



OAKLAND POLICE COMMISSION SPECIAL MEETING AGENDA

**April 9, 2020
5:30 PM**

Pursuant to the Governor's Executive Order N-29-20, members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will participate via phone/video conference, and no physical teleconference locations are required.



OAKLAND POLICE COMMISSION

SPECIAL MEETING AGENDA

April 9, 2020
5:30 PM

PUBLIC PARTICIPATION

The Oakland Police Commission encourages public participation in the online board meetings. The public may observe and/or participate in this meeting in several ways.

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://zoom.us/j/497079072> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

1 -669-900-6833 or +1-346-248-7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866
For each number, please be patient and when requested, dial the following Webinar ID: 497079072

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting By Phone.”

PROVIDE PUBLIC COMMENT: There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Comment in advance. To send your comment directly to the Commission and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to Juanito Rus at jrus@oaklandca.gov. Please note that eComment submissions close thirty (30) minutes before posted meeting time. All submitted public comment will be provided to the Commissioners prior to the meeting.
- By Video Conference. To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled “Raise Hand In Webinar.”
- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing STAR-NINE (“*9”) to request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting. Once it is your turn, you will be unmuted and allowed to make your comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail Juanito Rus, at jrus@oaklandca.gov.

PLEASE NOTE: DUE TO THE SUSPENSION OF THE SUNSHINE ORDINANCE ALL PUBLIC COMMENT ON OPEN SESSION ITEMS WILL BE TAKEN AT THE BEGINNING OF THE PUBLIC SESSION UNDER ITEM VI. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN AT THE SAME TIME.



OAKLAND POLICE COMMISSION SPECIAL MEETING AGENDA

April 9, 2020
5:30 PM

I. **Call to Order**
Chair Regina Jackson

II. **Roll Call and Determination of Quorum**
Chair Regina Jackson

III. **Public Comment on Closed Session Items**

THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION AND WILL REPORT ON ANY FINAL DECISIONS DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.

IV. **Closed Session**
CONFERENCE WITH LEGAL COUNSEL— ANTICIPATED LITIGATION: 1 CASE - Govt. Code § 54956.9(d)(2)

V. **Report out of Closed Session**
a. The Commission will report on any actions taken during Closed Session, as required by law.

VI. **Welcome, Purpose, and Open Forum/Public Comment** (1 minute per speaker)
Chair Regina Jackson will welcome public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.
All public comment will be welcomed at this time. Speakers will be called on by the facilitator as speakers "raise their hand" through video conference by telephone.

VII. **Report from the Chair**

VIII. **Update on City Auditor's Commission and CPRA Audits**
The Commission will provide an update on the status of the Police Commission and CPRA audits that are being conducted by the City Auditor's office. ***This item was discussed on 1.23.20.***
a. Discussion
b. Public Comment
c. Action, if any

IX. Committee Reports

Representatives from the following Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.*** ([Attachment 9](#)).

- i. Equipment
- ii. Mental Health Model
- iii. Outreach
- iv. Personnel
- v. Rules of Procedure
- vi. Use of Force
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

X. Police Commission Annual Report

The Commission will discuss the annual report that will be submitted to the Mayor, City Council, and the public, and may vote to approve the report. ***This is a new item.*** ([Attachment 10](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

XI. Strategic Communications Proposal

The Commission will review a proposal from Max Szabo of Szabo & Associates and consider whether to proceed with a solicitation process. ***This is a new item.*** ([Attachment 11](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

XII. Meeting Minutes Approval

The Commission will vote to approve minutes from March 12, 2020. ***This is a recurring item.*** ([Attachment 12](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

XIII. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***This is a recurring item.*** ([Attachment 13](#)).

- a. Discussion
- b. Public Comment
- c. Action, if any

XIV. Adjournment



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin, or Spanish interpreter, please e-mail clove@oaklandca.gov or call 510-238-7785 or 711 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantones, Mandarín, o de lenguaje de señas (ASL) por favor envíe un correo electrónico a clove@oaklandca.gov o llame al 510-238-7785 o 711 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 clove@oaklandca.gov 或致電 510-238-7785 或 711。請避免塗搽香氛產品。參加者可能對化學成分敏感。

Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.

To: Regina Jackson, Chair, Oakland Police Commission

From: Henry Gage III, Vice Chair, Oakland Police Commission

Date: 09 April 2020

RE: Police Equipment Policy Committee Report & Recommendation

Dear Colleagues on the Oakland Police Commission and Members of the Public,

BACKGROUND

In April 2019 I introduced a draft ordinance to regulate the Oakland Police Department’s acquisition and use of militarized equipment. This draft ordinance was the result of many hours of diligent work by community advocates who want to ensure that the tools and tactics deployed by the police are subject to appropriate oversight, and reasonable checks and balances.

In response, the Police Commission created an ad hoc committee to manage the creation of this draft legislation, and to make recommendations to the Commission for further action. This ad hoc is comprised of Vice Chair Gage, Alternate Commissioner David Jordan, and Alternate Commissioner Chris Brown.

Since its formation, members of the Committee have met with community advocates, elected officials, and police department staff to discuss the proposed ordinance, gather policy feedback, hear practical concerns about implementation, and review proposed amendments. Community advocates organized and produced a townhall on militarized policing, and recorded testimony from Oakland residents about their interactions with Oakland police officers and changes they would like to see. These meetings guided the development of the present draft, which was presented to the Police Commission for review and comment during the Commission’s November 14, 2019 meeting. Discussion on the present draft was continued on a number of occasions, and some feedback has been received from Commissioners and members of the public.

RECOMMENDATION

The Committee recommends that work be suspended on the proposed ordinance, and that the Committee be temporarily disbanded. The ongoing pandemic has upended the Commission’s ability to conduct regular business, and the Committee is in agreement that Commission time should be dedicated to the handling of more immediate concerns, such as the implementation of virtual meetings, and the creation of amended rules of procedure.

LEGISLATIVE SUMMARY

This legislation is being offered to enhance the Police Commission’s ability to regulate the means and methods by which our city is policed. The structure created by this legislation closely models the Oakland Surveillance Ordinance in terms of workflow and it models California Assembly Bill 3131, a prior attempt to establish statewide requirements for the regulation of military equipment,¹ in terms of subject matter.

¹ This bill passed the Legislature, but was vetoed by then-Governor Jerry Brown

The primary concepts of the proposed Ordinance are as follows:

1. Requires the Police Department to submit Military Equipment Use Policies and Military Equipment Impact Reports to the Police Commission for review and recommendation.
2. Requires the Police Commission to review submissions at a public hearing and determine whether such submissions warrant a recommendation to Council for adoption or rejection.
3. Requires the City Council to ratify or reverse the Police Commission's recommendations following the Commission's review of Military Equipment Use Policies.
4. Requires the Police Department to submit an annual report describing the use of authorized Military Equipment during the year prior.
5. Requires the Police Commission to review the annual Military Equipment report, determine whether covered equipment has complied with the standards for approval, and recommend renewal or modification of Use Policies, or the revocation of authorization for use.
6. Requires the City Council to ratify or reverse the Police Commission's recommendations following the Commission's review of the Military Equipment annual report.

ANALYSIS

The acquisition of military equipment and its deployment in our communities can adversely impact the public's safety and welfare, including significant risks to civil rights, civil liberties, and physical and psychological well-being. Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used. The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

In his 2016 book, To Protect and Serve, former Seattle Police Chief Norm Stamper notes that:

“Although there is a time and a place for military-like tactics, weaponry, and equipment, it's indisputable that the nation's police have often misused and abused the 'military approach.' In many jurisdictions there seems to be a 'boys with toys' mentality; if you have these 'toys' on hand, you want to use them, 'play' with them. And where personal and organizational discipline is lacking, people get hurt, cops and citizens alike.”²

The Oakland Police Commission is the institution best suited to ensure that the Police Department's acquisition and use of military equipment is regulated and audited. The present framework for Police Department acquisition of military equipment does not provide for sufficient ongoing oversight of how such equipment is used, and whether such equipment should continue to be used in the future. By adopting the proposed Ordinance, the City of Oakland can create a procedure to determine the necessity and use of equipment that, if misused or abused, holds the potential to cause irreparable harm.

FISCAL IMPACT

² Norm Stamper, To Protect and Serve: How to Fix America's Police 83, (2016)

This proposal has not yet been submitted to the Finance Department for analysis. By more closely scrutinizing the acquisition and use of military equipment by the Police Department, there may be some cost savings over time. Some military equipment is funded by grants, but these grants do not necessarily cover ongoing maintenance.

PUBLIC OUTREACH

This legislation was co-authored by Vice Chair Henry Gage and John Lindsay-Poland of the American Friends Service Committee. More than thirty community organizations have endorsed this effort to regulate the Police Department’s acquisition and use of military equipment, and feedback from these organizations has been incorporated into the attached draft. The organizing coalition behind this legislation held a townhall on militarized policing on October 03, 2019, and recorded testimony from individuals who have been directly affected by militarized police raids.

COORDINATION

We obtained input from an organizing committee, comprised of representatives from endorsing organizations. More than thirty community organizations have endorsed the effort to regulate the Police Department’s acquisition and use of military equipment, and feedback from these organizations has been incorporated into the attached draft. Additional feedback has been solicited from members of City Council and/or their staff. Conversations with all stakeholders must continue, and we will request additional meetings as appropriate once the Committee is again able to dedicated time and resources to this effort.

CONCLUSION

For questions regarding this report, please email Vice Chair Henry Gage, at hgage@oaklandcommission.org.

Sincerely,

Henry Gage III
Vice Chair, Oakland Police Commission

Oakland Police Commission
04 April 2020
Item: _____

To: Regina Jackson, Chair, Oakland Police Commission

From: Henry Gage III, Vice Chair, Oakland Police Commission

Date: 09 April 2020

RE: Rules & Procedure Ad Hoc Committee Report & Recommendation

BACKGROUND

On December 27, 2017, the Police Commission adopted Rules of Order to govern the conduct of business before the Commission. According to available records, these rules were amended on January 10, 2018, and on May 23, 2019. Over the past three years there has been discussion, but no apparent adoption, of additional rules to govern Commissioner conduct, Commission policy development, and community outreach activities. Standing committees of the Commission are governed by the Brown Act and the Oakland Sunshine Ordinance. These open meeting laws provide a framework for public engagement that includes advance public notice of agendas and materials, periods for public comment, and public access to meetings. Ad hoc committees are not covered by the Brown Act, and the Commission has implemented limited procedures to govern ad hoc committee business.

The creation of additional standing committees would place an administrative burden on the Commission. This burden would be difficult for the Commission to manage absent additional staff resources. As a result, the Commission has opted to form ad hoc committees to address Commission business. At present, the Commission is not resourced with sufficient staff to conduct Commission business via standing committees. The continued use of ad hoc committees, however, raises issues of transparency and accountability. No ad hoc committee has written policy or procedure to govern its business or to report on its work. Additionally, no ad hoc committee has adopted policy or procedures to provide members of the public with a clear understanding of how to engage with or monitor committee workflow. The administrative burden of creating and managing additional standing committees is too great for a volunteer Commission to efficiently manage without additional staff support, and the continued present use of ad hoc committees is too opaque to comport with the Commission's mandate to ensure effective police oversight.

RECOMMENDATION

The Rules and Procedures Ad Hoc Committee recommends that the Commission update and expand the Commission's rules of order to provide guidance and create a more substantive procedural framework that would enhance the Commission's effectiveness, transparency and public engagement. The Committee recommends the creation and adoption of a Police Commission Operation Manual. This manual would serve as a written compendium of administrative policies and procedures that govern how the Commission should function, and provide written guidance to both current and future Commissioners as best practices are developed, discovered, and revised.

The Committee recognizes that the creation of an operations manual is a large and time-consuming project. As a consequence, the Committee has identified a number of "modules" that can be addressed in sequence. The Committee requests that the Commission assist the Committee by identifying key areas where additional structure would be most beneficial. The Committee has

recommended three modules for potential prioritization, and the Committee will develop a work plan subject to guidance from the Commission.

LEGISLATIVE SUMMARY & ANALYSIS

This legislation is being offered to clarify the means and methods by which the Police Commission functions. The proposed manual is intended to provide a foundation of agreement between members of the Commission about how the Commission should conduct its business. The creation of this foundation is an important issue that merits being addressed immediately. Many sections of the proposed manual can be deferred for future action. Three sections: (1) Code of Conduct, (2) Committee Management, and (3) Policy Development, address core areas where the Commission would benefit from clearly articulated written policies and procedures. The Committee recommends that these items be prioritized during the creation of a manual.

The Commission would benefit greatly from a Code of Conduct. Members of the Commission would be better able to hold each other accountable based on a shared understanding of acceptable behavior. To create this understanding, development of and agreement to a Code of Conduct is an important policy cornerstone that all Commissioners must be accountable for upholding.

The Commission would benefit greatly from adoption of rules to govern the workflow and structure of its committees. In the past, ad hoc committees have sometimes operated on an informal basis and relied on reaching consensus to structure their decisions. This consensus-based structure has sometimes proven inadequate, particularly when Commissioners disagree on committee policy, committee procedure, or committee reports and recommendations. Committees have also generally lacked a designated lead member. The absence of a clear committee leadership structure and the absence of voting rules for committees can exacerbate disagreements among committee members.

The Commission would benefit greatly from adoption of rules to govern its policy development activities. Committees of the Commission have taken on policy work that has generated public interest. Members of the public and community advocates have consistently approached the Commission to offer assistance, feedback, direction, monitoring and policy guidance. In the absence of an agreed-upon set of best practices for policy development, policy-development committees have individually adopted informal processes as they approach their work. Members of the public and community advocates deserve clarity on how the Commission plans to manage policy development, and Commissioners deserve a common understanding of how the policy development process will proceed. By promulgating appropriate written rules, the Commission can facilitate equitable public access to policymakers and create a necessary foundation for policymaking committees to develop, discover, and revise best practices.

OUTLINE OF PROPOSED MANUAL

The Committee has created a draft outline to facilitate the process of organizing an operations manual, and welcomes feedback on the proposed content and organization. Items followed by “(CR)” indicated that they are modules recommended by the Committee for urgent action.

Title I - Statement, Purpose & Standards

Organizational Statement

Legislative Purpose

Standards of Conduct (CR)

Title II - Management & Administration

Commission Officers

Ad Hoc & Standing Committees (CR)

Meetings & Agendas

Policy Development & Problem Analysis (CR)

Communications & Public Relations

Commission Discipline

Title III - Records & Training

Training & Education

Use of Official Tools

Records Management

Access to Information

Appendices

Standards of Conduct Signature Sheet

Definitions of Terms

Explanation of Section Numbering

CONCLUSION

For questions regarding this report, please email Vice Chair Henry Gage, at hgage@oaklandcommission.org.

Sincerely,

Henry Gage III
Vice Chair, Oakland Police Commission

Oakland Police Commission
04 April 2020
Item: _____

To: Chair Regina Jackson, Chair Oakland Police Commission
From: Use of Force Ad Hoc Commission Representatives
Date: April 09, 2020
RE: Use of Force Ad Hoc Bi-Weekly Report

Background

In January 2020, the Oakland Police Commission voted to approve a new version of Department General Order (DGO) K-03 Use of Force, to be in compliance with AB 392 an act to amend Sections 196 and 835a of the Penal Code, relating to peace officers. As a part of the discussion about approving the new K-03, effective January 1, 2020, the Oakland Police Commission and Oakland Police Department collectively asserted during this meeting that the ultimate goal to best serve the community is a more comprehensive revision of K-03. Members of the Use of Force Ad Hoc (UOF Ad Hoc) agreed to reconvene to complete the comprehensive revision. Subsequently, at the January 16th meeting of the UOF Ad Hoc the committee worked to establish purpose and goals for the revision of K-03 and referenced Training Bulletins. During the February 27, 2020 Oakland Police Commission the UOF Ad Hoc committed to produce regular reports on the progress of the revision process.

Meeting Update: March 5, 2020

The UOF Ad Hoc met on Thursday March 5th. The meeting content focused on De-Escalation goals, considerations, resources, tactics, techniques, and principles. The committee proposes the creation of an entire section devoted to De-Escalation. The emphasis on De-Escalation reinforces the priority that thoughtful resolutions to situations reduce the likelihood of harm to all persons involved. Including a section devoted to De-Escalation in Use of Force policy is a national best practice.

The committee reviewed sections from the following model Use of Force policies during the course of the meeting;

- Albuquerque, NM
- Camden, NJ
- Cleveland, OH
- Denver, CO
- Seattle, WA

The UOF Ad Hoc completed review of the De-Escalation section during the committee meeting. The next meeting is scheduled for March 19, 2020.

Meeting Update: March 19, 2020

The UOF Ad Hoc met remotely on March 19, 2020. The meeting content focused on general considerations and policy including objectively reasonable, necessary, and proportional force. The committee discussed the provisions on use of force, and officer duty to intervene, warnings and De-escalation after force has been used.

The committee reviewed sections from the following model Use of Force policies during the course of the meeting;

Camden, NJ
Denver, CO
San Francisco, CA
Seattle, WA

The UOF Ad Hoc completed review of the general considerations and policy section during the committee meeting. The next meeting is scheduled for March 26, 2020.

Meeting Update: March 26, 2020

The UOF Ad Hoc met remotely on March 26, 2020. The meeting content focused on levels of resistance and levels of force. The discussion included conditions of compliance and explored the distinguishing characteristics between the following levels of resistance; passive, active, assaultive and life threatening forms of resistance. The discussion on levels of force included techniques, tactics, and tools available to Oakland police Department officers in the context of levels of resistance. Emphasis was placed on not creating a continuum of force.

The Committee reviewed sections from the following model Use of Force policies during the course of the meeting;

Denver, CO
San Francisco, CA
Seattle, WA

The Committee agreed to continue discussions on level of force during the next meeting. The next meeting is scheduled for April 2, 2020.

Meeting Update: April 2, 2020

The UOF Ad Hoc met remotely on April 2, 2020. The meeting content focused on levels of resistance and levels of force. The discussion continued on levels of force, including techniques, tactics, and tools available to Oakland police Department officers in the context of levels of resistance. The discussion included in-depth discussion on commands and less-lethal force and how best to structure the policy to be clearly understood by Oakland Police Department officers.

The Committee reviewed sections from the following model Use of Force policies during the course of the meeting;

District of Columbia (DC) Metro
Seattle, WA



Oakland Police Commission
Annual Report 2019

EXECUTIVE SUMMARY

The City of Oakland's Police Commission (Commission) is a Charter-created oversight board, authorized to oversee the policies, practices, and customs of the Oakland Police Department (OPD). The Commission's jurisdiction includes oversight of the Community Police Review Agency (CPRA), which investigates complaints of police misconduct and provides disciplinary findings. The Commission is a civilian-run entity comprised of seven Commissioners and two non-voting Alternate Commissioners.

BACKGROUND / LEGISLATIVE HISTORY

On November 8, 2016, the citizens of the City of Oakland voted to approve Measure LL thereby creating a civilian Police Commission to oversee OPD's policies and practices and CPRA's investigations of police misconduct complaints. CPRA replaced the Community Police Review Board (CPRB). With that transition, additional staff were added as the Measure required at least one Investigator for every 100 sworn police officers. Measure LL granted the Mayor authority to appoint three regular members and one alternate member to the Police Commission. Additionally, a Selection Panel comprised of members of the public appoints four regular members and one alternate member.

At its meeting of October 17, 2017, the City Council approved the Mayor's and Selection Panel's first group of appointments to serve on the Police Commission. The following Commissioners have since left the Commission:

Commissioner	Title	Left Commission	Reason
Mike Nisperos	Commissioner	October, 2018	Moved out of Oakland
Andrea Dooley	Alternate Commissioner	December, 2018	Resigned
Maureen Benson	Commissioner	February, 2019	Resigned
Mubarak Ahmad	Commissioner	October, 2019	Term ended

POLICE COMMISSION STRUCTURE

As of December 31, 2019

Commissioner	Title	Appointed By	Term Ending
Regina Jackson	Chair	Mayor	October, 2021
Ginale Harris	Vice Chair	Selection Panel	October, 2020
Tara Anderson	Commissioner	Selection Panel	October, 2020
José Dorado	Commissioner	Selection Panel	October, 2021
Henry Gage, III	Commissioner	Selection Panel	October, 2022
Edwin Prather	Commissioner	Mayor	October, 2019
Thomas Lloyd Smith	Commissioner	Mayor	October, 2020
Chris Brown	Alternate Commissioner	Mayor	October, 2020
David Jordan	Alternate Commissioner	Selection Panel	October, 2022

Police Commission Leadership

Since its inception in 2017, the Police Commission conducted separate elections for the positions of Chairperson and Vice Chairperson. In December 2017, the Commission elected Thomas Lloyd Smith to the position of Interim Chair and Ginale Harris to the position of Interim Vice Chair.

In February 2018, the Commission elected Commissioner Smith to the position of Chair and Commissioner Harris to the position of Vice Chair.

In February 2019, Regina Jackson was elected to the position of Chair. In March 2019, Commissioner Harris was re-elected to the position of Vice Chair.

Personnel Committee

In December 2018, the City Council authorized the creation of a Police Commission Personnel Standing Committee. The Personnel Committee held its inaugural meeting on February 4, 2019. Initially comprised of Commissioners Maureen Benson, Ginale Harris, and Regina Jackson, the Committee added Tara Anderson after Maureen Benson resigned from the Commission.

The Personnel Committee made hiring a permanent CPRA Executive Director its top priority. After an extensive search, John Alden was hired as the Executive Director in July 2019.

POLICE COMMISSION MEETINGS

The Police Commission held its first meeting on December 13, 2017, and currently meets on the second and fourth Thursday of each month in the evenings. These meetings offer robust open

forum and public input on issues. Representatives from OPD appear at most meetings to provide reports on Commission-requested topics and to hear public comment.

OPD Presentations at Commission Meetings

Since its inception, the Commission has requested that former Chief Kirkpatrick provide informational reports on topics of interest to the Commission and as required by the Enabling Ordinance. Former Chief Kirkpatrick, or her OPD designee, presented on various topics including:

- Comments on reports from the Independent Monitor
- OPD's progress satisfying the terms of the negotiated settlement agreement
- OPD's policies and procedures concerning its dealings with the unhoused population
- OPD's position and report on its education and support of sworn employees' issues with job related stress, post-traumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues
- Departmental General Order R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Post-Release Community Supervision)
- OPD's vehicle towing policy and impact on the economically disadvantaged and unhoused
- Special Order 9196: Documentation of the Use of Force
- OPD's use of the Bear Cat and other militarized weapons
- Review of OPD's Racial Impact Report
- OPD's social media policy
- OPD's hiring process data for people of color

Consideration of OPD Policies and Orders

The Commission reviewed and considered several OPD Policies and Orders including:

- OPD Departmental General Order R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Post-Release Community Supervision). On July 9, 2019 the City Council adopted the Police Commission's version of the policy.
- OPD Special Order 9196: Documentation of the Use of Force

Police Commission Special Community Forum

On February 16, 2019, the Commission held a special community forum at Taylor Memorial Church in Oakland which involved a public hearing on OPD's practices of policing the unhoused community. Community members testified regarding their experiences with OPD and provided insight into how OPD's actions and policies with the unhoused may be improved.

Special Presentation to the Police Commission

On May 23, 2019, the Commission arranged for a presentation from members of Crisis Assistance Helping Out on the Streets (CAHOOTS) of Eugene, OR. The presentation discussed

how CAHOOTS seeks to remedy the skill mismatch and wasted expense when police officers and Fire Department personnel respond to non-emergency mental health and health related crisis calls. Since implementing the program in 2014, Eugene has seen both a cost savings and improved outcomes for clients.

Special Concurrent Meeting of the Oakland City Council, Community Policing Advisory Board, Public Safety Services Oversight Commission, and Oakland Police Commission

On April 30, 2019, a special joint meeting of the City Council, Community Policing Advisory Board, Public Safety Services Oversight Commission, and Oakland Police Commission was held to discuss the City's efforts on public safety and violence reductions.

TRAINING FOR THE POLICE COMMISSION

Training for Commissioners is ongoing as Commissioners cycle on and off the Commission. The Commission received the following trainings in open session:

- On September 12, 2019 then Deputy City Administrator Stephanie Hom delivered training on the contract authority which was granted to them by the City Council on July 9, 2019 through section 2.04.022 of the Oakland Municipal Code.
- On December 12, 2019, CPRA Executive Director John Alden trained the Commission on the Police Officers Bill of Rights.

The National Association of Civilian Oversight of Law Enforcement (NACOLE) held two training events which several Commissioners and Alternate Commissioners attended:

- On May 3, 2019 a Regional Training and Networking event was held at the Kaiser Center in Oakland. Trainings were on topics such as civilian oversight of county jails, California's new transparency laws, and information on the strengths and limitations of the different models of civilian oversight of law enforcement.
- The Annual Conference, a five-day training event in the core competencies for civilian oversight practitioners, was held September 22-29, 2019 in Detroit, MI. Commissioners Harris, Jackson, and Prather attended the conference.

CPRA LEADERSHIP

Karen Tom began the year as Interim Executive Director of the agency as the newly formed Personnel Committee embarked on a search for a permanent one.

At mid-year, in late May of 2019, former Commissioner Mike Nisperos was hired to fill the role of Interim Executive Director when Ms. Tom returned to her role as Complaint Investigator III.

After an extensive nationwide search, John Alden was hired as Executive Director in July of 2019. One of the first tasks that Mr. Alden set to work on was hiring additional investigators for the agency.

In October of 2019, three Complaint Investigator II positions were filled when Meredith Marzuoli, Ashley Nechuta, and Christopher Simon were welcomed on board.

OTHER NOTEWORTHY ITEMS

In March 2019, the Commission voted to draft a letter in support of AB 392: The California Act to Save Lives, which limits when police officers may use deadly force.

In June 2019, the Commission approved a letter to the City Council in support of funding for a feasibility study to determine if a program similar to one operated by CAHOOTS (Crisis Assistance Helping Out on The Streets) in Eugene, OR is appropriate for Oakland. CAHOOTS addresses the need to remedy the skill mismatch and potential wasted expense when police officers and Fire Department personnel respond to non-emergency mental health and health related crisis calls.

Also in June 2019, the Commission approved a letter to the City Council challenging the selection of a provider of counseling services for the Department without engaging in a competitive bidding process.

In late June 2019 the Commission convened its first Discipline Committee for an officer involved shooting incident that happened in 2018. The Committee was comprised of Commissioners Dorado, Jackson, and Prather.

On September 14, 2019 the Commission conducted a full-day retreat at the Waterfront Hotel in Oakland. The retreat was facilitated by Walker and Associates Consulting of Oakland. The Commission participated in small group activities to brainstorm and align to major objectives and areas of focus. Some of those include:

- Define Clear Measures for the Chief of Police
- Submission of Proposed Budget for OPD Mental and Emotional Health
- Chief of Police Annual Report
- Performance Evaluation of Agency Director and Police Chief (criteria due a year before evaluation)
- Standardized Policies and Procedures for Police Commission
- Public Hearing on Use of Force
- Become Data-Driven/Metric-Based
- Collaboration (with other bodies)
- Full Implementation of Community Policing

In October 2019, the Commission retained the firm of Garcia Hernández Sawhney LLP to provide legal services to the Commission.

In December 2019, the Commission applied for and was awarded a Goldman School of Public Policy policy analysis graduate school team to work on a study of “Compensation for Property Damaged During Police Interactions.”

Several Commissioners -Anderson, Gage, and Harris - are part of a collaborative Use of Force Ad Hoc Committee which includes representatives from the Police Commission, OPD, CPRA, and parties involved with the Negotiated Settlement Agreement. The Committee meets on Thursday evenings when the Commission doesn't meet and works on developing a framework for an updated OPD Use of Force Policy.

SZABO

and associates

CONFIDENTIAL

March 9, 2020

To: Regina Jackson, President of the Oakland Police Commission
From: Max Szabo, Esq.
Re: Strategic Communications Consulting Services

We're honored to be considered to assist the Oakland Police Commission with strategic communications. You have an excellent reputation and it would be an honor to work with you to enhance your messaging and overall communications to the Oakland community and beyond.

Experience

Szabo & Associates has expertise at the intersection of strategic communications, legislative advocacy, legal, public affairs, community relations, and public safety. In addition to Principal, Maxwell Szabo, the firm works with a suite of professionals providing services spanning creative, research, and advertising.

Services for Oakland Police Commission

Overall Communications Strategy

Szabo & Associates will provide communications strategies, tools and tactics to help improve the effectiveness and efficiency in which the Oakland Police Commission's message is generated and explained to the media, the public, other government entities, legislators, as well as advocacy groups and other target audiences. We will exercise our understanding of progressive criminal justice reform policy and our relationships in the media to expand the Commission's visibility as a leading voice of oversight and reform.

To achieve your communications objectives, our services will include advising the Commission on its proactive and reactive media strategy. We are experts at identifying key messages and articulating complex issues to the media. We will provide strategic guidance on earned media, crisis, public and consumer education, digital (social media and email), opinion pieces and a third-party community validators program. We'll work to ensure you are on-message, thoughtful yet provocative, and I will work with you and your colleagues to ensure consistency across platforms and among Commissioners.

Ultimately, tactics will be employed in order to establish the Commission as being thoughtful, intelligent, and exercising meaningful progressive oversight over the long-troubled Oakland Police Department (OPD). We're excited to partner with you

SZABO

and associates

to communicate what the Oakland Police Commission and broader Oakland community stands for.

Proactive Media

Given the nature of the Oakland Police Commission's mission-and particularly given the prominence of the criminal justice reform movement and OPD's history-obtaining media coverage will not difficult. Maximizing these opportunities and controlling the message is the challenge for the Commission and its Commissioners.

From substantive policy-based stories that highlight innovation, pragmatism and progressive values to community events, opinion pieces, social media and more, we will work with you, your colleagues, and our large network of media contacts to expand your profile and solidify a positive public perception of the Commission in Oakland and beyond.

Reactive Media

From lawsuits to protests, critical incidents and the OPD scandals, knowing if, when and how to respond to a crisis is critical to protecting your brand and that of the Oakland Police Commission. We will be on-call to provide strategic counsel and provide guidance on what statements to give, if any, when, to whom, and via what medium in the event of any and all crisis. We have deep expertise in this arena and know how to turn negative stories into positive ones.

Provide Additional Services

As requested.

Budget estimate

We estimate based on the significant scope of work that our professional fees will be in the range of \$5,000 per month. We do not anticipate any out-of-pocket expenses.

Thank you

We are honored to have the opportunity to work with you and your colleagues to highlight the Oakland Police Commission. Thank you.



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

March 12, 2020

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland, CA 94612

I. Call to Order

Chair Regina Jackson

The meeting started at 6:30 pm.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Tara Anderson, Henry Gage, III, Regina Jackson, and Thomas Lloyd Smith. Alternate Commissioner Brown was designated as a voting member. Quorum was met.

Alternate Commissioners Present: Chris Brown

Commissioners Absent: José Dorado, Ginale Harris, and Edwin Prather

Alternate Commissioners Absent: David Jordan

Counsel for this meeting: Conor Kennedy

III. Welcome, Purpose, and Open Forum (2 minutes per speaker)

Comments were provided by the following public speakers:

Assata Olugbala

Saleem Bey

Anne Janks

John Bey

Fallah Bandabaila

IV. California's Meyers Milias Brown Act (MMBA) and Public Employment Relations Board (PERB) Training

City of Oakland Human Resources Director Ian Appleyard delivered a training on California's MMBA and the Public Employment Relations Board's Administration of MMBA as mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190.

Comments were provided by the following public speakers:

Assata Olugbala

Gene Hazzard

No action was taken on this item.

A motion was made by Regina Jackson, seconded by Thomas Lloyd Smith, to suspend the meeting rules and take item VII next. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, Jackson, and Smith

No: 0

VII. Recruiting Process for OPD Police Chief

The Commission discussed the process for selecting a Chief of Police and whether to use the City's Executive Recruitment contractor or choose a different one.

Comments were provided by the following public speakers:

Gene Hazzard

Assata Olugbala

Saleem Bey

John Bey

Rashidah Grinage

No action was taken on this item.

V. Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing, and Recent Activities

Executive Director John Alden reported on the Agency's pending cases, completed investigations, staffing, and recent activities.

Comments were provided by the following public speakers:

Rashidah Grinage

Assata Olugbala

Saleem Bey

John Bey

Gene Hazzard

No action was taken on this item.

VI. Committee Reports

Representatives from Standing and Ad Hoc Committees provided updates on their work. **Personnel** – the meeting scheduled for March 10th was cancelled; an Ad Hoc Committee will be created to work on recruitment for the Chief of Police; **Outreach** –flyers have been distributed for the Town Halls on Use of Force; the March 21st Town Hall has been cancelled; **Mental Health Model** – the Ad Hoc Committee met once and they are looking into dates for another meeting; **Rules of Procedure** – the Ad Hoc Committee is working on a Code of Conduct; **Use of Force** –the Ad Hoc Committee will be producing a bi-weekly report to share with the Commission and the public.

Comments were provided by the following public speakers:

Gene Hazzard

Assata Olugbala

Saleem Bey

Anne Janks

No action was taken on this item.

A motion was made by Regina Jackson, seconded by Henry Gage, III, to table item VIII to a future agenda. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, Jackson, and Smith

No: 0

VIII. Review of Current Police Commission Standing and Ad Hoc Committee Assignments (*this item was tabled to a future agenda*)

Comments were provided by the following public speakers:

Assata Olugbala

IX. Meeting Minutes Approval

The Commission voted to approve minutes from January 9, 23, and February 13, 20, 27, 2020. Thomas Lloyd Smith suggested an edit to make it a practice to not list Commissioners who arrive late as initially being absent.

No public comments were provided on this item.

A motion was made by Henry Gage, III, seconded by Tara Anderson, to approve the January 9, 2020 minutes with the edits suggested by Thomas Lloyd Smith. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, and Jackson

No: 0

Abstain: Smith

A second motion was made by Henry Gage, III, seconded by Tara Anderson, to approve the January 23, 2020 minutes with the edits suggested by Thomas Lloyd Smith. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, Jackson, and Smith

No: 0

A third motion was made by Henry Gage, III, seconded by Chris Brown, to approve the February 13, 2020 minutes with the edits suggested by Thomas Lloyd Smith. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, Jackson, and Smith

No: 0

A fourth motion was made by Henry Gage, III, seconded by Tara Anderson, to approve the February 20, 2020 minutes with the edits suggested by Thomas Lloyd Smith. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, Jackson, and Smith
No: 0

A fifth motion was made by Henry Gage, III, seconded by Chris Brown, to approve the February 27, 2020 minutes with the edits suggested by Thomas Lloyd Smith. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, Jackson, and Smith
No: 0

X. Resolution to Direct CPRA to Hire an Outreach Coordinator

The Commission discussed and voted to approve a resolution directing CPRA to hire an Outreach Coordinator as approved at the February 27, 2020 meeting.

Comments were provided by the following public speakers:

Jane Kramer
Assata Olugbala

A motion was made by Henry Gage, III, seconded by Regina Jackson, to approve the resolution directing CPRA to hire an Outreach Coordinator. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, Jackson, and Smith
No: 0

XI. Commission Subpoena Related to Decision on Reopening Closed Bey Investigation

The Commission considered and voted on whether to issue a subpoena in furtherance of its authority in the Charter and the Enabling Ordinance to decide whether to reopen closed investigations.

Comments were provided by the following public speakers:

Assata Olugbala
Saleem Bey
John Bey

A motion was made by Regina Jackson, seconded by Tara Anderson, to approve a subpoena of records relating to the closed Bey investigation. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, Jackson, and Smith
No: 0

XII. Commission Retreat

The Commission discussed potential dates, format, presenters, location, and cost for a retreat. The Commission voted to approve a second Commission retreat.

Comments were provided by the following public speakers:
Jane Kramer

A motion was made by Regina Jackson, seconded by Tara Anderson, to approve a second Commission retreat with a budget of \$11,000. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, Jackson, and Smith
No: 0

XIII. Liaison/Other Commissioner Reports

Regina Jackson noted that a Youth Listening Session regarding Use of Force was held at the East Oakland Youth Development Center on February 29, 2020. Henry Gage, III discussed his service on the Privacy Commission and noted that they may be investigating an unmanned aerial system policy.

No public comments were provided on this item.

No action was taken on this item.

XIV. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission discussed the status of future meetings in light of the COVID-19 health emergency.

No public comments were provided on this item.

A motion was made by Regina Jackson, seconded by Henry Gage, III, to cancel the meeting scheduled for March 26, 2020 and investigate the potential of holding future meetings remotely in compliance with the Brown Act.

XV. Adjournment

A motion was made by Henry Gage, III, seconded by Regina Jackson, to adjourn the meeting at 9:54 pm. The motion carried by the following vote:

Aye: Anderson, Brown, Gage, Jackson, and Smith
No: 0

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
2	Commissioner Trainings	1/1/2018	<p>Complete trainings mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190</p> <p>Some trainings have deadlines for when they should be completed (within 3 months, 6 months, etc.)</p> <p>Several trainings were delivered in open session and have been recorded for future use</p>	<p>The following trainings must be done in Open Session:</p> <ol style="list-style-type: none"> 1. California's Meyers Milias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (done 3.12.20) 2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (done 2.27.20) 3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (rescheduled due to COVID-19 health emergency) 4. Police Officers Bill of Rights (done 12.12.19) 	High	Ongoing		
3	OPD to Provide a 30 Day Shapshot on the Effectiveness of SO 9202	2/27/2020		On 2.27.20, at the request of OPD the Commission considered and approved SO 9202 which amends the section in SO 9196 regarding Type 32 reportable force	High		4/23/2020	
4	Military Police Equipment Policy	9/10/2019		Discussion of an ordinance drafted by the Coalition for Police Accountability for OPD equipment use and acquisition.	High			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
5	Notification of OPD Chief Regarding Requirements of Annual Report	1/1/2018	Commission must notify the Chief regarding what information will be required in the Chief's annual report	<p>The Chief's report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. The number of complaints submitted to the Department's Internal Affairs Division (IAD) together with a brief description of the nature of the complaints; 2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated; 3. The number of investigations completed by IAD, and the results of the investigations; 4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions; 5. Revisions made to Department policies; 6. The number and location of Department sworn employee-involved shootings; 7. The number of Executive Force Review Board or Force Review Board hearings and the results; 8. A summary of the Department's monthly Use of Force Reports; 9. The number of Department sworn employees disciplined and the level of discipline imposed; and 10. The number of closed investigations which did not result in discipline of the Subject Officer. <p>The Chief's annual report shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7</p>	High	June 14, 2018 and June 14 of each subsequent year		Dorado

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
6	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	High			
7	Create Ad Hoc Committee To Determine if Commission Can Open or Re-Open an Investigation	10/2/2018		The Commission has heard from community members regarding concerns about what the Commission's power actually is regarding opening and re-opening investigations.	High			
8	Finalize Bylaws and Rules	1/24/2019			High			Gage
9	Measure LL Revisions	10/1/2019	The Commission will discuss and provide feedback on the draft revision of Measure LL provided by the Coalition for Police Accountability to the Commission and City Council President Kaplan		High			Gage
10	Social Media Communication Responsibilities, Coordination, and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	High			
11	Determine Outstanding Issues in Meet and Confer and the Status of M&C on Disciplinary Reports	10/6/2018		Need report from police chief and city attorney. Also need status report about collective bargaining process that is expected to begin soon.	High			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
12	Discipline: Second Swanson Report Recommendations – Have These Been Implemented?	10/6/2018		Supervisor discipline Process for recommending improvements to policies, procedures and training, and to track and implement recommendations Tracking officer training and the content of training Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines IAD civilian oversight for continuity in IAD Improved discovery processes Permanent arbitration panel implemented from MOU OPD internal counsel Two attorneys in OCA that support OPD disciplines and arbitration Reports on how OCA is supporting OPD in discipline matters and reports on arbitration Public report on police discipline from Mayor’s office OIG audit includes key metrics on standards of discipline	High			
13	Public Hearing on Use of Force	4/22/2019		Work with community on presenting a public hearing on use of force.	High			Harris
14	Receive a Report from the Ad Hoc Committee on CPRA Appellate Process	6/13/2019	Once the Commission has an outside counsel, work with them on determining an appellate process	When a draft process is determined, bring to the Commission for a vote.	High			Brown, Gage, Prather
15	Reports from OPD	10/6/2018	Commission to decide on what reports are needed prior to receiving them.	Receive reports from OPD on issues such as: response times; murder case closure rates; hiring and discipline status report (general number for public hearing); any comp stat data they are using; privacy issues; human trafficking work; use of force stats; homelessness issues; towing cars of people who sleep in their vehicles	High	Ongoing as appropriate		
16	Review Commission's Agenda Setting Policy	4/25/2019			High			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
17	Recommendations for Increasing Communication Between CPRA and IAD	10/6/2018		Review of existing communication practices and information sharing protocols between departments, need recommendations from stakeholders about whether a policy is needed. Ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing.	High			
18	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of: 1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; 2. Arbitration decisions or other related results; 3. The ways in which it has supported the police discipline process; and 4. Significant recent developments in police discipline. The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7	High	Semi-annually		Smith
19	Feedback from Youth on CPRA App	10/10/2018		Get some feedback from youth as to what ideas, concerns, questions they have about its usability.	High			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
20	Confirming the Process to Hire Staff for the Office of Inspector General	5/17/2019	Per the Enabling Ordinance: The City shall allocate a sufficient budget for the OIG to perform its functions and duties as set forth in section 2.45.120, including budgeting one (1) full-time staff position comparable to the position of Police Program and Audit Supervisor. Within thirty (30) days after the first Inspector General is hired, the Policy Analyst position and funding then budgeted to the Agency shall be reallocated to the OIG. All OIG staff, including the Inspector General, shall be civil service employees in accordance with Article IX of the City Charter.	This will require information presented from the City Administrator's Office.	High			
21	Desk Audit of CPRA Staff by Human Resources	5/17/2019	The Commission would like to request that Human Resources do a desk audit for every job position in the CPRA.	This will enable the Police Commission to engage in a reorganization of the CPRA.	High			Personnel Committee
22	Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	Pending Measure LL revisions to be included in the November 2020 ballot. Recruitment and job posting in process.	High			Personnel Committee

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
23	Performance Reviews of CPRA Director and OPD Chief	1/1/2018	Conduct performance reviews of the Agency Director and the Chief	The Commission must determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Agency Director's or the Chiefs job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary.	High	Annually; Criteria for evaluation due 1 year prior to review		
24	Develop Plan for Quarterly Reports in Relation to Annual Report that is Due April 17th of Each Year	12/6/2019		The Commission is required to submit an annual report each year to the Mayor, City Council and the public. Preparing quarterly reports will help with the coordination and preparation of an annual report.	High			
25	Proposal For Staff Positions for Commission and CPRA	1/1/2018	Provide the City Administrator with its proposal for staff positions needed for Commission and Agency to fulfill its functions and duties		High	Ongoing as appropriate		
26	OPD Update on New Karibbean City Night Club Issue	10/29/2019	OPD to provide an update on the status of an issue that was raised on 10.10.19	The owner of the night club spoke during Open Forum at the meeting on 10.10.19 about an issue with OPD.	Medium			
27	Free Gun Trace Service	1/27/2020		This service was mentioned at a meeting in 2019.	Medium			Dorado

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
28	City Auditor's Office to Present Performance and Financial Audit of Commission and Agency		City Auditor to conduct a performance audit and a financial audit of the Commission and the Agency	No later than two (2) years after the City Council has confirmed the first set of Commissioners and alternates, the City Auditor shall conduct a performance audit and a financial audit of the Commission and the Agency. Nothing herein shall limit the City Auditor's authority to conduct future performance and financial audits of the Commission and the Agency.	Medium	Spring, 2020		
29	Review Budget and Resources of IAD	10/10/2018		In Discipline Training it was noted that many "lower level" investigations are outsourced to direct supervisors and sergeants. Leaders in IAD have agreed that it would be helpful to double investigators and stop outsourcing to Supervisors/Sgts. Commissioners have also wondered about an increase civilian investigators. Does the Commission have jurisdiction over this?	Medium			
30	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado
31	Receive Report from Urban Strategies on their Safe Oakland Summit of 6.5.19	8/22/2019		Commissioner Dorado will invite David Harris of Urban Strategies to give a report on the Safe Oakland Summit which was held on 6.5.19	Medium			Dorado
32	Report from OPD Regarding Found/Confiscated Items	7/12/2019	OPD will report on the Department's policy for disposition of found/confiscated items.	This came about through a question from Nino Parker. The Chief offered to present a report at a future meeting.	Medium			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
33	Revise Contracts with CPRA and Commission Legal Counsels	10/10/2018		The contract posted on the Commission's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City Attorney's Office, not the Commission. The Commission has yet to see the CPRA attorney's contract, but it, too, may be problematic.	Medium			
34	OPD Supervision Policies	10/2/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for supervisory accountability. Draft policy changes as needed. In addition, IG should conduct study of supervisor discipline practices. In other words, how often are supervisors held accountable for the misconduct of their subordinates.	Medium			
35	Modify Code of Conduct from Public Ethics Commission for Police Commission	10/2/2018		On code of conduct for Commissioners there is currently a code that was developed by the Public Ethics Commission.	Medium			
36	CPAB Report			Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium	May or June 2020		

Police Commission Pending Agenda Matters List

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
37	Follow up on Najiri Smith Case	10/10/2018		Community members representing Najiri claim the officer lied re. the time of interaction, which makes the citation (loud music after 10pm) invalid. They claimed he was engaged by OPD around 9.10pm.	Medium			
38	Offsite Meetings	1/1/2018	Meet in locations other than City Hall	The offsite meetings must include an agenda item titled "Community Roundtable" or something similar, and the Commission must consider inviting individuals and groups familiar with the issues involved in building and maintaining trust between the community and the Department.	Medium	Annually; at least twice each year	6/25/20 10/8/20	Dorado, Harris, Jackson
39	Report Regarding OPD Chief's Report	1/1/2018	Submit a report to the Mayor, City Council and the public regarding the Chief's report in addition to other matters relevant to the functions and duties of the Commission	The Chief's report needs to be completed first.	Medium	Annually; once per year		
40	Review Commission's Code of Conduct Policy	4/25/2019			Medium			Prather
41	Review Commission's Outreach Policy	4/25/2019			Medium			Dorado
42	Taser Policy (incorporate into Use of Force)	10/10/2018		This is part of Use of Force Policy; Review use of tasers in light of what happened to Marcellus Toney - In the report the Commission was given, it mentioned that officers have choice as to where to deploy a taser.	Medium			
43	De-Escalation Policy (incorporate into Use of Force)	1/1/2018		This should be part of Use of Force Policy; review existing policy (if any) and take testimony/evidence from experts and community about best practices for de-escalation.	Low			
44	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	4/17/2020		Prather, Smith

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
45	Discipline: Based on Review of MOU	10/6/2018		How often is Civil Service used v. arbitration? How long does each process take? What are the contributing factors for the length of the process? How often are timelines not met at every level? How often is conflict resolution process used? How long is it taking to get through it? Is there a permanent arbitration list? What is contemplated if there's no permanent list? How often are settlement discussions held at step 5? How many cases settle? Is there a panel for Immediate dispute resolution? How many Caloca appeals? How many are granted? What happened to the recommendations in the Second Swanson report?	Low			
46	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low			
47	Public Hearings on OPD Policies, Rules, Practices, Customs, General Orders	1/1/2018	Conduct public hearings on Department policies, rules, practices, customs, and General Orders; CPRA suggests reviewing Body Camera Policy		Low	Annually; at least once per year		Dorado
48	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019			Low		4/9/2020	
49	Public Hearing on OPD Budget	1/1/2018	Conduct at least one public hearing on the Police Department's budget	Tentative release date of Mayor's proposed budget is May 1st of each year.	Low	Spring, 2021		

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
50	Amendment of DGO C-1 (Grooming & Appearance Policy)	10/10/2018		DGO C-1 is an OPD policy that outlines standards for personal appearance. This policy should be amended to use more inclusive language, and to avoid promoting appearance requirements that are merely aesthetic concerns, rather than defensible business needs of the police department.	Low			
51	Assessing Responsiveness Capabilities	10/6/2018		Review OPD policies or training regarding how to assess if an individual whom police encounter may have a disability that impairs the ability to respond to their commands.	Low			
52	Creation of Form Regarding Inspector General's Job Performance	1/1/2018	Create a form for Commissioners to use in providing annual comments, observations and assessments to the City Administrator regarding the Inspector General's job performance. Each Commissioner shall complete the form individually and submit his or her completed form to the City Administrator confidentially.	To be done once Inspector General position is filled.	Low			
53	OPD Data and Reporting			Review and comment on the Department's police and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments to the Chief, and request the Chief to consider its recommendations and respond to the comments in writing.	Low			
54	Overtime Usage by OPD - Cost and Impact on Personal Health; Moonlighting for AC Transit	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
55	Process to Review Allegations of Misconduct by a Commissioner	10/2/2018		Maureen Benson named concerns/allegations about a sitting Commissioner early in 2018, but no process exists which allows for transparency or a way to have those concerns reviewed. It was suggested to hold a hearing where anyone making allegations presents evidence, the person named has an opportunity to respond and then the Commission decides if there's sanctions or not. *Suggestion from Regina Jackson: we should design a form...check box for the allegation...provide narrative to explain..hearing within 4 weeks?	Low			Jackson
56	Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	1/1/2018	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress. (See Trauma Informed Policing Plan)	Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of posttraumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.	Low	4/15/2020		