



# AGENDA REPORT

**TO:** Members on the City Council and  
Members of the Public

**FROM:** President Pro Tem **Dan Kalb**, Councilmember  
**Loren Taylor**

**SUBJECT:** Carotid Restraint and Chokeholds  
Resolution

**DATE:** June 12, 2020

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## **RECOMMENDATION**

ADOPT A 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

## **EXECUTIVE SUMMARY**

Chokeholds and carotid restraints have been used inappropriately and have led to the unnecessary death of civilians. These outdated, antiquated and dangerous law enforcement techniques have no place in today's society. This resolution seeks to prevent continued use of these techniques by the Oakland Police Department.

## **BACKGROUND**

The Oakland Police Commission (the Commission) is the administrative body that governs the Oakland Police Department's Use of Force Policy. The Commission has met several times regarding the Use of Force Policy. The Commission created the OPD Use of Force Policy Ad Hoc Committee (the Committee) to engage in a comprehensive review and revision of the Oakland Police Department Use of Force Policy. A working group including members of the Oakland Police Department, community representatives and subject matter experts are working with the Committee to review and revise the Oakland Police Department Use of Force Policy.

The Online version of the Departmental General Order K-3 that defines the Oakland Police Department Use of Force Policy was last revised on October 14, 2016. It states an Automatic Revision Cycle of 3 years.

On January 9, 2020 the Commission voted to approve a revised Oakland Police Department Use of Force Policy. That revision did not address chokeholds and carotid restraints.

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Following the January 9, 2020 Commission meeting, the Committee met a number of times to discuss the Use of Force Policy. It has reviewed Use of Force policies from several cities including Albuquerque, NM, Camden, NJ, Cleveland, OH, Denver CO, San Francisco, CA and Seattle, WA.

The Oakland Police Department Use of Force Policy outlines force considerations, force options that do not include firearms, use of firearms and other lethal force, other requirements and use of specialty impact munitions during crowd control. The Use of Force Policy also discusses when force can be used, what level of force and the definitions of less lethal force, lethal force and serious bodily injury.

In Section II Force Considerations subsection E Lethal Force, the Use of Force Policy defines lethal force as “any force that creates a substantial risk of causing death or serious bodily injury.” Section II, subsection E also lists examples of lethal force that include but are not limited to discharge of a firearm, carotid restraint, intentional impact weapon strike to the head and intentional use of a vehicle, at any vehicle speed, to strike a suspect. There is no mention of chokeholds.

In Section IV Use of Firearms and Other Lethal Force subsection F Other Lethal Force, the Use of Force Policy defines Other Lethal Force as “any force that poses a substantial risk of causing death or serious bodily injury is considered lethal force. This includes the use of the carotid restraint, an intentional strike to the head with an impact weapon or an impromptu impact weapon.” Again, there is no mention of chokeholds.

## **ANALYSIS**

This Resolution requests the Oakland Police Commission to review and, if warranted, propose an explicit ban carotid restraints and chokeholds in the Oakland Police Department Use of Force Policy. The most fundamental of human needs, the need to live, may be challenged by law enforcement's use of carotid restraints and chokeholds. On May 25, 2020, George Floyd died after a Minneapolis Police Officer held his knee on Mr. Floyd's neck for almost nine minutes. Other unarmed persons of color, including Eric Garner, have died at the hands of law enforcement using carotid restraint techniques.

"Chokehold" means choking by means of pressure to a person's trachea or other means that prevents breathing. "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.

According to experts, both carotid restraints and chokeholds can lead to serious bodily injury, brain damage and death. Research shows that deaths in police custody are significantly reduced in police departments that have adopted a policy that bans chokeholds and strangleholds. 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. Furthermore, 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.

The Resolution respects the role of the Police Commission in developing Use of Force policy recommendations by urging them to develop a specific policy.

**COORDINATION & PUBLIC OUTREACH**

Councilmember Kalb worked with Councilmember Taylor and the City Attorney’s office regarding this legislation. We have reviewed publicly available information about chokeholds and carotid restraints including, but not limited to #8 Can’t Wait. We have and will continue to engage with stakeholders—including the Police Commission, to move this forward.

**ACTION REQUESTED BY THE CITY COUNCIL**

We respectfully request that the City Council: Adopt a Resolution Requesting Urging the Oakland Police Commission to explicitly ban the use of carotid restraints and chokeholds by the Oakland Police Department.

For questions regarding this report, please contact Seth Steward, Chief of Staff to Councilmember Kalb, at 510-238-7013.

Respectfully submitted,



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Dan Kalb  
Council President Pro Tem  
Councilmember, District 1



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Loren Taylor  
Councilmember, District 6