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Since its establishment via Measure LL in 2016 and the subsequent enhancement of its powers through Measure S1 in 2020, the City of Oakland's Police Commission (hereinafter referred to as the "Commission" or the "OPC") significantly expanded its influence through the implementation of various policies and programs.

The Commission serves as a civilian oversight entity, tasked with soliciting community input and supervising the Oakland Police Department (the "OPD" or the "Department") to ensure alignment with national benchmarks for constitutional policing. In addition to monitoring and auditing the OPD's adherence to protocols and regulations, the Commission is also mandated to oversee the Office of the Inspector General ("OIG") and the Community Police Review Agency ("CPRA"). The OIG focuses on compliance assessments, while the CPRA investigates instances of police misconduct and proposes disciplinary measures.

The Commission's range of responsibilities include the authority to either approve or deny the Department's proposed modifications to policies, procedures, customs, and General Orders governing the use of force, use of force review boards, profiling related to protected characteristics as defined by federal, state, or local laws, and First Amendment assemblies. Additionally, the Commission reviews any adjustments that incorporate provisions explicitly outlined in federal court orders or settlements relevant to the Department.

The Commission consists of seven regular commissioners and two alternate commissioners who are appointed by either the Mayor or the Police Commission Selection Panel. Alternate commissioners are eligible to cast votes on motions when elevated by the Chair. Despite the legislation for the Commission being ratified in November 2016, the Commission did not begin functioning until December 2017. All commissioners are required to be residents of Oakland and serve in a voluntary capacity.



# **LEGISLATIVE HISTORY**

## The Oakland Police Commission

The OPC was established by Measure LL, which was approved by 83.19% of Oakland voters in November 2016. The Commission is a civilian oversight body designed to provide greater accountability and transparency for OPD. More specifically, the OPC was created to support the department's exit from court oversight.

This measure amended the Oakland City Charter to create the Police Commission and the CPRA. Charter Section 604 tasks the Police Commission with the responsibility of supervising OPD, ensuring the Department's adherence to compliance obligations, and fulfilling its duties to the communities of Oakland.

The Commission is entrusted with the authority to either approve or deny the Department's proposed modifications to policies, procedures, traditions, and General Orders that dictate the utilization of force, oversight of force usage, profiling related to any protected characteristics defined by relevant laws, or assemblies protected by the First Amendment. This also includes provisions outlined in federal court orders or settlements that apply to the Department.

Additionally, the Commission is also tasked with supervising the investigative work of the CPRA and conducting performance audits of the OIG.

Measure S1, approved by 81.27% of Oakland voters in 2020, allows the Commission to hire its own attorneys independent of the City Attorney's Office and provides CPRA and OIG with a budget to conduct work independently of the City Administrator or any other government agency.



# **STRUCTURE**

# POLICE COMMISSION COMPOSITION

January to October 2023

In October 2023, the terms of former Chair Dr. Tyfarah Milele and Vice Chair David Jordan ended, concluding their time on the Commission. Additionally, Commissioner Rudolph Howell resigned.



Chair, Tyfarah Milele



Commissioner Rudolph Howell



Vice Chair, David Jordan



Commissioner Regina Jackson



Commissioner Brenda Harbin-Forte'



Commissioner Marsha Carpenter Peterson



Commissioner Jesse Hsieh



Alternate Commissioner Karely Ordaz



Alternate Commissioner Angela Jackson-Castain



# POLICE COMMISSION LEADERSHIP

## As of October 2023



Marsha Carpenter Peterson, ChairAppointed by Mayor Seat: Mayoral

• End of Term: Oct 16, 2023



Karely Ordaz, Vice Chair

- Elevated by Commission Seat: Selection Panel
- End of Term: Oct 16, 2026

**Chair Marsha Carpenter Peterson** was born and raised in Oakland and is an accomplished attorney-at-law currently serving as the Chair of the OPC. With expertise in litigating labor, employment, and contract matters, she has also provided invaluable counsel to corporate boards of directors. Marsha's leadership extends beyond the legal realm, as she has held prominent roles on nonprofit boards and commissions.

Chair Carpenter Peterson's leadership has focused on the stability of the commission, collaboration, and camaraderie between Commissioners. She has ushered in a balanced approach to the important work entrusted to the Commission by over 80% of the voters.

**Vice Chair Karely Ordaz** is an equity-focused public affairs leader with experience encompassing governance, nonprofit management, policy analysis, communications, media, advocacy, and community leadership. Fluent in both English and Spanish, Karely brings a unique perspective to her work, fostering inclusivity and representation across diverse communities.

As Vice Chair of the OPC, Karely is dedicated to promoting transparency, accountability, and equity within law enforcement and Oakland communities. Through her leadership and advocacy, she works tirelessly to ensure that the voices of marginalized communities are heard and respected in the decision-making process.



# POLICE COMMISSION COMPOSITION

# As of December 2023

From October to December 2023, the Commission had six (6) Commissioners and one (1) Alternate Commissioner in total.

In 2023, the Commission welcomed two (2) new Commissioners: Commissioner Wilson Riles, a regular appointee by the Selection Panel, and Alternate Commissioner Ricardo Garcia-Acosta, also appointed by the Selection Panel.



Marsha Carpenter Peterson Chair

- · Appointed by Mayor
- Seat: Mayoral
- End of Term: Oct 16, 2023



Karely Ordaz Vice Chair

- · Elevated by Commission
- · Seat: Selection Panel
- End of Term: Oct 16, 2026



Regina Jackson Commissioner / Chair Emeritus

- Appointed by Mayor
- Seat: Mayoral
- End of Term: Oct 16, 2024



Jesse Hsieh Commissioner

- Appointed by Selection Panel
- Seat: Selection Panel
- End of Term: Oct 16, 2024



Wilson Riles Commissioner

- Appointed by Selection Panel
- Seat: Selection Panel
- End of Term: Oct 16, 2026



Angela Jackson-Castain Commissioner

- Appointed by Selection Panel
- Seat: Selection Panel
- End of Term: Oct 16, 2024



VACANT

 Mayoral Appointee: Retired Judge or Lawyer with trial experience in criminal law or police misconduct



Ricardo Garcia-Acosta Alternate Commissioner

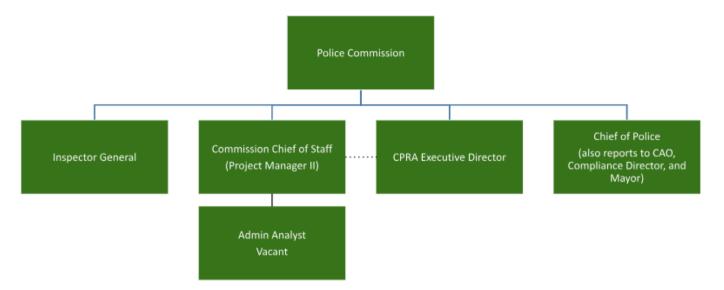
- Appointed by Selection Panel
- Seat: Selection Panel
- End of Term: Oct 16, 2025



VACANT
Mayoral Appointee: Alternate Commissioner



# **STAFFING**



In 2023, Kelly Yun held the position of Commission Chief of Staff and was employed as an Exempt Limited Duration Employee (ELDE) for a term of up to 1 year.

In November 2023, Mykah Montgomery assumed the role of Chief of Staff, supervising all business operations and administrative tasks for the Commission. She serves as a Limited Duration Employee (ELDE).

The Administrative Analyst position was briefly held and vacated in April 2023, and had not been filled by year's end.



# AD HOC COMMITTEES 2023

# Active \*Completed / Paused

Ad Hoc Committee	Commissioners
Budget	Milele, Jordan, Jackson-Castain
Body Worn Camera Policy	Harbin-Forte, Peterson, Hsieh
Community Outreach	Howell, Jordan, Ordaz
CPRA Policies	Harbin-Forte, Jackson-Castain, Ordaz
Community Policing DGO 15-01	Hsieh, Harbin-Forte, Howell
Militarized Equipment Policy	Hsieh, Jackson-Castain, Jordan
Negotiated Settlement Agreement	Harbin-Forte, Hsieh, Milele
Racial Profiling Policy	Entire Committee
Rules of Procedure	Hsieh, Howell, Jackson-Castain
Staff Searches (CPRA, COS, Chief)	Milele, Jordan, Howell
Staff Evaluations (IG, CPRA)	Harbin-Forte, Jordan, Howell
OBOA Allegations	Harbin-Forte, Jackson, Ordaz
Annual Report	Jackson, Peterson
*Anti-Discrimination Policy	Harbin-Forte, Hsieh, Jackson
*Electronic Communication Devices	Howell, Harbin-Forte, Peterson
*Police Chief Goals and Evaluation	Milele, Peterson, Jackson
*Risk Management Policy	Peterson, Harbin-Forte, Howell
*Social Media Policy	Milele, Hsieh, Jackson
*White Supremacists and Other Extremist Groups	Harbin-Forte, Jackson
*OIG Policies	Peterson, Harbin-Forte, Jackson
*Contracts	Peterson, Howell, Ordaz





# **OVERSIGHT FUNCTIONS**

# POLICE CHIEF SEARCH

FEBRUARY 2023 APRIL 2023 AUGUST 2023 SEPTEMBER 2023 EARLY OCTOBER 2023

MID-OCTOBER 2023

DECEMBER 2023

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ROR









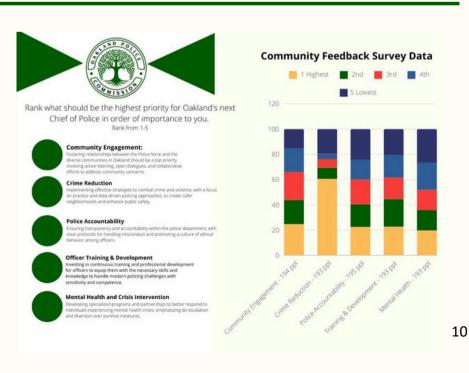
Police Chief Terminated Chief Search Began Police Chief Search Community Forums Special Town Hall Meeting A List of Seven
Unvetted Applicants
Was Sent
to the Mayor,
but No Action

Was Taken

OPC Leadership Transition

Under New
Leadership:
A List of Three
Vetted Applicants
Was Sent to the
Mayor, but
all Three Were
Rejected







The Commission reforms department policies related to a plethora of tasks, including but not limited to the Negotiated Settlement Agreement (NSA), use of force, bias and discrimination, accountability and transparency, complaints and investigations, and discipline and misconduct. It sets the evaluation criteria for the Chief, the Inspector General, and the Executive Director of the CPRA.

Based on the mandate from the voters of Oakland and invitations from the Federal Court, the Commission understands that it has a responsibility to fully exercise all of its Charter powers, in partnership with the City of Oakland where appropriate, to continuously set the policing agenda and transform the Department from within so that the constitutional policing measures mandated by the NSA will take root beyond the Sustainability Period.

In the short term, the Department, thanks to the Oakland Police Commission, adopted the recommendations issued by the law firm of Clarence, Dyer, Cohen, LLP ("CDC"). The Department initiated a detailed process of implementing those recommendations through new and updated policies and training materials, and has gone beyond those recommendations by examining additional policy and procedure changes.

The Police Commission is proud to have reviewed and approved a total of 18 policies and procedures that prioritize transparency, accountability, and the protection of civil rights. These efforts underscore our commitment to ensuring accountability and fostering trust and cooperation between law enforcement agencies and the communities they serve.

## **Updated Militarized Equipment Policies:**

A militarized weapon policy refers to the guidelines and regulations that govern the acquisition, use, and oversight of military-grade equipment by civilian law enforcement agencies. These policies are often implemented to address concerns about the increasing militarization of police forces, which involves the use of military tactics, equipment, and a warrior mindset in civilian policing.

## **DGO I-26 (Ground Robots)**

- The Oakland Police Department's Departmental General Order (DGO) I-26 outlines the policy on the use of remote-controlled ground systems (robots) and pole cameras. This policy emphasizes the safe and approved integration of these technologies into everyday policing to enhance public safety and operational efficiency.
- The policy covers the deployment, operational guidelines, and restrictions to ensure compliance with constitutional and legal standards. The goal is to protect the community through fair, equitable, and effective use of technology.



## **Updated Militarized Equipment Policies:**

## **DGO K-6 (Department Rifles)**

- The Oakland Police Department's Departmental General Order (DGO) K-6 policy, also referred to as the Patrol Rifle Program (PRP), establishes guidelines for the use, deployment, and management of department-issued rifles.
- The policy is designed to ensure that the deployment of patrol rifles by the Oakland Police Department is conducted in a controlled, responsible, and legally compliant manner, prioritizing the safety of both officers and the public.

## DGO K-7 (Military Equipment Funding, Acquisition and Use Policy)

- The Oakland Police Department's Departmental General Order (DGO) K-7 policy outlines the procedures and guidelines for the approval, acquisition, and use of military equipment by the department.
- This policy is designed to ensure transparency, accountability, and compliance with both state and local regulations, specifically referencing Government Code § 7070 and Oakland Municipal Code Chapter 9.65.
   The policy includes detailed requirements for documentation, public reporting, and community engagement to safeguard civil liberties and maintain public trust.

### **TB V-F.02 (Chemical Agents)**

- The Oakland Police Department's Training Bulletin V-F.02 outlines the policy for the use of chemical agents by law enforcement personnel.
- This policy details the types of chemical agents that may be used, the circumstances under which their deployment is authorized, and the procedures for their safe and effective use.
- The policy also emphasizes the importance of minimizing harm to individuals and mandates thorough
  documentation and reporting of all instances where chemical agents are deployed to ensure accountability
  and transparency.



## **Updated Militarized Equipment Policies:**

## **TB-III-H (Specialty Impact Munitions)**

- The Oakland Police Department's Training Bulletin III-H (Specialty Impact Munitions) policy provides guidelines for the use of less-lethal force options, specifically specialty impact munitions (SIM).
- This policy aims to balance the need for effective law enforcement tools with the responsibility to protect the safety and rights of individuals and the community.

#### **CDC Recommended Policies**

The CDC in relation to the OPC and Police Department refers to the law firm Clarence Dyer & Cohen LLP, which has been involved in providing recommendations for police reform in Oakland. The OPD has been under federal oversight due to a series of issues related to police misconduct, racial disparities, and failures in disciplinary actions.

As part of compliance efforts, the Oakland Police Commission has collaborated with the Police department to approve and review policies.

## **DGO D-22 Personal Disclosure Policy:**

This policy covers requirements for reporting to the Department when a supervisor and a subordinate
have a specified personal relationship and measures the department may take to mitigate the workplace
effects of such a relationship.

## IAD 23-01 General Operating Procedures the Police Commission

 The Oakland Police Department's Internal Affairs Division (IAD) General Operating Procedures, known as IAD 23-01, establish comprehensive guidelines for the investigation and resolution of complaints against police officers. These procedures are designed to ensure thorough, impartial, and transparent investigations.



#### **CDC Recommended Policies**

## **TB V-T.01 Internal Investigation Procedure Manual**

The V-T.01 Internal Investigation Procedure Manual establishes comprehensive guidelines for conducting internal investigations within the Oakland Police Department. It emphasizes maintaining objectivity, confidentiality, and thorough documentation. The manual outlines steps for receiving, documenting, and investigating complaints, using technology, and ensuring compliance with legal standards. It aims to uphold transparency, accountability, and public trust by ensuring fair and thorough investigations of complaints against police personnel.

## **CID PP 23-02 Recusal Process**

The CID PP 23-02 Recusal Process policy for the Oakland Police Department outlines the procedures for recusal to maintain impartiality and avoid conflicts of interest in investigations. This policy aims to ensure that all investigations are fair, unbiased, and transparent, thereby maintaining the integrity of the Oakland Police Department's investigative processes.

## **CID PP 23-01 Investigative Training Program**

The Oakland CID PP 23-01 Investigative Training Program outlines a comprehensive training framework for officers involved in internal investigations. This structured training program is designed to ensure that internal investigations within the Oakland Police Department are conducted with the highest levels of professionalism and integrity.

#### **DGO M-04.1**

The Oakland Police Department's Departmental General Order (DGO) M-04.1 outlines the policies and procedures related to "Biased-Based Policing." This order provides guidelines to ensure that law enforcement activities are conducted in a manner that is free from bias, discrimination, or prejudice based on race, ethnicity, national origin, gender, sexual orientation, religion, or any other personal characteristic. The policy emphasizes the importance of fair and impartial policing and mandates that officers engage in enforcement actions based solely on reasonable suspicion, probable cause, or other legal justifications rather than any form of bias.

### **Investigative Recusal Form**

The OPC's Investigative Recusal Form is designed to ensure impartiality and avoid conflicts of interest during internal investigations. This form is part of the Commission's effort to maintain the integrity of its investigative processes by requiring officers and investigators to disclose any potential conflicts that could affect their objectivity.



# POLICIES & PROCEDURES PASSED & IN PROCESS

#### **CDC Recommended Policies**

#### **Reviewer Recusal Form**

The Oakland Police Commission's Reviewer Recusal Form is a tool used to maintain the integrity and impartiality of investigations. The form requires reviewers to disclose any potential conflicts of interest, such as personal or financial relationships that might affect their objectivity. Upon identifying a conflict, the reviewer must notify their supervisor, who will determine if recusal is necessary and reassign the case to ensure an unbiased investigation. This process ensures transparency and fairness in the Commission's oversight activities.

## **DGO I-15 Body Worn Camera Policy**

The Oakland Police Department's Departmental General Order (DGO) I-15 outlines the Body Worn Camera (BWC) policy, and governs the use and implementation of body-worn cameras within the Department. Reviewing this order helped ensure that it aligns with best practices and promotes transparency and accountability.

### Special Order 9213 M-03 Amendment Department General Order.

The City of Oakland's Special Order 9213 M-03 is an amendment to the Departmental General Order (DGO) M-03, which governs the procedures for handling complaints against police personnel. This is a policy that is fundamental to how we receive, process, and produce investigations for misconduct complaints.

### **CPRA Standard Operating Procedures Manual**

The CPRA Ad Hoc Committee presented the standard operating procedures and policies developed for the CPRA.

## **IN PROCESS**

### **Excited Delirium Removal from OPD's Policy Manual**

The Commission requested an update from the Oakland Police Department regarding its strategy for fully eliminating the use of the term "excited delirium", in accordance with Assembly Bill 360 and the Chief's directive.

## **OPD Definition of Pattern**

The Commission recommended the necessity of establishing a formal definition for the term "pattern", and OPD is currently engaged in developing this definition.



# **PRESENTATIONS**

The OPC invites individuals to provide information for our work and collaborate as thought-partners.

These topics showcase the Commission's initiatives to: enhance police procedures, promote officer wellness, engage community stakeholders, and manage violence prevention and firearm procurement.

The key themes from discussions and presentations at the OPC meetings include:

## • Commission Authority and NSA Compliance:

 Discussion on the Commission's authority and priorities concerning the NSA Tasks 5 (investigating police misconduct) and 45 (tracking police stops and searches).

## • Community Services and Support:

 A joint presentation by C.A.R.E.S. Navigation Center and La Familia focused on community support services.

## • Violence Prevention:

• Department of Violence Prevention (DVP) discussion, including an overview of services, roles and responsibilities, and relevant statistics.

### • Mental and Emotional Health:

 Discussion on the OPD budget allocation for education and training regarding job-related mental and emotional health issues for officers, as per the Commission's NSA Memorandum and related ordinances.

### • Gun Procurement Policy:

• Informational presentation on a proposed gun procurement policy that required sourcing guns from reputable dealers.

## • Ceasefire Program:

• Presentation by the Oakland Police Department on the Ceasefire program, which is focused on reducing gun violence through community engagement and targeted enforcement.

## • Oakland City Attorney's Office (OCA) Presentation:

• The Oakland City Attorney's Office presented its semi-annual report as required by City Municipal Code 2.45.070 (I).



# **COMMUNITY ENGAGEMENT**

The Oakland City Charter mandates that the Police Commission hold several of its regular meetings, referred to as special or roundtable meetings, in various community locations to enhance accessibility and encourage broader public participation. These meetings, along with community or public forums, are designed to make it easier for residents from different neighborhoods to engage in discussions about policing practices and policies that directly impact their areas. They serve as vital platforms for community members to voice concerns, share experiences, and provide input on policing procedures and regulations.

In 2023, the impact of COVID-19 on in-person meetings led to the continuation of hybrid meeting formats, where many meetings were conducted both in person and virtually. Some examples include, but are not limited to;

- March 2023 Public Forum: NSA Ad Hoc Committee on Task 5 (Investigations) & Task 45 Discipline Disparity
- March 2023 Public Forum: Use of Force
- June 2023 Virtual Public Forum (SPECIAL MEETING): Fiscal Year 2023-25 Proposed Budget for OPD & OPC
- August 2023 Community Forum: Chief of Police Search East Oakland
- August 2023 Community Forum: Chief of Police Search West Oakland
- August 2023 Community Forum: Chief of Police Search Virtual Zoom Webinar
- August 2023 Community Forum: Chief of Police Search North Oakland
- August 2023 Community Forum: Chief of Police Search Fruitvale





# **COMMUNITY FNGAGEMENT**





#### **ZOOM WEBINAR (Multilingual)** August 9 | 6:00 - 7:00 PM

Link: https://us02web.zoom.us/j/87660938438 Dial In: +1 669 444 9171 Webinar ID: 876 6093 8438

#### IN-PERSON SESSIONS

## August 5 | 10:30 - 11:30 AM

Golden Gate Branch Library 5606 San Pablo Avenue, Oakland

### August 5 | 3:00 - 4:00 PM César E. Chávez Branch Library

East 12th Street, Suite 271, Oakland

#### August 12 | 10:30 - 11:30 AM

81st Avenue Branch Library 1021 81st Avenue, Oakland

#### August 12 | 2:00 - 3:00 PM

West Oakland Branch Library 1801 Adeline Street, Oakland

\*Spanish language translation available

#### **COMMUNITY QUESTIONS**

What should be the highest priorities for Oakland's next Chief of Police?

What characteristics should Oakland's next Chief of Police possess?

What background or experiences should Oakland's next Chief of Police possess?

What elements in a candidate's track record would suggest that they'd be able to respond to Oakland's specific challenges as the next Chief of Police?

#### CAN'T ATTEND? **TAKE OUR SURVEY**



surveymonkey.com/r/7Y7VRMD

## **CONTACT US**

Email: OPC@oaklandcommission.org Web: oaklandca.gov/POLICECOMMISSION Twitter: twitter.com/OakPoliceComm





CAN'T ATTEND THE PUBLIC FORUMS







LET'S TALK ABOUT OAKLAND

Police Commission brings community oversight to OPD policies and practices.

They are revising the current OPD Use of Force directives and want to hear from the community.

The Police Commissioners will be there to listen to you!

Commissioners are community members who can change OPD policy, discipline officers & fire the Chief if necessary to bring transformative leadership to the department. They rely on community engagement to be effective.

## Friday, March 6, 6 pm Taylor Memorial United Methodist Church 1118 12th Street at Adeline, Oakland

Refreshments will be provided

Invite family and friends who have been impacted by the Oakland Police Department policies and practice



# **ACKNOWLEDGEMENTS**

The Commission extends its deepest gratitude to all those who contributed to the success of its 2023 initiatives.

Special thanks to each commissioner for their strategic guidance, to our community partners for their collaboration, and to our supporters for their unwavering commitment. We also recognize the valuable input from Oaklanders, whose voices continue to shape our work and mission.

