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City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 87045 C.M.S.

INTRODUCED BY COUNCILMEMBER NIKKI FORTUNATO BAS

**RESOLUTION IN SUPPORT OF ASSEMBLY BILL 392,
THE CALIFORNIA ACT TO SAVE LIVES: INTRODUCED BY
ASSEMBLY MEMBERS SHIRLEY WEBER AND KEVIN
MCCARTY**

WHEREAS, under California's current law, police officers can use deadly force when necessary to arrest someone who has committed a felony and is fleeing from police; and

WHEREAS, according to figures from the California Department of Justice, California police killed 172 people in 2017, half of whom were unarmed, and several of our state's police departments have among the highest rates of killings in the country; and

WHEREAS, current law fails to include best practices recommended by law enforcement organizations, including the U.S. Department of Justice under President Obama and most recently, by the California Department of Justice, as being effective in preserving life while also allowing police officers the latitude needed to ensure public safety; and

WHEREAS, according to a 2018 report by the U.S. Commission on Civil Rights, when police use alternative tactics to de-escalate tensions including warnings, verbal persuasion, or other nonlethal methods, these result in fewer shootings while ensuring community safety by providing a clear definition for when officers are permitted to use deadly force; and

WHEREAS, according to a 2009 Harvard Kennedy School Report, police departments with more restrictive use of force policies not only engage in fewer shootings, but also experience lower rates of assault against officers and lower crime rates; and

WHEREAS, police shootings cause extraordinary harm to impacted communities, especially Black and Brown community members; of the 172 killed by California police in 2017, more than two-thirds were people of color, and of those who were completely unarmed, three quarters were people of color; and

WHEREAS, California State Assembly Bill 392 (California Act to Save Lives) authored by Assembly Members Holden, Bradford and Mitchell and introduced by Assembly Members Weber and McCarty would bring California law in line with best policing practices by limiting and redefining the circumstances under which a homicide by a peace officer is deemed justifiable to include self-defense or defense of another, or to prevent the escape of a fleeing felon whose immediate apprehension is necessary to prevent death or serious injury; now, therefor be it

RESOLVED: That the Oakland City Council urges the California Legislature to pass and Governor Newsom to sign into law the California State Assembly Bill 392; and be it

FURTHER RESOLVED: The Oakland City Council hereby directs the City Clerk to convey a copy of the Resolution to the State Legislature and Governor Gavin Newsom.

CITY OF OAKLAND, CALIFORNIA,

MAY - 7 2019

PASSED BY THE FOLLOWING VOTE:

AYES - BAS, GALLO, ~~WILSON~~ ~~MC ELHANEY~~ KALB, TAYLOR, THAO, REID AND
PRESIDENT KAPLAN - 7

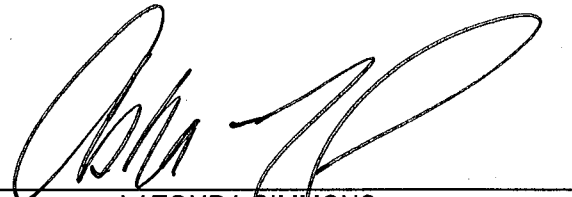
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 McElhaney

ATTEST:



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