

Opinion: Police Accountability Requires Real Consequences

by Henry Gage III, Esq.

Here's a brief summary of the circumstances surrounding Joshua Pawlik's March 2017 killing. Officers of the Oakland Police Department roused and killed an unconscious man who was holding a handgun. If this sounds familiar, it might be because Vallejo Police roused and killed the unconscious Willie McCoy in February 2019. Or maybe you're thinking of the Oakland Police Department rousing and killing the unconscious Demouria Hogg in June 2015. Police violence shouldn't seem familiar or routine, but it's happening so often that it becomes difficult to keep track of each individual murder and the circumstances that surround it.

This is an unacceptable and indefensible level of police violence. The job of a police officer is to arrest suspected criminals and to deliver them to the courts for trial. We have a justice system, flawed though it may be, that decides whether convicted criminals should be put to death. We cannot allow police officers to short circuit this system by acting as extrajudicial executioners of mere criminal suspects.

In 2014, then-Mayor-elect Schaaf said that public safety would be her No. 1 priority. Since then, she has presided over a police department rocked by scandal. In 2016, Mayor Schaaf brought Chief Anne Kirkpatrick to Oakland and claimed that Kirkpatrick would be a reformer. Kirkpatrick herself has repeatedly stated that she wants to "transform" the Oakland Police Department, and she has had ample opportunity to demonstrate her asserted commitment to changing the culture of the Oakland Police Department.

It is profoundly disappointing to discover that Chief Kirkpatrick believes her officers' use of lethal force against an unconscious man was "within law and policy," as Chief Kirkpatrick writes in her addendum to the Executive Force Review Board Report. This is not the language of a reformer. This is a failure to advocate for progressive changes to both law and policy. Kirkpatrick's addendum is an attempt to calcify an unacceptable status quo.

It is abundantly clear that Kirkpatrick's leadership will not transform the Oakland Police Department into a model organization for community safety. Police officers are trained professionals. Police officers should know how to disarm individuals without killing them. Police officers should be required to exercise every reasonable opportunity to avoid using lethal force.

Accountability is impossible unless there are consequences. The Chief of Police believes that her officers' use of force was lawful. Fortunately, the Federal Monitor has overruled the Chief, and reversed her findings. U.S. District Judge William Orrick has ordered a new investigation, which is now underway.

The Chief of Police has failed to deliver appropriate consequences, and by doing so, she is making true accountability impossible. Kirkpatrick's report is an unmistakable signal that she will never be a truly transformational leader. If, like me, you want community accountability from the Oakland Police Department, then the department needs new leadership. It's time for the Oakland Police Commission to act. We need new leadership and new policy. This can't happen again. It's time for consequences.