



OAKLAND POLICE COMMISSION
SPECIAL MEETING AGENDA
November 16, 2023 - 5:30 PM
City Hall Council Chambers (1 Frank H. Ogawa Plaza, Oakland)

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department to ensure its policies, practices, and customs conform to national standards of constitutional policing, and to oversee the Office of the Inspector General, led by the civilian Office of Inspector General for the Department, as well as the Community Police Review Agency (CPRA), led by the Executive Director of the Agency, which investigates police misconduct and recommends discipline.

**Please note that Zoom links will be to observe only.
Public participation via Zoom is not possible currently.**



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PUBLIC PARTICIPATION

The Oakland Police Commission welcomes public participation. During this time of transition back to in-person meetings, we are currently prohibited from implementing hybrid meetings. Please refer to the ways in which you can observe and/or participate below:

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP - Channel 10
- To observe the meeting by video conference, please click on this link <https://us02web.zoom.us/j/81125899424> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled "Joining a Meeting"
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 669 444 9171 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 646 931 3860

Webinar ID: 811 2589 9424

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

Use of Zoom is limited to observing, public comment will not be taken via Zoom

PROVIDE PUBLIC COMMENT IN PERSON:

- Public comment on each agenda item will be taken. Members of the public wishing to comment must fill out a speaker card for each item they wish to comment on. Speaker cards will be accepted up until Public Comment for each item begins. Please submit your cards to the Chief of Staff before being recognized by the presiding officer.
- Comments must be made on a specific agenda item covered in the meeting that the comment was submitted for, and that item must be written on the speaker card, or they will be designated open forum comments.
- Comments designated for open forum, either intentionally or due to the comments being outside of the scope of the meeting's agenda/submitted without a including a written agenda item, will be limited to one comment per person.

E-COMMENT:

- Please email written comments to opc@oaklandcommission.org. E-comments must be submitted at least **24 hours** prior to the meeting with the agenda item to which it pertains. Open Forum comments are limited to one per person.

Commissioner Jackson-Castain via Teleconference at
LS12 2NX, Leeds, UK



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I. Call to Order, Welcome, Roll Call and Determination of Quorum

Chair Marsha Peterson

Roll Call: *Vice Chair Karely Ordaz; Commissioner Jesse Hsieh; Commissioner Regina Jackson; Commissioner Wilson Riles Jr.; Commissioner Angela Jackson-Castain, Alternate Commissioner Ricardo Garcia-Acosta*

II. Closed Session 10/26/2023 Report Out

III. Induction of New Alternate Commissioner Ricardo Garcia-Acosta

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

IV. Closed Session (approximately 5:30-6:30 p.m.)

The Police Commission will take Public Comment on the Closed Session items.

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

PUBLIC EMPLOYEE APPOINTMENT
(Government Code Section 54957(b))
Title: Chief of Police

CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
Delphine Allen et al., v. City of Oakland, et al. N.D.Cal No, 00-cv-4599-WHO

V. Open Forum Part 1 (2 minutes per speaker, 15 minutes total)

Members of the public wishing to address the Commission on matters that are not on tonight's agenda but are related to the Commission's work should submit a speaker card prior to this item. Comments regarding agenda items should be held until the agenda item is called for discussion. Speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2. ***This is a recurring item.***

VI. Approval of November 30, 2023, as a Regular Meeting

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

VII. Presentation and Possible Approval of DGO I-15 Body Worn Camera Policy (Attachment 1) This policy governs the use and implementation of body-worn cameras within the department. Reviewing this order will help ensure that it aligns with best practices and promotes transparency and accountability.

- a. Discussion
- b. Public Comment



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- c. Action, if any

- VIII. Presentation and Possible Approval of Special Order 9213 Department General Order M-03 Amendment (Attachment 2):** The aim of this order is to limit the influence of discretion and bias in investigations concerning allegations of failing to accept or refer a complaint, as outlined in the Manual of Rules. By reviewing this order, we will enhance the integrity and fairness of the investigation process.
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- IX. Presentation and Possible Approval of Special Order 9216 Discontinuation of the Term "Excited Delirium" (Attachment 3):** In accordance with Assembly Bill 360 and the Chief's directive, this special order seeks to remove the term "excited delirium" from existing policies and training. Conducting a review of this order will ensure compliance and promote unbiased language and practices.
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- X. Presentation and Possible Approval of DGO D-22 Personal Disclosure Policy (Attachment 4)** 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 relationship.
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- XI. Committee Updates**
Chief of Police Hiring Adhoc
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- XII. Upcoming/Future 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.***
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- XIII. Open Forum Part 2** (2 minutes per speaker, 15 minutes total)
Members of the public wishing to address the Commission on matters that were not on tonight's agenda but are related to the Commission's work should submit a speaker card prior to the start of this item. **Persons who spoke during Open Forum Part 1 will not be called upon to speak again without prior approval of the Commission's Chairperson. *This is a recurring item.***



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- XIV. **Re-adjourn to Closed Session (if needed) and Read-Out of Closed Session (if any)**

- XV. **Adjournment**

NOTICE: In compliance with the Americans with Disabilities Act and Equal Access Ordinance, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Discipline Committee meeting, or to otherwise participate at Commission meetings, please contact the Police Commission's departmental email at OPC@oaklandcommission.org for assistance. Notification at least 72 hours before the meeting will help enable reasonable arrangements to ensure accessibility to the meeting and to provide any required accommodations, auxiliary aids, or services.



DEPARTMENTAL GENERAL ORDER

I-15: BODY WORN CAMERA PROGRAM

Effective Date: XX MMM YY

Coordinator: Information Technology Unit

The Oakland Police Department (OPD) strives to use technology that promotes accountability, transparency, and public trust. OPD uses a Body Worn Camera (BWC) system to document the actions of sworn members during field operations. OPD seeks to balance the benefits provided by digital documentation with the privacy rights of individuals who may be recorded during legal and procedurally just public interactions.

The intent of this order is to set forth Departmental policy and procedure for the BWC system. OPD has adopted BWC technology because of its usefulness in capturing audio/video evidence and enhancing the Department's ability to conduct criminal investigations, administrative investigations, and review of police procedures and tactics. Failure to adhere to this policy will subject members to discipline.

A. GENERAL PROVISIONS**A - 1. General Provisions**

The following provisions apply to the BWC program:

- All sworn members shall be assigned a BWC.
- All members assigned a BWC shall wear, carry, and use the BWC in accordance with the provisions of this order.
- All BWC files are the property of the Oakland Police Department.
- The OPD Information Technology Unit is designated as the Custodian of Records for all BWC data files.

A - 2. Specific Prohibitions

Members shall follow the expressed prohibitions regarding the BWC system:

- Unauthorized use, duplication, editing, and/or distribution of BWC files is prohibited.
- Members shall not delete any BWC file, except as specified in this policy.
- Members shall not remove, dismantle or tamper with any hardware or software component or part of the BWC.
- Members are prohibited from wearing or using personally owned video recording devices in place of, or in conjunction with, an assigned BWC.
- Members shall not intentionally use the BWC recording functions to record any personal conversation of, or between, another member without the recorded member's knowledge.
- Members shall not intentionally use the BWC to record in public or private locker rooms, changing rooms, restrooms, or medical or hospital

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facilities, unless there is a legal right to record and a Departmental requirement to record.

- Members shall not intentionally use the BWC to record during any meetings with a Confidential Informant as defined in DGO O-04, *Informants*.

B. USE OF BWC

B - 1. Wear Requirements

Members are required to wear and use their BWC while working any uniformed field assignment. Members working non-field assignments (e.g., Criminal Investigation Division (CID), Training, or Internal Affairs Division (IAD)) shall wear and use the BWC if they go into the field in uniform or wearing uniform equipment (e.g., tac vest) for a law-enforcement assignment.

Uniformed assignments that are strictly ceremonial (e.g., assignments requiring Class A uniform) are exempt from BWC wear and use requirements.

B - 2. BWC Placement

The position of the BWC may impact the clarity and sound of video files and could limit the quality of video and audio collected. Members required to wear the BWC **shall position and securely attach the BWC to the front of their uniform or uniform equipment**, as the primary recording location, to facilitate recording.

The BWC may be temporarily moved from the primary location to facilitate recording the encounter. This includes, but is not limited to, putting the BWC facing the rear of the patrol vehicle when a person is detained inside, setting the BWC in a static position to enhance safety or allow for distance from an engaged person, or moving the BWC to better focus on the key components of the incident.

Once the situation necessitating movement of the BWC has been resolved, the BWC shall be returned to the primary recording location as soon as practical.

B - 3. Carry Requirements

Members working non-field assignments shall have their BWC easily accessible to them any time they go into the field for law enforcement assignments (e.g., to serve a search or arrest warrant), and activate it pursuant to section B-8, Required Activations.

B - 4. Undercover, Plainclothes, and Task Force Officer (TFO) Requirements

Undercover or plainclothes members are not required to wear or carry a BWC unless they are wearing a police uniform or uniform equipment that identifies them as a law enforcement officers.

Officers deputized as federal task force officers (TFOs) shall follow the applicable Federal Law Enforcement agency guidelines for BWC use while conducting federal task force operations and investigations.

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B - 5. Function Check and Power On Prior to Shift

Members utilizing a BWC shall test the BWC and have the BWC powered on in an allowed mode (see B-7, below) prior to every shift, to include ensuring that the BWC battery is fully charged.

If a member's camera is not functional, is not charged, or breaks during the shift, members shall – absent exigent circumstances – notify their supervisor, turn in a broken or non-functional camera, and be assigned a replacement camera by a supervisor or authorized user as soon as possible.

B - 6. Signal Device Function Checks

Members shall test all equipped signal devices (e.g., Axon Signal sidearm or Taser 7 Electronic Control Weapon [ECW]) prior to each shift to ensure the devices properly activate the BWC. All tests shall be conducted in a safe location and manner:

- Signal sidearm tests shall be done such that the firearm is partially removed from the holster only to the degree where the signal device recognizes the unholstered firearm; and
- Taser 7 ECW tests shall only be done on the safety switch signal trigger.

B - 7. Allowed BWC Modes for Field Use

Members shall have their BWC powered on while in the field. The following modes shall be used during fieldwork:

Sleep Mode

The BWC is in sleep mode when the camera is powered on and specifically switched to sleep mode. Sleep mode allows for immediate recording of events with the event button but does not have the 30-second buffer or automatic activation via signal technology.

Sleep mode is authorized for:

- Members who are at police or government facilities (e.g. Police Administration Building (PAB), Eastmont substation (EMM), transportation parking lot), if they are not in contact with detainees or arrestees;
- Members who are in the field on breaks (e.g., 908A and 908B) and are not in contact with detainees or arrestees;
- Members in non-uniformed assignments who are carrying a BWC in the field (refer to B-3), and
- At the direction of a commander or supervisor, including but not limited to debriefs or purely administrative functions.

Ready Mode

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The BWC is in the ready mode when the camera is powered on and the 30-second buffer is active. Members shall have the BWC in ready mode while in the field unless sleep mode is authorized by this policy.

B - 8. Body Worn Camera Activation Defined

Activation is defined as initiating the audio and visual recording capabilities of the BWC, either by the member utilizing the event button or via automatic trigger (i.e. blue-tooth signal technology).

When the BWC is staged in Ready Mode it is passively recording video at all times. When the BWC is activated, it saves a video-only (no audio) clip of the 30-second period prior to activation.

B - 9. Required Activation

Members wearing a BWC shall activate it **prior to** participating in any of the following circumstances:

1. Contacts with a person to confirm or dispel a suspicion that the person may be involved in criminal activity as a suspect;
2. Detentions and arrests;
3. Actively searching¹ for a person or vehicle to detain or arrest them for criminal activity. Examples of actively searching include the following but are not limited to:
 - Searching a yard, building, or area for a criminal suspect;
 - Searching a nearby area after a crime has just been committed in hopes of detaining the suspect.
4. ~~Assessment or evaluation for a psychiatric detention pursuant to Welfare and Institutions Code § 5150;~~
5. Engaging in or trailing a vehicle pursuit², as defined in DGO J-04, *Pursuit Driving*;
6. Serving a search or arrest warrant;
7. Conducting any search of a person or property;
8. Escorting a detained or arrested person who is in custody at a police facility (e.g., from a patrol vehicle to an interview room or from the interview room to the restroom);
9. Transporting by vehicle any detained or arrested person (members working as the prisoner wagon transport officer may deactivate their BWC

Deleted: <#>An officer is actively searching when engaged in a purposeful quest to find a person or vehicle for which the officer possesses reasonable suspicion to believe is associated with criminal activity.¶

¹ Actively searching does not include routine patrol or officers being on general alert for criminal suspects, BOLO vehicles, or hot sheet vehicles during their routine duties.

² DGO J-4, II A

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during transport if they are transporting persons in the separate video-recorded prisoner wagon compartment);

10. Following incidents where a department member is involved in a vehicle collision while utilizing a department vehicle, the member is wearing or carrying a BWC, and it is practical and safe to do so
11. When conducting any photographic³ or in-person⁴ line-up that is not recorded by some other means (e.g., interview room camera system);
12. Whenever taking any enforcement action or when ordered to activate their BWC by a supervisor or commander during a crowd control situation in the City of Oakland⁵ (Training Bulletin III-G).

B - 10. Deactivation of the BWC

Prior to deactivating the BWC for any reason, members shall verbally note the reason they are deactivating the recording.

Once activated pursuant to B-6, members shall not deactivate their BWC until one of the following occurs:

1. They determine that there is no person who is being investigated, detained, or arrested present (e.g., cold report, subject of a call for service gone on arrival);
2. They are no longer actively searching for the suspect or subject of the call for service, or the possibility of enforcement activity is unlikely;
3. Their involvement in the contact, detention, search, or arrest has concluded;
4. The contact, detention, or arrest becomes a hospital guard;
5. They receive an order from a higher-ranking member. That higher-ranking member shall note the reasoning for deactivation via Computer-aided Dispatch (CAD), their BWC, or report;
6. They are discussing administrative, tactical, or law enforcement sensitive information away from non-law enforcement personnel;
7. They are at a location where they are not likely to have interaction or a chance encounter with the suspect (e.g. outer perimeter post, traffic control post, etc.);

³ Reference [Training Bulletin I-T, Double-Blind Sequential Photographic Line-Ups](#)

⁴ Reference [DGO M-06, Prisoner Lineups](#)

⁵ Training Bulletin III-G Crowd Control Management

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8. A pursuit has been terminated and the member performs the required terminating action as specified in DGO J-04 or notifies the Communications Division that they are back in service;
9. They are interviewing a prospective informant for the purpose of gathering intelligence. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy;
10. They are meeting with an undercover officer. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy.

If circumstances arise requiring re-activation members shall re-activate pursuant to B-8, above.

B - 11. When BWC Activation is Not Required

BWC activation is not required under any of the following circumstances but is permitted:

- Members taking a report when available information indicates the suspect is not on scene;
- Members on a guard assignment at a police, medical, psychiatric, jail, or detention facility. Members shall assess the circumstances (e.g. suspect's demeanor/actions, spontaneous statements, etc.) of each guard assignment, on a continuing basis, to determine whether to discretionarily activate or de-activate their BWC;
- They are interviewing a prospective informant for the purpose of gathering intelligence. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy;
- They are interviewing an undercover officer. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy.

B - 12. Discretionary Activation and De-Activation

When not *required* to activate or *prohibited* from activation as described above (see B-9 – B-11), members may use their discretion when deciding to activate or de-activate their BWC.

B - 13. Recording Statements with BWC

Members are authorized to use the BWC to record statements in lieu of a written statement. BWC statements shall not be used to record statements from child abuse or sexual assault victims unless specifically exempted by Reporting Writing Manual S-01.

B - 14. BWC Use Documentation

Members are required to document all activations of their BWC, except for tests or accidental and false signal recordings. Documentation shall be made

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Deleted: Members taking BWC statements shall follow the BWC statement guide set forth in Report Writing Manual S-01.¶

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in at least one of the following reports, as appropriate:

- Crime Report
- Consolidated Arrest Report or Juvenile Record
- Field Interview Report
- Computer-aided Dispatch (CAD) notes, or
- Use of Force Report.

Delayed or non-activations of the BWC, when activation was required by policy, shall be documented in the appropriate report, and reported to the member's supervisor.

B - 15. Data Upload

Members shall upload BWC data files (videos) at the end of and, if needed, during their shift to ensure storage capacity is not exceeded.

B - 16. Annotation and Categorization of BWC Files

All members shall annotate BWC data files (videos) daily, or, if not feasible, by the end of the member's next regularly scheduled workday. The following information shall be annotated on every BWC data file:

- Report number associated with the incident recorded (in the ID field); or
- Incident number (in the ID field if there is no report number associated with the incident being recorded)
- The category of the video using the appropriate retention category. See Appendix A for the Department's category and BWC file retention schedule.

If neither the report number nor the incident number exists, members may use the letters "NA" or leave the ID field blank.

Members are authorized to view their video in order to identify the file for annotation unless otherwise prohibited by policy.

During incidents that require exceptional resources or large-scale activation of Department members (e.g. natural disaster), the incident commander may approve delayed annotation of BWC files except in cases that require an investigative call-out. The incident commander shall document any such orders in the appropriate after-action report.

C. VIEWING OF BWC FILES

C - 1. Member Review of Their Own BWC Files

Members are authorized to review their BWC recordings to properly identify the data files and, refresh their memory regarding an incident, or for any other work-related purpose, unless otherwise prohibited by policy.

Personnel viewing any video file shall document the reason for access in the "Notes" field of each video file viewed.

C - 2. When Members are Prohibited from Reviewing BWC Files

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1. Members designated as involved in a Level 1 Investigation. Members who are involved in a Level 1 Investigation⁶ are prohibited from reviewing their BWC files until the Level 1 investigator allows the review pursuant to section D-7.
2. Criminal Investigation of a Member. Personnel who are the subject of a criminal investigation may not view any audio/video recordings related to the incident except upon approval, as specified below, by the CID or Internal Affairs Division (IAD) Commander.
3. Administrative Investigation of a Member. Personnel having received notification (Complaint Notification Report [CNR]) from the IAD and who are considered to be a subject or witness officer, may not view any audio/video recordings related to the incident except upon approval, as specified below, by the IAD Commander.

C - 3. Supervisor and Command Viewing of Subordinate BWC Files

Unless prohibited under C-2, above, supervisors and commanders are authorized to review their own BWC video files, all video files of their subordinates' and, as necessary to complete required duties, any associated video files of non-subordinate members, unless otherwise prohibited by policy.

C - 4. Review of BWC Files by Criminal Investigation Personnel

Personnel assigned to CID or other investigatory units are authorized to view any BWC video file associated to their active or ongoing investigations, unless otherwise prohibited by policy.

Investigators conducting criminal investigations shall:

- Review the file to determine whether the BWC file is of evidentiary value and add categories to it as necessary to modify retention and/or access restrictions; and
- Notify the System Administrator to remove any access restriction when the criminal investigation is closed.

C - 5. Use of BWC Files for Training

Training staff is authorized to view BWC files regarding incidents which may serve as learning or teaching tool. A BWC file may be utilized as a training tool for individuals, specific units, or the Department as a whole. A recommendation to utilize a BWC file for such a purpose may come from any source.

⁶ Reference [BOIP&P 19-01](#), *Level 1 Investigations*

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A person recommending utilizing a BWC file for training purposes shall submit the recommendation through the chain of command to the Training Section Commander.

The Training Section Commander shall review the recommendation and determine how best to utilize the BWC file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means.

D. ACCOUNTABILITY AND INTERNAL INVESTIGATION REVIEWS

D - 1. Review Considerations for all Supervisor or Commander Reviews of BWC

Supervisors and commanders have the ability to review their subordinates' [C-3 BWC recordings] during the course of normal supervision and have the obligation to review certain recordings pertaining to specific events. In addition to required assessments during other reviews, all BWC recording reviews by supervisors and commanders shall follow these guidelines:

1. Supervisor and command review of subordinate BWC recordings shall include an assessment of:
 - a. Officer performance and training needs;
 - b. Policy compliance, including compliance with the provisions of this policy; and
 - c. Consistency between written reports and video files.
2. When a member does not activate or de-activate their BWC as required by policy, supervisors and commanders shall determine if the delayed or non-activation was reasonable, based upon the circumstances.
3. If the supervisor or commander determines that the delay or non-activation was reasonable, they shall document the justification in the appropriate report. If no report is generated, this shall be documented in a Supervisory Notes File (SNF)⁷ for the officer. The supervisor's commander shall be advised, and their (commander) name noted in the SNF.
4. Supervisors, commanders, and managers who discover Class II misconduct during the review of the BWC video, that does not indicate a pattern of misconduct, may address the Class II misconduct through non-disciplinary corrective action. Any Class II violations of this policy shall be documented by SNF in the member's file, with the SNF entry including

⁷ **Practice note (Dec 2022):** In the Department's VISION system, notes documenting a **reasonable** BWC delay or non-activation should use the SNF Category "Supervisory Observations" and the Type "N/A". Such notes that a delay or non-activation was reasonable do not constitute a pattern and should not be used for the purposes of discipline or misconduct investigation (refer to DGO M-03).

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documentation that a review of the member's SNF was completed, and that the violation was not evidence of a pattern of misconduct⁸.

D - 2. Supervisor Random Accountability Review

In addition to other required video recording reviews, all supervisors shall conduct a random review of at least one BWC recording for each of their subordinates on a monthly basis. Supervisors shall ensure that each selected recording has a minimum length of ten (10) minutes or the longest video if there is no 10-minute video.

D - 3. Supervisor Specified Incident Review

In addition to other required video recording reviews, all supervisors shall conduct a review of relevant BWC recordings of the arresting officer(s) involving:

- 69 PC (Resist or Deter Peace or Executive Officer)
- 148 PC (Resist, Delay, or Obstruct Peace Officer); and
- 243(b) or (c) PC (Battery on Peace or Government Officer)

For the above arrests/incidents, supervisors shall at minimum review the BWC recordings of the primary arresting officer(s) and the officer(s) who were victims of the engaged person (if different), starting from the officer(s) initial interaction with the subject of the arrest until the arrestee has been controlled.

During incidents involving multiple officers, and absent a reported Use of Force, supervisors are not required to view all of the involved officer's BWC recordings where doing so would be redundant.

D - 4. Force Investigation Review (Level 2-4 UOF)

When investigating a Use of Force (UOF) categorized under Level 2 or Level 3, supervisors shall conduct a review of the pertinent section of BWC recordings for all members who are **witnesses to** or **involved in** the UOF.

When approving a UOF categorized under Level 4, supervisors shall conduct at least a review of the pertinent section of BWC recordings **of the specific member(s) who used force**, for the purpose of determining if the Use of Force was in compliance with department policy.

In circumstances where the BWC video of the specific member(s) who used force is not sufficient to determine compliance (e.g., BWC obscured, clear angle captured from other BWC, force-using member's BWC fell off or wasn't activated, etc.), then supervisors shall conduct sufficient BWC review to be able to determine if the force was in compliance with department policy.

⁸ Refer to DGO M-03 at III, A, 9.

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BWC related to a documented Level 4 Type 32 Use of Force where Type 32 is the only force type is only required under certain circumstances; reference [Special Order 9208](#).

D - 5. Vehicle Pursuit Investigation Review

When investigating a Vehicle Pursuit, Supervisors shall conduct a review of the pertinent section of BWC recordings for all members who were involved in the pursuit as a pursuing unit (at any point during the pursuit). This review shall include the BWC recordings of members from the beginning of their involvement in the pursuit, until the termination of their involvement in the pursuit.

For involved members who were riding together in the same vehicle during the pursuit, the approving or investigating supervisor may review only one member's BWC footage if the footage is redundant.

D - 6. Internal Investigation Review

When completing an internal investigation, the assigned investigator shall at minimum review BWC footage that is pertinent to the investigation, and which provides evidentiary value or assists in completing the investigation.

D - 7. Level 1 Investigation Review

In the event of a Level 1 investigation (reference [BOI P&P 19-01](#), *Level 1 Investigations*), all BWC recordings shall be uploaded to evidence.com as soon as practical.

An involved or witness member's BWC shall be taken from them and secured by a supervisor, commander, or appropriate investigator, as necessary. The recordings shall be uploaded by personnel designated by the CID investigator.

After the recordings are uploaded, the CID investigator or designee shall turn the BWC into property until the CID and IAD Commander determine it may be released back to the member. The CID investigator shall ensure the chain of custody is documented in their report.

Personnel uploading secured BWC video files shall not view the files unless authorized by the CID investigator.

No personnel involved in or a witness to a Level 1 incident may view any BWC recordings prior to being interviewed by the appropriate investigative unit and receiving command approval.

Once a member's report(s) has been submitted and approved and/or the member has been interviewed by the appropriate investigator, the investigator may show the member his/her audio/video. This will occur prior to the conclusion of the interview process.

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Personnel will be given the opportunity to provide additional information to supplement their statement and may be asked additional questions by the investigators.

D - 8. Command Review (Level 2 or 3 Use of Force)

Following the investigation of a Level 2 or Level 3 Use of Force by a supervisor, both the investigator's first level commander and the division commander shall conduct a review of the pertinent section of BWC recordings for all members who are witnesses to or involved in the UOF.

D - 9. Auditing and Other Review

OIA staff (when conducting audits), supervisors, commanders, active Field Training Officers (FTOs), and the FTO Coordinator are authorized to view BWC files to assist with the conduct of audits and inspections (OIA) or evaluate the performance of subordinate or trainee members unless otherwise prohibited by policy.

E. COPYING OF BWC FILES

E - 1. Court and Judicial Proceeding BWC File Copies

Personnel requiring a copy of BWC audio/video file(s) for court (e.g., for Traffic court, or a proceeding in a different county) shall contact their first line supervisor or their designated System Administrator (for non-patrol assignments). If the first line supervisor is unavailable, personnel shall contact any System Administrator. Any BWC copies not entered into evidence shall be returned to the first line supervisor or a System Administrator for destruction.

CID and other investigative personnel taking a case to the District Attorney (DA) for charging are responsible for obtaining copies of, and/or using the evidence.com secure sharing capability to share, all applicable BWC files for presentation to the DA.

Prior to copying the BWC video file, members authorized to make copies shall document the reason for making the copy and the name of the person receiving the copy in the "Notes" field of each video file copied. If applicable, the name entry shall also include the person's rank and serial number.

The person receiving the copy shall maintain the copy in a secure location until it is needed for court or custody is transferred to another person. Additionally, they shall document, as soon as practical, the name and/or position of the person receiving the copy in the "Notes" field of each video file.

The documentation of the chain of custody and responsibility to secure the copy shall transfer to the person receiving the copy until:

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- The copy is received by non-Department personnel (e.g. District Attorney, City Attorney, Court Clerk, etc.);
- The copy is admitted into evidence; or
- The copy is returned to a system administrator for destruction.

E - 2. Public Records Requests for BWC File Copies

Public Records requests shall be accepted and processed, in accordance with the provisions of federal, state, local statutes and DGO M-09.1, Public Records Access, and forwarded to the Project Administrator.

Copies of BWC video files for release pursuant to a public records request, or as authorized by the Chief of Police or designee, shall be redacted as required by prevailing law and Department procedures prior to release.

E - 3. Copying BWC Recordings for Reasons other than Court

Members may make copies of BWC recordings to facilitate their review and accountability authorities and responsibilities, as set forth in Sections C and D of this order.

Prior to copying the BWC video file, members authorized to make copies shall document the reason for making the copy and the name of the person receiving the copy in the “Notes” field of each video file copied. If applicable, the name entry shall also include the person’s rank and serial number.

Copies of BWC video files for internal use shall be maintained in the appropriate case file or a secure location. When the copy is no longer needed, it shall be returned to a system administrator for destruction. The system administrator shall make an entry in the “Notes” field of the video file that the copy was destroyed.

E - 4. Prohibited Copies and File Sharing

All personnel are prohibited from the following:

- Making unauthorized copies, digital and/or hard copies, of an original or copied BWC video file;
- Giving or showing copies of BWC video files to anyone without a lawful right to know and need to know, unless authorized by the Chief of Police or designee and;
- Posting or having another person post a copied BWC video file on any social media site or public site unless authorized by the Chief of Police or designee.

F. DELETION OF BWC FILES AND AUDIT LOGS

F - 1. Removal Requests for Accidental Recordings

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In the event of an unintended or inappropriate activation of the BWC where the resulting recording is of no investigative or evidentiary value, the respective member may request that the BWC file be deleted by submitting an email request to their first level commander with sufficient information to locate the BWC file. The first level commander shall approve or deny the request.

Approved requests shall be submitted to the Project Administrator at BWC@oaklandca.gov and the Project Administrator or designee will delete the accidental recordings.

F - 2. Data Retention and Scheduled Deletion of Files

BWC files shall be retained for a period of two years unless it is required for:

1. A criminal investigation;
2. An administrative investigation;
3. Research;
4. Civil litigation;
5. Training; and/or
6. No recordings shall be deleted while any request for the recordings is pending, including but not limited to a public records request or litigation hold request

BWC files that are not flagged for retention for any of the above reasons will be automatically deleted by the File Management System's data retention processes, which are set and maintained by the Project Administrator or designee.

F - 3. Access and Deletion Logs

Audit logs of access, review, copying and deletion of BWC files shall be retained permanently.

G. ADMINISTRATIVE INFORMATION

G - 1. Project Administrator

The Project Administrator is the commander over the Information Technology unit unless otherwise designated by the Chief of Police. The Project Administrator has oversight responsibilities that include, but are not limited to, the following:

- Document and track malfunctions and equipment failures;
- Policy and procedure review and evaluation;
- Ensure BWC files are secured and retained for the appropriate time period. Such security shall include FBI Criminal Justice Information Services

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(CJIS) compliant safeguards that protect information from unauthorized access, including encryption and access control mechanisms.

- Ensure BWC files are reviewed and released in accordance with federal, state, local statutes, and Departmental General Order M-9.1, Public Records Access;
- Train the System Administrators to ensure consistency; and
- Establish policy and procedures for the replacement of non-functioning BWCs and the check-out of spare BWCs;
- The BWC Program Administrator shall provide the Chief of Police, Privacy Advisory Commission, and Public Safety Committee with an annual report that contains all components required by the Surveillance Technology Ordinance, as listed in Oakland Municipal Code 9.64.

G - 2. System Administrators

System Administrators shall be designated by the Bureau Commander for non-patrol assignments or the CID Commander for CID personnel. All Sergeants of Police assigned to the Bureau of Field Operations are System Administrators.

System Administrator responsibilities shall include, but are not limited to, the following:

- Ensure officers are assigned a fully functional BWC. Malfunctioning BWCs shall be replaced as soon as practical, in the manner specified by the Project Administrator;
- Refresher training for members as needed;
- Ensuring the return of damaged equipment to the Project Administrator;
- Making copies of BWC files for court or other authorized activities;
- Destruction of copied BWC files not admitted as evidence in court or no longer needed internally. System Administrators receiving a video file copy for destruction shall ensure the copy is destroyed and make an entry in the "Comments" field of the video file that the copy was destroyed.

G - 3. Training

The Training Section shall ensure that members receive department-approved training as needed for those who are assigned a BWC, and training regarding the process for uploading and downloading BWC data.

G - 4. Description of the Technology BWCs

The BWC is a combination camera and microphone that collects audio and video in a digital format.

G - 5. Description of the Technology BWC File Management System

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The BWC system employed by OPD features BWC docking stations and an internet web interface for controlling how files are uploaded and archived. The interface allows for Internet Protocol restriction features to control the locations where the system can be accessed. These restrictions limit BWC video file access to only authorized OPD personnel. Videos that are tagged for any reason as part of an investigation are moved to separate folders where they cannot be deleted. The cloud-based archive system has built-in redundancy with multiple servers to ensure data integrity and CJIS compliance.

By order of

Darren Allison
Acting Chief of Police

Date Signed: _____

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Appendix A

Category Name	Retention Period	Legal Retention Requirements
Incident / Citizen Contact (No Crime)	2 yrs	Basic (set by policy DGO I-15)
Traffic / Bike / Ped Stop	2 yrs	Basic
Accidental / False Signal / Signal Testing	2 yrs or sooner if deleted per policy	Basic
Test / Vehicle Inspection	2 yrs or sooner if deleted per policy	Basic
Mental Health	2 yrs	Basic
Violent Felony / DOA	Indefinite	Statute of Limitations (SOL)
Misdemeanor Case (including report, statements, cite, or arrest)	2 yrs	SOL
Felony Case (including report, statements, cite, or arrest - no violent felonies or sex crimes)	3 yrs	SOL
Domestic Violence	5 yrs	SOL, prior action charging
Collision	5 yrs	13552 Traffic Collisions non-fatal is 5 years for reports - matching to keep digital evidence the same

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Missing Person / Runaway	Indefinite	SOL (Possible homicide)
DUI	10 yrs	SOL, prior action charging
Sex Crimes	Indefinite	SOL
Vehicle Pursuit	5 yrs	Administrative SOL
Sergeants / Commanders Admin	2 yrs	Possible IA/DLI - intake/Sergeant/etc. to update category if so
IA/DLI	Indefinite	Administrative SOL
Never Delete	Indefinite	Administrative SOL
Use of Force - Levels 1 and 2	Indefinite	Administrative SOL
Use of Force - Levels 3 and 4	Indefinite	Administrative SOL
Felony - Filed by DA	20 yrs	SOL plus appeals
Homicide	Indefinite	SOL
Misdemeanor - Filed by DA	10 yrs	SOL plus appeals
Missing Person / Runaway - Returned (replace other missing person category)	2 yrs	Basic (cures possible homicide SOL of other Missing Person category)
Legal - OCA/Records/Authorized Users Only	Indefinite	City Attorney's Office (CAO) Order
Collision - 901C	Indefinite	CAO Order
Collision - Major Injury / Fatal	Indefinite	SOL
Training	2 yrs	Basic

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

SPECIAL ORDER 9213

TO: All Personnel

SUBJECT: DGO M-03 Amendment

EFFECTIVE DATE:

TERMINATION: Upon revision of Departmental General Order (DGO) M-03, *Complaints Against Department Personnel or Procedure*; or at the direction of the Chief of Police

Via these changes, the Department intends to limit the opportunity for discretion and bias to motivate findings or discipline during investigations into Manual of Rules allegations for failing to accept or refer a complaint.

DGO M-03, Section III. A. 7 is hereby replaced in its entirety by the following standards:

7. If a person expresses specific, articulated dissatisfaction with an aspect of police service to a member, but does not request to file a complaint or to speak with a supervisor, the member or employee shall:

- a. Not discourage or deter citizens from exercising their right to complain to the Department or the CPRA;*
- b. Ask the person if they would like to speak to a supervisor;*
- c. Provide the citizen with an OPD Informational Business Card and/or Complaint Form (TF-3208) with his/her name, serial number and CAD Incident Number;*
- d. Enter a CAD notation to the call;*
- e. Use the Radio Disposition Code of "IBC" (Informational Business Card); and*
- f. Call the Communications Section Supervisor with the date of the referral, incident number, and brief description of the incident be added to the Complaint Referral Log (TF-3367) within 24 hours of referral.*

DGO M-03, Section III. A. 9 is hereby replaced in its entirety by the following standards:

9. Class II misconduct may be addressed through non-disciplinary corrective action if all of the following criteria are met:

- The misconduct is discovered during the normal course of supervision, an investigation of other alleged misconduct, or an incident review or assessment; and*
- The conduct does not indicate a pattern of misconduct, as confirmed by the member's primary supervisor and a review of the member's disciplinary history dating back no more than five years.*

(Section III.A.9 is changed via the removal of the following bullet point from the criteria:

- The conduct is not a failure to accept or refer a complaint.)*

By order of,

Darren Allison
Interim Chief of Police

Date: _____

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

SPECIAL ORDER 9216

TO: All Sworn Personnel

SUBJECT: Discontinuation of the Term "Excited Delirium"

EFFECTIVE DATE: XX Sep 23

TERMINATION: Upon the direction of the chief of police

Scope and Purpose

In accordance with California Assembly Bill 360 and consistent with the chief's direction to remove "excited delirium" from existing policies and training, this Special Order outlines the immediate implementation of policies and procedures to comply with the law's provisions regarding discontinuing the term "Excited Delirium" within the Oakland Police Department.

Policy Provisions

The following policy has been discontinued:

1. Training Bulletin V-K

The following policies have been updated with the removal of the specified sections:

1. Training Bulletin III-B.8: *"If the restrained subject complains of or shows signs of breathing distress (shortness of breath, sudden calmness, a change in facial color, etc.) or cardiac failure due to excited delirium, provide medical attention immediately!"*
2. Procedure 304.5.2, section (e): *"People displaying symptoms of excited delirium."*
3. Procedure 302.26.4.2: *"If the restrained subject complains of or show signs of breathing distress (shortness of breath, sudden calmness, a change in facial color, etc.) or cardiac failure due to excited delirium, officers shall provide medical attention immediately!"*
4. Procedure 304.18.3 – Entire section (b)

Discontinuation of "Excited Delirium" in Reporting and Documentation

Pursuant to Section 1156.5 of the California Evidence Code, evidence that a person suffered or experienced excited delirium shall not be admitted in any civil action.

Officers are prohibited from using the term "excited delirium" to describe an individual in an incident report completed by a peace officer. Instead, officers may describe the characteristics of an individual's conduct, demeanor, and physical and mental condition.

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Special Order 9216

XX Sep 23

Discontinuation of "Excited Delirium" as a Medical Diagnosis

Excited delirium shall not be recognized as a valid medical diagnosis or cause of death in this state, as stated in Section 24401 of the Health and Safety Code.

A government entity, or any employee or contractor of a government entity, shall not document, testify to, or otherwise use in any official capacity or communication the term "excited delirium" as a recognized medical diagnosis or cause of death.

A coroner or medical examiner shall not state on the death certificate or in any report that the cause of death was excited delirium. Instead, the coroner or medical examiner may list and describe the contributing causes of death but shall not describe the underlying cause as excited delirium, as specified in Section 24401.

Implementation of Policy in Compliance with California AB 360

The Oakland Police Department shall discontinue using "excited delirium" as a medical diagnosis, term, or factor within all departmental documents, policies, procedures, and training materials.

Reporting and Accountability

Supervisors and commanders are responsible for ensuring compliance with this reporting requirement.

By order of

Darren Allison
Interim Chief of Police



DEPARTMENTAL GENERAL ORDER

D-22: Personal Relationship Disclosure Policy

Effective Date: DD MMM YY
Coordinator: OPD Human Resources Division

COMMAND INTENT

This policy is designed to identify and mitigate actual and perceived conflicts of interest inherent in personal relationships between members. The policy does so by requiring disclosure of certain personal relationships between members and providing guidance in the event actual or perceived conflicts of interest arise. These protections are intended to ensure an individual member cannot unfairly benefit, gain an advantage, or suffer a disadvantage, as compared to another, strictly due to a personal relationship.

A. DEFINITIONS

A - 1. Cohabitant Relationship

Any relationship where a member shares a residence with another member. includes non-romantic roommates.

A - 2. Consensual Romantic Relationship

Any consensual sexual or romantic relationship with another member.

A - 3. Cronyism

Participating in any employment decision that may contain an actual or perceived conflict of interest, such as one involving a close friend, business partner or professional, political, or commercial relationship, that would lead to preferential treatment or compromise the appearance of fairness.

A - 4. Outside Business Relationship

Members who, in addition to serving as a member of the Oakland Police Department, are also an independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction, in cooperation with another Department member, where either of the Department member's annual interest, compensation, investment, or obligation is greater than \$250.

A - 5. Familial Relationship

Includes relationship by blood, adoption, marriage, domestic partnership, foster care with cohabitation, and includes parents, grandparents, great-grandparents, grandchildren, great-grandchildren, children, foster children, uncles, aunts, nephews, nieces, first cousins, second cousins, siblings and the spouses or domestic partners of each of these relatives and cohabitants. This definition includes any relationship that exists by virtue of marriage or

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D-22: Personal Relationship Disclosure Policy
Effective Date: DD MMM YY
Coordinator: OPD Human Resources Division

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A non-family, non-romantic relationship wherein the two parties are more than acquainted and who have participated together in non-departmental social events or are privy to private details in one another's personal or family lives.
Examples may include, but are not limited to, having visited one another's homes for social functions, having traveled together, or having spent more than passing time in the company of each other or each other's families.

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1 A member refers to all OPD employees, sworn or professional staff.

domestic partnership, such as in-law and step relationships, which are covered to the same extent as blood relationships.

A - 6. ~~Supervising Members~~

Any Department member who performs supervision of one or more subordinate members.

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A - 7. ~~Supervision~~²

Supervision is authority, direction, control, or influence, including **being in the same chain of command**, and the ability to participate in decisions about terms and conditions of employment of one or more other members.

A - 8. ~~Subordinate Members~~

A Department member who is subject to the temporary or ongoing direct or indirect authority of a department supervisor.

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B. DISCLOSURE OF PERSONAL RELATIONSHIPS³

B - 1. ~~Personal Relationships between Supervisors and Subordinates~~

The supervisors possessing one of the following personal relationships with a subordinate member in their chain of command shall disclose the relationship to the Department:

- Familial relationship
- Outside business relationship
- A consensual romantic relationship occurring within the last two years
- Cohabitant Relationship

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² Oakland Municipal Code (OMC) Chapter 2.40 definition of "Supervision."¶

³ These reporting requirements and prohibitions on supervision are required for all City employees and pursuant to Oakland Municipal Code (OMC) Chapter 2.40 and Administrative Instruction (AI) 72.¶

This reporting procedure is a separate from required recusal process during a Criminal Investigation and Internal Affairs investigation.¶

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B - 2. ~~Timeline for Disclosure~~

All supervising members must disclose to the Human Resources Manager their personal relationships, as defined above, with existing members no later than 30 days from the effective date of this policy, and annually thereafter.

Additionally, any subordinate member in a relationship, as defined above, as listed in Section B-1, with a supervising member must disclose to the Human Resources Manager their personal relationships no later than 30 days from the effective date of this policy, and annually thereafter.

² Oakland Municipal Code (OMC) Chapter 2.40 definition of "Supervision."

³ These reporting requirements and prohibitions on supervision are required for all City employees and pursuant to Oakland Municipal Code (OMC) Chapter 2.40 and Administrative Instruction (AI) 72.

This reporting procedure is a separate from required recusal process during a Criminal Investigation and Internal Affairs investigation.

B - 3. New Relationships

As new personal relationships, as listed in B-1, arise, members must disclose said relationships to the Human Resources Manager within 30 days of their inception.

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B - 4. Penalties for Failure to, or Delay In, Disclosing Relationships

Any member who fails to disclose, or unnecessarily delays disclosure of, a relationship, as listed in B-1, with another Department member is subject to discipline consistent with current Manual of Rules Section 314.39 – Performance of Duty⁴ and the discipline matrix.

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B - 5. Failure to report relationships, including cohabitant and romantic relationships involving supervision⁵

Any member who becomes involved in one of the listed relationships (section B-1) with a subordinate or with a supervisor and who willfully and deliberately fails to disclose their relationship as directed in this policy shall be subject to discipline.

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C. SUPERVISOR AND SUBORDINATE ASSIGNMENTS

C - 1. Prohibited Permanent Assignments

With limited exception⁶, a member at any rank shall not directly supervise a member with whom they possess

- a consensual romantic relationship, occurring within the last two years,
- an outside business relationship,
- a familial relationship.
- a cohabitant relationship.

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⁴ 314.39 PERFORMANCE OF DUTY – All members and employees shall perform their assigned duties and responsibilities as required or directed by law, Departmental rule, policy, or order by a competent authority. Each member and employee is accountable for the exercise of delegated authority, and shall not conceal, divert or mitigate their true culpability. - Failure to perform duties as required or directed by law, Departmental rule, policy, or order.¶

⁵ OMC 2.40.050, City of Oakland Administrative Instruction (AI) 72¶

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⁴ 314.39 PERFORMANCE OF DUTY – All members and employees shall perform their assigned duties and responsibilities as required or directed by law, Departmental rule, policy, or order by a competent authority. Each member and employee is accountable for the exercise of delegated authority, and shall not conceal, divert or mitigate their true culpability. - Failure to perform duties as required or directed by law, Departmental rule, policy, or order.

⁵ OMC 2.40.050, City of Oakland Administrative Instruction (AI) 72

⁶ As explained in section C-3 Waiver.

C - 3. Mitigation of the Potential for the Relationship to Affect the Workplace

Following receipt of information establishing a prohibited supervisory assignment exists, the Department’s Human Resources Manager, in consultation with the Office of the City Attorney, will work with the Deputy Chief overseeing the bureau wherein the relationship exists to make arrangements to mitigate any influence the relationship may have upon those engaged in the relationship, as well as for other members working in or around those in the relationship. Options for mitigation may include reassignment or redistribution of supervisory responsibilities. Mitigation shall not result in a loss of compensation or opportunity for promotion or advancement.

The Chief of Police or designee may transfer either or both members to avoid actual or perceived conflicts of interest, undue emotional stress, and the potential for assertion of marital privilege provisions in the California Evidence code by affected members.

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C - 4. Waiver

When the Department deems it operationally important for both parties in a relationship to be assigned to the same chain of command, the Department may seek a waiver from the City Administrator. Even with an approved waiver, mitigation measures must be instituted to limit the potential for the relationship to adversely impact the members, co-workers, work product, and the Department itself.

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C - 5. Emergency Exceptions and Responsibilities

If emergency circumstances require the temporary assignment of members in violation of these defined prohibitions, both the supervising and subordinate members are responsible for deferring matters pertaining to the involved subordinate member to a different supervising or commanding member as soon as possible.

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D. CRONYISM

D - 1. Personnel Assignments and Promotions

Any supervisor with decision-making authority (or influence upon the decision-making process) over promotion or assignment of personnel within the Department shall recuse themselves from any process during which a member with whom they have a relationship, as defined above, is being considered for promotion or assignment. The involved commander shall defer authority and influence over the decision and shall not participate in discussions.

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6 As explained in section C-3 Waiver.¶
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D - 2. Penalty for Participating in or Failing to Report Cronyism

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A member who becomes aware that a supervisor or subordinate has attempted to influence employment or supervisory decisions or has attempted to change the terms and conditions of employment of any individual with whom that person has a relationship, as defined above, shall report that attempt to the Internal Affairs Division, per DGO M-03: Complaints Against Departmental Personnel or Procedures.¶
D - 3.

Any member who participates in, witnesses and fails to disclose, or unnecessarily delays disclosure of cronyism in action is subject to discipline consistent with current Manual of Rules sections and discipline matrix.

E. SWORN MEMBER PEER ASSIGNMENT RESTRICTIONS

E - 1. Prohibited Sworn Members Permanent Assignments

With limited exception, members of the same rank who currently possess a consensual romantic relationship, an outside business relationship, a familial relationship or a cohabitation relationship are subject to the following restrictions:

- The members may not work closely⁷ together.
- In the event both parties in the relationship are thus assigned, a reasonable effort must be made to reassign one of the members.
- Members in the above-specified relationships shall not ride in the same vehicle while conducting enforcement or investigative duties, or where they may reasonably be required to transition into conducting enforcement or investigative duties.⁸

E - 2. Members' Responsibilities

In the event members find themselves working closely with someone with whom they have a relationship, as defined above, they shall make their circumstances known to their supervisor as soon as practical.

E - 3. Supervisor Responsibility

Upon notification of a relationship, as defined above, among their assigned squad, a supervisor shall make every reasonable effort to comply with the restrictions enumerated in E-1.

E - 4. Emergency Exceptions and Responsibilities

If emergency circumstances require the temporary assignment of members in violation of these defined prohibitions, the members shall notify their assigned supervisor.

The supervisor who becomes aware of the personal relationship is responsible for mitigating the actual or perceived conflict of interest and facilitating the re-assignment of one or both members for the duration of the emergency circumstance.

F. CONFIDENTIALITY

The Department shall respect and uphold the privacy rights of its members. Information concerning declared personal relationships shall be treated as

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⁷ "Closely" means within the same squad. (For example: District 4, B side, Swing shift, or CID – Burglary Section)¶
⁸ Exceptions may include members assigned to a training activity or attending ceremonial events.¶
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⁷ "Closely" means within the same squad. (For example: District 4, B side, Swing shift, or CID – Burglary Section)

⁸ Exceptions may include members assigned to a training activity or attending ceremonial events.

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confidential, disclosed only on a right-to-know, need-to-know basis, and if disclosed at all, only with enough information to guarantee avoidance of an actual or perceived conflict of interest.⁹

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F - 1. Human Resource Manager Responsibilities

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The Department's Human Resource Manager is responsible for the collection of information concerning personal relationships between supervisor and subordinates. Such information will be preserved for the duration of the members' employment.

F - 2. Human Resource Manager as Reference Prior to Personnel Movement

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The Department's Human Resource Manager shall be consulted by the Chief of Police, or designee, prior to personnel assignments, changes or amendments, to ensure actual or perceived conflicts are not created via such personnel movement.

F - 3. Human Resources Manager Deconfliction Power

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The Department's Human Resource Manager shall be responsible for coordinating with the parties involved in the personal relationship in identifying and implementing alternate arrangements.

F - 4. Secured Location

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The personal relationship disclosure form shall be kept in a secured location, accessible only by the Department's Human Resource Manager.

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⁹ Example: The HR Manager may indicate to the Chief of Police a certain officer has an actual or perceived conflict of interest if transferred into an assignment, but under no circumstance should the HR manager disclose the nature of the personal relationship or the identity of the other party in said relationship.¶
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In no case shall the record be disseminated via email, uploaded to a server, or otherwise made susceptible to release beyond the Human Resources Manager.

F - 5. Document Retention

Once the member has concluded their employment with the Oakland Police Department, the member's personal relationship disclosure form(s) shall be retained for five years before being destroyed.

No form shall be deleted while any request for the form is pending, including but not limited to a public records request or litigation hold request.

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By order of,

Darren Allison

⁹ Example: The HR Manager may indicate to the Chief of Police a certain officer has an actual or perceived conflict of interest if transferred into an assignment, but under no circumstance should the HR manager disclose the nature of the personal relationship or the identity of the other party in said relationship.

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Effective Date
DD MMM YY

Acting Chief of Police

Date Signed: _____

APPENDIX A



****CONFIDENTIAL INFORMATION****
**PERSONAL RELATIONSHIP
DISCLOSURE FORM**

In accordance with the Department General Order D-22: Personal Relationship Disclosure Policy, supervisors possessing one of the following personal relationships with a subordinate member in their chain of command shall disclose the relationship to the Department's Human Resources Manager no later than 30 days from the development of the relationship with the subordinate, and again annually.

- > Familial relationship
- > Outside business relationship
- > A consensual romantic relationship occurring within the last two years
- > Cohabitant relationship

Supervisor's Information

Name: _____

Rank: _____ **Assignment:** _____

Department: _____ **City of Oakland Email Address:** _____

Phone: _____ **Cell Phone:** _____

Office Location: _____

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Deleted: must complete, sign and submit this form to the Human Resource Manager no later than 30 days from the development

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Name of Other Member

DEPARTMENTAL GENERAL ORDER D-22
OAKLAND POLICE DEPARTMENT

Effective Date
DD MMM YY

Supervisor's Signature

Date

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<object>Member's Signature Date

DRAFT