



# **OAKLAND POLICE COMMISSION SPECIAL MEETING AGENDA**

**May 14, 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

May 14, 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/83404561051> 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 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799  
For each number, please be patient and when requested, dial the following Webinar ID: 834 0456 1051

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](mailto: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](mailto:jrus@oaklandca.gov).

PLEASE NOTE: DUE TO THE SUSPENSION OF THE SUNSHINE ORDINANCE AND THE CITY COUNCIL'S RULES OF PROCEDURES 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

May 14, 2020  
5:30 PM

- I. **Call to Order**  
Chair Regina Jackson
- II. **Roll Call and Determination of Quorum**  
Chair Regina Jackson  
Excused Absence: Henry Gage, III
- 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 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 (2 minutes 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. **Update from Interim Police Chief**  
OPD Interim Chief Manheimer will provide an update on the Department. ***This is a recurring item.***
  - a. Discussion
  - b. Action, if any
- VIII. **Police Commission and CPRA Budgets Update**  
The Commission will provide updates on the CPRA and Commission budgets for the mid-cycle of FY 19-21. ***This item was discussed on 4.23.20. (Attachment 8).***
  - a. Discussion
  - b. Action, if any

**IX. Review of the Impact to Date of the Revised OPD R-02 Supervised Release Searches Policy**

OPD will present a report on the impact to date of the revised R-02 Supervised Release Searches policy. ***This is a new item.*** ([Attachment 9](#)).

- a. Discussion
- b. Action, if any

**X. Peace Officer Standards and Training (POST) Training Announcement for Commissioners**  
OPD will present information on and discuss the plan for POST training for the Commission. ***This is a new item.*** ([Attachment 10](#)).

- a. Discussion
- b. Action, if any

**XI. Annual Report Update**

The Commission will discuss the updates that were made to the annual report. ***This item was discussed on 4.9.20 and 4.23.20.*** ([Attachment 11](#)).

- a. Discussion
- b. Action, if any

**XII. Bey Case Contract Update**

The Bey Case Ad Hoc Committee will provide an update on the status of the contract for investigative services with the Knox & Ross Law Group. ***This is a new item.***

- a. Discussion
- b. Action, if any

**XIII. Commission Retreat**

The Commission will discuss potential dates, format, presenters, location, and cost for a retreat. The Commission may vote on items to facilitate scheduling. ***This item was discussed on 3.12.20.***

- a. Discussion
- b. Action, if any

**XIV. Committee Reports**

Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.***

- a. Discussion
- b. Action, if any

**XV. Meeting Minutes Approval**

The Commission will vote to approve minutes from April 23 and 27, 2020. ***This is a recurring item.*** ([Attachment 15](#)).

- a. Discussion
- b. Action, if any

**XVI. 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 16](#)).

- a. Discussion
- b. Action, if any

**XVII. Adjournment**



# OAKLAND POLICE COMMISSION

## Agenda Report

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<b>Subject:</b>	<b>Information and Recommended Action Regarding Budget Revisions for Oakland Police Commission and Community Police Review Agency</b>
<b>Date:</b>	May 8, 2020
<b>Prepared by:</b>	Juanito Rus, CPRA Policy Analyst
<b>Approved by:</b>	John Alden, CPRA Executive Director

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### Action Requested:

The Oakland Police Commission is asked to review the Commission's budget figures in preparation for the Mayor's proposed FY 20/21 budget, and to consider responses to budget reduction targets associated with the impact of the Covid-19 Crisis on the City's financial position.

Specifically, **staff recommends planning to freeze expenditures on personnel for the Inspector General's Office until at least February 1, 2021**, which cut would save approximately \$378,702 in FY 2020-21 without effecting any planned operations during that time frame. Staff also recommends that the Commission provide direction to staff as to a longer extension of that freeze and/or reductions to contract contingency spending should further cuts be requested before the Commission can meet again.

### Summary

This staff report is designed to give an overview of revised proposals requested to date of the Oakland Police Commission (Commission) and its associated units the Community Police Review Agency (CPRA) and the Police Inspector General (IG) by the City Budget Office for Fiscal Year 20/21 (Collectively referred to as the Commission Budget in this document).

The report includes information on

- 1) The initial Commission FY 20/21 budget proposal;
- 2) Changes to the budget proposal requested in response to the fiscal impact of Covid-19;
- 3) Initial CPRA response to requested budget revisions, and the desire to secure Commission approval of same;
- 4) Commission financial position and contracts and contingencies funds; and

- 5) Potential mechanisms to achieve the City's requested reductions to the Commission's current FY 19/20, and preparation for anticipated reductions in FY 20/21.

**Background - The Covid-19 Crisis and the City Budget:**

As first reported at the April 21 meeting of the Oakland City Council, the Covid-19 Crisis has had an unprecedented impact on the City's revenues across a broad range of its largest funding sources including sales taxes, occupancy taxes, and use and permit fees. Preliminary estimates prepared by the City Budget Office and Finance Department estimate a deficit for the City's general fund budget for the next fiscal year (FY 20/21) in the range of \$55 million dollars, on top of losses in the current fiscal year. The magnitude of this deficit is such that it will impact the budgets and staffing of all City Departments and functions, and as the Mayor's mid-cycle budget proposal for next year is finalized every department has been asked to identify budget reductions and staff freezes to help the City achieve the cuts required to balance the budget in light of these revenue shortfalls.

In March 2020, the CPRA submitted an initial budget proposal for inclusion in the Mayor's mid-cycle FY 20/21 budget based on Commission direction. However, in early April, the City's Budget office requested that all departments revise initial budget submissions and resubmit budget proposals based on a proposed hiring freeze of all currently unfilled positions – unless those positions are deemed essential to unit function by the department – as well as changes to operational accounts (O&M) budgets to meet reduction targets suggested by the Budget Office. Some of these reductions were designed to achieve savings in the remainder of FY '19-'20, others in the upcoming FY '20-'21. CPRA submitted responses on behalf of the Commission budget as requested, but communicated in that submission CPRA staff's belief that the Commission should deliberate and approve changes of this magnitude prior to a final Commission budget submission.

**Initial Budget Proposal of the Oakland Police Commission and associated units**

In the initial Fiscal Year 20/21 budget request from the City, the Commission was not asked to make any reductions from the amounts contemplated in the City's 2-year budget plan.

At the Commission's March 12, 2020 meeting, staff provided a report on additional staffing requests for the Commission budget based on needs identified through consultation with the Commission and the City's Human Resources Department. Based

on the Commission's discussion and acceptance of that report, an initial budget proposal for FY 20/21 was submitted on behalf of the Oakland Police Commission.

That proposal contemplated the creation of 4 new positions to support the work of the Commission and the Agency. The proposal also contemplated the conversion of two existing positions into higher job classifications, one of which conversions had been accomplished in FY '19-'20, but funding for which was not yet reflected in the new FY '20-'21 budget. Fully loaded, all 6 changes to current budgeted staffing levels would have created additional personnel related costs of approximately \$705,000 per year, plus additional costs associated with establishing workspaces and equipment for the new employees.

### **Covid-19 Related FY 20/21 Budget Revisions Requested by the City**

In April 2020, the Budget Office sent a request to all City departments to revise previously submitted budget proposals to hit new reduction targets calculated to achieve a balanced budget given the new post Covid-19 budget projections. These reduction targets included a call to freeze all currently unfilled positions unless deemed essential to Departmental core functions, as well as reductions to other discretionary (O&M) accounts of specific dollar amounts calculated separately for each department.

In addition to the exclusion of the additional staffing requested in the initial Commission Budget proposal, the budget revisions being sought from the Oakland Police Commission budget primarily focused on the two (2) currently open positions within the CPRA as well as a general O&M target reduction across all accounts generally in line with the magnitude of cuts as a percentage of total budget requested of every City Department.

Specifically, the Agency targets included the freezing of the open Office Assistant II position – previously held by Verdene Klasse – and an open supervisory Complaint Investigator III position. As presented by the Budget Office, the estimated savings including salaries and benefits achieved by freezing both positions would come to \$292,572 dollars in Fiscal Year 20/21 (\$94,351 for the Office Assistant II and \$198,221 for the Complaint Investigator III). The requested reduction to the Police Commission O&M budget was an additional \$171,849.

On April 10, 2020, the CPRA submitted a response to the budget revision request based on the reduction targets identified by the City (Exhibit A). In the response, the Agency agreed to freeze the open Office Assistant II position despite the impact on the agency's administrative support and responsiveness, but argued that the open Investigator III position was both essential to the Agency's ability to comply with

investigatory timelines established by City Charter, and required based on the investigator/OPD sworn officer ratio established in the same.

For the reduction to the Police Commission O&M budget however, the Agency responded that Commission approval was necessary for any proposed changes, as the only discretionary accounts within the Police Commission budget large enough to achieve the targets requested by the City are the contract contingency accounts that fund Commission initiatives and contracting.

### **Police Commission Budget position and potential O&M reductions**

Currently, the Commission is in a strong financial position for O&M spending, at least when comparing the expenses the Commission has chosen to take on as against the funds allocated by the Council to date. By leaps and bounds, the largest discretionary spending account in the Commission's O&M budget is for contracting. Contracting alone has been allocated approximately \$1,074,133 in FY '19-'20. Other O&M accounts, like food for meetings, are trivial in scale by comparison.

This sum comes from four sources:

1. Carryover from FY '18-'19;
2. Budgeted funds for CPRA Contract Contingencies;
3. Budgeted funds for Commission Contract Contingencies;
4. Unspent Inspector General Salary funds.

January 23, 2020, The Oakland City Council adopted resolution 87988 C.M.S. which reallocated \$546,204 from the FY 2019-20 personnel related accounts of the currently unstaffed Office of the Inspector General to the Oakland Police Commission for the purpose of entering into certain professional contracts for work which might otherwise have been performed by the Inspector General. This sum is more than half the currently available contract contingency funding, as shown in Exhibit B.

This fiscal year, the Commission entered into some contracts, and instructed staff to begin the contracting process with others, as reflected in Exhibit B. Those contract expenses total roughly \$375,000. Thus, even when taking into account the Commission's past direction to set aside \$45,000 of O&M for outreach opportunities, this leaves approximately \$654,135 available in FY '19-'20.

These funds in the Contract Contingencies account should allow them to roll over into the next fiscal year to facilitate ongoing professional service agreements required by the Commission and to follow commitments already so entered. Unlike the funds within the primary budget however, the money transferred to this account does not constitute part

of the Commission's budget as these funds will not be renewed on an annual basis, but rather exist as a separate one-time funding pool for Commission contracts for services which might otherwise have been delegated to the Police Inspector General.

With the addition of this transfer from the Office of the Inspector General, the amount of current budgetary authority being carried forward into FY 20/21 after the execution of all currently contemplated Commission contracts and potential expenditures is approximately \$654,135, which will be added to the \$349,000 in contract contingency budgetary authority (\$103,000 for the Commission and \$246,000 for the CPRA) in the initial Commission budget proposal, leaving approximately \$1,003,135 in available contract contingency budget authority in FY 20/21.

### **Potential Commission Costs for Legal Counsel**

While Commission account balances are robust at the end of FY 19/20, legal fees related to the costs of the Commission's Legal Counsel (Garcia, Hernandez & Sawhney L.L.P.) have to date been paid by the Office of the City Attorney. The current budgeted cost for legal counsel – based on the full time equivalent (FTE) personnel costs of one senior City Attorney – is \$287,393.00 for FY 20/21.

Moving forward, those costs may need to be funded by Commission accounts. Therefore, an estimate of available funds should encompass the likelihood of those costs being charged to the Commission at that level. Even if, in an abundance of caution, the Commission were to set aside \$300,000 for that purpose in FY '20-'21, that would still leave roughly \$700,000 in contract contingencies for FY '20-'21.

### **Paths to Achieving Covid-19 Related Reduction Targets for Fiscal Year 20/21 Commission Budget**

As stated in previous sections, the requested target reduction in O&M accounts related to the Covid-19 Budget impacts is \$171,849. Because of the CPRA request to not freeze the open Complaint Investigator III position due to its importance to the core investigative work of the Agency, there is another \$198,221 in potential cost reductions that have also not been realized to date in budget submissions to the City. CPRA does not yet have final direction from Budget and Finance on this issue as of the date of this submission, but planning in advance as to how to cover both sums would be prudent.

Given the robust financial position of Commission Accounts however, there are potentially several pathways toward achieving the Budget reductions requested by the City. These include reduced budgetary authority for the personnel and other

expenditures related to the Office of the Inspector General already included in the FY 20/21 budget; reductions to the Commission's contract contingencies base budget of \$349,000 (\$103,000 for the Commission and \$246,000 for the CPRA); or givebacks to the city of some of the carryover from FY 19/20 contract contingency accounts including the one-time funds transferred by the Oakland City Council to the Commission from the unspent Inspector General Personnel costs in FY 19/20.

Of these, the still unstaffed Office of the Inspector General provides the largest potential for budget reductions in FY 20/21. Because aspects of this office are likely going to be placed before the voters in the form of a City Council sponsored Measure on the November 2020 ballot, it is possible that the Inspector General will remain unfilled through at least the first half of the next fiscal year, which would provide budgetary cost savings well in excess of the requested reductions. If, for example, the new Inspector General started April 1, 2021, the savings realized in the interim would be at least \$486,903. A seven-month freeze would save \$378,702, approximately the same amount as requested by Budget and Finance. However, including a freeze of this sort in the Commission's revised budget request would effectively lock in that later start date.

A second approach could be to achieve requested budget reductions through givebacks to the city of some portion of the funds contained in one-time Commission carry-over accounts. Such givebacks could easily cover the dollar value of the requested reductions but would not constitute ongoing reductions to the Commission budget, so it is unclear whether they would meet the City's requested cuts for inclusion in the Mayor's Proposed FY 20/21 Budget. Moreover, these givebacks would limit the Commission's financial flexibility in FY '20-'21 should new O&M priorities emerge.

Finally, the Commission could lower the budgeted amount for contract contingencies on an ongoing basis. In the short run, this would have minimal impact on the Commission's contracting authority given the large carry-over funds in commission accounts, however in the medium to long term these reductions would constrain Commission flexibility to enter new professional service contracts.

## **Conclusion & Recommendation**

The Covid-19 Crisis has created unprecedented pressures on the City of Oakland Fiscal Year 20/21 budget. In response, the City has requested that each Department revise its FY 20/21 budget proposal to achieve deep cuts to current funding levels. In April, the Community Police Review Agency provided a preliminary response to the reduction requests from the City, but further action requires Commission debate and approval.

To meet the cuts requested so far, **staff recommends the Commission approve freezing the Inspector General personnel hiring until at least February 1, 2021**, saving approximately \$378,702 without effecting existing or planned operations.

Should the City request further cuts, a longer freeze and/or giveback of some portion of the current contract contingencies funding could be approved. Direction from the Commission as to what further cuts it would prefer, if needed, would be prudent to discuss at the next meeting of the Commission so that appropriate direction can be given to staff.

**Exhibit A – Budget and Finance Request for Police Commission Budget Revisions to FY 19/20 and 20/21**

**Exhibit B – 2019-2020 Contract Contingencies Spending Plan and Balances as modified by changes to contract requests and IG fund transfer**

To Lisa Agustin, Budget Administrator, City of Oakland

Dear Lisa,

Here's a summary of our response, some of which material is also included in the attached Excel document.

**Vacancies:**

We can freeze our Administrative Assistant position. While that freeze would reduce internal levels of service for other staff and also public-facing services such as outreach and publicity for Police Commission meetings, we can survive without them in the short term. Restoring those services at a later date should be a simple process.

Our Charter-mandated Complaint Investigator III position, however, is mission-critical given the massive spike in caseload since the passage of Measure LL. This position is also critical to meeting the terms of the City's Negotiated Settlement Agreement in the Delphine Allen case. Hiring the Complaint Investigator III position would also be offset in part by decreases in the significant overtime we have logged since Measure LL.

NOTE: The list of vacancies provided did NOT list the current vacancy in the Inspector General position as a vacancy to freeze. That position has remained unfilled since the inception of the current budget. Barring an agreement being reached between the Commission and City Administrator as to how to fill and supervise that position, we expect that position will remain unfilled until the passage of Charter amendments clarifying the process for hiring that position and supervision of that position. That vacant position may be a source of substantial savings **if** the Commission and City Administrator continue to agree that it will not be filled for some time, as it has the highest cost of these three positions.

**Reductions to O&M and delays to contract services:**

The only O&M funds we have in the magnitude sought here are the contract funds used by the Police Commission for a wide variety of services. The Commission would have to direct reductions in this category. The soonest this matter could be agendized for their consideration would be April 23, 2020.

That said, on January 23, 2020, The Oakland City Council adopted resolution 87988 C.M.S. which reallocated \$649,204 from the FY 2019-20 Personnel related accounts of the currently unstaffed Office of the Inspector General to the Oakland Police Commission for the purpose of entering into certain professional contracts for work which might otherwise have been performed by the Inspector General. Those funds have been moved to a project account within the 66211 org to allow them to roll over into the next fiscal year to facilitate ongoing professional service agreements required by the Commission and to follow commitments already so entered. To date, we expect a substantial surplus in this account, which the Police Commission had planned to spend in the upcoming fiscal year so long as the Inspector General position remains unfilled. This surplus would be the most logical place to sustain this cut, and likely the only place within O&M with sufficient funding to absorb a cut of this size.

In short, we'll have to get back to you on this element after securing authority from the Commission. But the solution above appears the most likely outcome at this time, and should have sufficient available funds to meet the cut requested.

I hope that is a help.

John Alden  
Executive Director  
Community Police Review Agency  
*250 Frank Ogawa Plaza, Suite 6302*  
*Oakland, CA 94612*  
*510-238-7401*  
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Vacant/Filled

Vacant

<b>Org</b>	<b>Allocated Fund</b>	<b>Position</b>	<b>Job</b>	<b>Fully Loaded Cost</b>	<b>Freeze Y/N</b>
66211 - Community Police Review Agency	1010 - General Fund: General Purpose	PN_35964	Office Assistant II.SS153	94,351	Y
66211 - Community Police Review Agency	1010 - General Fund: General Purpose	PN_42878	Complaint Investigator III.AP144	198,221	N
<b>Grand Total</b>				<b>292,572</b>	

Please assess the impact of freezing positions below. Answer the questions for each group (e.g., org, general function) of positions .

Org/General Function	1. Who (individuals or groups, such as communities of color, low-income communities, and/or those with disabilities) could be impacted by this budget proposal.	2. What are the potential benefits or negative consequences of this budget proposal (social, economic, health, environmental or other) on communities of color, low-income communities, those with disabilities, and known disparities identified in the Oakland Equity Indicators Report?"	3. If there are any negative consequences in response to Question #2, provide information on how these identified negative consequences can be mitigated or prevented.
CPRA (org: 66211) Office Assistant II (FREEZE)	<p><b>FREEZE</b> - The Office Assistant II position within the Community Police Review Agency provides general administrative support to the Agency, including serving as a preliminary point of contact for members of the community. Additionally, the position has served as primary contact responsive to ADA and other special accomodation requests associated with meetings of the Oakland Police Commission.</p>	<p>The negative consequence of this budget proposal primarily resides in the depletion of the administrative support capacity of the Community Police Review Agency, with adverse impacts on its ability to perform core functions including outreach and community engagement and its responsiveness to community requests. Communities of color and low-income communities are disproportionately represented in complaints filed with the Agency, and its mandate includes the investigation of discrimination by members of the Oakland Police Department against members of these communities. Therefore the impact of reduced capacity for community engagement and slower response time will disproportionately affect these communities.</p>	<p>The direct impact on Agency operations cannot be mitigated in the short term, as there are no other available staff with bandwidth to absorb these tasks. The long term impact of the loss of this position on the CPRA's ability to accomplish other key Agency tasks such as community engagement, outreach and responsiveness to community requests will persist until additional staffing can be added to perform those services.</p>
CPRA (Org: 66211)Complaint Investigator III (DO NOT FREEZE	<p><b>DO NOT FREEZE</b> - The Complaint Investigator III position within the CPRA is a supervisory investigator position essential to core investigative functions of the Agency. Furthermore, under City Charter Section 604(e)5 "The staff of the Agency shall consist of no fewer than one line investigator for every one hundred (100) sworn officers in the Department, rounded up or down to the nearest one hundred (100)." With the current number of sworn officers in the Department, the Agency is required to fill this vacant investigator position to comply with this section of the Charter. The Community Police Review Agency accepts and investigates community complaints of misconduct by sworn members of the Oakland Police Department. Community complaints are disproportionately made by members of at-risk communities, and mandated areas of investigation include police profiling based on protected status. CPRA staffing at below mandated levels will therefore disproportionately affect those communities.</p>	<p>This is a charter-mandated position, which could only remain vacant if the Council declares a fiscal emergency. The potential negative consequences of freezing this Investigator III position within the CPRA would be a reduced capacity to manage and fully investigate community complaints of officer misconduct by sworn members of the OPD. Under the Oakland City Charter, the Community Police Review Agency plays a key role in the disciplinary process as primary investigator on par with the Internal Affairs Division of the Department for all such complaints. Moreover, Agency agreement is required for most disciplinary decisions related to major incident and complaint generated misconduct investigations. As such, diminished capacity to manage and fully investigate misconduct by the CPRA affects the City's ability to properly hold its sworn officers accountable for their conduct on the job. As misconduct complaints and police action disproportionately affect members of at-risk communities and communities of color, they would be the communities most impacted by reduced investigative capacity.</p>	<p>The operational effects of freezing the vacant Investigator III position would have serious long-term impacts on core Agency functions that cannot be addressed through the distribution of the duties of that position to other investigative staff. Those investigative staff are already running very high overtime expenditures to absorb the current vacancy. The pace of work represented by our OT costs to date is unsustainable if maintained, but that OT also presents a \$120,000 annual savings realized by filing the position. The Agency faces investigatory deadlines under State law, which mandates the investigations we conduct, and City ordinance. The disciplinary processes that stem from these investigations are a core task of the City's Negotiated Settlement Agreement. Therefore, impediments to the timeliness of Agency investigations not only impact officer discipline but the City's compliance with the terms of that Agreement.</p>

Short Description	Fund	Org	Account	Project	Program	Award	Task	FY 2020-21 Change	Service & Equity Impact
Contract Contengencies	1010	66211	54011	1003737	IP06			not yet clear	<p>CPRA cannot identify cuts of the magnitude requested without securing authorization from the Police Commission. Such a cut would impact the ability of the Oakland Police Commission to contract for services such as community outreach, services otherwise provided by the Inspector General such as audits and investigations, and oversight of CPRA and the Police Department that are required under City Charter Section 604. That said, the City Council recently reallocated substantial salary savings from the vacant Inspector General position to a Police Commission O&amp;M account for the purpose of securing further contracts. That fund may be the only available source for the cut requested.</p>

Spending Plan 2019-2020 re: Contract Contingencies**Available FY 2019-20 Budgetary Allocations including Carryforward:**

Police Commission Budgeted Funds	\$103,000
CPRA Budgeted Funds	\$246,000
IG 2019-20 Salary Savings Transferred by City Council to Contracts	\$546,204
Carryforward from FY 2018-19	\$178,929

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<b>Available FY 2019-20 Budget Authority</b>	<b>\$1,074,133</b>
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**Expenditures Approved by the Commission or Expended by CPRA this Fiscal Year to date:**

CPRA Investigative Expenses (estimated)	\$30,000
Commission Retreat – Walker Group	\$15,000
Bey Investigation	\$49,999
Raheem Outreach Proposal	\$40,000
OBOA Investigation Contract	\$150,000
Mason Group	\$49,999
Outreach for Commission and CPRA (Gia Irlando)	\$40,000
<b>Subtotal:</b>	<b>\$374,998</b>

**Potential Future Expenditures to Budget:**


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Outreach Expenses for Public Meetings, especially Use of Force	\$45,000
<b>Subtotal:</b>	<b>\$45,000</b>

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<b>Total Previously Discussed and Potential Expenditures</b>	<b>\$419,998</b>
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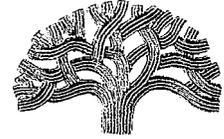
<b>Remainder:</b>	<b>\$654,135</b>
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**Requested Reductions FY 2019-2020:**

O&M (discretionary funding like contract contingencies)	\$171,849
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<b>FY 2019-2020 Remainder After Reduction (if executed):</b>	<b>\$482,286</b>
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CITY OF OAKLAND



POLICE ADMINISTRATION BUILDING • 455 - 7TH STREET • OAKLAND, CALIFORNIA 94607-3985

Police Department

Telephone Device for the Deaf (510) 238-3227

May 7, 2020

Chair Jackson,

The Police Commission requested an update on DGO R-02: Search of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Post Release Community Supervision) implementation.

**Background:**

The intent of this Policy is to enhance the effectiveness of Officers when coming into contact with those individuals on Supervised Release and to provide clear guidelines for the use of Supervised Release searches. The Department values the abilities of officers to make sound judgments and decisions when using law enforcement tools available to them – such as Supervised Release searches – to ensure Officer, community, and subject safety. At the same time, the Department recognizes that those on Supervised Release, as well as the community at large, consider warrantless searches to be overly intrusive and should only be conducted to address a legitimate law enforcement objective.

Accordingly, the Department seeks to build community trust through transparency of Department operations by requiring Officers to document articulable facts supporting a decision to affect a warrantless search.

**DGO R-02 Training Plan:**

To provide all sworn members training on the changes to DGO R-2, Oakland Police Department implemented an extensive training program, which consisted of a lesson plan, process flow chart, and a PowerPoint presentation.

The lesson plan is extensive, which covers six areas of DGO R-02 instruction, see *Attachment A*:

- Introduction
- Commander intent
- Definitions
- Purpose of Supervised Release Searches
- Requirements for supervised release searches
- Memorializing facts of the search

The attached flow chart depicts each step to implement the DGO R-02 policy, see *Attachment B*.

The department produced a PowerPoint presentation to provide visual training, which provided situational training of multiple scenarios to further reinforce the implementation of the policy, see *Attachment C*.

Lesson plan For DGO R-02 - Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (August 2019)

Date of Training: August 2019

Total Hours: 30 minutes

Instructors: Command Staff

Students: All sworn personnel

Required Training Documents:

- DGO R-02: <https://app.box.com/s/yktlal2u0ng1sy4cq6k4kkelggzvkr6>
- Lesson Plan: <https://app.box.com/s/26a3d9evroqnrskel00iq8d5ga29k4fx>
- Digital Presentation: <https://app.box.com/s/llae22z340k623woqn1d2qihbm0ga6sh>
- Flowchart: <https://app.box.com/s/18btby3vp73w6som72xs0b98aqmv24mc>

Learning Need: After this training, officers will understand DGO R-02 - Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS.

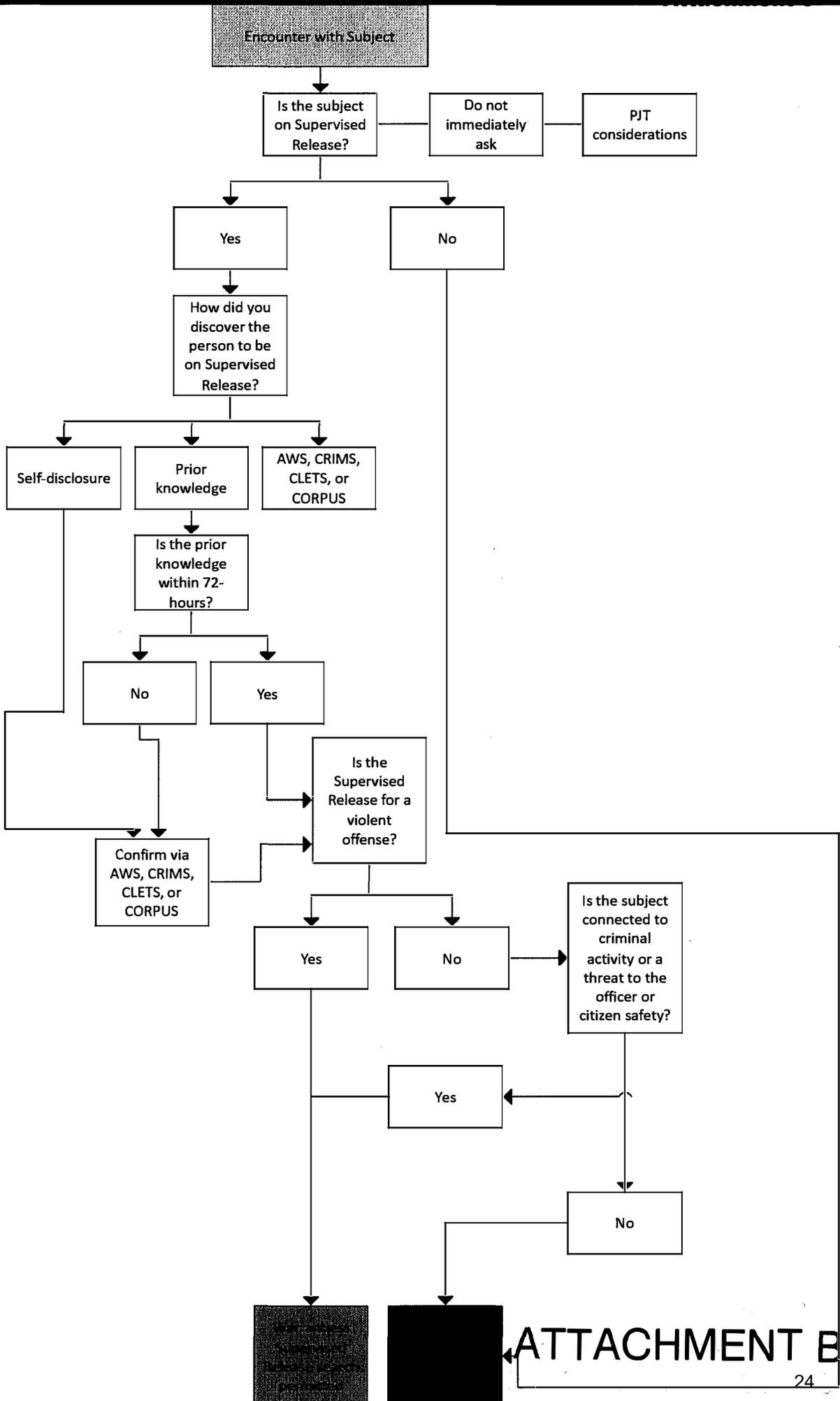
Lesson	Instructor Notes
<p>I. Introduction</p> <p>A. Individuals on probation with certain court-imposed search clauses and individuals on probation, parole, mandatory supervision, and post-release community supervision (PRCS) may be subject to warrantless searches.</p> <p>B. Collectively called “Supervised Release.”</p> <p>C. Legitimate law enforcement tool</p> <p>1. The mere fact that an individual is on Supervised Release is not, in itself, a connection to criminal activity.</p> <p>II. Commander intent</p> <p>A. Enhance the effectiveness of Officers.</p> <p>B. Make sound judgments</p> <p>C. Warrantless searches may be viewed as overly intrusive.</p> <p>D. Seek to build community trust through transparency.</p> <p>III. Definitions</p> <p>A. Non-Violent Offenses</p> <p>B. Violent Offenses</p> <p>C. Cursory Search</p> <p>D. Full Search</p> <p>IV. Purpose of Supervised Release Searches</p> <p>A. Shall further a legitimate law enforcement purpose.</p> <p>B. Such searches shall not be:</p>	<p>Alameda County Point of View on Probation and Parole searches:  <a href="https://le.alcoda.org/publications/point_of_view/files/probation_searches.pdf">https://le.alcoda.org/publications/point_of_view/files/probation_searches.pdf</a></p> <p>“Officer” or “Officers” refer(s) to sworn members of the Department of any rank.</p> <p>See for example Terry v. Ohio, 392 US 1 (1968):  <a href="https://supreme.justia.com/cases/federal/us/392/1/">https://supreme.justia.com/cases/federal/us/392/1/</a></p> <p>OPD Training Bulletin I-O.02, Legal Aspects of Searching Persons.:  <a href="https://app.box.com/s/0urxyssynl3dn8g2wu0p8r5rtfbbr52">https://app.box.com/s/0urxyssynl3dn8g2wu0p8r5rtfbbr52</a></p> <p>US v. Robinson, 414 US 218, 236 (1973):  <a href="https://supreme.justia.com/cases/federal/us/414/218/">https://supreme.justia.com/cases/federal/us/414/218/</a></p> <p>Manual of Rules 175.77: SHALL – Indicates that the action is mandatory:  <a href="https://app.box.com/s/0kdh7yc38143wodsn1fhgwsrtf781zt9">https://app.box.com/s/0kdh7yc38143wodsn1fhgwsrtf781zt9</a></p> <p>An “Immediate Threat” is defined in Departmental General Order K-3 (I)(D):  <a href="https://app.box.com/s/rqdmajystlzzcmqmo6iexqafiz507af">https://app.box.com/s/rqdmajystlzzcmqmo6iexqafiz507af</a></p>

Lesson plan For DGO R-02 - Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (August 2019)

<ul style="list-style-type: none"> <li>1. Arbitrary;</li> <li>2. Capricious; or</li> <li>3. Harassing</li> <li>C. Procedural Justice Considerations             <ul style="list-style-type: none"> <li>1. Officer contact allows the opportunity for:                 <ul style="list-style-type: none"> <li>a) voice,</li> <li>b) neutrality,</li> <li>c) respect and</li> <li>d) trustworthiness.</li> </ul> </li> </ul> </li> <li>D. Inquiring About Supervised Release Status             <ul style="list-style-type: none"> <li>1. Beginning of interaction without proper justification is unjust.</li> <li>2. The immediate inquiry is viewed as the community as an improper assumption.</li> <li>3. Officers shall not immediately inquire whether an individual is on Supervised Release.</li> <li>4. Unless immediate threat to Officer safety or the safety of others.</li> <li>5. Shall be framed respectfully.</li> </ul> </li> <li>V. Requirements for supervised release searches             <ul style="list-style-type: none"> <li>A. The totality of the circumstances</li> <li>B. Knowledge of searchable Supervised Release Status                 <ul style="list-style-type: none"> <li>1. Knowledge and confirm.</li> <li>2. Databases</li> <li>3. Direct contact with another Department Officer</li> <li>4. Prior knowledge requires confirmation via a records check</li> <li>5. Confirmation within 72 hours shall be sufficient.                     <ul style="list-style-type: none"> <li>a) Document</li> </ul> </li> <li>6. Self-disclosed by subject requires the Officer to confirm the validity.                     <ul style="list-style-type: none"> <li>a) Document</li> </ul> </li> </ul> </li> <li>C. Individuals on Supervised Release for Non-Violent Offenses                 <ul style="list-style-type: none"> <li>1. Shall consider facts which demonstrate the subject is connected to criminal activity</li> </ul> </li> </ul> </li> </ul>	<p>Facilitators guide to Procedural Justice:  <a href="https://app.box.com/s/27ho5kbo62vgedl596h6s8fp9v0dlihe">https://app.box.com/s/27ho5kbo62vgedl596h6s8fp9v0dlihe</a></p> <p>CRIMS is the recommended database for confirming probation status.</p> <p>CLETS is the recommended database for confirming parole status.</p>
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Lesson plan For DGO R-02 - Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (August 2019)

<ul style="list-style-type: none"> <li>2. Alternatively, the <u>subject</u> is an Imminent Threat to Officer or citizen safety</li> <li>3. Absent this, a warrantless search shall not <u>be invoked</u></li> <li>D. The person on Supervised Release is not, in itself, a connection to criminal activity.</li> <li>E. Traffic stops of individuals on Supervised Release for non-violent offenses             <ul style="list-style-type: none"> <li>1. Vehicle stop for any infraction</li> <li>2. No articulable facts present the subject is <u>connected</u> to criminal activity</li> <li>3. Officers shall not search the <u>subject</u> or his/her vehicle</li> </ul> </li> <li>F. Individuals on Supervised Release for violent offenses             <ul style="list-style-type: none"> <li>1. May <u>be searched</u></li> </ul> </li> <li>G. Cursory and full searches             <ul style="list-style-type: none"> <li>1. Full search allowable</li> <li>2. If a <u>cursory</u> search is justified, and the subject is on Supervised Release</li> </ul> </li> <li>VI. Memorializing facts of the search             <ul style="list-style-type: none"> <li>A. Required documentation                 <ul style="list-style-type: none"> <li>1. Circumstances of the encounter/detention</li> <li>2. How/when it was <u>determined</u> that the <u>subject</u> was on Supervised Release                     <ul style="list-style-type: none"> <li>a) Prior knowledge</li> <li>b) The basis for that knowledge</li> </ul> </li> <li>3. How the search condition was verified                     <ul style="list-style-type: none"> <li>a) Paste MDT in the report, if feasible</li> </ul> </li> <li>4. Facts which informed the decision to search</li> <li>5. Type(s) of search and disposition</li> </ul> </li> <li>B. Use of PDRD                 <ul style="list-style-type: none"> <li>1. Follow DGO I-15.1 (II)(A)</li> </ul> </li> </ul> </li> <li>VI. Example scenarios</li> </ul>	<p>I-15.1:  <a href="https://app.box.com/s/5cbf8t8t2prujaru09687kjl5o7jam3v">https://app.box.com/s/5cbf8t8t2prujaru09687kjl5o7jam3v</a></p> <p>Lesson plan for DGO I-15.1:  <a href="https://app.box.com/s/ezsfu7ak1dehbkov61lbo2d0j8swoon8">https://app.box.com/s/ezsfu7ak1dehbkov61lbo2d0j8swoon8</a></p>
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ATTACHMENT B

# SEARCHES OF INDIVIDUALS ON PROBATION, PAROLE, MANDATORY SUPERVISION AND PRCS (POST-RELEASE COMMUNITY SUPERVISION)

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DGO R-02 (AUGUST 2019)



ATTACHMENT C

## “SUPERVISED RELEASE”

Probation, parole, mandatory supervision, and post-release community supervision collectively called “Supervised Release” in DGO R-02.

# CONNECTION TO CRIMINAL ACTIVITY

While Supervised Release searches are a legitimate law enforcement tool, the Department emphasizes that the mere fact that an individual is on Supervised Release is not in itself a connection to criminal activity.

# KEY TERMS

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Non-Violent  
Offenses



Violent  
Offenses



Cursory  
Search



Full Search

## SUPERVISED RELEASE AND THE COMMUNITY

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Supervised Release searches shall further a legitimate law enforcement purpose and not be:

- Arbitrary
- Capricious
- Harassing



# PROCEDURAL JUSTICE CONSIDERATIONS

- Officer contact with individuals on Supervised Release provides an opportunity to practice the tenets of procedural justice:
  - Voice
  - Neutrality
  - Respect
  - Trustworthiness

---

## INQUIRING ABOUT SUPERVISED RELEASE STATUS

Officers shall not inquire about an individual's Supervised Release status at the beginning of an interaction unless there is an immediate threat (as defined in DGO K-3).

Any subsequent inquiries about an individual's Supervised Release status shall be framed in a respectful manner.

## KNOWLEDGE OF SEARCHABLE SUPERVISED RELEASE STATUS

Officers shall have knowledge, and confirm that knowledge, that an individual is currently on searchable Supervised Release prior to conducting any such warrantless search.

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## HOW TO LEARN OF, AND CONFIRM, AN INDIVIDUAL'S SUPERVISED RELEASE STATUS



AWS



CRIMS



CLETS



CORPUS



Direct contact with the individual's Supervised Release officer/supervisor



Direct contact with another Department Officer who fulfilled one of the two above mentioned methods of confirmation.

# CONFIRMATION ALWAYS REQUIRED

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Officer shall always confirm the validity of the individual's Supervised Release status via a records check prior to effecting any warrantless search

even when...

- the Officer has direct contact with the individual's Supervised Release officer/supervisor and/or
- the Officer has contact with another Department Officer

# PRIOR KNOWLEDGE

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- If the Officer has prior knowledge of an individual's Supervised Release status, the Officer shall confirm the validity of the individual's Supervised Release status via a records check prior to effecting any warrantless search.
- Confirmation within 72 hours is sufficient.
- Officers shall document the basis of their knowledge and confirmation.

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## SELF- DISCLOSURE

If an individual communicates to an officer that he/she is on a searchable Supervised Release, the officer shall still confirm the validity of the individual's Supervised Release status via a records check.

If the individual is mistaken concerning his/her Supervised Release status, the officer shall provide the correct information and document the result in the appropriate report.

# SUPERVISED RELEASE FOR NON-VIOLENT OFFENSES

When conducting a warrantless search condition for an individual on Supervised Release for a Non-Violent Offense, officers shall consider articulable facts, which demonstrate that the individual is connected in some way to criminal activity or that the individual is an Immediate Threat to officer or citizen safety.

SUPERVISED  
RELEASE FOR  
NON-VIOLENT  
OFFENSES

Absent a connection to criminal activity or a threat to the officer or citizen safety, the warrantless search **shall not** be invoked.

## SUPERVISED RELEASE FOR NON-VIOLENT OFFENSES

---

The mere fact that an individual is on Supervised Release is not in itself a connection to criminal activity.



# TRAFFIC STOPS ON INDIVIDUALS ON SUPERVISED RELEASE FOR NON-VIOLENT OFFENSES

When officers contact an individual on Supervised Release for a Non-Violent Offense during a vehicle stop for any infraction and there are no articulable facts present which demonstrate that the individual is connected in some way to criminal activity, or that the individual is an Imminent Threat to officer or citizen safety, officers **shall not** search that individual or his/her vehicle pursuant to any Supervised Release clauses or conditions.

## SUPERVISED RELEASE FOR VIOLENT OFFENSES

Individuals contacted or detained who are found to be on searchable Supervised Release for Violent Offenses may be searched pursuant to the terms of their Supervised Release conditions.

## CURSORY AND FULL SEARCHES

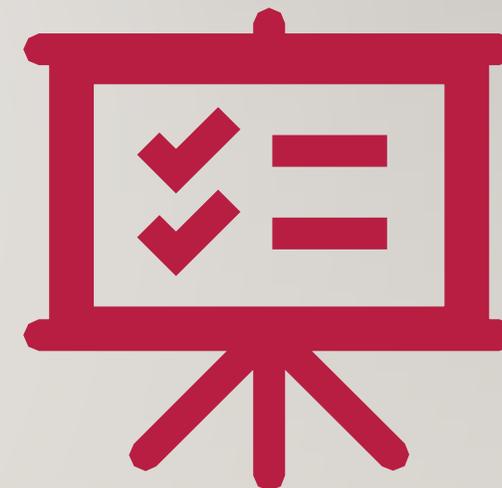
If a Cursory Search is justified and the individual to be searched is on Supervised Release and the terms and/or conditions of an individual's Supervised Release allow for a warrantless search, a Full Search may be conducted of the area which would be subject to a Cursory Search.

# REQUIRED DOCUMENTATION

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Officers conducting a Supervised Release search shall minimally document the following:

- The circumstances of the encounter/detention;
- How/when it was determined that the individual was Supervised Release and, if the Officer made this determination based on prior knowledge, the basis for that knowledge;
- How the Supervised Release status and warrantless search condition was verified;
- Any articulable facts which informed the decision to search; and
- The type(s) of search completed and disposition.



## BODY WORN CAMERA

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Officer shall follow DGO I-15 regarding the activation of a body worn camera during encounters with individuals on Supervised Release.



## EXAMPLE SCENARIO

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An officer conducts a traffic stop on a speeding vehicle. Upon immediately contacting the driver, the officer asks him if he is on Supervised Release. The driver acknowledges that he is on probation for narcotic use and has a search clause. The officer removes the driver from the vehicle and searches his person and his car.

# ANSWER

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This would **be a violation of** DGO R-02 for the following reasons:

1. The officer immediately inquired if the driver is on Supervised Release (Section B-3).
2. The officer did not confirm that the person is on Supervised Release and, instead, relied only on what the driver disclosed (Section C-1).
3. The officer did not demonstrate that the driver is connected to criminal activity or that the individual is an Imminent Threat to officer or citizen safety (Section C-2).
4. The officer stopped the driver for an infraction, he was on Supervised Release for a Non-Violent Offense, and there was no articulable facts present which demonstrated that the individual is connected in some way to criminal activity, or that the individual is an Imminent Threat to officer or citizen safety (Section C-3).

# EXAMPLE SCENARIO

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An officer activates his body worn camera and conducts a walking stop on a subject for crossing the street against a red light. After explaining the reason for the detention and notifying the subject of his intention to issue him a citation for the offense, the officer politely asks if the subject is on Supervised Release. The subject discloses that he is on probation for assault with a deadly weapon and has a search clause. Before performing a search, the officer verifies the subject's Supervised Release status via CRIMS. The officer explains to the subject as to why he is going to perform a warrantless Supervised Release search on the subject. After completing the search, the officer issues a citation and releases the subject. The officer completes a Stop Data and Field Investigative Report where he documents the encounter and copies/pastes the CRIMS information in the body of the document.

# ANSWER

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This would be **in accordance** to DGO R-02 for the following reasons:

1. The officer exercised the tenets of procedural justice by adequately explaining the reason for the detention (Section B-2).
2. The officer did not immediately ask if the subject was on Supervised Release. When the officer asked, he did so in a respectful manner (Section B-3).
3. Even after the subject disclosed that he was on Supervised Release for a violent offense (Section C-4), the officer still confirmed it to be accurate via CRIMS prior to the search (Section C-1).
4. The officer activated his Body Worn Camera (Section D-2).
5. The officer documented the encounter (Section D-1).

# KEY POINTS OF DGO R-02

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- ✓ Do not immediately ask a subject if he/she is on Supervised Release. If you do ask, it needs to be framed in a respectful manner.
- ✓ A Supervised Release search may only be performed on subjects who are on Supervised Release for a violent offense with a warrantless search clause, or on Supervised Release for any offense and they are connected in some way to criminal activity or poses an imminent threat to officer or citizen safety.
- ✓ Before any Supervised Release search, an officer shall confirm the status of the subject's Supervised Release by way of a records check.
- ✓ For all Supervised Release searches, officers shall utilize their body worn camera and document the encounter in the appropriate report.



END OF  
PRESENTATION

CITY OF OAKLAND



POLICE ADMINISTRATION BUILDING • 455 - 7TH STREET • OAKLAND, CALIFORNIA 94607-3985  
Police Department Telephone Device for the Deaf (510) 238-3227

Chair Jackson,

Commissioner Harris has requested an item be placed on the May 14<sup>th</sup> Police Commission agenda to discuss the “Principles and Responsibilities of Police Oversight Agency Course Proposal.”

**Background:**

The Police Commission wants to develop a police commission training course for police oversight with the intent to have this training course POST-certified. Because it will be a POST training course, it is supposed to be applicable to the State of California and it would be the first in the State. Hopefully, other commissions throughout the State would be invited to attend the training.

The duration of the Oakland Police Commission training course requires 40 hours, covering various topic areas of police operations. Instructors for each course will be POST certified and who are subject matter experts in their field. The training program course outline and the number of hours for each topic area are shown in **Attachment A**.

Additionally, this training course will be designed for all present and future Commissioners to provide Commissioners with an understanding of the best practices of law enforcement.

<b>Topic</b>	<b>Instructor(s)</b>	<b>Hour Allocation</b>
<b><u>Day 1</u></b>		
Responsibilities of a Police Oversight Board	TBD	2
Police Commission Leadership and Ethics	TBD	2
Public Policy Development and Implementation	TBD	2
Use of Force	TBD	2
<b><u>Day 2</u></b>		
Internal Affairs Investigations	TBD	2
Search and Seizure Law	TBD	2
Risk Management and Assessment	TBD	2
Critical Incident Management	TBD	2
<b><u>Day 3</u></b>		
Criminal Preliminary Investigations	TBD	2
Procedural Justice	TBD	2
Crisis Intervention	TBD	2
Interpersonal Communication	TBD	2
<b><u>Day 4</u></b>		
Legislative Procedure	TBD	2
POBAR	TBD	2
Criminal Investigations and Crime Analysis	TBD	2
FISCAL Management	TBD	2

<u>Day 5</u>		
Bias-Based Policing	TBD	4
Police Chief Role and Responsibilities	TBD	2
Public Hearing Management and the Brown Act	TBD	2
	<b>Total Hours</b>	<b>40</b>



**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:

<b>Commissioner</b>	<b>Title</b>	<b>Left Commission</b>	<b>Reason</b>
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

The Commission welcomed four new Commissioners in 2019:

Name	Title	Appointed By	Notes
Tara Anderson	Commissioner	Selection Panel	Selected to fill the term of Mike Nisperos
Chris Brown	Alternate Commissioner	Mayor	Selected to fill the term of Andrea Dooley
Henry Gage, III	Commissioner	Selection Panel	
David Jordan	Alternate Commissioner	Selection Panel	

### 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.



# OAKLAND POLICE COMMISSION MEETING MINUTES - DRAFT

April 23, 2020  
6:30 PM

**I. Call to Order**

Chair Regina Jackson

The meeting started at 6:31 pm.

**II. Roll Call and Determination of Quorum**

Chair Regina Jackson

Commissioners Present: Tara Anderson, José Dorado, Henry Gage, III, Ginale Harris, Regina Jackson, Edwin Prather, and Thomas Lloyd Smith. Quorum was met.

Alternate Commissioners Present: Chris Brown and David Jordan

Counsel for this meeting: Conor Kennedy and Nitasha Sawhney

**III. Welcome, Purpose, and Open Forum/Public Comment**

All public comments were received during Open Forum.

Comments were provided by the following public speakers:

Rashidah Grinage  
Assata Olugbala  
Reisa Jaffe  
John Jones, III  
Maureen Benson

Written comments were submitted by:  
Saleem Bey

**IV. OPD Interim Police Chief Introduction**

Interim Oakland Police Chief Susan Manheimer discussed her plan for guiding the Department through the leadership transition.

No action was taken on this item.

**V. Renewal of Commission Legal Counsel**

The Commission discussed and voted to approve renewal of the agreement with the law firm Garcia Hernández Sawhney LLP to serve as outside legal counsel.

A motion was made by Ginale Harris, seconded by Thomas Lloyd Smith, to approve renewal of counsel's contract and to inquire about extending the term to one year. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Gage, Jackson, Prather, and Smith

No: 0

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

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

No action was taken on this item.

**VII. Police Commission and CPRA Budgets Update**

The Commission provided updates on the CPRA and Commission budgets for the mid-cycle of FY 19-21, and formed an Ad Hoc Committee consisting of Commissioners Dorado, Harris, and Jackson to work on both budgets.

No action was taken on this item.

**VIII. Update on City Auditor’s Commission and CPRA Audits**

The Commission provided an update on the status of the Police Commission and CPRA audits that are being conducted by the City Auditor’s office.

No action was taken on this item.

**IX. Draft Memorandum of Understanding (MOU): OPD and National Institute for Criminal Justice Reform (NICJR)**

The Commission discussed a draft MOU between OPD and NICJR to establish an effective partnership committed to the successful implementation of the Neighborhood Opportunity and Accountability Board Diversion Program (NOAB).

No action was taken on this item.

**X. Discipline Committee**

The Discipline Committee provided an update on the status of their reconvening.

No action was taken on this item.

**XI. Annual Report Update**

The Commission discussed the updates that were made to the annual report.

No action was taken on this item.



**XII. Committee Reports**

Representatives from Standing and Ad Hoc Committees provided updates on their work. **Bey Case** – submitted a contract for Knox & Ross Law Group to the City Attorney’s office, and have issued subpoenas with a deadline to submit responses to Commission counsel by May 8, 2020; **OPD Chief Search** – establishing timelines and will offer a more formal

report at a future meeting; **Rules of Procedure** – will be meeting on April 26, 2020 to discuss a draft document; **Use of Force** – identifying core values for the policy.

A motion was made by Edwin Prather, seconded by Henry Gage, III, to schedule a special teleconference meeting on April 27, 2020 at 5:00 pm regarding draft revisions to Measure LL. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Gage, Jackson, Prather, and Smith  
No: 0

**XIII. Meeting Minutes Approval**

The Commission voted to approve minutes from April 9, 2020 with the following edits: change José Dorado from Absent to Excused, clarify Commissioners’ term end dates as an edit for the Annual Report in item X, and update Tara Anderson’s recusal on item XI.

A motion was made by Tara Anderson, seconded by Henry Gage, III, to approve the minutes with the edits. The motion carried by the following vote:

Aye: Anderson, Harris, Gage, Jackson, Prather, and Smith  
No: 0  
Abstain: Dorado

**XIV. Agenda Setting and Prioritization of Upcoming Agenda Items**

The Commission engaged in a working session to discuss and determine agenda items for the upcoming Commission meeting: Commission and CPRA budgets; possible training from HR; OPD Chief Search update; corrected minutes from September 13, 2018; review the impact of OPD policy R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Post-Release Community Supervision); strategic communications; and a draft 1501 policy.

No action was taken on this item.

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

No public comments were provided on this item.

**The Commission adjourned to closed session. The open session section of the meeting commenced at 10:30 pm.**

**XVI. Closed Session**

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

**XVII. Report out of Closed Session**

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

There were no reportable actions on this item.

**XVIII. Adjournment**

A motion was made by Henry Gage, III, seconded by José Dorado, to adjourn the meeting at 10:33 pm. The motion carried by the following vote:

Aye: Anderson, Gage, Dorado, Harris, Jackson, Prather, and Smith

No: 0



# OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

April 27, 2020  
5:00 PM

**I. Call to Order**

Chair Regina Jackson

The meeting started at 5:05 pm.

**II. Roll Call and Determination of Quorum**

Chair Regina Jackson

Commissioners Present: Tara Anderson, José Dorado, Henry Gage, III, Ginale Harris, Regina Jackson, Edwin Prather, and Thomas Lloyd Smith. Quorum was met.

Alternate Commissioners Present: Chris Brown

Alternate Commissioners Absent: David Jordan

Counsel for this meeting: Conor Kennedy and Nitasha Sawhney

**III. Welcome, Purpose, and Open Forum/Public Comment**

All public comments were received during Open Forum.

Comments were provided by the following public speakers:

Rashidah Grinage

John Lindsay-Poland

Michael Tigges

Larry White

Katherine Yagle

Paula Hawthorne

Written comments were submitted by:

Elise Bernstein

Rashidah Grinage

Antonio Abarca Onofre

Bruce Schmiechen

Angie Tam

Allene Warren

Katherine Yagle

**IV. Discussion and Consideration of Action on Draft Revisions to Measure LL**

The Commission discussed and developed comments on the draft revisions to Measure LL.

A motion was made by Ginale Harris, seconded by Regina Jackson, to amend section (b)(10) of the Commission's draft revision to Measure LL by adding that the Mayor is required to articulate in writing the reasons for rejecting any of the candidates for Chief of Police submitted by the Commission. Tara Anderson offered a friendly amendment to include "as allowed by law." The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson

No: Gage, Prather, and Smith

A second motion was made by Edwin Prather, seconded by Thomas Lloyd Smith, to clarify previous motion and add a sentence at the end of section (b)(10) of the Commission's draft revision to Measure LL to read: "If the Mayor rejects any group of candidates, the Mayor must articulate the rationale for the rejection in writing and in closed session as allowed by law." The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson

No: Gage, Prather, and Smith

A third motion was made by Edwin Prather, and seconded by Regina Jackson, to amend section (b)(11) of the Commission's draft revision to Measure LL to read "Send the Chairperson of the Commission, Agency Director, and the Inspector General, or their designees, to serve as non-voting members of any Department Force Review Board." The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Jackson, Prather, and Smith

No: 0

Abstain: Harris

A fourth motion was made by Edwin Prather, seconded by Regina Jackson, to submit in a letter to the City Council that the Commission takes no position regarding the qualifications or the disqualifying factors regarding the members of the Selection Panel. The motion carried by the following vote:

Aye: Gage, Jackson, Prather, and Smith

No: Anderson and Dorado

Abstain: Harris

A fifth motion was made by Edwin Prather, seconded by Thomas Lloyd Smith, to accept the edits made to section (c)(9) of the Commission's draft revision to Measure LL and add at the end of the first sentence of the edited portion: "on a schedule that is approved by the Commission." The motion carried by the following vote:

Aye: Anderson, Gage, Dorado, Jackson, Prather, and Smith

No: 0

Abstain: Harris

A sixth motion was made by Edwin Prather, seconded by Thomas Lloyd Smith, to insert in section (c)(10) of the Commission's draft revision to Measure LL before the last sentence a sentence which reads: "The City Administrator shall not initiate an investigation of a Commissioner unless required by law or collective bargaining agreement." The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather, and Smith  
No: 0

A seventh motion was made by José Dorado, seconded by Regina Jackson, to accept the edits to section (e)(4) of the Commission's draft revision to Measure LL as drafted regarding changing the number of investigators to one for every 70 sworn officers in the Department. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather, and Smith  
No: 0

An eighth motion was made by Henry Gage, III, seconded by Regina Jackson, that the Commission articulate in its letter to the City Council the concerns raised by CPRA Executive Director John Alden regarding the date of June 1<sup>st</sup> for determining the number of sworn officers employed by the Department, as well as the language related to the two-year budget cycle. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather, and Smith  
No: 0

A ninth motion was made by Edwin Prather, seconded by Regina Jackson, to accept the edits to the second and third sentences of section (e)(6) of the Commission's draft revision to Measure LL which read: "By affirmative vote of at least five (5) members, the Commission may terminate the Agency Director. The Commission may remove the Inspector General only after adopting a finding or findings of cause, which may be defined by City Ordinance, and by an affirmative vote of at least five (5) members." The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather, and Smith  
No: 0

A tenth motion was made by Edwin Prather, seconded by José Dorado, to reconsider and amend the ninth motion by combining the second and third sentences in section (e)(6) of the Commission's draft revision to Measure LL to read: "By an affirmative vote of at least five (5) members, the Commission may remove the Agency Director or the Inspector General." The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather, and Smith  
No: 0

An eleventh motion was made by Henry Gage, III, seconded by Edwin Prather, to accept the edits made to items (g)(1) and (g)(2) of the Commission's draft revision to Measure LL. The motion carried by the following vote:

Aye: Anderson, Gage, Jackson, Prather, and Smith  
No: Dorado and Harris

A twelfth motion was made by Edwin Prather, seconded by Regina Jackson, to adopt section (g)(3) of the Commission's draft revision to Measure LL. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, Prather, and Smith  
No: 0  
Abstain: Harris

A thirteenth motion was made by Henry Gage, III, seconded by Edwin Prather, to accept the edits and inclusion of section (g)(6) of the Commission's draft revision to Measure LL. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, Prather, and Smith  
No: 0  
Abstain: Harris

A fourteenth motion was made by Thomas Lloyd Smith, seconded by Edwin Prather, that section (i)(2) of the Commission's draft revision to Measure LL be amended to require that the City Attorney action in consultation with the Commission's counsel. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather, and Smith  
No: 0

A fifteenth motion was made by Thomas Lloyd Smith, seconded by Regina Jackson, to amend section (a)(5) of the Commission's draft revision to Measure LL to read: "The City Administration shall not, under any circumstances, investigate a Commissioner or Commissioners for the purpose of removal." The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather, and Smith  
No: 0

Comments were provided by the following public speakers:

Lorelei Bosserman  
Rashidah Grinage  
Michael Tigges

A sixteenth motion was made by Henry Gage, III, seconded by Thomas Lloyd Smith, that the Commission forward the red-lined document, together with an explanatory cover

letter outlining the substantive changes and position behind such changes, to the City Council for review. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather, and Smith  
No: 0

**V. Adjournment**

A motion was made by Henry Gage, III, seconded by Thomas Lloyd Smith, to adjourn the meeting at 10:56 pm. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather, 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	OPD to Provide a 30 Day Snapshot 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			
3	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"> <li>1. California's Meyers Milias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (done 3.12.20)</li> <li>2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (done 2.27.20)</li> <li>3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (<b>rescheduled due to COVID-19 health emergency</b>)</li> <li>4. Police Officers Bill of Rights (done 12.12.19)</li> </ol>	High	Ongoing		

**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
4	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			

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	Finalize Bylaws and Rules	1/24/2019			High			Gage
6	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
7	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
8	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"> <li>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;</li> <li>2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated;</li> <li>3. The number of investigations completed by IAD, and the results of the investigations;</li> <li>4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions;</li> <li>5. Revisions made to Department policies;</li> <li>6. The number and location of Department sworn employee-involved shootings;</li> <li>7. The number of Executive Force Review Board or Force Review Board hearings and the results;</li> <li>8. A summary of the Department's monthly Use of Force Reports;</li> <li>9. The number of Department sworn employees disciplined and the level of discipline imposed; and</li> <li>10. The number of closed investigations which did not result in discipline of the Subject Officer.</li> </ol> <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
	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
1								
9	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		
10	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			
11	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		

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	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
13	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
14	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Medium			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
15	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		
16	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado
17	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		
18	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.	Medium			Personnel Committee
19	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.	Medium			
20	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.	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
21	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			
22	Free Gun Trace Service	1/27/2020		This service was mentioned at a meeting in 2019.	Medium			Dorado
23	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			
24	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			
25	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			
26	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		Medium	Ongoing as appropriate		
27	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.	Medium			Brown, Gage, Prather
28	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

## 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
29	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			
30	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		
31	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			
32	Review Commission's Agenda Setting Policy	4/25/2019			Medium			
33	Review Commission's Code of Conduct Policy	4/25/2019			Medium			Prather
34	Review Commission's Outreach Policy	4/25/2019			Medium			Dorado
35	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			

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
36	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			
37	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019			Low			
38	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			
39	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			
40	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	Low			
41	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			

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
42	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			
43	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			

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
44	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	Low			
45	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.	Low			
46	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			
47	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low			

**Police Commission Pending Agenda Matters List**

	A	B	C	D	E	F	G	H
	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
1								
48	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			
49	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

## 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	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	4/15/2021		
51	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		
52	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
53	Social Media Communication Responsibilities, Coordination, and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	Low			