

OAKLAND POLICE COMMISSION

RESOLUTION NO. 20-02

RESOLUTION URGING THE CIVIL SERVICE BOARD TO ADOPT RULES TO DISQUALIFY ANY APPLICANT FOR EMPLOYMENT IN THE UNIFORMED RANKS OF THE OAKLAND POLICE DEPARTMENT BASED ON PRIOR ACTS OF MISCONDUCT.

WHEREAS, the voters of the City of Oakland voted yes for Measure LL on November 8, 2016, which established the Oakland Police Commission; and

WHEREAS, Measure LL amended the Oakland City Charter to add section 604, entitled "Police Commission;" and

WHEREAS, The Oakland Police Department (OPD) is entrusted with keeping all community members in Oakland safe and enforcing laws; and

WHEREAS, All Oakland community members equally deserve to feel safe when interacting with police and should be able to trust that the officers tasked with protecting them have no prior history of excessive force, racial bias, or other significant misconduct; and

WHEREAS, There is a national crisis over repeated instances of police brutality and killings of Black people and persons of color; and

WHEREAS, There is a longstanding history of racial bias in policing nationwide and in Oakland, especially towards Black people; and

WHEREAS, George Floyd, a Black Man, was killed by a Minneapolis Police Officer who kneeled on his neck for more than eight minutes while he struggled to breathe and who had prior complaints against him and multiple officer-involved shootings but was permitted to remain on the police force; and

WHEREAS, Various Bay Area criminal justice policy bodies have acknowledged that communities of color have borne the burdens of inequitable social, environmental, economic, and criminal justice policies, practices, and investments; and

WHEREAS, The legacy of these injustices has caused deep racial disparities throughout Oakland; and

WHEREAS, Various The Oakland Police Commission has committed to the elimination of racial disparities in policing; and

WHEREAS, Members of the public cannot fully trust law enforcement officers or feel safe if they are uncertain whether an officer with whom they interact had a prior history of significant misconduct or abuse; and

WHEREAS, It is difficult, and in some cases prohibited, especially under California law for members of the public to know about prior complaints or findings related to law enforcement officer misconduct; and

WHEREAS, Public trust, including in Oakland, is badly damaged between law enforcement and many of the communities they serve, particularly communities of color; and

WHEREAS, The Oakland Police Commission aspires to hold the Oakland Police Department to the highest standard of professionalism and integrity; now, therefore, be it

RESOLVED, That the Oakland Police Commission urges the Civil Service Board to adopt rules requiring the disqualification of any applicant for employment in the Uniformed Ranks of the Oakland Police Department if:

(1) The applicant has been the subject of a sustained finding or two unsustained complaints by different complainants against the applicant by any law enforcement agency or oversight agency, following an investigation and opportunity for administrative appeal by the applicant, that the applicant, while employed as a peace officer, engaged in serious misconduct, which includes but is not limited to the following: use of excessive force, racial bias, sexual assault, discrimination against any person or group based on race, gender, religion, nationality, or sexual orientation, or dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence; or

(2) The applicant resigned or retired from their employment as a peace officer in any jurisdiction during the pendency of a disciplinary proceeding related to alleged serious misconduct by the applicant while they were employed as a peace officer, and the proceeding was suspended or terminated as a result of the applicant's resignation or retirement, until such a time that the applicant has been exonerated for the pending allegation.

IN POLICE COMMISSION MEETING, JUNE 25, 2020, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – ANDERSON, DORADO, GAGE, PRATHER

NOES –

ABSENT – HARRIS, JACKSON

ABSTENTION – SMITH

ATTEST: _____



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City of Oakland, California