



OFFICE OF THE GOVERNOR

July 26, 2024

Sent Via Electronic Mail Only – sthao@oaklandca.gov

Mayor Thao, City Council Members, and Members of the Oakland Police Commission
1 Frank H. Ogawa Plaza #3
Oakland, CA 94612

Re: OPD Pursuit Policy

Dear Oakland Leaders,

Thank you for your continued efforts and collaboration as we work to improve public safety in Oakland. I appreciate your partnership as the state increases law enforcement resources in Oakland and Alameda County. Building on hundreds of millions of dollars in [holistic community investments](#) focused on addressing disparities head on and improving the health, safety, and well-being of the community, my administration's efforts have also included increasing California Highway Patrol's (CHP) presence in the area, the deployment of high-tech Flock highway safety cameras, and mission-tasking California National Guard's legal and investigative resources. These efforts depend on cooperation among state and local leaders, and our willingness to work together leads to better outcomes for our communities.

As you know, earlier this month I directed the CHP to quadruple the number of shifts officers conduct in Oakland over the next four months, providing a CHP presence in the city every day of the week, and to conduct surge operations targeting organized crime, sideshows, carjackings, and other criminal activity. The CHP's efforts are already showing tangible results. Just two days after my announcement, the CHP utilized ground and airborne assets to conduct a surge operation targeting sideshows. After several vehicle pursuits, that operation resulted in five felony arrests, eight DUIs, the recovery of eight stolen vehicles, and the seizure of two firearms. This operation builds

on the CHP's expanded East Bay operations, which, so far this year, have resulted in recovery of over 1,142 stolen cars, the seizure of 55 crime-linked firearms, and the arrests of 562 suspects. And there is more to come.

In the course of the CHP's operations, however, they have observed, based on their professional law enforcement experience and expertise, certain dynamics that are contributing to Oakland's public safety challenges. In particular, the CHP has brought to my attention that they observed criminals often fleeing with impunity because it's common knowledge that the Oakland Police Department's ("OPD") pursuit policy allows vehicle pursuits in only very limited circumstances. They observed suspects attempting to escape arrest by using the same routes, concluding that they knew where OPD would discontinue a pursuit. Fortunately, with the resources available to the CHP, including air support, the suspects were unable to evade the six pursuits that the CHP initiated.

Although some California jurisdictions allow vehicle pursuits for only certain crimes (e.g., felonies), Oakland is an outlier by imposing exceptional restrictions on OPD's ability to police criminal activity, generally permitting pursuits only for "violent forcible crimes," as defined in OPD's policy, and crimes involving firearms. This means that, unlike in nearly all other California jurisdictions, local police in Oakland cannot pursue individuals suspected of committing many felonies, any misdemeanor, even if violent, and other offenses that endanger public safety, such as reckless driving, sideshow activity, and driving under the influence of drugs or alcohol.

I am mindful of the sensitivities around vehicle pursuits, which can be dangerous to police, suspects, and innocent bystanders. California's Commission on Peace Officer Standards and Training recognizes and addresses this in its standard-setting guidance. But there is also extreme danger to the public in allowing criminals to act with impunity, and the reckless driving associated with sideshows and other criminal acts is a significant threat to public safety — as witnessed regularly by the public in viral videos and news coverage.

Any policy on vehicle pursuits must be clear-eyed in balancing the risks and benefits involved. Because of Oakland's public safety challenges and the degree to which OPD's pursuit policy is an outlier among California law enforcement agencies, I support the recent action by the City Council to direct a review of this policy. I urge you to reconsider whether OPD should be permitted to pursue suspects in more circumstances to improve public safety in your city and to establish a process to evaluate whether OPD is making full use of its authority, including that granted under the existing pursuit policy, to protect public safety and enforce the law.

I am committed to improving public safety in Oakland and throughout California. Although we've seen some recent improvements, we owe it to our communities to continue to search for solutions. Let's continue to make progress together.

Sincerely,



Governor Gavin Newsom

EC:

City Council Members; Rebecca Kaplan, Nikki Fortunato Bas, Dan Kalb, Carroll Fife, Janani Ramachandran, Noel Gallo, Kevin Jenkins, Treva Reid.

Police Commission; Marsha Peterson, Regina Jackson, Ricardo Garcia Acosta, Wilson Riles, Angela Jackson-Castain, Omar Farmer, Alternate Commissioner.