AND REQUESTING AN INFORMATIONAL REPORT FROM THE OAKLAND POLICE DEPARTMENT REGARDING THE CIRCUMSTANCES AND NUMBER AND DEMOGRAPHICS OF BICYCLE AND PEDESTRIAN STOPS, TICKETS AND RELATED ACTIONS.**

**WHEREAS**, throughout the City of Oakland, 24% of the residents are Black, yet 68% of police bicycle/pedestrian stops are of African Americans according to a 2019 study done by Bike-Lab.org;

**WHEREAS**, 23% of the stops occur in just three police beats in West and East Oakland, and the residents of those beats are predominantly people of color (74%), however, Blacks are significantly more likely to be stopped wherever they are in the city; and

**WHEREAS**, on August 3, 2018, Najari Smith was arrested during a peaceful bike ride with a group organized by multiple local Black-led community cycling organizations in memory of Nia Wilson, an African American woman fatally stabbed at the MacArthur BART station; and

**WHEREAS**, On June 30, 2020, the City Attorney was authorized and directed to settle the case of Najari Smith v. City of Oakland; United States District Court Case No. 19-cv06527- City Attorney File No. 33166, for the total sum of one hundred forty-seven thousand five hundred dollars (\$147,500.00); and

**WHEREAS**, this substantial use of police resources for arrests of bicyclists and pedestrians creates diversion from responding to serious crime and additional legal liability, and it consumes stretched Oakland monetary resources, as well as leaves fewer Oakland Police Department (OPD) personnel resources available to respond to more serious and/or violent crime; and

**WHEREAS**, a study conducted by Stanford University, *Data For Change: A Statistical Analysis for Police Stops, Searches, Handcuffing, and Arrests in Oakland*, reported approximately 6,995 pedestrians stopped by OPD, which amounts to 24.9% of stops made by OPD; and

**WHEREAS** the *Data For Change: A Statistical Analysis for Police Stops, Searches, Handcuffing, and Arrests in Oakland* reported approximately 1,081 bicyclist were stopped by OPD, which amounts to 3.8% of stops made by OPD; and

**WHEREAS**, the *Data For Change: A Statistical Analysis for Police Stops, Searches, Handcuffing, and Arrests in Oakland* reported African Americans are approximately 59.8% of all stops by OPD; and

**WHEREAS**, the reported reasons for OPD stops are approximately 64.4% for traffic violations, approximately 20.8% for probable cause, approximately 8.7% for reasonable suspicion of a crime, and approximately 1.8% are for questioning if a person is on parole or probation; and

**WHEREAS**, in 2019, OPD reports that pedestrian encounter arrests, resulting from a dispatched call for service, made up 42% of all arrests; and

**WHEREAS**, in 2019, for non-dispatched, pedestrian and bicycle encounter arrests represented at least 12% of all arrests or about 1.032 individuals, OPD officers assigned to patrol made more than 50% of these arrests, and

**WHEREAS**, jaywalking enforcement disproportionately targets people of color. In 2019, 90% of illegal-walking tickets issued by New York police were to Black and Hispanic residents;

**WHEREAS**, the City of Oakland seeks to be a model both for bicycling and sustainable transportation, and a leader in working for racial justice, the Najari Smith incident and others like it go against what Oakland stands for; now, therefore be it

**RESOLVED:** The Oakland City Council requests OPD implement a six-month moratorium on arresting, detaining, and/or handcuffing for any non-violent traffic related violation of the California Vehicle Code or the Oakland Municipal Code by a pedestrian or bicyclist; and be it

**FURTHER RESOLVED:** the Oakland City Council requests from OPD, prior to the end of the six-month moratorium, a report on all bicycle and pedestrian stops during the moratorium, including a breakdown of the purposes, outcomes, and demographics of bicycle and pedestrian stops, and recommendations and options for subsequent policies, and be it

**FURTHER RESOLVED:** the Oakland City Council requests the City Administrator bring a report to Council on options for civilian personnel to perform education and enforcement functions for bicycle and pedestrian violations; and be it

**FURTHER RESOLVED:** the Oakland City Council requests that the Oakland Police Commission provide the City Council with policy recommendations for bicycle and pedestrian stop policies.

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