



OAKLAND POLICE COMMISSION

MEETING AGENDA

July 11, 2019

6:30 PM

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

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

- II. **Roll Call and Determination of Quorum**
Chair Regina Jackson
Excused Absence: Ginale Harris

- III. **Welcome, Purpose, and Open Forum** (2 minutes per speaker)
Chair Regina Jackson will welcome and call 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.

- IV. **Review of OPD Racial Impact Report**
The Commission will review the OPD's 2016-2018 Racial Impact Report. ***This is a new item.*** ([Attachment 4](#))
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

- V. **OPD Special Order 9196**
OPD has submitted Special Order 9196 to the Police Commission for approval. Special Order 9196 modifies Department General Orders K-03, Use of Force, and K-04, Reporting and Investigating the Use of Force. The Commission may discuss Special Order 9196, and may decide on next steps in the approval process. ***This is a new item.*** ([Attachment 5](#))
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

- VI. **Oakland City Charter Revisions**
The Commission will discuss any updates on the status of drafting revisions to Measure LL in conjunction with the Coalition for Police Accountability. ***This was discussed on 6.27.19.***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

VII. Pawlik Investigation Update

The Commission will discuss CPRA's recently completed Pawlik investigation and the next steps. ***This was discussed on 5.9.19, 5.23.19, 6.13.19, and 6.27.19.***

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

VIII. Commission Subpoenas Related to CPRA

The Commission will receive responses to subpoenas previously issued. ***This is a new item, and is continued from 6.13.19 and 6.27.19.***

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

IX. Review of CPRA Pending Cases and Completed Investigations

To the extent permitted by state and local law, Interim Executive Director Mike Nisperos will report on the Agency's pending cases and completed investigations. ***This is a recurring item. (Attachment 9)***

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

X. Meeting Minutes Approval

The Commission will vote to approve meeting minutes from April 11 and 25, 2019. ***This is a recurring item. (Attachments 10a, 10b)***

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

XI. Police Commission Retreat

The Commission may discuss potential dates, format, topics, presenters, location, and cost for a retreat. The Commission may vote on items to facilitate scheduling. ***This was discussed on 6.28.18, 7.12.18, 8.9.18, 8.23.18, 9.13.18, 4.25.19, and 6.27.19. (Attachment 11)***

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

XII. Update on Filling Vacant Investigator II Positions at CPRA

The Commission will provide an update on the status of filling the vacant Investigator II positions at CPRA. ***This is a new item. (Attachment 12)***

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

XIII. Committee/Liaison/Other Commissioner Reports

This time is set aside to allow Commissioners to present a brief report on their own activities, including service on committees or as liaisons to other public bodies. No action may be taken as a result of a report under this section other than to place a matter for consideration at a future meeting. ***This is a recurring item.***

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

XIV. 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 14)

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

XV. Adjournment



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin, or Spanish interpreter, please e-mail mnisperos@oaklandca.gov or call 510-238-7401 or TDD/TTY 510-238-2007 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantones, Mandarín, o de lenguaje de señas (ASL) por favor envíe un correo electrónico a mnisperos@oaklandca.gov o llame al 510-238-7401 o 510-238-2007 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 mnisperos@oaklandca.gov 或致電 510-238-7401 或 510-238-2007 TDD/TTY。請避免塗搽香氛產品。參加者可能對化學成分敏感。

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

OAKLAND POLICE DEPARTMENT

Office of Chief of Police



2016-2018 Racial Impact Report

Oakland Police Department 2016-18 Racial Impact Report

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Oakland Police Department 2016-18 Racial Impact Report**Introduction**

The genesis of the Oakland Police Department's (OPD) ongoing reform efforts is rooted in historical community distrust and harm caused by inequitable and racially disparate policing. Community relationships and trust are profoundly impacted when policing practices are influenced, or are perceived to be influenced, by bias or racial and identity profiling. We are committed to eliminating any form of racial profiling. We are also committed to reducing crime and serving the community through fair and professional, high-quality policing services. I acknowledge the obstacles that injustice and discrimination presents. It is the OPD's obligation to rise above these challenges through increased transparency, community collaboration, and measures that provide safeguards for constitutional and legitimate policing services. This commitment requires us to continually detect, assess, and address the impacts of racial disparities against the measure of constitutionality and legitimacy of our actions when serving our community.

This report provides a statistical overview of discretionary stop data collected from January 1, 2016 to December 19, 2018. On December 20, 2018, the Department began collecting stop data under new requirements set forth in California Assembly Bill 953, which became effective on January 1, 2019. Assembly Bill 953 expanded stop data collection to include detentions and arrests made during dispatched calls for service.

Information collected from police contacts allows the Department to assess our policies, practices, strategies and enforcement-related decisions. This review helps us to ensure that the results of our actions are lawful, efficient and equitable. This assessment recognizes that racially disparate data may result from racially disparate treatment, or from strategies, policies and practices which may contribute to racially disproportionate contacts or circumstances. Regardless of the causes or reasons, we are accountable for the results of our decisions as well as for the policies, practices and procedures which influence our decisions.

My goal, through the presentation of this data, is to promote and ensure that conversations regarding policing in Oakland promote community trust and respect, as well as safety. As your police chief, I understand that issues around policing and race are difficult and often painful to discuss. There is no shortage of incidents nationwide that serve to challenge these conversations. But I sincerely believe that public safety is served best by a police department trusted to collaborate with the community it serves. This trust is developed not because the law demands cooperation, but because the community sees and feels that the Department's actions deserve to be trusted.

Respectfully,

Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Oakland Police Department 2016-18 Racial Impact Report

Momentum for Change: Overall Strategies and Stop Data Risk Management

To more fully and effectively implement policing which can be seen, felt, and understood to be fair and legitimate by all community members, OPD has implemented a multi-pronged approach. These approaches and our current collection and use of stop data is greatly influenced by the ongoing partnership with Stanford University’s Social Psychological Answers to Real-world Questions think-tank (SPARQ) and the Department’s continued progress in pursuing SPARQ’s recommendations in *Strategies for Change – Research Initiatives and Recommendations to Improve Police-Community Relations in Oakland, Calif.*¹ The *Strategies for Change* report provided 50 recommendations for OPD to affect cultural change, increase public trust, and improve relationships with the community. OPD considers the opportunity to implement these recommendations as momentum and catalyst to fulfill the overall multi-pronged approaches below.

Risk Management: Stop Data, Upstream Influences and Footprint Outcomes

In the past, OPD did not require officers to document justification for stops and searches in ways which could be reliably reviewed, approved or assessed. Supervisors were not required to review and approve the content of such reports. Stop data was neither collected nor entered into a searchable database. Thus, commanders were unable to assess and understand stop data decisions, outcomes, or disparities or how these results may have been impacted by implicit bias, public safety strategies, or performance-based measurements. Monthly risk management meetings are now held to ensure these improvements are not only sustained but continually evaluated. These meetings help examine the causes and effects of policing outcomes.

Risk management includes the challenge to examine policies, procedures, culture, and practices which exist “upstream” that may influence and shape the actions and decisions resulting in racially disparate data. Where disparity is probable or possible (e.g., due to disparities in suspect descriptions or location demographics), risk management requires evaluation and mitigation of the extent to which the surrounding community is affected - both by crime as well as by responses to crime and public safety need.

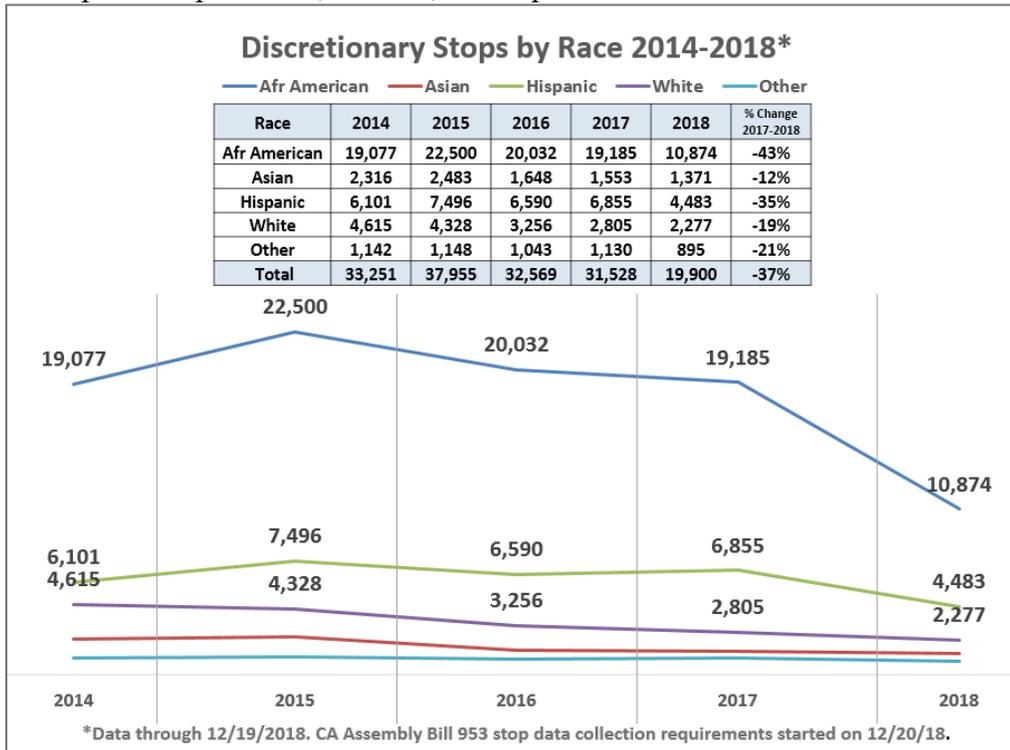
Risk management meetings and their resulting discussions and deliverables have caused meaningful shifts toward precision-based policing and intelligence-led stops.

- Preliminary results show a reduction of stops which are commonly based upon vehicle violations near or within high crime areas.
- Preliminary results have shown that reductions in stop activity have caused the proportion of intelligence-led stops to increase. From 2017 to December 19, 2018, the overall percentage of intelligence-led stops increased from 27% to 31% (See **Table 10**)
- The reduction in footprint helps to reduce the overall number of minorities being stopped by police and can help reduce disparity in police contact. From 2017-December 19, 2018, there was a 43% reduction in the total number of African

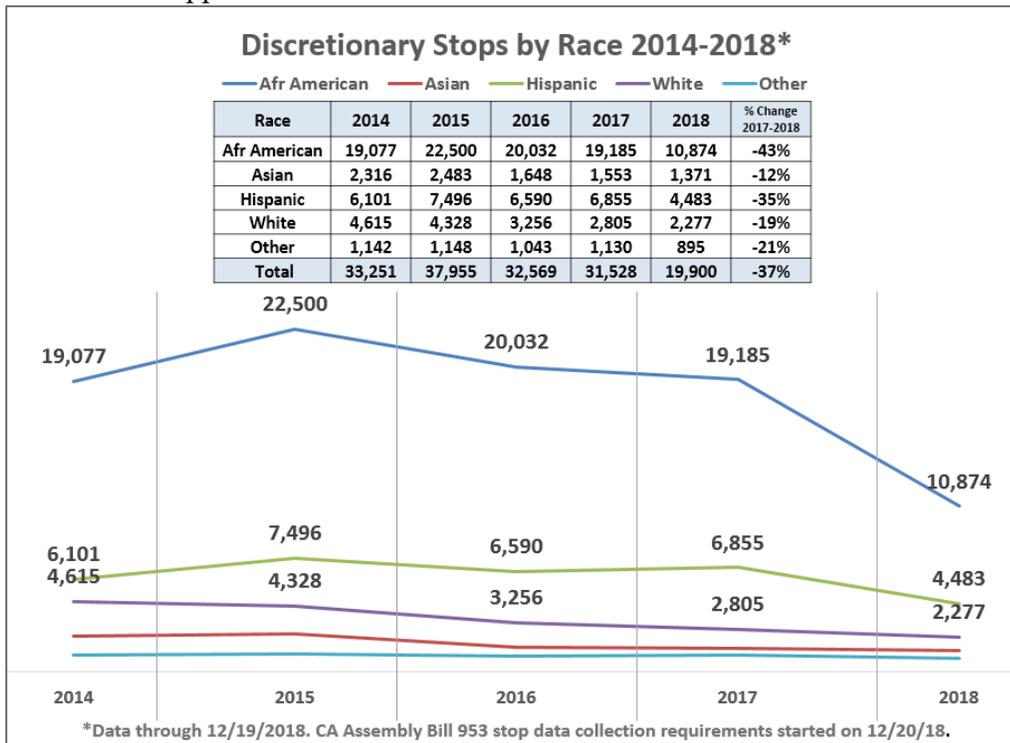
¹ Eberhardt, J. L. (2016). *Strategies for change: Research initiatives and recommendations to improve police-community relations in Oakland, Calif.* Stanford University, SPARQ: Social Psychological Answers to Real-world Questions.

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Americans stops from 19,185 to 10,874 stops and a 35% reduction in the total number of Hispanic stops from 6,855 to 4,483 stops.



- From 2017 to December 19, 2018, the overall percentage of African Americans stopped decreased by 6% from 61% to 55%, the lowest overall percentage of African Americans stopped since 2014.



Oakland Police Department 2016-18 Racial Impact Report

Rebuilding Trust With Our Community

OPD strives to create and sustain community partnerships and transparency as required by our mission, values, and vision of policing. Reports such as this are designed to provide transparency through the sharing of the results and impacts of our actions. Through use of fundamental community policing principles and by strengthening the community role and relationships of our members, numerous improvements and accomplishments have been realized:

- Living room meetings: Living room meetings are community meetings held in community members' homes. They include participation by police officers and community members in an informal, personalized setting that allows all parties to get to know one another apart from their usual roles. OPD has begun holding living room meetings on a monthly basis.
- Barbershop Forums: Barbershop forums were designed with the intention to build relationships with the community and restore public trust. These forums are a place and space where members of the community respect each other, listen, learn, and work collectively toward solutions. OPD has facilitated barbershop forums since November 1, 2016.
- Neighborhood Council Meetings: Meetings held by the 44 Neighborhood Councils provide an opportunity for community members to broadly participate in community partnership with OPD. OPD members attend every Neighborhood Council meeting. There were 328 meetings in 2017 and 324 meetings in 2018.
- Youth Outreach: The OPD Youth Outreach Unit (YOU) works with the Oakland Unified School District, community groups, and faith-based organizations to ensure positive development and opportunities for Oakland youth and the community. In addition to the Police Activities League (PAL), YOU provides Outreach Mentor Officers at local schools, administers the Explorer Program, and incorporates the Our Kids (OK) program for at risk African American male youth.
- Squad-Based Projects: OPD now requires every patrol squad² to complete one meaningful project per year in coordination with a community group or other neighborhood stakeholder. These projects provide officers the opportunity to work hand and hand with community members. Squads partner with a school, community-based organization, church, hospital, or recreation center. OPD squads can also lead an event like a neighborhood clean-up or meal giveaway to help build relationships and increase trust. These projects will initially be once a year per squad but could increase in frequency based on the capacity of an individual squad.

In combination with procedural justice principles, these efforts to expand outreach and openness and a willingness to engage and work with our community are paramount to our success.

² A "squad" is the most common organizational unit in the Oakland Police Department. Patrol squads generally include a sergeant and eight officers assigned to a specific geographic area with fixed working hours and work days.

Oakland Police Department 2016-18 Racial Impact Report**Conclusion**

The Oakland Police Department is committed to addressing the racial disparities in discretionary stops made by officers. The 43% reduction in stops of African American and 35% reduction in stops of Hispanics from 2017 to 2018, demonstrate that the focus on intelligence-led stops is reducing the negative impact police contacts can have on minority communities.

These types of outcomes reinforce the positive impact of the Department's current strategies of being precision-based, the strong use of intelligence, and practicing procedural justice in the community. The Department believes the use of these strategies could potentially lead to increased trust from the community through legitimate police practices.

These general observations and accompanying data have allowed the Department to re-examine its deployment strategies and expectations, so our strategies may be tailored to minimize actions which may be harmful to the community. At the same time, opportunities to increase community partnerships and the successful practice of procedural justice during contacts are expected to positively influence community-police relations. With the aid of Stanford University, OPD began to collect intelligence-led stop data and to actively assess the impacts of law enforcement decisions, activities, and results as they relate to racial disparities. The Stanford 50 recommendations caused the Department to reexamine department policies, practices and influences which shape stop data outcomes. With our continued partnership with Stanford and implementation of new forward thinking approaches to reducing racial disparities and building trust, the department will remain at the forefront of law enforcement around data collection and analysis and can be a model for law enforcement agencies across the country on how to reduce disparity and footprint while simultaneously building trust.

LeRonne Armstrong
Deputy Chief of Police
Oakland Police Department

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Appendix

Oakland Police Department 2016-18 Racial Impact Report

2016-2018 Stop Data Statistics

This section provides 2016-2018 Oakland Police Department stop data within the following categories:

- Stops by Race and Gender
- Stop Reasons
- Search Percentages
- Search Recovery Percentages
- Search Types
- Search Type Recovery Percentages
- Stop Results
- Intelligence-Led Stops (Beginning on 10/11/2016)

Officers are required to complete stop data forms after every discretionary detention or arrest and after any discretionary encounter in which a search or request to search occurred. Discretionary stops and searches do not include detentions or arrests that result from a dispatched call for service, a citizen request, or stops occurring pursuant to a search warrant.

California State Assembly Bill (AB) 953 mandates the collection of stop data and includes new data collection requirements. January 1, 2019 was the start date for the Department to collect data according to these new requirements. In order to ensure a proper transition to the new data collection requirements, the Department began collecting data in accordance with AB 953 on December 20, 2018. The Department is now collecting stop data for nearly all detentions and arrests, including those made during dispatched calls.

Stop Race and Gender

Table 1 – 2016-2018 Stops by Race

Race	2016		2017		2018*	
	Stops	%	Stops	%	Stops	%
Afr American	20,032	62%	19,185	61%	10,874	55%
Asian	1,648	5%	1,553	5%	1,371	7%
Hispanic	6,590	20%	6,855	22%	4,483	23%
White	3,256	10%	2,805	9%	895	11%
Other	1,043	3%	1,130	4%	2,277	4%
Total	32,569	100%	31,528	100%	19,900	100%

*Data collected through 12/19/2018.

Table 2 – 2016-2018 Stops by Gender

Gender	2016		2017		2018*	
	Stops	%	Stops	%	Stops	%
Male	24,576	75%	23,543	75%	14,340	72%
Female	7,965	25%	7,966	25%	5,545	28%
Unknown	28	0%	19	0%	15	0%
Total	32,569	100%	31,528	100%	19,900	100%

*Data collected through 12/19/2018.

Oakland Police Department 2016-18 Racial Impact Report

Stop Reasons

Officers are required to collect and document the reason for each stop and must choose from the following categories:

- Traffic Violations are based on an observed violation of a vehicle or pedestrian law or ordinances;
- Probable Cause stops are those in which a fair probability exists that the person stopped committed a crime and may be arrested;
- Reasonable Suspicion stops are those in which sufficient information exists to temporarily detain a person suspected of committing a crime or engaged in suspected criminal activity;
- Probation or Parole stops are of a person known to be on supervised release [probation, parole, or post-release community supervision – PRCS] for the purpose of checking compliance with the supervised release, gathering intelligence, or other action related to the supervised release status of the individual; and
- Consensual Encounters are contacts with a person, typically to investigate their involvement in criminal activity, where the person is not detained and is free to refuse to engage the officer and/or leave the officer's presence. This category does not include routine or innocuous interactions such as giving driving directions. However, if a consensual encounter results in a detention based on reasonable suspicion, officers select this field.

Table 3a - 2016 Stop Reason

Race	Consensual Encounter		Reasonable Suspicion		Probable Cause		Probation/ Parole		Traffic Violation		Total Stops
	Stops	%	Stops	%	Stops	%	Stops	%	Stops	%	
Afr American	534	3%	1,180	6%	2,703	13%	533	3%	15,082	75%	20,032
Asian	27	2%	57	3%	179	11%	15	1%	1,370	83%	1,648
Hispanic	146	2%	314	5%	679	10%	86	1%	5,365	81%	6,590
White	82	3%	152	5%	353	11%	24	1%	2,645	81%	3,256
Other	16	2%	29	3%	86	8%	19	2%	893	86%	1,043
Total	805	2%	1,732	5%	4,000	12%	677	2%	25,355	78%	32,569

Table 3b - 2017 Stop Reason

Race	Consensual Encounter		Reasonable Suspicion		Probable Cause		Probation/ Parole		Traffic Violation		Total Stops
	Stops	%	Stops	%	Stops	%	Stops	%	Stops	%	
Afr American	666	3%	1,338	7%	2,773	14%	461	2%	13,947	73%	19,185
Asian	24	2%	69	4%	164	11%	9	1%	1,287	83%	1,553
Hispanic	160	2%	428	6%	690	10%	118	2%	5,459	80%	6,855
White	105	4%	185	7%	385	14%	19	1%	2,111	75%	2,805
Other	11	1%	38	3%	91	8%	8	1%	982	87%	1,130
Total	966	3%	2,058	7%	4,103	13%	615	2%	23,786	75%	31,528

Oakland Police Department 2016-18 Racial Impact Report

Table 3c – 2018* Stop Reason

Race	Consensual Encounter		Reasonable Suspicion		Probable Cause		Probation/ Parole		Traffic Violation		Total Stops
	Stops	%	Stops	%	Stops	%	Stops	%	Stops	%	
Afr American	360	3%	956	9%	2,067	19%	293	3%	7,198	66%	10,874
Asian	19	1%	41	3%	130	9%	10	1%	1,171	85%	1,371
Hispanic	97	2%	292	7%	596	13%	65	1%	3,433	77%	4,483
White	90	4%	172	8%	225	10%	17	1%	1,773	78%	2,277
Other	9	1%	51	6%	87	10%	5	1%	743	83%	895
Total	575	3%	1,512	8%	3,105	16%	390	2%	14,318	72%	19,900

*Data collected through 12/19/2018

Searches

Table 4a - 2016 Search Percentages

Race	Searched	Not Searched	Total Stops	% Searched
Afr American	8,601	11,431	20,032	43%
Asian	331	1,317	1,648	20%
Hispanic	1,941	4,649	6,590	29%
White	600	2,656	3,256	18%
Other	195	848	1,043	19%
Total	11,668	20,901	32,569	36%

Table 4b - 2017 Search Percentages

Race	Searched	Not Searched	Total Stops	% Searched
Afr American	8,166	11,019	19,185	43%
Asian	330	1,223	1,553	21%
Hispanic	2,119	4,736	6,855	31%
White	562	2,243	2,805	20%
Other	183	947	1,130	16%
Total	11,360	20,168	31,528	36%

Table 4c – 2018* Search Percentages

Race	Searched	Not Searched	Total Stops	% Searched
Afr American	4,711	6,163	10,874	43%
Asian	244	1,127	1,371	18%
Hispanic	1,269	3,214	4,483	28%
White	401	1,876	2,277	18%
Other	154	741	895	17%
Total	6,779	13,121	19,900	34%

*Data collected through 12/19/2018.

Oakland Police Department 2016-18 Racial Impact Report

Search Recovery Percentages

In October 2016, the stop data form was revised to capture temporary seizures of medical marijuana or objects that may be used as improvised weapons. These items are excluded from search recovery calculations.

Table 5a - 2016 Search Recovery Percentages

Race	Recovery	Medical Marijuana Found & Returned	Other Weapons Found & Returned	No Recovery	Total Searches	% Recovery
Afr American	2,795	210	56	5,540	8,601	32%
Asian	109	5	0	217	331	33%
Hispanic	699	35	18	1,189	1,941	36%
White	241	4	4	351	600	40%
Other	57	6	2	130	195	29%
Total	3,901	260	80	7,427	11,668	33%

Table 5b - 2017 Search Recovery Percentages

Race	Recovery	Marijuana Found & Returned	Other Weapons Found & Returned	No Recovery	Total Searches	% Recovery
Afr American	1,768	1,108	253	5,037	8,166	22%
Asian	67	51	9	203	330	20%
Hispanic	491	263	66	1,299	2,119	23%
White	172	36	32	322	562	31%
Other	30	21	5	127	183	16%
Total	2,528	1,479	365	6,988	11,360	22%

Table 5c – 2018* Search Recovery Percentages

Race	Recovery	Marijuana Found & Returned	Other Weapons Found & Returned	No Recovery	Total Searches	% Recovery
Afr American	1,064	730	158	2,759	4,711	23%
Asian	66	30	7	141	244	27%
Hispanic	232	142	86	809	1,269	18%
White	108	21	29	243	401	27%
Other	27	13	5	109	154	18%
Total	1,497	936	285	4,061	6,779	22%

*Data collected through 12/19/2018.

Oakland Police Department 2016-18 Racial Impact Report

The following tables highlight search recovery results when mandatory searches, such as incident to arrest and inventory searches, are excluded. Inventory searches were no longer captured for individuals beginning in 2017.

Table 6a - 2016 Search Recovery Percentages (Discretionary Searches)

Race	Recovery	Medical Marijuana Found & Returned	Other Weapons Found & Returned	No Recovery	Total Searches	% Recovery
Afr American	2,067	204	48	4,281	6,600	31%
Asian	56	5	0	135	196	29%
Hispanic	485	34	14	878	1,411	34%
White	118	4	2	224	348	34%
Other	32	6	2	92	132	24%
Total	2,758	253	66	5,610	8,687	32%

Table 6b - 2017 Search Recovery Percentages (Discretionary Searches)

Race	Recovery	Marijuana Found & Returned	Other Weapons Found & Returned	No Recovery	Total Searches	% Recovery
Afr American	1,221	1,074	219	3,864	6,378	19%
Asian	41	50	9	140	240	17%
Hispanic	333	258	55	968	1,614	21%
White	84	35	24	202	345	24%
Other	17	20	3	76	116	15%
Total	1,696	1,437	310	5,250	8,693	20%

Table 6c – 2018* Search Recovery Percentages (Discretionary Searches)

Race	Recovery	Marijuana Found & Returned	Other Weapons Found & Returned	No Recovery	Total Searches	% Recovery
Afr American	653	678	130	1,895	3,356	19%
Asian	37	28	7	79	151	25%
Hispanic	127	135	74	502	838	15%
White	57	19	24	125	225	25%
Other	13	13	4	64	94	14%
Total	887	873	239	2,665	4,664	19%

*Data collected through 12/19/2018.

Oakland Police Department 2016-18 Racial Impact Report

Search Types

Individuals on parole or probation may have conditions placed on their release allowing law enforcement to conduct lawful searches without a warrant, probable cause, or reasonable suspicion. Beginning in 2017, weapons (pat down) searches were captured as cursory searches and inventory searches were no longer captured at the individual level.

Table 7a - 2016 Search Types

Race	Incident to Arrest		Probation/ Parole		Weapons		Probable Cause		Consent		Inventory		Total Searches
	Searches	%	Searches	%	Searches	%	Searches	%	Searches	%	Searches	%	
Afr American	1,913	22%	3,171	37%	1,128	13%	2,163	25%	138	2%	88	1%	8,601
Asian	129	39%	53	16%	35	11%	99	30%	9	3%	6	2%	331
Hispanic	496	26%	450	23%	363	19%	541	28%	57	3%	34	2%	1,941
White	241	40%	123	21%	111	19%	99	17%	15	3%	11	2%	600
Other	59	30%	58	30%	36	18%	37	19%	1	1%	4	2%	195
Total	2,838	24%	3,855	33%	1,673	14%	2,939	25%	220	2%	143	1%	11,668

Table 7b - 2017 Search Types

Race	Incident to Arrest		Probation/ Parole		Cursory		Probable Cause		Consent		Total Searches
	Searches	%	Searches	%	Searches	%	Searches	%	Searches	%	
Afr American	1,788	22%	3,013	37%	1,421	17%	1,772	22%	172	2%	8,166
Asian	90	27%	65	20%	73	22%	92	28%	10	3%	330
Hispanic	505	24%	497	23%	475	22%	597	28%	45	2%	2,119
White	217	39%	129	23%	104	19%	96	17%	16	3%	562
Other	67	37%	43	23%	29	16%	42	23%	2	1%	183
Total	2,667	23%	3,747	33%	2,102	19%	2,599	23%	245	2%	11,360

Table 7c – 2018* Search Types

Race	Incident to Arrest		Probation/ Parole		Cursory		Probable Cause		Consent		Total Searches
	Searches	%	Searches	%	Searches	%	Searches	%	Searches	%	
Afr American	1,355	29%	1,427	30%	1,017	22%	829	18%	83	2%	4,711
Asian	93	38%	55	23%	48	20%	44	18%	4	2%	244
Hispanic	431	34%	241	19%	339	27%	230	18%	28	2%	1,269
White	176	44%	64	16%	92	23%	63	16%	6	1%	401
Other	60	39%	30	19%	49	32%	13	8%	2	1%	154
Total	2,115	31%	1,817	27%	1,545	23%	1,179	17%	123	2%	6,779

*Data collected through 12/19/2018.

Oakland Police Department 2016-18 Racial Impact Report

Search Type Recovery Percentages

Table 8a - 2016 Search Type Recovery Percentages

Race	Incident to Arrest			Probation/Parole			Weapons		
	Recovery	Total Searches	%	Recovery	Total Searches	%	Recovery	Total Searches	%
Afr American	716	1,913	37%	882	3,171	28%	216	1,128	19%
Asian	53	129	41%	13	53	25%	6	35	17%
Hispanic	208	496	42%	151	450	34%	71	363	20%
White	121	241	50%	43	123	35%	19	111	17%
Other	25	59	42%	12	58	21%	4	36	11%
Total	1,123	2,838	40%	1,101	3,855	29%	316	1,673	19%

Race	Probable Cause			Consent			Inventory		
	Recovery	Total Searches	%	Recovery	Total Searches	%	Recovery	Total Searches	%
Afr American	954	2,163	44%	15	138	11%	12	88	14%
Asian	35	99	35%	2	9	22%	0	6	0%
Hispanic	249	541	46%	14	57	25%	6	34	18%
White	51	99	52%	5	15	33%	2	11	18%
Other	16	37	43%	0	1	0%	0	4	0%
Total	1,305	2,939	44%	36	220	16%	20	143	14%

Table 8b - 2017 Search Type Recovery Percentages

Race	Incident to Arrest			Probation/Parole			Cursory		
	Recovery	Total Searches	%	Recovery	Total Searches	%	Recovery	Total Searches	%
Afr American	547	1,788	31%	577	3,013	19%	84	1,421	6%
Asian	26	90	29%	13	65	20%	3	73	4%
Hispanic	158	505	31%	111	497	22%	33	475	7%
White	88	217	41%	32	129	25%	7	104	7%
Other	13	67	19%	7	43	16%	1	29	3%
Total	832	2,667	31%	740	3,747	20%	128	2,102	6%

Race	Probable Cause			Consent		
	Recovery	Total Searches	%	Recovery	Total Searches	%
Afr American	544	1,772	31%	16	172	9%
Asian	25	92	27%	0	10	0%
Hispanic	187	597	31%	2	45	4%
White	45	96	47%	0	16	0%
Other	9	42	21%	0	2	0%
Total	810	2,599	31%	18	245	7%

Oakland Police Department 2016-18 Racial Impact Report

Table 8c – 2018* Search Type Recovery Percentages

Race	Incident to Arrest			Probation/Parole			Cursory		
	Recovery	Total Searches	%	Recovery	Total Searches	%	Recovery	Total Searches	%
Afr American	411	1,355	30%	284	1,427	20%	58	1,017	6%
Asian	29	93	31%	18	55	33%	6	48	13%
Hispanic	105	431	24%	53	241	22%	16	339	5%
White	51	176	29%	20	64	31%	8	92	9%
Other	14	60	23%	8	30	27%	3	49	6%
Total	610	2,115	29%	383	1,817	21%	91	1,545	6%

Race	Probable Cause			Consent		
	Recovery	Total Searches	%	Recovery	Total Searches	%
Afr American	301	829	36%	10	83	12%
Asian	13	44	30%	0	4	0%
Hispanic	56	230	24%	2	28	7%
White	29	63	46%	0	6	0%
Other	2	13	15%	0	2	0%
Total	401	1,179	34%	12	123	10%

*Data collected through 12/19/2018.

Stop Results

In 2017, “Field Interview Report” was no longer captured as a stop result because a Field Interview Report must be completed whenever a stop data collection form is completed.

Table 9a - 2016 Stop Results

Race	Felony Arrest		Misdemeanor Arrest		Citation		Field Interview Report		Warning		Report Taken-No Action		Total Stops
	#	%	#	%	#	%	#	%	#	%	#	%	
Afr American	1,596	8%	1,198	6%	6,194	31%	4,550	23%	5,462	27%	1,032	5%	20,032
Asian	50	3%	98	6%	794	48%	253	15%	412	25%	41	2%	1,648
Hispanic	349	5%	356	5%	2,993	45%	1,073	16%	1,546	23%	273	4%	6,590
White	115	4%	178	5%	1,628	50%	527	16%	728	22%	80	2%	3,256
Other	42	4%	37	4%	533	51%	169	16%	228	22%	34	3%	1,043
Total	2,152	7%	1,867	6%	12,142	37%	6,572	20%	8,376	26%	1,460	4%	32,569

Oakland Police Department 2016-18 Racial Impact Report

Table 9b - 2017 Stop Results

Race	Felony Arrest		Misdemeanor Arrest		Citation		Warning		No Action		Total Stops
	#	%	#	%	#	%	#	%	#	%	
Afr American	1,563	8%	1,177	6%	4,671	24%	7,196	38%	4,578	24%	19,185
Asian	47	3%	70	5%	763	49%	476	31%	197	13%	1,553
Hispanic	349	5%	330	5%	2,904	42%	2,051	30%	1,221	18%	6,855
White	121	4%	158	6%	1,390	50%	787	28%	349	12%	2,805
Other	43	4%	33	3%	652	58%	274	24%	128	11%	1,130
Total	2,123	7%	1,768	6%	10,380	33%	10,784	34%	6,473	21%	31,528

Table 9c – 2018* Stop Results

Race	Felony Arrest		Misdemeanor Arrest		Citation		Warning		No Action		Total Stops
	#	%	#	%	#	%	#	%	#	%	
Afr American	1,218	11%	702	6%	3,689	34%	2,893	27%	2,372	22%	10,874
Asian	61	4%	58	4%	907	66%	229	17%	116	8%	1,371
Hispanic	306	7%	245	5%	2,438	54%	867	19%	627	14%	4,483
White	101	4%	125	5%	1,320	58%	523	23%	208	9%	2,277
Other	34	4%	38	4%	561	63%	162	18%	100	11%	895
Total	1,720	9%	1,168	6%	8,915	45%	4,674	23%	3,423	17%	19,900

*Data collected through 12/19/2018.

Intelligence-Led

Table 10 - 2016-2018 Intelligence-Led Stops

Race	2016*			2017			2018**		
	Intelligence-Led		Total Stops	Intelligence-Led		Total Stops	Intelligence-Led		Total Stops
	#	%		#	%		#	%	
Afr American	1,134	31%	3,642	6,130	32%	19,185	4,294	39%	10,874
Asian	52	25%	205	264	17%	1,553	247	18%	1,371
Hispanic	243	22%	1,114	1,550	23%	6,855	1,100	25%	4,483
White	89	21%	419	513	18%	2,805	438	19%	2,277
Other	32	21%	155	184	16%	1,130	174	19%	895
Total	1,550	28%	5,535	8,641	27%	31,528	6,253	31%	19,900

*Data collected beginning on 10/11/16. **Data collected through 12/19/2018.

CITY OF OAKLAND



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

Police Department

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TO: Regina Jackson
Chair, Oakland Police Commission

FROM: Anne E. Kirkpatrick
Chief of Police, Oakland Police Department

Chair Jackson:

Pursuant to Oakland City Charter Section 604(b)(5), the Oakland Police Department formally submits the attached Special Order, 9196, for the approval of the Oakland Police Commission within the 120-day timeline specified by law.

Special Order 9196 modifies Department General Orders K-03, *Use of Force*, and K-04, *Reporting and Investigating the Use of Force*.

The attached version reflects extensive collaboration between the Department and the Commission, as well as input from the Court's Independent Monitoring Team. The Department respectfully requests that this item be added to the Commission's agenda for approval at the next Commission meeting on July 11, 2019.

BACKGROUND:

The Oakland Police Department is committed to documenting and critically reviewing the use of force and the Department's standards and policies concerning the use of force. One of the entities tasked with overseeing whether the Department's standards and policies are functioning as needed is the Department's Office of Inspector General (OIG) which, among other tasks, constantly monitors the Department's performance metrics, including reported uses of force.

In 2018, OIG and the IMT noted a downward trend in reported uses of force, which prompted additional analysis. That analysis led to a full audit of the Department's reporting of certain force incidents and re-training on certain use-of-force reporting.

It was noted in the review that certain police actions could be classified as uses of force under General Order K-03 yet not reported under General Order K-04.

The Department and the IMT began a series of meetings to explore policy revisions aimed at broadening the capturing of force incidents and increasing the robust nature of force review. This led to the drafting of the document that is now attached, Special Order 9196.

COLLABORATION:

The Oakland Police Department specifically highlights the collaboration and assistance of Oakland Police Commissioners Ginale Harris (Vice Chair), Tara Anderson, and Edwin Prather, Plaintiff's Attorney James B. Chanin, former Oakland Police Commissioner Maureen Benson, and Independent Monitoring Team members (IMT). Many improvements were made to the draft thanks to the assistance of these individuals.

EXECUTIVE SUMMARY:

The changes made by Special Order 9196 are limited in scope, expanding reportable conduct and the methods for documenting the reporting and investigation of force. Special Order 9196 furthers the Oakland Police Department's commitment to transparency and accountability.

The Special Order expands the definition of certain force (pointing of a firearm and "takedowns"), re-categorizes the reporting levels of certain force to allow for more robust reporting, and introduces a category of reportable force which will expand the type of incidents reported by police officers and reviewed by the Department.

The Department respectfully requests that this item be added to the Commission's agenda for approval at the earliest convenience of the Commission.


Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Attachment: Special Order 9196, *Documentation of the Use of Force*

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

SPECIAL ORDER 9196

TO: All Sworn Personnel

SUBJECT: Documentation of the Use of Force¹

EFFECTIVE DATE: XX XX 19

TERMINATION: Upon revision of DGOs K-03, *Use of Force* and K-04, *Reporting and Investigating the Use of Force*

Scope and Purpose

Special Order 9196 immediately changes and supersedes sections of DGOs K-03, Use of Force and K-04, Reporting and Investigating the Use of Force. The major changes explained herein are limited in scope, exclusively covering the expansion of reportable conduct and methods for documenting reporting. SO 9196 furthers the Oakland Police Department's (the "Department") commitment to transparency and accountability.

Major Change Explanation

Pointing of a Firearm

All references to "intention" in reference to an officer pointing a firearm at a subject have been eliminated. Determining whether or not an officer intentionally or un-intentionally pointed a firearm at a person was unnecessarily subjective and did not capture the spirit of the policy: reporting every time that an officer points a firearm at a person.

Additionally, language about the "low-ready" position was deemed too subjective and potentially confusing, and was removed from the policy.

As such, force categorized as Level 4, Type 22 will now be titled "Pointing a Firearm at a Person." Pointing means any time that the line of the muzzle intersects with the body of the subject such that, if the firearm were to discharge, the round would strike that person.

Redefinition of "Takedown"

"Takedowns" were deemed to be insufficiently defined, leaving officers, supervisors, and use of force reviewers unsure of whether certain actions were reportable uses of force. To alleviate this problem, "takedown" was re-defined as: "Physical force used by a member to cause a person to go to the ground not under their own control."

Clarification on Injuries, Sustained During Force Incidents, and Their Effect on Reporting Levels

¹ DGO K-03: II C Use of Force (p. 3): Any physical or mechanical intervention used by a member or employee to defend, control, overpower, restrain or overcome the resistance of an individual.

Ensuring the proper documentation of injuries and the proper investigation of force resulting in injury to the force subject is essential to the accurate evaluation of officers and the Department. The current standard of evaluating the seriousness of a resultant injury – whether the injury required “emergency medical treatment (beyond first aid) or hospital admittance” – is insufficiently clear. The competent evaluation of injuries is necessary when determining whether Level 3 or Level 4 force should be reported and investigated as Level 2 force (Type 13).

To that end, Level 2, Type 13 will be amended to read “*Any use of force resulting in an injury which requires treatment in a hospital or medical facility beyond what is required by basic first aid.*”

- *Excludes Level 1 force types;*
- *Examples of basic first aid include evaluation by a medical professional to assess a complaint of injury, medical clearance before incarceration, removing Taser® or other ECW probes, bandaging, ice packs, over-the-counter pain medications, observation, or precautionary scans or evaluations (such as x-rays);*
- *Examples of treatments beyond basic first aid include stapling, suturing, setting broken bones, or re-locating dislocated appendages.”*

This **does not** change the requirement set out in DGO K-04 I, E, that “[p]ersonnel shall request medical service without delay when a [force] subject has visible injuries or the subject has a complaint of injury.”

Re-categorization of Certain Force and Force on Restrained Persons

- **Level 2, Type 9** has been re-worded and will now say, “Personal weapon strikes to the head or to a **restrained** subject.”
- **Level 2, Type 30** has been added and will say, “Oleoresin Capsicum (OC / Pepper Spray) or other chemical agent applied to a **restrained**² subject.”
- **Level 2, Type 31** has been added and will say, “An Electronic Control Weapon (ECW) is used against a **restrained** subject.”
- **Level 3, Type 16** has been re-named to “All non-carotid takedowns on a **restrained** subject.” As a Level 3, a supervisor must respond to the scene and evaluate the force. Depending on the totality of the circumstances, this type of force may be lowered to a Level 4, elevated to a Level 2, or kept as a Level 3 investigation.
- **Level 3, Type 16a** has been added and will include “Personal weapon³ strikes other than strikes to the head or to a restrained subject.”
- **Level 4, Type 29⁴** has been added and will say, “All non-carotid takedowns, except on a **restrained** subject.”

² As defined in DGO K-04 II, B, 7, a, “A restrained subject is a person who has been fully placed in a Department-authorized restraint device such as both hands handcuffed, a WRAP, or a RIP Hobble.”

³ Training Bulletin III I.01 (p. 11): Personal weapons are your hands, knuckles, fingers, elbows, forearms, knees, and feet.

⁴ Like all force, Type 29 force is still subject to policy regarding elevating the reporting of force to a higher level, to include:

- **Level 4, Type 32** has been added. Issues arose where officers were using “force” as defined in K-03 to overcome resistance, but this force was not adequately documented.

This force included such things as: lifting up and carrying people who had gone limp, holding people down on the ground, restraining people in restraint devices (such as the Hobble or WRAP), pulling people out of cars, pushing people into the back of police cars, removing people who were holding on to fixed objects, forcibly pulling people’s hands behind their back when they were resisting, etc.

To that end, one additional category of force was added to the Level 4 reporting scheme as Type 32 as follows:

Type 32: Any use of force, as defined in DGO K-03, used to

- Overcome resistance of a person during an arrest or a detention; or
- Defend oneself or another from combative action by another person.

And which is not categorized in reporting types 1-31.

Details of Changes to Policies

DGO K-03

- Section IV, A, 1 will now read, “The pointing of a firearm at another person is a use of force.”
- Section IV, A, 2 will now read, “The drawing, exhibiting, and pointing of a firearm at another person is threatening and intimidating and when unwarranted may cast a negative impression on members. A member may point a firearm only when the member has reasonable cause to believe it may be reasonable for his/her safety or for the safety of others.”

DGO K-04

- Section II, A will now read as follows:

II. FORCE LEVELS

Force options enumerated in DGO K-03 are grouped in the following force levels for reporting and investigating purposes only.

A. Level 1

- ❖ **[Type 1]** A lethal firearm discharge at a person;

-
- If the force subject incurs an injury which requires treatment in a hospital or medical facility beyond what is required by basic first aid (K-04 II, B, [Type 13]);
 - If there is an indication that the force was unreasonable (K-04 I, C); or
 - At the direction of a supervisor or commander.

- ❖ [Type 2] Any force resulting in death;
- ❖ [Type 3] Any force creating a substantial risk of causing death;
- ❖ [Type 4] Intentional strikes to the head with an impact or impromptu impact weapon, regardless of injury;
- ❖ [Type 5] Any unintentional firearm discharge with injury or as directed by the CID Commander;
- ❖ [Type 6] Any force which results in Serious Bodily Injury (See DGO K-03 II, F) other than the Carotid Restraint;
- ❖ [Type 7] The use of the Carotid Restraint, including a Carotid Takedown, with loss of consciousness;
- ❖ [Type 8] Other. Used for non-enumerated lethal force such as intentionally striking a person with a vehicle, or to denote when Level 2-4 force has been elevated to Level 1 for purposes of investigation.
 - The use of a vehicle by a member to intentionally strike a suspect shall be considered deadly force, reported and investigated as a Level 1 UOF under this section. This includes at any vehicle speed, with or without injury, when the act was intentional, and contact was made.

B. Level 2

- ❖ [Type 9] Personal Weapon strikes to the head or to a **restrained** subject;
 - A restrained subject is a person who has been fully placed in a Department authorized restraint device such as both hands handcuffed, a WRAP, or a RIP Hobble;
 - A subject with one handcuff on is not considered restrained.
- ❖ [Type 10] Use of the Carotid Restraint, or Carotid Takedown, without loss of consciousness;
- ❖ [Type 12] Impact or impromptu impact weapon strike with contact, regardless of injury;
 - Includes Specialty Impact Munitions (SIM) or any other object;
 - Excludes intentional impact or impromptu impact weapon strikes to the head.
- ❖ [Type 13] Any use of force resulting in an injury which requires treatment in a hospital or medical facility beyond what is required by basic first aid.
 - Excludes Level 1 force types;
 - Examples of basic first aid include evaluation by a medical professional to assess a complaint of injury, medical clearance before incarceration, bandaging, ice packs, over-the-counter pain medications, observation, or precautionary scans or evaluations (such as x-rays).

- ❖ [Type 17a] A chemical agent (other than OC) is deployed against or applied to an unrestrained person;
- ❖ [Type 19] Non-striking use of the baton against a person (e.g. prying limbs, moving or controlling a person);
- ❖ [Type 20] Attempted impact weapon strikes, including SIM, which miss where **no contact is made**;
- ❖ [Type 21] On-duty lethal firearm discharge at an animal, other than dispatching an injured animal.

D. Level 4

- ❖ [Type 22] Pointing a firearm at a person;
 - Includes pointing a firearm loaded with less-lethal ammunition at a person, except during Crowd Control Operations.
- ❖ [Type 23] Weaponless defense technique applied to a vulnerable area for the purpose of inducing pain, excluding strikes (e.g. hair grab, pressure to mastoid, trapezius grab);
- ❖ [Type 24] On-duty firearm discharge to dispatch an injured animal;
- ❖ [Type 25] A weaponless defense technique control hold is applied, for the purpose of inducing pain, including the Twist Lock, Arm-bar, Bent-wrist, or Arm-bar Hammerlock;
 - Handcuffing and escorting techniques which incorporate elements common to control holds and are not used to overcome resistance or inflict pain are **NOT** reportable uses of force⁵.
- ❖ [Type 26] Any Level 3 force incident meeting the criteria to be reported as a Level 4 AND reviewed and approved by a supervisor or commander;
- ❖ [Type 28] A canine deployment where the subject is located by the canine but no bite occurs OR the canine makes non-biting physical contact with the subject with no injury beyond basic first aid;
 - Includes alert or detaining behavior such as barking at, growling at, or circling the subject;
 - Excludes canine deployments where the subject is located by means other than the canine or if no subject is located during the search.
- ❖ [Type 29] All non-carotid takedowns, except on a restrained subject;
- ❖ [Type 32] Any use of force, as defined in DGO K-03, to

⁵ See e.g. “Applying Handcuffs in Standing Handcuffing”, 302.14.3(a), OPD Procedure 302 *Handcuffing and Restraints* (p. 14) or “Raising the Subject to His or Her Feet for High-Risk Kneeling Position Handcuffing”, 302.15.4(a), *ibid.* (p. 20).

OAKLAND POLICE DEPARTMENT
Special Order 9196

XX XX 19

- Overcome resistance of a person during an arrest or a detention; or
- Defend any individual from combative action by another person;

And which is not categorized in reporting types 1-31.

- Section VI, A, 4 is stricken from the policy. Sections VI, A, 5 and 6 will be re-numbered as 4 and 5, respectively.

The above changes go into effect immediately and this Special Order will stay in effect until cancelled or until the revision of DGOs K-03 and K-04.

By order of

Anne E. Kirkpatrick
Chief of Police



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	CPRA Agency Report on Pending Cases and Completed Investigations
Date:	July 8, 2019
Requested by:	Oakland Police Commission
Prepared by:	Mike Nisperos, CPRA Interim Executive Director
Approved by:	Mike Nisperos, CPRA Interim Executive Director

Action Requested:

The Community Police Review Agency asks that the Oakland Police Commission accept this written report on: Pending Cases and Completed Investigations.

Information Item – Pending Cases

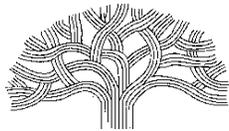
Background

Oakland Municipal Code section 2.46.040(D) provides that the Agency Director shall report to the Commission once a month with information regarding the Agency's pending cases. Attachment A contains the Agency's current pending case list.

Information Item – Completed Investigations

Background

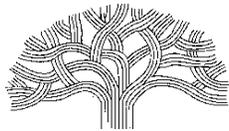
Pursuant to City Charter section 604(f)(3), the Agency submits its written findings and proposed discipline to the Commission and to the Chief of Police regarding allegations stated in a public complaint it has investigated. The Agency shall submit such written findings and proposed discipline to the Commission through confidential communications. California Penal Code sec. 832.7(d) provides that an agency "may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved." Attachment B contains the type and dispositions of recent complaint investigations completed by the Agency.



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Inv.	180-day Goal	3304 Deadline	Type * (604(f)(1) or Other)	Class	Description
18-0345	04/09/18	04/12/18	04/09/18	NG	10/09/18	04/08/19	Use of Force	1	Excessive force.
18-0942	08/27/18	08/27/18	08/27/18	NG	02/23/19	08/26/19	Use of Force	1	Excessive force; improper search.
18-0954	08/30/18	09/17/18	8/30/2018	NG	03/18/19	08/29/19	Use of Force	1	Pointing of firearm during arrest.
18-0964	09/03/18	09/03/18	9/3/2018	AL	03/04/19	09/02/19	Other	1	General conduct.
18-0970	09/04/18	09/04/18	9/4/2018	NG	03/04/19	09/03/19	Other	1	Racial slur.
18-0971	09/04/18	09/17/18	9/4/2018	NG	03/18/19	09/03/19	Use of Force	1	Excessive force; racial slurs; disrespectful conduct.
18-0977	09/05/18	09/17/18	9/6/2018	NG	03/18/19	09/05/19	Use of Force	1	Excessive force.
18-0989	09/09/18	09/09/18	9/9/2018	JS	03/08/19	09/08/19	Use of Force	1	Excessive force; harassment; illegal tow.
18-0991	09/09/18	09/12/18	9/9/2018	ED	03/11/19	09/08/19	Profiling	1	Racial profiling; lying to complainant.
18-1030	09/16/18	09/20/18	9/16/2018	AL	03/19/19	09/15/19	Use of Force	1	Excessive force.
18-1049	09/23/18	09/23/18	09/23/18	ED	03/22/19	09/22/19	Use of Force	1	Excessive force; demeanor.
18-1054	09/25/18	10/15/18	09/25/18	NG	04/13/19	09/24/19	Use of Force	1	Excessive force; demeanor.
18-1095	10/03/18	10/15/18	10/03/18	JS	04/13/19	10/02/19	Use of Force	1	Excessive force.
18-1143	10/10/18	10/18/18	10/15/18	JS	04/16/19	10/14/19	Other	1	Harassment; racial discrimination; improper search.
18-1156	10/16/18	10/30/18	10/16/18	AL	04/28/19	10/15/19	Use of Force	1	Excessive force (Taser); racial profiling; ethnic profiling; false arrest.
18-1137	09/01/18	10/18/18	10/18/18	AL	04/16/19	10/17/19	Use of Force	1	Excessive force.

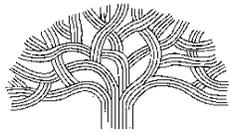
The Type (604(f)(1) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other.



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Inv.	180-day Goal	3304 Deadline	Type * (604(f)(1) or Other)	Class	Description
18-1016	09/14/18	09/17/18	9/15/2018	ED	03/18/19	10/29/19	Other	1	Racial bias; care of property.
18-0302	02/27/18	04/11/18	03/26/18	ED	10/09/18	11/20/19	Other	1	Inappropriate sexual contact.
18-1282	10/16/18	11/28/18	11/27/18	ED	05/27/19	11/26/19	Other	1	Performance of duty; discrimination based on religion.
18-0524	05/21/18	05/29/18	05/19/18	ED	07/07/19	01/07/20	Other	1	Unlawful activity.
19-0051	01/10/19	01/22/19	01/11/19	ED	07/21/19	01/10/20	Use of Force	1	Excessive force.
19-0083	01/17/19	01/22/19	01/17/19	JS	07/21/19	01/16/20	Use of Force	1	Excessive force; harassment; discrimination.
19-0416	04/17/19	04/19/19	04/17/19	NG	10/16/19	04/15/20	Use of Force	1	Excessive force (K-9 bite); Authority and responsibilities (Commanding officers); Authority and responsibilities (Supervisors).
17-1009	09/03/17	10/17/17	10/11/17	ED	N/A	Tolled	Use of Force	1	Excessive force; PDRD and Taser policy violations.
18-0214	02/24/18	02/27/18	02/24/18	JS	N/A	Tolled	Use of Force	1	Improper pointing of firearm; false arrest.
18-0249	03/11/18	03/13/18	03/12/18	JS	N/A	Tolled	Use of Force	1	Officer-involved shooting.
18-0335	04/04/18	04/12/18	04/04/18	JS	N/A	Tolled	Use of Force	1	Use of Taser; PDRD violation.
18-0972	09/04/18	09/07/18	9/4/2018	ED	N/A	Tolled	Use of Force	1	Attacked by officers.
18-1241	10/31/18	11/14/18	11/11/18	ED	N/A	Tolled	Other	1	Improper dissemination of computer information; unauthorized use of electronic systems.
18-0538	05/06/18	05/29/18	5/23/2018	NG	11/26/18	05/22/19	Use of Force	2	Handcuffs too tight; false arrest; delay in Miranda Rights admonition; inaccurate police report.
18-1218	11/01/18	11/01/18	11/01/18	ED	12/10/18	06/13/19	Other	2	PDRD.

The Type (604(f)(1) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other.



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Inv.	180-day Goal	3304 Deadline	Type * (604(f)(1) or Other)	Class	Description
18-0949	08/06/18	09/07/18	8/30/2018	AL	03/06/19	08/29/19	Other	2	False arrest; improper search; illegal tow of vehicle.
18-0997	08/03/18	09/13/18	9/12/2018	JS	03/12/19	09/11/19	Other	2	Wrongful detention and arrest; property damage.
18-0999	09/12/18	09/12/18	9/17/2018	JS	03/11/19	09/11/19	Other	2	Rudeness.
18-1260	11/08/18	11/28/18	11/15/18	JS	05/27/19	11/14/19	Other	2	Demeanor; false arrest.
18-1305	12/01/18	12/07/18	12/03/18	NG	06/05/19	12/02/19	Other	2	Demeanor; performance of duty; PDRD violation.
18-1331	12/10/18	12/17/18	12/10/18	ED	06/15/19	12/09/19	Other	2	Demeanor.
18-1364	12/06/18	12/19/18	12/19/18	AL	06/17/19	12/18/19	Other	2	Wrongful detention; performance of duty; service complaint.
19-0149	02/02/19	02/05/19	02/02/19	AL	08/04/19	02/01/20	Other	2	Care of property.
19-0541	03/25/19	06/07/19	03/25/19	ED	TBD	TBD	Other	2	Failure to accept or refer a complaint. (This case is a spinoff case, addressing allegations that the CPRA discovered in case 18-1049. 3/25/19 is the date the CPRA first notified IAD of the discovered allegations. 6/7/19 is the date IAD sent a CIR to the CPRA with the new case number. The 3304 date is still being calculated.)



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Recently Completed Investigations

7/02/19
Page 1 of 2

Case #	Incident Date	Assigned Inv.	Completion Date	Officer	Disposition	
18-0954	8/30/18	NG	6/21/19	Subject Officer 1	1. Use of Force (Level 4)	<i>Unfounded</i>
				Subject Officer 2	1. Use of Force (Level 4)	<i>Unfounded</i>
				Subject Officer 3	1. Use of Force (Level 4)	<i>Unfounded</i>
				Subject Officer 4	1. Use of Force (Level 4)	<i>Unfounded</i>
				Subject Officer 5	1. Use of Force (Level 4)	<i>Unfounded</i>
				Subject Officer 6	1. Use of Force (Level 4)	<i>Unfounded</i>
				Subject Officer 7	1. Use of Force (Level 4)	<i>Unfounded</i>
				Subject Officer 8	1. Use of Force (Level 4)	<i>Unfounded</i>
				Subject Officer 9	1. Use of Force (Level 4)	<i>Unfounded</i>
				Subject Officer 10	1. Use of Force (Level 4)	<i>Unfounded</i>
				No Subject Officer	1. Service Complaint	<i>No MOR</i>
				No Subject Officer	1. Service Complaint	<i>No MOR</i>
19-0149	2/2/19	AL	6/12/19	Subject Officer 1	1. Performance of Duty – Care of Property	<i>Sustained</i>



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Recently Completed Investigations

7/02/19
Page 2 of 2

Case #	Incident Date	Assigned Inv.	Completion Date	Officer	Disposition	
18-0538	5/13/19	NG	5/6/18	Subject Officer 1	1. Performance of Duty – General	<i>Unfounded</i>
					2. Performance of Duty – Unintentional Search, Seizure, Arrest	<i>Unfounded</i>
					3. Performance of Duty – General	<i>Unfounded</i>
					4. Use of Force (Level 4)	<i>Exonerated</i>
				Subject Officer 2	1. Use of Force	<i>Unfounded</i>
					2. Use of Force	<i>Unfounded</i>
				Subject Officer 3	1. Use of Force	<i>Unfounded</i>
					2. Use of Force	<i>Unfounded</i>
				Subject Officer 4	1. Performance of Duty – General	<i>Unfounded</i>
					2. Performance of Duty – Unintentional Search, Seizure, Arrest	<i>Unfounded</i>
					3. Use of Force	<i>Unfounded</i>
					4. Use of Force	<i>Unfounded</i>
				Subject Officer 5	1. Performance of Duty – PDRD	<i>Unfounded</i>
					2. Performance of Duty – Unintentional Search, Seizure, Arrest	<i>Unfounded</i>
					3. Performance of Duty – General	<i>Unfounded</i>
4. Use of Force (Level 4)	<i>Exonerated</i>					
5. Use of Force	<i>Unfounded</i>					

Administrative Closure of Class I Cases

Oakland Municipal Code section 2.45.070(M) provides that the Police Commission shall “[r]eview the Agency’s dismissal and/or administrative closure of all complaints of Misconduct involving Class I offenses, including any Agency investigative file regarding such complaints, and, in its discretion and by five (5) affirmative votes, direct the Agency to reopen the case and investigate the complaint.” Class I offenses are listed in OPD’s Discipline Policy and include the most serious allegations of misconduct, which, if sustained, could result in disciplinary action up to and including termination and could serve as the basis for criminal prosecution.

Attached for your review are redacted summaries from investigation files of recent cases that have been administratively closed. Based on review of the investigation file, the Interim Executive Director made a summary finding for each case, as stated below. Upon request of the Commission, the CPRA will make available additional materials from the Agency’s investigative file(s) regarding any of the complaints listed herein, to be reviewed in a closed session.

1. Use of Force

CASE #	DATE FILED CPRA	180-DAY	3304
18-1142	10-18-2018	04-16-2019	10-14-2019

The preliminary inquiry disclosed sufficient evidence to determine that some force was used during the encounter with the individual who had physical interaction with the officers; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy. There was no evidence to support the third party specific allegation that the officer kicked the subject. On that basis, the Interim Executive Director made a summary finding of Unfounded.

2. Use of Force

CASE #	DATE FILED CPRA	180-DAY	3304
18-1210	11-14-2018	05134-2019	10-28-2019

The preliminary inquiry disclosed sufficient evidence to determine that some force was used during arrest of Complainant; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy. Video evidence undermined the specific claim that Complainant was choked. On that basis, the Interim Executive Director made a summary finding of Unfounded.

3. Use of Force

CASE #	DATE FILED CPRA	180-DAY	3304
18-1316	12-07-2018	06-05-2019	12-03-2019

The preliminary inquiry disclosed sufficient evidence to determine no OPD officer was involved in the reported incident. On that basis, the Interim Executive Director made a summary finding of No Jurisdiction.

4. Use of Force

CASE #	DATE FILED CPRA	180-DAY	3304
18-1345	12-07-2018	06-05-2019	12-03-2019

The preliminary inquiry disclosed sufficient evidence to determine no OPD officer used force on a cooperative and compliant arrestee. On that basis, the Interim Executive Director made a summary finding of Unfounded.

5. Use of Force

CASE #	DATE FILED CPRA	180-DAY	3304
19-0006	01-10-2019	07-09-2019	12-30-2020

The preliminary inquiry disclosed sufficient evidence to determine that some force was used during the encounter; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy, and on that basis the Interim Executive Director made a summary finding of Exonerated.

6. Use of Force

CASE #	DATE FILED CPRA	180-DAY	3304
19-0070	01-23-2010	07-22-2019	01-1010-2020

The preliminary inquiry disclosed sufficient to determine that no Oakland police officer was involved in the incident/subject of the complaint. On that basis, the Interim Executive Director made a summary finding of No Jurisdiction.

7. Use of Force

CASE #	DATE FILED CPRA	180-DAY	3304
19-0091	01-18-2019	07-17-2019	01-18-2020

The preliminary inquiry disclosed sufficient evidence to determine that some force was used during the encounter; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy, and on that basis the Interim Executive Director made a summary finding of Exonerated.

8. Use of Force

CASE #	DATE FILED CPRA	180-DAY	3304
18-1382	12-27-2018	06-25-2019	12-24-2019

The preliminary inquiry disclosed sufficient evidence to determine that some force was used during the encounter; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy, and on that basis the Interim Executive Director made a summary finding of Exonerated.

9. Use of Force

CASE #	DATE FILED CPRA	180-DAY	3304
19-0020	01-05-2019	07-09-2019	01-04-2020

The preliminary inquiry disclosed sufficient to determine that no Oakland police officer was involved in the incident/subject of the complaint. On that basis, the Interim Executive Director made a summary finding of No Jurisdiction.

-END-



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Minutes

Thursday, April 11, 2019

5:30 PM

City Hall, 1 Frank H. Ogawa Plaza, Council Chamber
Oakland, CA 94612

I. Called to Order
Chair Jackson

The meeting started at 5:31 p.m.

II. Roll Call and Determination of Quorum
Chair Jackson

Commissioners Present: Mubarak Ahmad, Tara Anderson, Ginale Harris, Regina Jackson, and Edwin Prather. Quorum was met.

Alternate Commissioner Present: Chris Brown

Commissioners Absent (Excused): José Dorado and Thomas Smith.

Counsel for this meeting: Sergio Rudin

THE OAKLAND POLICE COMMISSION ADJOURNED TO CLOSED SESSION IN CITY HALL BUILDING BRIDGES ROOM, 3RD FLOOR AND REPORTED ON FINAL DECISIONS IN THE CITY COUNCIL CHAMBER DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.

III. Closed Session
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Gov't Code § 54957(b) Title: Chief of Police

Action – Report out of Closed Session
Chair Jackson stated that it is now 6:34 p.m. and called the meeting to order.

There is a reportable item coming out of Closed Session. The Commission determined that we need the assistance of legal counsel to conduct an appropriate and valid assessment of the Police Chief's performance pursuant to the Commission's responsibilities. We have asked the firm of Garcia Hernández Sawhney, LLP to assist us and will be bringing their Retainer Agreement to the next Commission meeting for appointment.

Chair Jackson said that for clarification when they reported out at 9:37 p.m. from Closed Session, she neglected to report the votes. There were five affirmative votes (roll call not taken) to support hiring legal counsel to advise the Commission on developing a process for the Police Chief's performance.

Comments were provided by the following public speakers:
No speakers were called.

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

Chair Jackson welcomed and called public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's policies, practices, and customs to meet or exceed national standards of constitutional policing and to oversee the Community Police Review Agency which investigates police misconduct and recommends discipline.

Chair Jackson took a moment as a Point of Privilege to remark on the last meeting. Her statement was that upon reflection of the unprofessional atrocity that was our recent meeting, there are three words that come to mind – out of order. These are the words that escaped her while she was under the shock and utter disbelief of witnessing both the deplorable insulting engagement with Public Defender Brendon Woods. To quote our special guest, Sam Johnson, "I was triggered by the shouting match and would hope that we could show each other some respect." This behavior, to say the least, is unbecoming to the positions we hold. Our Commission meetings should be where people come to share their stories, concerns, and traumas. Not to be triggered and certainly not to be disrespected. It is of the highest importance that these meetings be conducted with class. Anything less, then that is a detriment to the effectiveness of our collective goals. As Commissioners, we have the role and responsibility to listen, ask questions, make policy and other recommendations. As sworn individuals, our conduct should be professional always. We must remember that anyone Commissioner's behavior reflects on us all. We are a major City and we must hold ourselves to a higher standard.

Secondly, Chair Jackson said the Commissioner to Commissioner argument was also troublesome. In watching the tape, it seemed that Commissioner Smith was calling for a Point of Order because the conversation had gone off topic from Agenda Setting. However, the Rules on Points of Order allow for someone to interrupt and that she did not realize. However, the back and forth that ensued which led up to a threat of bodily harm, was the worst moment she had been party to since joining this Commission. As Chair, the role is to manage meetings and provide leadership in word and deed. She will be more accountable for keeping everyone on track and shutting down disrespectful conversations. While all Commissioners are leaders in their own right, and we come to this work from diverse paths, she expects that all Commissioners moving forward will display the kind of respectful decorum with the community, the staff, and each other that the City of Oakland deserves and that which we agreed to when we accepted this assignment.

Chair Jackson took an additional roll call in order to identify the additional Commissioners present: Mubarak Ahmad, Tara Anderson, Chris Brown (Alternate Commissioner), Ginale Harris, Regina Jackson, and Edwin Prather. Quorum was met.

Commissioners Absent (Excused): José Dorado (Commission received notice after the Agenda was let) and Thomas Smith.

Comments were provided by the following public speakers:

Mary Vail
Rashidah Grinage
Jesse Smith
Gene Hazzard
John Jones III
Oscar Fuentes
Nino Parker
Assata Olugbala
Saleem Bey
John Bey

Anne Janks

- V. **Oakland Police Department (OPD) Budget for Managing Job-Related Stress**
Chief Anne Kirkpatrick, or her designee, presented a detailed budget for providing education and training to OPD sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of post-traumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. ***This was discussed on 3.28.19.***

Commissioner Brown requested to meet privately with Lt. Shavies regarding questions and he agreed. Lt. Shavies will return to answer Commissioners questions presented.

Comments were provided by the following public speakers:

Gene Hazzard
Elise Bernstein
Cathy Leonard
Mary Vail
Jesse Smith
Nino Parker
John Bey
Assata Olugbala
Saleem Bey
John Jones III

No action taken.

- VI. **OPD Response to Oakland Black Officers Association (OBOA) Letter**
Chief Anne Kirkpatrick offered a response to OBOA's open letter in the Oakland Post suggesting disparate and/or racist implications for OPD hiring and discipline practices. ***This is a new item.***

Comments were provided by the following public speakers:

Gene Hazzard
Mary Vail
Lorelei Bosserman
Cathy Leonard
John Bey
Saleem Bey
Rashidah Grinage
Assata Olugbala
John Jones III
Nino Parker
Art Doug Blacksher

No action taken.

- VII. **R-02: Searches of Individuals on Probation and Parole**
The Commission reviewed an amended version of R-02: Searches of individuals on Probation or Parole, and voted. Members of communities directly impacted by the policy shared their experiences and views. ***This was discussed on 1.24.19, 3.14.19, and 3.28.19.***

Comments were provided by the following public speakers:

John Jones III
Lorelei Bosserman
Nino Parker

Michael Tigges
Mary Vail
Assata Olugbala
Saleem Bey

Commissioner Prather presented a report regarding the document. Commissioner Anderson provided several edits to the document which will be included.

A motion was made by Commissioner Prather that subject to these edits, add a Section A – 2; thereby making A – 2, A – 3 and A – 3, A – 4. The added Section A – 2 will be titled Violent Offense; the text will say: “A violent offense is as defined in California Penal Code section 667.5(c)”. Edit Section B – 3, Line 2, striking the word especially. Edit Section B – 3, Line 3, striking the words: can be viewed as and inserting the word is. Subject to those edits, move that we adopt this version of R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Post-Release Community Supervision) as our version of this policy. The motion was seconded by Chair Jackson. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

A second motion was made by Commissioner Prather, seconded by Chair Jackson, to have a deadline of May 10 for the Oakland Police Department to provide comment if any and that we submit this to the City Council for their approval on May 10 subject to comments by the Oakland Police Department. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

VIII. Recess (8 minutes) [This Item was X on the Agenda]

Chair Jackson called the meeting back to order at 9:36 p.m.

IX. Review of Community Police Review Agency (CPRA) Pending Cases and Completed Investigations [This Item was VIII on the Agenda]

To the extent permitted by state and local law, Acting Interim Executive Director Joan Saupe reported on the Agency’s pending cases and completed investigations. *This is a recurring item.*

Comments were provided by the following public speakers:

Gene Hazzard
Cathy Leonard
Lorelei Bosserman
Melody Davis
Michael Tigges
Oscar Fuentes
Assata Olugbala
Saleem Bey
Rashidah Grinage

No action taken.

X. Bey Case – Noticing the Federal Monitor [This Item was IX on the Agenda]

The Commission discussed, and voted on, a letter that will be submitted to the Federal Monitor regarding new evidence in the Bey case. *This was discussed on 3.14.19.*

Comments were provided by the following public speaker:
Saleem Bey.

A motion was made by Vice Chair Harris, seconded by Commissioner Ahmad, to request advice of outside counsel and the appellate process. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

Comments were continued by the following public speakers:
Saleem Bey
Assata Olugbala
Gene Hazzard

A motion was made by Commissioner Prather, seconded by Vice Chair Harris, that we approve the letter (Attachment 9) for distribution to Mr. Warshaw with a copy to Judge Orrick and the Oakland City Council with the following changes:
Make sure that Mr. Bey's name is in correct order reflecting Ali Saleem Bey and it should reference John Muhammad Bey. Paragraph two, sentence two should read – At its public meeting on February 28, 2019, Mr. Ali Saleem Bey and Mr. John Muhammad Bey provided documents to members ... It should also reference not only Case No. 07-0558 but also Case No. 13-1062 (should be inserted prior to the comma on the next to last line on paragraph two). The word testimony on that same line should be replaced with the word comments. Paragraph 3, Line 3, says complaint and to request - to should be replaced by the words Mr. Bey's. At the end of Line 3, replace the words Mr. Bey's with his. Line 5, replace the word testimony by comments.
An additional sentence added at the end of Paragraph 3 that says "It is my understanding that Mr. Bey will provide a packet of documents to you under separate cover." The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

MOTION to continue this meeting until 11:30 p.m. was made by Commissioner Prather and seconded by Chair Jackson. The vote was Aye: 4 (Anderson, Harris, Jackson, and Prather); Abstain: 1 (Ahmad). The motion passed.

XI. Police Commission Annual Report

Commissioner Prather presented the Commission's annual report which must be submitted to the Mayor, City Council, and the public on or before April 17, 2019.
This was discussed on 3.28.19.

Comments were provided by the following public speakers:
No public comment.

A motion was made by Chair Jackson, seconded by Commissioner Ahmad, to appropriately edit with comments that have been identified by Commissioner Prather and the typo Vice Chair Harris mentioned, in order that we can forward the Annual Report in a timely fashion. Friendly amendments (edits) were made by Commissioner Prather: Page 1 – Footer (Delete reference to Public Safety Committee). Page 2, Change the Term Ending to Oct. 2020 for Tara Anderson, Commissioner. Page 2, Change the Term Ending to October 2022 for Chris Brown, Alternate Commissioner. Page 10, Paragraph 1, Change the wording to - Additionally the Commission appointed Karen Tom to the position of CPRA Interim Director in December 2018 to fill the recently made vacant position. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

XII. Committee/Liaison/Other Commissioner Reports

This time is set aside to allow Commissioners to present a brief report on their own activities, including service on committees or as liaisons to other public bodies. No action may be taken as a result of a report under this section other than to place a matter for consideration at a future meeting. *This is a new item and will be recurring at future meetings.*

Comments were provided by the following public speakers:
No public comment.

XIII. Meeting Minutes Approval

The Commission will vote to approve meeting minutes from March 28, 2019. *This is a recurring item.*

Comments were provided by the following public speakers:
No public comment.

A motion was made by Commissioner Edwin Prather, seconded by Commissioner Anderson, to table the Item until the next meeting. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

XIV. Executive Director Interview Process

The Commission reviewed the CPRA Executive Director interview process and may approve the process as is, or make edits so that the process can begin as soon as possible. *This is a new item.*

Comments were provided by the following public speaker:
Rashidah Grinage

No action taken.

XV. Inspector General Position Status Update

The Commission will provide an update on the status of the Inspector General Position. *This has been discussed on multiple occasions.*

Comments were provided by the following public speakers:
No public comment.

A motion was made by Commissioner Prather, seconded by Commissioner Anderson, to table the Item until the next meeting. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

XVI. Receive Bids for Investigator Services

Commissioner Prather presented bids he received for Investigator Services. The Commission discussed the bids and voted on further actions. *This is a new item.*

MOTION to continue this meeting until 11:40 p.m. was made by Commissioner Edwin Prather and seconded by Vice Chair Ginale Harris. The vote was Aye: 5 (Ahmad, Anderson, Harris, Jackson, and Prather). The motion passed unanimously.

Comments were provided by the following public speakers:
No public comment.

A motion was made by Commissioner Prather, seconded by Chair Jackson, to hire Eric Mason for the Joshua Pawlik investigation and that we either hire him directly and/or direct Interim Executive Director Karen Tom to hire him through CPRA and assign him the file immediately. The motion carried by the following vote:

Aye: (4) Ahmad, Harris, Jackson, and Prather; Recusal: (1) Anderson.

Counsel Rudin for clarification of the motion on the record – The motion is to direct the Interim Executive Director of CPRA to enter in a contract with Eric Mason (Mason Investigative Group) and an alternative is that if that contract process cannot be completed, to authorize the Commission acting through the Chair to enter in a contract with the same group.

XVII. 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 and agreed on a list of agenda items to be discussed on future agendas. *This is a recurring item.*

Comments were provided by the following public speaker:
Saleem Bey

XVIII. Adjournment

A motion was made by Commissioner Prather, seconded by Vice Chair Harris, to adjourn. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

The Commission adjourned the meeting at 11:41 p.m.



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Minutes

Thursday, April 25, 2019

6:30 PM

City Hall, 1 Frank H. Ogawa Plaza, Council Chamber
Oakland, CA 94612

I. Called to Order
Vice Chair Harris

The meeting started at 6:30 p.m.

II. Roll Call and Determination of Quorum
Vice Chair Harris

Commissioners Present: Mubarak Ahmad, Alternate Commissioner Chris Brown (designated as a voting member until other members are present per Counsel Rudin), José Dorado, Ginale Harris, and Thomas Smith. Quorum was met.

Commissioners Absent (Excused): Tara Anderson, Regina Jackson, and Edwin Prather.

Counsel for this meeting: Sergio Rudin

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

Vice Chair Harris welcomed and called public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's policies, practices, and customs to meet or exceed national standards of constitutional policing and to oversee the Community Police Review Agency which investigates police misconduct and recommends discipline.

Comments were provided by the following public speakers:

Ryan Vanderpol
Mary Vail
Assata Olugbala
Gene Hazzard
Lorelei Bosserman
Rashidah Grinage
Saleem Bey

Chair Jackson arrived at 7:00 p.m. and apologized to the entire community for her tardiness.

IV. Oakland Black Officers Association (OBOA) Letter

The Commission will hear from a representative on behalf of OBOA regarding their letter in the Oakland Post suggesting disparate and/or racist implications for OPD hiring and discipline practices. ***This was discussed on 4.11.19.***

Chair Jackson asked "Is the representative for the OBOA present?" Virginia Gleason (Project Manager, OPD) reported that an hour and a half ago an officer was severely injured and people are with him at the hospital. Chair Jackson read aloud the letter into the record (Attachment 4).

Comments were provided by the following public speakers:

Gene Hazzard

Mary Vail

Melody Davis

Assata Olugbala

Rashidah Grinage

Noel Gallo, Councilmember, Oakland City Council. “For the public, since the Public Safety came up regarding the letter, this is to let you know publicly that we did have conversations with the police. We do the scheduling for the Public Safety Committee and that this item will be heard. We do have a standing item that deals with recruitment and hiring and other practices; this letter will be heard under that item at the following meeting as well as the NSA - Where are we with the NSA?”

Saleem Bey

Bruce Schmiechen

Chair Jackson asked Ms. Gleason for clarification that she heard that the Police Chief refused to meet with the OBOA. Ms. Gleason reported that the Police Chief sent a written invitation to meet with the OBOA and they declined.

Commissioner Prather (late arrival). He suggested an Ad Hoc Committee to meet with representatives of OBOA.

Ms. Olugbala – point of clarification – it is her understanding that there is an investigation into the charges in the letter, who is doing that investigation?

Chair Jackson reported that she understood that finally there was an investigation opened on the part of the OPD through IAD; we also requested at the last meeting that CPRA do a similar investigation. She asked Ms. Tom if she is familiar if that investigation has been opened? Ms. Tom said she is not familiar with that. Chair Jackson asked Ms. Tom to make sure that it is opened. Did the investigation get opened within 24 hours of October 15? She read that it didn’t get opened until January. That is one issue. When it was raised to us, we decided to have our own investigation. Commissioner Harris suggested hiring an outside investigator.

Chair Jackson created an Ad Hoc Committee on this subject. Commissioners Dorado and Smith volunteered and Chair Jackson will also participate. A meeting will be scheduled.

No action taken.

V. Review of CPRA Pending Cases and Completed Investigations

To the extent permitted by state and local law, Interim Executive Director Karen Tom reported on the Agency’s pending cases and completed investigations. ***This is a recurring item.***

Chair Jackson announced that she has accepted Ms. Tom’s resignation for the Interim Executive Director position effective May 3. This will be her last meeting with the Commission. She asked Ms. Tom to share. Ms. Tom thanked the Commission for the opportunity to serve.

Comments were provided by the following public speakers:

Gene Hazzard

Lorelei Bosserman

Rashidah Grinage

Assata Olugbala

Saleem Bey

VI. Report from Ad Hoc Committee on CPRA Appellate Process

The Ad Hoc Committee on CPRA Appellate Process presented its on-going analysis whether and how an appellate process for closed CPRA cases may be established. *This was discussed on 9.13.18, 10.11.18, and 4.11.19.*

Vice Chair Harris reported that she and Alternate Commissioner Brown are on the Ad Hoc Committee. We need outside legal counsel to put this process together.

Commissioner Prather said that he did reach out to two firms and they were not interested in working for the Commission.

Commissioner Prather said during public comment Mr. Bey mentioned there was no final copy of his letter. The final letter to Mr. Warshaw was included in this Agenda Packet (Attachment 6). This Agenda Item doesn't contemplate such an inclusion but it is included, was disseminated to the public, and sent.

Mr. Bey said that a motion was made and passed to hire an outside investigator. That was specifically to be a separate agenda item. You have put the letter underneath it; that was all part of that same piece. Vice Chair Harris said we are trying to look for counsel and nobody wants to come work for us. Mr. Bey said we are looking for an independent investigator. Chair Jackson stated that we are in the process of trying to get a person hired as a vendor for the Pawlik case which happened prior to your case. She said if the Commission identifies that they want to hire an investigator to deal with your case, we would make that decision. We have not found one yet. Mr. Bey kept talking over Chair Jackson. She said that Commissioner Prather has excellent resources and for the subject matter. Mr. Bey kept interrupting and said "not for us".

Commissioner Prather called for a Point of Order. We are way off the Agenda Item. We are so far off topic – To Chair Jackson, he asked her to invoke Rule 3.3 regarding conduct. Chair Jackson said we are moving on and asked Mr. Bey to step away from the microphone.

Comments were provided by the following public speaker:
Gene Hazzard

No action taken.

VII. Retainer Agreement for Counsel Assisting with Oakland Police Chief Evaluation

The Commission presented the retainer agreement with the law firm chosen to assist with the Chief's evaluation and voted to approve the agreement. *This is a new item.*

Commissioner Smith recused himself from this Item because this is a firm he formerly worked for.

Comments were provided by the following public speakers:
Gene Hazzard
Melody Davis
Saleem Bey

Chair Jackson reported that a meeting was held in Closed Session. A motion was made by Chair Jackson and seconded by Vice Chair Harris to accept the Retainer Agreement for Counsel assisting with the Oakland Police Chief Evaluation. The motion carried by the following vote:

Aye: (5) Ahmad, Dorado, Harris, Jackson, and Prather; Recused: (1) Smith.

VIII. Recess (8 minutes)

Chair Jackson recommended recess be postponed because of the upcoming Closed Session to handle as many Agenda Items as possible.

A motion was made by Chair Jackson and seconded by Vice Chair Harris to postpone Recess. The motion carried by the following vote:

Aye: (5) Ahmad, Dorado, Harris, Jackson, and Prather.

IX. National Association for Civilian Oversight of Law Enforcement (NACOLE) Conferences

The Commission discussed and voted on participation at NACOLE's Regional Training and Networking Series event on May 3, 2019 at the Kaiser Center in Oakland.

The Commission discussed and voted on participation at the National Conference in Detroit September 22-26, 2019. *This is a new item.*

Comments were provided by the following public speakers:

No public comment.

Chair Jackson asked for attendee information (May 3, 2019):

Brown (Yes), Dorado (Yes), Harris (Attend a.m. – 12:30 p.m.), Jackson (No), Smith (No).

Chair Jackson asked Ms. Tom for other required information in terms of registration.

Ms. Tom stated Mr. Rus will handle the registration NACOLE matters for the Regional Conference. If he needs information, he will contact you.

Chair Jackson asked for attendee information (September 22-26, 2019):

Brown (Maybe), Dorado (Yes), Harris (Yes), Jackson (Maybe), Prather (Maybe), Smith (Maybe).

Mr. Rus agreed to handle the registration NACOLE matters for the National Conference.

Chair Jackson asked Commissioners to review calendars and firm up at the next meeting.

X. Creation of Ad Hoc Committee on OPD K-4 Use of Force Reporting Special Order

OPD has requested that the Commission establish an Ad Hoc Committee to work with members of OPD on K4 Use of Force Reporting Special Order. *This is a new item.*

Comments were provided by the following public speaker:

Bruce Schmiechen

Chair Jackson stated the final members on the Ad Hoc Committee are:

Commissioners Anderson, Harris and Prather.

Chair Jackson asked if someone from OPD wanted to address the approach of presenting a draft to the Commission. Sgt. Joe Turner, Training Division for Policy and Publication Unit, spoke on the topic. The draft is correcting a specific problem that was identified by the Independent Monitoring Team; it is a technical fix that needs to be done and it was done in this manner. Chair Jackson thanked him for the clarification and asked about the turn around. Sgt. Turner said this is something for Counsel, or the City Attorney, to speak on; he believes it is 120 days. Counsel Rudin said that he is not the City Attorney and according to Charter provisions, it is 120 days. She thanked Sgt. Turner and Ms. Gleason.

No action taken.

XI. Schedule a Public Hearing on Excessive Force

The Commission voted to schedule a public hearing on use of excessive force. *This is a new item.*

Comments were provided by the following public speakers:
Assata Olugbala
Anne Jenks

Chair Jackson said this Item came on as an opportunity to create a process that includes community engagement in alignment with developing a policy.

Mr. Rus stated that the notice that you received from the OPD on this was not a notice of revision of K-04, it is only a notice of the revision of the Special Order regarding reporting of K-04 and so the 120 days do not pertain to K-04. They pertain only to the Special Order regarding the reporting of K-04. You don't need to worry about K-04, the 120 days.

Chair Jackson said that what she is hearing from Anne Janks (Coalition for Police Accountability) is to work with the Standing Committee on Outreach to ensure that the lion share of work around the excessive force is shared. Commissioners Ahmad and Dorado agreed to work on that issue; Chair Jackson will also work with them.

Commission Prather suggested utilizing in-house staff which the Commission has (Chrissie Love, Administrative Analyst) and money in the budget for an outside vendor.

No action taken.

Chair Jackson said it is 9:02 p.m. Roll Call and Determination of Quorum by Chair Jackson. Commissioners Present: Mubarak Ahmad, José Dorado, Ginale Harris, Regina Jackson, and Edwin Prather. Commissioner Absent: Thomas Smith. Quorum was met.

THE OAKLAND POLICE COMMISSION ADJOURNED TO CLOSED SESSION IN CITY HALL BUILDING BRIDGES ROOM, 3RD FLOOR AND WILL REPORT ON ANY FINAL DECISIONS IN THE CITY COUNCIL CHAMBER DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.

Chair Jackson said it is 9:31 p.m. and called the meeting back to order (Open Session). There were no reportable items. We lost Commissioner Smith and are soon to lose Commissioner Dorado's presence. Alternate Commissioner Brown was designated a voting member for tonight.

Comments were provided by the following speaker:
Oscar Fuentes

XII. Executive Director Interview Process

The Commission reviewed the CPRA Executive Director interview process and may approve the process as is, or make edits so that the process can begin as soon as possible. *This was discussed on 4.11.19.*

Chair Jackson asked Vice Chair Harris to provide an overview.

Commissioner Prather appreciated the fine work that went into creating this process. He gave his input on the essay questions. For the record, he said it is unfair to ask for an essay on socioeconomic poverty and how it affects Oakland in relation to the job description. It is not a fair essay question.

Mr. Rus said he is also on the Education, Training and Standards Committee of NACOLE. We are currently doing the hiring of investigators for our office and for any public sector hiring that we do, the first stage of that process is we get a panel of outside experts to do the initial review – somebody who does not work for the City but people who are recognized experts in their field who will know what those technical things are. This is an enormously technical, legal job. The Commission should at least consider the Bay area as one of the birth places of civilian oversight – there are within a 50-mile radius of where we sit many of the giants of civilian oversight in this country who could be asked to be on a panel and would probably agree. I have gotten them to agree to be on our panels for interviews for investigators. Chair Jackson asked Mr. Rus to send her the list of experts who have agreed to be on the panel for investigators.

Comments were provided by the following public speakers:

Bruce Schmiechen
Lorelei Bosserman
Rashidah Grinage
Oscar Fuentes

Chair Jackson thanked everyone for their comments. She thanked former Commissioner Benson and Vice Chair Harris for their diligence in creating a process and prioritizing within that process community voice. We will make every effort to also prioritize the technical responsibility and acumen that is required to lead this effort.

Vice Chair Harris announced that the Personnel Committee meets on May 6. Suggestions can be emailed to her.

Commissioner Prather suggested contacting former colleague Mike Nisperos (worked with CPRB) to provide expertise on this matter.

No action taken.

XIII. Committee/Liaison/Other Commissioner Reports

This time is set aside to allow Commissioners to present a brief report on their own activities, including service on committees or as liaisons to other public bodies. No action may be taken as a result of a report under this section other than to place a matter for consideration at a future meeting. *This is a recurring item.*

Chair Jackson mentioned that she has been contacted by the City Auditor's Office to begin an audit on both CPRA as well as the Police Commission as is called for in Measure LL. This topic will be on the next Agenda where there will be staff who can address the scope.

Commissioner Ahmad said he was absent in the March 28 meeting when he was going to give a report about community outreach. He spoke about events, etc. that he has been involved in relating to community outreach.

Commissioner Prather reported that the Ad Hoc Committee on the Parole and Probation Search met with OPD last week. We exchanged ideas, received a draft of their new edits today, and asked that this matter go on the next Agenda to comport with our new deadline. Chair Jackson asked if we are close? Do we need another meeting? Commissioner Prather said there is one section that needs work. Do you mean a

meeting with OPD? Chair Jackson said “yes”. Commissioner Prather could not answer that. He will work with Captain Bassett and Sgt. Turner who have been amenable, knowledgeable, and cooperative in this process. He is optimistic that this can be done.

Comments were provided by the following public speakers:
No public comment.

No action taken.

XIV. Police Commission Retreat

The Commission discussed potential dates, format, topics, presenters, location, and cost for a retreat. The Commission may vote on items to facilitate scheduling. *This was discussed on 6.28.18, 7.12.18, 8.9.18, 8.23.18, and 9.13.18.*

Counsel Rudin stated that since you are considering planning a retreat that is planned by the Commission, that Retreat would be subject to the Brown Act. Chair Jackson said absolutely, that is the plan. It would be a formatted meeting. She can send out a Doodle Poll, etc. Plan for something in June which was the plan for last year. She suggested a follow up to the retreat, and have that happen soon after the retreat.

Commissioner Prather suggested the retreat wait until after the appointment of another Alternate Commissioner.

Commissioner Harris suggested that it be mandated for all to attend.

Comments were provided by the following public speakers:
No speakers were called.

No action taken.

XV. Meeting Minutes Approval

The Commission will vote to approve meeting minutes from March 28, 2019 and April 11, 2019. *This is a recurring item.*

Commissioner Prather asked that both sets of Minutes be returned. There are errors in these Minutes.

The tense and format throughout these Minutes needs to be changed.

If the Commission takes no action on an Item, it should reflect that no action was taken. Sometimes the votes are referred to as passing unanimously without a roll call; sometimes there is a roll call.

If there is a quote, there should be quotation marks.

Names should be corrected to Chair Jackson, Commissioner, Vice Chair.

There should be a consistency to the Minutes – to look professional.

Chair Jackson asked Ms. Tom to handle the matter. Mr. Rus and she will let staff know about the revamp of the minutes.

Commissioner Brown referenced March 28, 2019 Minutes - Page 73, Item X, Paragraph 3 (is a vague description of the Motion that passed) – we should have detailed/verbatim motions shown so that we know exactly what was moved and passed. Chair Jackson inquired about getting transcripts? Mr. Rus said transcripts were made; Ms. Love posted those transcripts on the Commission website and they are not included in the mailing packet since they are very long.

Chair Jackson will ask Ms. Love to send Commissioners links to each of the transcribed meetings. Whoever is working on the mini minutes can reference the transcripts

because they would have more information rather than less.

Commissioner Prather referenced March 28, 2019 Minutes - Page 73, Item X, Paragraph 2, “specific process” – referring to the potential creation of an appellate process. There is no mention of an investigator in this motion. He doesn’t recall it. He suggested someone go back and recheck this motion – insert the verbatim wording of the motion. Go back and get the detail. Chair Jackson will send a message to Ms. Love to clarify the language.

Chair Jackson said the corrected minutes for March 28, 2019 and April 11, 2019 will be on the May 9 Agenda for approval.

Commissioner Harris wanted clarification - in regards to the outside counsel. We would have no reason to hire counsel for Mr. Bey, for what? The IG is the person who is supposed to be doing the investigation. However, since we didn’t have an IG, we were going to get him an investigator to investigate his case. She just watched the tape so she doesn’t know what this is here. She sent her notes to Chair Jackson prior to this meeting. That is why she remembers the conversation vividly.

Commissioner Prather – his recollection of the conversation was that there was an Ad Hoc Committee created for analyzing how we should have an appellate process if any to oversee CPRA decisions. Ms. Harris had asked that we need counsel to advise us (Ad Hoc Committee) on that process because it is an appellate process, it is a legal issue. That’s what he understood the motion to be. If his understanding is mistaken, he would want to go back and want to revisit this discussion and revote. He voted for something specific – an attorney to aid Vice Chair Harris and Commissioner Brown in terms of their work on the Appellate process. Let’s clear it up in the minutes on the next Agenda.

Comments were provided by the following public speakers:
No public comment.

No action taken.

XVI. 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 and agreed on a list of agenda items to be discussed on future agendas. *This is a recurring item.*

Comments were provided by the following public speakers:
No public comment.

XVII. Adjournment

A motion was made by Commissioner Ahmad, seconded by Vice Chair Harris, to adjourn. The motion carried by the following vote:

Aye: (5) Ahmad, Brown, Harris, Jackson, and Prather.

The Commission adjourned the meeting at 10:28 p.m.



OAKLAND POLICE COMMISSION

Agenda Report

Subject: Police Commission Retreat
Date: July 8, 2019
Requested by: Police Commission
Prepared by: Chrissie Love, Administrative Analyst II
Reviewed by: Richard Luna, Assistant to the City Administrator

Action Requested:

Review possible dates for a half-day retreat on a weekend in August or September. Discuss which dates would generate a quorum, and potentially decide on a date, time and venue.

Background:

The Police Commission has expressed interest in conducting a weekend retreat in 2019. On June 27, 2019, the Commission voted to approve engaging Walker and Associates to conduct the retreat.

As of July 8, 2019, the following Commissioners have indicated open availability on the weekend dates below:

3-Aug	4-Aug	10-Aug	11-Aug	17-Aug	18-Aug	24-Aug	25-Aug	31-Aug	1-Sep
Brown	Brown			Jackson	Jackson	Brown Jackson	Brown Jackson	Brown	Brown

7-Sep	8-Sep	14-Sep	15-Sep
Brown	Brown	Anderson Jackson	Anderson Jackson

Note that August 31st – September 1st is Labor Day weekend.

Attachments:

Walker and Associates proposal

PROPOSAL



POLICE COMMISSION

HALF-DAY RETREAT

June 24, 2019



1901 Harrison Street
Suite 1100
Oakland, CA 94612
510-834-2341
info@walkeraac.com
www.walkeraac.com

I. CONTACT INFORMATION

Jeannine N. Walker, Executive Vice President of Walker and Associates Consulting (W&A), will serve as the Project Lead. Her contact information is as follows:

Name: Jeannine N. Walker
Executive Vice President, Walker and Associates Consulting
Address: 1901 Harrison Street, Suite 1100
Oakland, CA 94612
Cell: 510-388-4927
Office: 510-834-2341
Fax: 510-569-2993
Email: jwalker@walkeraac.com

II. BACKGROUND AND QUALIFICATIONS

Walker and Associates Consulting (W&A) was established in 1994 by its Founder and President, Constance J. Walker. On the heels of a stellar career in nonprofit management, technical assistance and philanthropy, Constance launched a management consulting firm designed to apply practical solutions to complex problems based on knowledge, experience and a deep understanding of how to work in partnership with community leaders. W&A deepened its capacity, strengthened its impact, and broadened its reach with the addition of Executive Vice President Jeannine N. Walker in 2010. Jeannine brings strategic thinking, communications-orientation and a unique network from her private sector experience. Over the course of 25 years, W&A has become the go-to firm for conference and meeting planning and facilitation; executive search and transition; strategic planning and execution; program and initiative development and management; and marketing and communications for organizations focused on equity; racial and social justice education; community development; health and wellness; youth development; affordable housing and workforce development.

W&A's comprehensive and hands-on approach; attention to detail; and expertise in teambuilding, culture-setting and planning distinguish the firm from its peers. W&A has successfully planned and facilitated retreats, convenings and conferences for countless organizations including: Akonadi Foundation, Community Housing Development Corporation, Coalition for Responsible Community Development, East Bay Community Foundation, East Oakland Youth Development Center, JPMorgan Chase & Co. Global Philanthropy and North Richmond Municipal Advisory Council. Additional clients and references can be found in Attachments A and B.

As an Oakland-based, minority and female-owned firm with a successful track record of planning and facilitating seamless and impactful retreats within the context of planning, W&A is the ideal partner to guide the Oakland Police Commission in planning and facilitating a half-day, off-site retreat that will help this civilian oversight board reconnect to its purpose of overseeing the policies, practices and customs of the Oakland Police Department to meet national standards of constitutional policing.

Core Team Members for this retreat will include:

Jeannine N. Walker, Project Lead



Jeannine is a management and communications specialist with private sector marketing brand management experience with Johnson and Johnson, PepsiCo and Proctor and Gamble, as well as strategy and research skills honed while receiving her MBA from the University of Southern California and BS from the Wharton School of Business. Jeannine joined W&A in 2010 and is passionate about leveraging her business acumen to strengthen the capacity of communities and community-based and philanthropic organizations. Jeannine has provided innovative planning, guidance, facilitation, project management and services to W&A's clients across Talent Acquisition & Development, Strategic Planning, Marketing & Communications and Convening Management. Her fresh perspective are assets in W&A's planning and facilitation strategies. Jeannine is also an Oakland native committed to ensuring her community is safe and equitable. Jeannine will serve as the main liaison to the Oakland Police Commission, ensure overall smooth project management and execution and co-facilitate the retreat with a focus on teambuilding and planning.

Constance J. Walker, Senior Strategist & Facilitator



As a former Executive Director, technical assistance provider and statewide funder, Constance brings extensive experience and knowledge that benefit W&A's clients. Constance was at the forefront of building philanthropic support for capacity building, multi-year core support and the development of public policy. Her leadership as Program Officer and Director of Program Related Investments for the James Irvine Foundation resulted in the formation of numerous statewide and regional public/private partnerships managed by the Local Initiatives Support Corporation, Northern California Grantmakers and the Los Angeles Urban Funders. As a consultant, Constance has assisted hundreds of mission-critical organizations in the areas of Talent Acquisition & Development, Strategic Planning, Marketing & Communications, and Convening Management. Constance will co-facilitate the retreat and focus on culture/diversity and planning.

III. OVERALL APPROACH & METHODOLOGY

W&A will implement the following work plan upon commencement of a contract between the Oakland Police Commission and W&A:

Work Plan	
Task 1	W&A will develop and submit a document request check list to get up-to-speed on the Commission's current charge, goals and priorities.
Task 2	W&A will hold a Kickoff Meeting with Commission leadership to identify the strategic and tactical factors impacting the current and future work of the Commission; determine the goals and projected outcomes for the retreat; and determine the composition of a Retreat Planning

	Committee (subset of the Commission) to provide guidance and review recommendations.
Task 3	W&A will survey the full Commission to ensure input from all members in key aspects of the retreat such as intended outcomes and location.
Task 4	In consultation with the Retreat Planning Committee, W&A will develop the Retreat Agenda and determine if other presenters/participants should be involved (e.g. an Oakland resident who has been impacted by policing and/or Urban Strategies Council to share pertinent data).
Task 5	W&A will research, propose and negotiate details/contract for the retreat venue as well as handle menu selection, AV requirements, etc.
Task 7	W&A will develop and prepare retreat materials including a master presentation and any background materials needed.
Task 8	W&A will facilitate the Retreat and provide graphic recording of key findings, action items and responsible parties.
Task 9	W&A will produce a summary report/action plan following the retreat.

W&A has experience modifying our approach to meet the unique needs of our clients so is receptive to feedback on this proposal.

IV. RECOMMENDED TIMING

W&A will implement the Work Plan above, with any requested modifications, upon commencement of a contract according to the estimated timeline:

Potential Timeline for W&A's Deliverables *	Completion Date (No Later Than)
Background Document Review	7/5/19
Kickoff Meeting	7/12/19
Survey of Full Commission Fielded	7/15/19
Survey of Full Commission Complete	7/19/19
Retreat Agenda Drafted & Location Confirmed	7/26/19
Retreat Agenda & All Participants Finalized	8/2/19
Retreat Materials & Presentations Finalized	9/9/19
Retreat Facilitated	8/30/19
Post-Retreat Report Submitted	9/6/19

* Timing may change depending upon the date of contract signing, client availability and needs, etc.

V. BUDGET SUMMARY

Budget Summary	
Professional Fees*	\$ 10,000
Expenses: Estimated not to exceed 10% of the total contract (For costs such as travel, if applicable, design and printing of retreat materials, etc.)	\$ 1,000
Total Possible Professional Fees and Expenses	\$11,000*

* Budget does not include cost of facility rental, food, audio visual and related expenses: these costs will be billed directly to the client. An advance payment of 1/3 of the contracted amount will be due upon execution of a contract. A final invoice for 2/3 of the contracted amount and expenses would be due upon completion of W&A's services.

ATTACHMENT A

PARTIAL LIST OF CURRENT AND FORMER CLIENTS:

**Akonadi Foundation
Alameda Point Collaborative
Asian Law Caucus
Asset Policy Initiatives of California
Bay Area Asset Support Center
Bay Area Black Coalition on AIDS
Bay Area Blacks in Philanthropy
Bay Area Outreach and Recreation Program
California Reinvestment Coalition
Centerforce
Children's Defense Fund
Coalition for Responsible Community Development
Community Development Technologies Center
Community Housing Development Corporation
Communications Leadership Institute
East Bay Community Foundation
East Bay Housing Organizations
East Oakland Youth Development Center
East Palo Alto Community Alliance and Neighborhood Development
Ella Baker Center for Human Rights
Evelyn and Walter Haas, Jr. Fund
HomeBase
Housing Authority of the City of San Buenaventura
Insight Center for Community Economic Development
John & Marcia Goldman Foundation
JPMorgan Chase Global Philanthropy
Los Angeles Black Worker Center
Los Angeles Housing Partnership
National Community Development Institute
Neighborhood Funders Group
North Richmond Municipal Advisory Council
OBDC Small Business Finance
Pacific Coast Regional Small Business Development Corporation
Peralta Colleges Foundation
PolicyLink
Rockefeller Foundation
San Francisco Housing Development Corporation
Stupski Foundation
The Mentoring Center
The Women's Foundation of California
United Way Bay Area**

ATTACHMENT B

CLIENT REFERENCES:

Don Gilmore

Executive Director

**Community Housing Development Corporation (CHDC) &
Chair, North Richmond Municipal Advisory Council (NRMAC)**

Strategic Planning including a Retreat for CHDC and a Council Retreat for NRMAC – Planned and facilitated an offsite Board and Staff retreat as part of strategic planning for CHDC including site research, selection and negotiation; menu selection; and facilitation including custom exercises and presentations in support of planning. Also planned and facilitated an offsite retreat for NRMAC, the advisory body representing the North Richmond community.

Phone: 510-412-9290

Email: dgilmore@communityhdc.org

Regina Jackson

President and CEO

East Oakland Youth Development Center

Strategic Planning including a Board Retreat and Funders' Briefing – Planned and facilitated an offsite Board retreat as part of strategic planning including site research, selection and negotiation; menu selection; and facilitation including custom exercises and presentations in support of planning. Also planned/coordinated a successful Funders' Briefing onsite, including multimedia presentations and tours.

Phone: 510-912-1377

Email: regina@eoydc.org

Lateefah Simon

President

Akonadi Foundation

Multiple Board and Staff Retreats – Planned and facilitated multiple offsite retreats including site research, selection and negotiation; menu selection; facilitation including custom exercises and presentations in support of teambuilding and planning; and post-retreat reports.

Phone: 510-663-3867

Email: lateefah@akonadi.org



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Complaint Investigator II Update
Date:	July 3, 2019
Requested by:	Police Commission
Prepared by:	Richard Luna, Assistant to the City Administrator
Reviewed by:	Mike Nisperos, Interim Executive Director

Action Requested:

This item is informational only.

Background:

The Community Police Review Agency’s (CPRA) Complaint Investigator II position application period opened on May 13, 2019, and closed on May 31, 2019. The position was advertised on numerous websites and newspaper outlets, including: City of Oakland, GovernmentJobs.Com, NACOLE, Bay Area Newsgroup, Oakland Post, El Mundo, Sing Tao Daily, Craig’s List, California District Attorneys Association, California District Attorneys Investigators Association, and the Alameda County Bar Association. The City received 85 applications total, and 41 applicants met the minimum qualifications for the position.

Human Resource Management staff is currently working with assessors to screen the supplemental questionnaires submitted by the applicants. Those candidates successfully completing the supplemental questionnaire screening stage will be invited to an oral panel interview.

Staff anticipates the two screening stages to be completed by the end of July, and an eligible list for the position to be finalized in early-August 2019.

There are currently three vacant Complaint Investigator II positions in CPRA.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Pending Agenda Matters List
Date:	July 8, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	Richard Luna, Assistant to the City Administrator

Action Requested:

Review Pending Agenda Matters List and decide on which, if any, to include in upcoming agendas.

Background:

The following exhaustive list was begun in early 2018 and includes items submitted for consideration on future agendas. Community members may suggest agenda items by completing and submitting the Agenda Matter Submission Form found on the Commission's webpage.

Attachments:

Pending Agenda Matters List

**Police Commission
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Stop Data and Racial Impact Report	1/1/2018		Need regular reporting on stop data and racial profiling directly from research, and coordinate from NSA team with IG for data and policy recommendations. Do a deep dive on racial profiling.	High		7/11/2019	Jackson
Commissioner Training, Part 1	1/1/2018	Complete the training described in section 2.45.190(A) through (H)	The training described in subsections (G) and (H) must be done in open session. The 1 year deadline only applies to the first group of Commissioners and alternates; all other Commissions must complete this training within six months of appointment.	High	10/17/2018		Ahmad, Dorado
Commissioner Training, Part 2	1/1/2018	Complete the training described in section 2.45.190(I) through (M)	The 18 month deadline only applies to first group of Commissioners and alternates; all other Commissioners must complete this training within 12 months of appointment.	High	4/17/2019		Ahmad, Dorado
Confirming the Process to Hire Staff for the Inspector General's Office	5/17/2019	When the Inspector General (IG) is hired, there is to be a Policy Analyst in of the office of the IG. This is to confirm the process of hiring for that position.	This will require information presented from the City Administrator's Office.	High			
Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	HR staff is completing a compensation study for the position. Since this position is new to the City's Salary Ordinance, this step is required so the IG can be properly funded. Concurrently, HR staff has been conforming the IG job description approved by the Police Commission to fit a class specification for the position. HR staff anticipates this work to be completed in the coming weeks. The next two immediate steps are: 1) The Civil Service Board will need to approve the class specification, which staff anticipates will happen in February; and 2) The salary ordinance will then need to be approved by the City Council. The IG position will become open after these two steps are completed.	High			Personnel Committee

**Police Commission
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Notification of OPD Chief Regarding Requirements of Annual Report	1/1/2018	Commission must notify the Chief regarding what information will be required in the Chief's annual report	<p>The Chief's report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. The number of complaints submitted to the Department's Internal Affairs Division (IAD) together with a brief description of the nature of the complaints; 2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated; 3. The number of investigations completed by IAD, and the results of the investigations; 4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions; 5. Revisions made to Department policies; 6. The number and location of Department sworn employee-involved shootings; 7. The number of Executive Force Review Board or Force Review Board hearings and the results; 8. A summary of the Department's monthly Use of Force Reports; 9. The number of Department sworn employees disciplined and the level of discipline imposed; and 10. The number of closed investigations which did not result in discipline of the Subject Officer. <p>The Chief's annual report shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7</p>	High	June 14, 2018 and June 14 of each subsequent year		Dorado
OPD's Towing of the Vehicles of Crime Victims	5/16/2019		This was mentioned at the Public Safety meeting on May 14, and the City Council may want to work with the Commission on this.	High			
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		

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City Auditor's Office to Present Performance and Financial Audit of Commission		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	10/17/2019	10/24/2019	
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.	Medium	Biennial, per budget cycle	Fall, 2019	
Ad-Hoc Discipline Committees for Each Discipline or Termination Case	1/1/2018	Discipline Committees may not decide disputes until the following training is completed: * Department operations, policies and procedures, including but not limited to discipline procedures for Misconduct, and * Training described in section 2.45.190(A) through (F) of the enabling ordinance	Establish on an as-needed basis	Medium			
Brian Hoefler case: review video	10/11/2018		Response to allegation was officer was Just and Honorable, when allegations were the officer was untrue. All of the issues, despite what the officer said, was a deportation matter. Chief stated that people were charged with crimes, when they were not.	Medium			
Community Policing Task Force/Summit	1/24/2019			Medium			Dorado
CPAB Report			Oakland Municipal Code §2.45.070 (O) 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			
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			
Finalize Bylaws and Rules	1/24/2019			Medium			Prather

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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			
Need for an easy to read process to determine if Commission can open or re-open an investigation	10/2/2018		We've been hearing a lot from community members about concerns about what the commission's power actually is. We've passed a few motions to ask for legal advice on whether we have the authority to open an investigation, but an easy to read flow chart or checklist format might be easier to digest by the community. We are suggesting a flow chart for what our parameters are and resources for where we can send people if we can't help them.	Medium			
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. (OMC § 2.45.090(B).)	Medium	Annually; at least twice each year		Ahmad, Dorado, Jackson
OPD Social Media Protocol/Policy	7/1/2019		This is as a follow up to a request made by the family of a missing person.	Medium			
Pro Bono Legal Services	6/13/2019	Henry Gage, III has submitted an agreement to provide pro bono legal services should the Commission choose to avail itself of his services	After the Commission obtains outside legal counsel, determine if this is necessary	Medium			
Public Hearing on Use of Excessive Force	4/22/2019		Work with Coalition on Police Accountability on presenting a public hearing on use of excessive force.	Medium			
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			Prather
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		

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Reports from OPD on such issues 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	10/6/2018			Medium			
Review budget and resources of IAD	10/10/2018		In our discipline training we learned that many "lower level" investigations are outsourced to direct supervisors and sergeants. We spoke with leaders in IAD ad they agreed that it would be helpful to double investigators and stop outsourcing to supervisors/sgts. Commissioners have also wondered about an increase civilian investigators. Do we have jurisdiction over this?	Medium			
Review Commission's Agenda Setting Policy	4/25/2019			Medium			
Review Commission's Code of Conduct Policy	4/25/2019			Medium			Prather
Review Commission's Outreach Policy	4/25/2019			Medium			
Review taser policy per outcome of Marcellus Toney	10/10/2018		In the report we were given, we were told that officers have choice as to where to deploy a taser. Commission to review these policies and make recommendations and/or find if there is connection	Medium			
Revise employment contracts with CPRA and Commission legal counsels	10/10/2018		The employment contract posted on the Commisison's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City	Medium			
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	Medium			

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What are the outstanding issues in meet and confer and what is the status of the M&C on the 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			
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			
Annual Report	1/1/2018	Submit Commission's first annual report to the Mayor, City Council and the public		Low	4/17/2020		Prather, Smith
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			
Consider creating a list of ways to be engaged with OPD so that Commission can clearly state what issues should be addressed.	2/6/2019			Low			
CPRA report on app usage	10/10/2018		Report from staff on usage of app.	Low			
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			
De-escalation Policy	1/1/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for de-escalation. Draft policy changes as needed.	Low			

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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			
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 (why not use CPRA attorney who knows the detailed investigation and is already paid for?) Reports on how OCA is supporting OPD in discipline matters and reports on arbitration Public report on police discipline from mayor's office (Why not from CPRA? The history is that it was included in the annual CPRB report provided to City Council.) OIG audit includes key metrics on standards of discipline	Low			
Do Not Call list issues – cops whose untruthfulness prevents them from testifying	10/6/2018		This is impacted by SB1421 and will require legal analysis.	Low			
Feedback from Youth on CPRA app	10/10/2018		We want to get some feedback from youth as to what ideas, concerns, questions they have about its usability. We've already cleared a process with CPRA, just wanted to get this on the list of items to calendar in the future (ideally early 2019)	Low			

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Modify Code of Conduct from Ethics Commission for Police Commission	10/2/2018		On code of conduct for commissioners there is currently a code that was developed by the Ethics Commission. It is pretty solid, so perhaps we should use portions of it and add a process for engagement with city staff and community.	Low			
OPD Data and Reporting			Oakland Municipal Code §2.45.070(P) 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			
Outreach Committee: work with Mayor's Office and City Admin to publicize app	10/10/2018			Low			
Outreach Plan Discussion, including use of social media	10/6/2018			Low			
Overtime Usage by OPD (cost and impact on personnel health + moonlighting for AC Transit)	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			
Policy on Tasers			Policy on the discretion of tasers, review with Cunningham	Low			
Process to review allegations of misconduct by a commissioner	10/2/2018		Maureen Benson has named concerns/allegations about a sitting commissioner since 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
Promotions of officers who have committed crimes	10/6/2018			Low			

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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		Low	Ongoing as appropriate		
Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	1/1/2018	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress. (See Trauma Informed Policing Plan)	Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of posttraumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.	Low	4/15/2020		
Protocol on how OPC handles serious incidents	10/6/2018			Low			
Protocol on how to handle issues that are non-critical	10/6/2018			Low			
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	Coalition for Police Accountability is helping with this.	Low	Annually; at least once per year		Dorado
Recommendations for increasing communication between CPRA and IAD (ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing)	10/6/2018		Review of existing communication practices and information sharing protocols between departments, need recommendations from stakeholders about whether a policy is needed.	Low			

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Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	<p>Oakland Municipal Code 2.45.070(I). Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of:</p> <ol style="list-style-type: none"> To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; Arbitration decisions or other related results; The ways in which it has supported the police discipline process; and Significant recent developments in police discipline. <p>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</p>	Low	Semi-annually		Smith