



City of San Leandro

Meeting Date: February 16, 2021

Staff Report

File Number: 21-097

Agenda Section: ACTION ITEMS

Agenda Number: 10.A.

TO: City Council

FROM: Fran Robustelli
Interim City Manager

BY: City Council

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for Resolution Proclaiming April 18 as a Day Recognizing Steven Taylor and the Sanctity of Every Human Life, Including People of Color

SUMMARY AND RECOMMENDATIONS

Per direction provided at the January 4, 2021 City Council meeting, Councilmember Simon presents for City Council discussion, consideration and possible adoption the following resolution, which would proclaim April 18 as a day recognizing Steven Taylor and the Sanctity of every human life, including people of color.

PREPARED BY: Eric Engelbart, Deputy City Manager, City Manager's Office



City of San Leandro

Meeting Date: February 16, 2021

Resolution - Council

File Number: 21-098

Agenda Section: ACTION ITEMS

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TO: City Council

FROM: Fran Robustelli
Interim City Manager

BY: City Council

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION of the City of San Leandro City Council Proclaiming April 18 as a Day Recognizing Steven Taylor and the Sanctity of Every Human Life, Including People of Color

WHEREAS, on April 18, 2020, Steven Taylor was fatally shot by a member of the San Leandro Police Department (who is now retired from the San Leandro Police Department) at the Walmart on Hesperian Blvd in San Leandro; and

WHEREAS, according to contacts Steven Taylor had with the City of San Leandro Police Department, Steven Taylor had a history of suffering mental health crises in San Leandro before his death and that mental health aid or services could have helped him and/or could have helped to de-escalate the April 18, 2020 fatal shooting; and

WHEREAS, according to the Alameda County District Attorney's Announcement Filing of Voluntary Manslaughter Charges Against San Leandro Officer, which was posted September 2, 2020, **FROM THE TIME THE OFFICER ENTERED THE STORE TO THE TIME MR. TAYLOR WAS FATALLY SHOT LESS THAN 40 SECONDS ELAPSED** (*DA O'Malley Announces Filing of Voluntary Manslaughter Charges Against San Leandro Officer*, alcoda.org, https://www.alcoda.org/newsroom/files/Fletcher_PC_Dec.pdf) (last visited February 2, 2021); and

WHEREAS, Steven Taylor was an African American Male, 33 years of age, graduate of San Leandro High School, father of three children and homeless at the time he was fatally shot; and

WHEREAS, African Americans are more than three times as likely as White Americans to be killed by police, according to a study by researchers from Harvard T.H. Chan School of Public Health. (<https://www.hsph.harvard.edu/news/hsph-in-the-news/blacks-whites-police-deaths-disparity/>) (last visited February 7, 2021); and

WHEREAS, people with untreated mental illness are 16 times more likely to be killed during a police encounter than other civilians approached or stopped by law enforcement, according to a study released by the Treatment Advocacy Center. (<https://www.treatmentadvocacycenter.org/key-issues/criminalization-of-mental-illness/2976-people-with-untreated-mental-illness-16-times-more-likely-to-be-killed-by-law-enforcement->) (last visited February 7, 2021); and

WHEREAS, the 2017 City of San Leandro Recreation and Human Services Department Human Services Gap Analysis identified that mental illness and unmet mental health needs emerged as a

theme in every stakeholder interview as part of the analysis, in particular in relation to youth and to single homeless adults and homeless parents with children; and

WHEREAS, the City of San Leandro has experienced a history of racial discrimination and harassment against people of color. This includes, but is not limited to, housing discrimination, recognized by a former Mayor during a City Council meeting on March 29, 1972. The policy statement was made by the former Mayor following a cross burning incident at a San Leandro home. The former Mayor stated: “The City Council of San Leandro recognizes there is a problem and it is for this reason that the City Council has approved the appointment of the Mayor’s Advisory Committee on Housing” (*Chronology of the City of San Leandro Efforts to End Housing Discrimination and Promote Community Diversity*, San Leandro.org, <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=3761> (last visited Jan 24, 2021)); and

WHEREAS, on August 19, 2019 California Governor Gavin Newsom signed Assembly Bill (AB) 392, authored by Assembly member Shirley Weber (D-San Diego), which enacts one of the strongest use-of force laws in the country. The State law regarding use of force remained largely unchanged since 1874. In San Leandro, the City’s use of force policy was amended and put into effect in accordance with State law, case law, and best practices most recently in May 2017, February 2020, and September 2020; and

WHEREAS, Senate Bill (SB) 230 (2019), which was passed contingent upon enactment of AB 392, requires officers to use other techniques to address threats instead of using deadly force when safe to do so, requiring law enforcement to receive training on and use de-escalation techniques like verbal persuasion and other crisis intervention methods; and

WHEREAS, AB 392 declares and finds that individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement; and

WHEREAS, when signing AB 392 Governor Newsom stated, “This bill goes to the heart of some of our most sacred principles, in which force should be exercised judiciously, with respect to human life and dignity. The bottom line is that deadly force should only be used when absolutely necessary”; and

WHEREAS, when signing AB 392, Assembly member Weber stated, “With the Governor’s signature, we are closer to a culture of policing in California that values and preserves human life. Working on this policy has been a high hill to climb, but what has lifted me up is the energy and devotion of the families who have lost loved ones to these shootings. Our hope all along has been to save lives and finally establish trust between law enforcement and communities of color”; and

WHEREAS, the Justice for Steven Taylor Group and Steven Taylor’s Grandmother, Addie Kitchen, have worked tirelessly seeking justice for Steven Taylor and to ensure another life is not needlessly taken at the hands of the San Leandro Police Department or any other law enforcement agency; and

WHEREAS, subsection (a)(1) of California Penal Code Section 835a. provides, “That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the **SANCTITY OF EVERY HUMAN LIFE**. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law”; and

WHEREAS, the City of San Leandro condemns the use of deadly force by a police officer unless

absolutely necessary and as defined by AB 392, recognizes that on April 18, 2020 Steven Taylor was fatally shot by a member of the San Leandro Police Department (who is now retired from the San Leandro Police Department) and recognizes all human life is sacred.

NOW, THEREFORE THE CITY OF SAN LEANDRO CITY COUNCIL RESOLVES as follows:

That the City of San Leandro recognizes the criticality of AB 392, the sanctity of every human life, and that according to the Alameda County District Attorney's Announcement Filing of Voluntary Manslaughter Charges Against San Leandro Officer, from the time the officer entered the store to the time Mr. Taylor was fatally shot less than 40 seconds elapsed, and Steven Taylor had a history of suffering mental health crises in San Leandro before his death and that mental health aid or services could have helped him and/or could have helped to de-escalate the April 18, 2020 fatal shooting, such that the City Council proclaims that such mental health aid shall be provided in accordance with best practices and policies in future calls for service; and

That the City of San Leandro continue to recognize the sanctity of every human life and support policies for de-escalation tactics and verbal persuasion to save the lives of all persons, including people of color because of disproportionate impacts of enforcement, during future critical incidents, and that police use of deadly force shall only be used when absolutely necessary as defined by AB 392; and

That the City of San Leandro City Council recognizes April 18 as a day to honor the Sanctity of Steven Taylor's Life and other lives lost to violence, including people of color, within the City of San Leandro, the San Francisco Bay Area, the Sacramento Area and our country, including Anthony Gomez, Miles Hall, Oscar Grant, Stephon Clark, George Floyd, Patrick Warren Sr., Trayvon Martin, Ahmaud Arbery, and Breonna Taylor, amongst others; and

That the City of San Leandro has authority over all municipal affairs, and may declare support for this resolution; and

IT IS FURTHER RESOLVED:

That the City of San Leandro does not tolerate the use of deadly force by a police officer unless absolutely necessary and as defined by AB 392 now and in the future to ensure safety as well as civil and human rights for all of San Leandro's diverse community; and

That the City of San Leandro City Council directs the San Leandro City Manager to publicize this resolution, **PROCLAIMING APRIL 18 AS A DAY RECOGNIZING Steven Taylor and the SANCTITY OF Every Human Life, Including People OF COLOR**, along with Resolution No. 2020-177 of the City of San Leandro City Council Condemning White Supremacy and White Supremacist Hate Groups, Declaring Support for Designating the Ku Klux Klan as a Domestic Terrorist Organization, and Reaffirming the City's Commitment to Diversity and Inclusion, on the City of San Leandro website clearly visible from the initial opening of the home page, and to share it with San Leandro's Congressional, State, and fellow local representatives.

Introduced by Councilmember Simon and passed and adopted this 16th day of February 2021, by the following vote:

Members of the Council:

AYES: ()

NOES: ()

ABSENT: (0)

ATTEST:

Leticia I. Miguel, City Clerk

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