

/s/ David Pereda

Office of the City Attorney's Office

**EMERGENCY ORDER OF THE CITY OF OAKLAND SETTING CURFEW DURING
LOCAL EMERGENCY**

CITY ADMINISTRATOR/DIRECTOR OF THE EMERGENCY OPERATIONS CENTER

WHEREAS, on June 1, 2020, I, Edward D. Reiskin, Oakland City Administrator, declared a local state of emergency pursuant to California Government Code Sections 8550, et seq., and Oakland Municipal Code Section 8.50.050; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City, due to unrest and violence by some persons in Oakland and other cities in the Bay Area and around the country in the wake of the tragic death of George Floyd; and

WHEREAS, on May 25, 2020, police officers in Minneapolis, Minnesota forcibly arrested an unarmed African American Minneapolis resident named George Floyd. The officers placed Mr. Floyd prone on the ground, handcuffed him, and a police officer then pressed his knee against Mr. Floyd's neck for more than eight minutes while Mr. Floyd repeatedly stated that he could not breathe. After about six minutes in this position, Mr. Floyd became unresponsive, and was declared deceased after paramedics arrived. This incident was captured on a video that was widely disseminated and caused outrage across the country and around the world. Our City leaders, like many others who saw this footage, are deeply disturbed by what they saw and condemn the officers' actions in the strongest terms; and

WHEREAS, the day after Mr. Floyd's death, protestors began to assemble in Minneapolis, demanding that the officers involved be criminally charged. The protests in Minneapolis continued over the course of the next several days. During the protests, confrontations occurred with law enforcement, and looting, vandalism, and arson of businesses and government buildings also occurred. Protests have spread to many other cities in the United States, including Los Angeles, San Jose, San Francisco, Oakland, and others; and

WHEREAS, the City understands and fully supports the right of the people under the First Amendment to assemble and protest this injustice that Mr. Floyd and many others have experienced throughout the years; and

WHEREAS, the City's leaders are committed to engaging the Department of Violence Prevention, the Department of Race & Equity, and the Department of Transportation to implement strategies to keep the peace and to ensure holistic safety; and

WHEREAS, the City is committed to continue working with community leaders to pursue alternative violence reduction strategies; and

WHEREAS, as a City with a long and proud tradition of peaceful protest, Oakland has resisted using tools that have been historically used to oppress, such as curfews; and

WHEREAS, the City has made its best efforts to facilitate safe spaces for its residents and visitors to express their justified outrage; and

WHEREAS, during the May 29, 2020 protests in Oakland, civil unrest occurred, with some people blocking streets; shutting down the Bay Bridge; throwing fireworks, Molotov cocktails, bottles, and rocks at police officers; and setting fire to and looting various businesses. Violent incidents increased in Oakland, one of which resulted in the death of a contract security officer for the Department of Homeland Security Federal Protective Service (FPS). The federal officer died from gunshot wounds sustained after shots were fired by an unidentified subject in a vehicle. A second federal officer was critically injured as the result of the same shooting; and

WHEREAS, during the May 30, 2020 protests in Oakland, dangerous incidents of civil unrest occurred, with some people throwing bricks, bottles, and rocks at police officers, setting vehicles on fire, and looting various businesses in Oakland and adjacent City of Emeryville. As police attempted to arrest people for criminal violations in the immediate vicinity of the looting, shots were fired in the proximity of police officers. Police arrested a shooting suspect and recovered a firearm. During the unrest in Oakland, an unidentified driver hit two pedestrians with a car and fled the scene, seriously injuring one of the victims; and

WHEREAS, on May 30, 2020, protests in San Francisco began peacefully but later in the evening looters broke into the Westfield Centre and other retail businesses in the Union Square area, and several fires were set across San Francisco, including at stores on Market Street; and

WHEREAS, on May 30, 2020, Los Angeles Mayor Eric Garcetti declared a local state of emergency and issued a curfew order; and

WHEREAS, on May 31, 2020, Bay Area cities including San Francisco, San Jose, San Leandro, Danville, Pleasant Hill, and Walnut Creek imposed mandatory curfews; and

WHEREAS, during the afternoon and evening of May 31, 2020, many people in Oakland protested peacefully and lawfully, but some people began looting businesses in and around the City by early evening. Later in the night and into the early morning hours of June 1, 2020, before the issuance of the declaration of local emergency, a significant number of people engaged in criminal behavior throughout the City, including shootings and other violence, vandalism, and massive looting of businesses. Throughout the night and early morning hours, officers received hundreds of calls, at one point resulting in 574 outstanding service calls, 100 of which were priority calls. Protecting the safety and First Amendment rights of the large numbers of demonstrators downtown—while simultaneously responding to the huge number of calls for officers to respond to reports of violence and looting—strained police resources. In addition, officers from outside of the City who had been assisting Oakland pursuant to mutual aid agreements left Oakland to fight violent crime and looting in their jurisdictions; and

WHEREAS, these conditions make the unrestricted presence of persons on City streets and sidewalks after 8:00 p.m. dangerous to both themselves and the public's safety,

Now, Therefore, based on the foregoing, I, Edward D. Reiskin, City Administrator/Director of the Emergency Services Operations Center of the City Oakland, in accordance with the authorities cited above and Government Code Section 8634, I hereby declare the following Order necessary for the protection of life and property:

1. No person, except as set forth below, shall be on any public street, sidewalk, plaza, park, other public property, or unimproved private property within the boundaries of the City of Oakland between 8:00 p.m. and 5:00 a.m. of the following day, beginning at 8:00 p.m. on June 1, 2020, until the termination of this Order.
2. This Order shall not apply to: (1) peace officers, firefighters, other City employees engaged in authorized emergency operations, members of the National Guard, or any other responding military personnel deployed to the City; (2) individuals who can establish to the satisfaction of a peace officer that they are in such place for the sole purpose of traveling to a home or workplace or to obtain medical assistance; (3) authorized representatives of any news service, newspaper, radio or television station or network, or other media organization; or (4) people who are unhoused.
3. Violation of this curfew is a misdemeanor under California Government Code Section 8665, and violators may be subject to immediate arrest.
4. This Order shall remain in effect until such time as the Declaration of local emergency is terminated, or sooner at the direction of the City Administrator.

I FURTHER DIRECT that as soon as hereafter possible, this Order shall be filed in the Office of the City Clerk, posted on the City of Oakland website, and that widespread publicity and notice of this Order shall be provided to the public.

IN WITNESS WHEREOF I have hereunto set my hand
this 1st day of June, 2020



EDWARD D. REISKIN
City Administrator/Director of Emergency Services,
City of Oakland, California

Attest:



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