



OAKLAND POLICE COMMISSION

REGULAR MEETING AGENDA

October 10, 2024 - 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 the 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 for observation only.
Public participation via Zoom is not possible currently.



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PUBLIC PARTICIPATION

The Oakland Police Commission welcomes public participation. We are currently prohibited from implementing hybrid meetings. Please refer to how 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/81193258045> 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 web page 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):

+16699009128,,86155426281# US (San Jose) +16694449171,,86155426281# US

Webinar ID: 811 9325 8045

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 web page 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. 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, and submitted without including a written agenda item, will be limited to one comment per person.

E-COMMENT:

- Please email written comments to https://docs.google.com/forms/d/e/1FAIpQLScRaVVFQKhsnzMk_wa5Q1bPCwf-Osfv8nGB_l8ZwM6fVESZhw/viewform?usp=sf_link. E-comments must be submitted at least **24 hours** before 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 22 Barkly Grove LS11 7HT, Leeds



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- I. **Call to Order, Welcome, Roll Call, Determination of Quorum, and (Read-Out from Prior Meeting, if any)**
Chair Marsha Carpenter Peterson
Roll Call: Vice Chair Ricardo Garcia-Acosta; Commissioner Regina Jackson; Commissioner Wilson Riles;
Commissioner Angela Jackson-Castain; Alternate Commissioner Omar Farmer

- II. **Closed Session (approximately 5:30 p.m. - 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: Inspector General

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

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
(Government Code Section 54957(b))
Title not disclosed under personnel privacy laws, California's Brown Act, and City's Sunshine Ordinance

- III. **Redetermination of Quorum and (Read-Out from Closed Session and/or announcements, if any)**
Chair Marsha Carpenter Peterson
Roll Call: Vice Chair Ricardo Garcia-Acosta; Commissioner Regina Jackson; Commissioner Wilson Riles;
Commissioner Angela Jackson-Castain; Alternate Commissioner Omar Farmer



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- IV. **Commission Updates: Thank You and Farewell to Chair Marsha Carpenter Peterson & Chair Emerita Regina Jackson**
Chair Peterson will provide updates and information regarding recent developments within the Commission. Chair Emerita Regina Jackson will also contribute insights and relevant details as part of the discussion. This section will discuss important announcements that impact the Commission's ongoing work.
(Supplemental Attachment 5)

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

- 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 before 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.

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

- VI. **Oakland Police Department Update**
Representatives of the Oakland Police Department will provide an update. Topics discussed in the update may include NSA Updates, risk analysis, crime response, a preview of topics that may be placed on a future agenda, responses to community member questions, and specific topics requested by the Commission.
This is a recurring item. (Attachment 1)

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

- VII. **Community Police Review Agency (CPRA) Update**
The Commission will review and approve the proposed rules and procedures for the CPRA Mediation Option. The attached draft outlines these rules and procedures, which aim to formally establish guidelines for mediation as required under OMC 2.45.070 (N). This approval will allow the mediation program to commence shortly. In addition, Executive Director Mac Muir will present the CPRA Annual Report, and an IAD-to-CPRA transition progress update. ***This is a recurring item. (Attachment 2)***

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



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VIII. Ad Hoc Committee Reports

This is an opportunity for Chair Peterson to provide general updates about ad hoc committees, if applicable, and for representatives from active or upcoming ad hoc committees to share updates on their work, upcoming meetings, events, etc. Please be advised that ad hoc committee meeting discussions are fluid and may not have an official agenda. Recordings of meetings and minutes can be found on the Commission's YouTube channel (<https://www.youtube.com/@oaklandpolicecommission5962>) and the Commission's website (<https://www.oaklandca.gov/boards-commissions/police-commission#join-ad-hoc-committees>).

This is a recurring item.

Inspector General Search Ad Hoc: Commissioners Jackson (Chair), Garcia-Acosta, Peterson

The OIG Search Ad Hoc committee is tasked with conducting a nationwide search for the civilian Inspector General for the City of Oakland. This Committee will report to the Police Commission before announcing the nominee for the role. Committee Chair Jackson will provide an update about the search progress and next steps. Other than public open forum events, these meetings are not open to the public.

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

Staff Searches Ad Hoc: Commissioners Jackson (Chair), Garcia-Acosta, Peterson

The Staff Search Ad Hoc Committee defines the role, attracts a diverse pool of qualified candidates, and manages a thorough and fair evaluation process. This includes screening applications, conducting interviews, and presenting the most suitable finalists to the hiring authority. The committee ensures an unbiased selection process and promotes diversity and inclusion. Committee Chair Jackson will provide an update about the search progress and next steps. These meetings are not open to the public.

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

Racial Profiling Ad Hoc: Commissioners Jackson (Chair), Garcia-Acosta, Peterson

The Racial Profiling, Ad Hoc committee, served as a dedicated forum to address the complex issues of racial profiling while promoting community policing principles. The goal was to create lasting improvements in law enforcement practices and relationships between the police and the diverse communities they serve. Committee Chair Jackson will provide an update about the work of the Racial Profiling Ad Hoc Committee and the next steps, if any. These meetings were open to the public. (*Attachment 3*)

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



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Ad Hoc Committee Reports Continued

Discipline Matrix Ad Hoc: Jackson (Chair), Garcia-Acosta, Peterson

The Discipline Ad Hoc committee is responsible for reviewing and providing guidance on the Oakland Police Department's Discipline Matrix to ensure it aligns with the objective of fair and consistent disciplinary practices. The committee ensures that the matrix, associated policies, and resulting disciplinary actions reflect contemporary industry standards for progressive discipline. This includes recommending updates, possibly reviewing cases for adherence to these standards, and ensuring transparency and accountability in the disciplinary process. Committee Chair Jackson will provide an update on the current status and/or next steps, if applicable. These meetings are open to the public every Wednesday from 6 p.m. to 8 p.m.

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

Rules Ad Hoc: Commissioners Peterson (Chair), Garcia-Acosta, and Jackson

The Rules Ad Hoc committee is tasked with reviewing and refining the rules governing the work of the Oakland Police Commission. Chair Marsha Carpenter Peterson will provide an update.
(Attachment 4)

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

CPRA Manual of Operations Ad Hoc: Commissioners Garcia-Acosta (Chair), Angela Jackson-Castain, & Farmer

The CPRA Manual of Operations Ad Hoc committee is tasked with reviewing and establishing policies and procedures for the Community Police Review Agency (CPRA). There will be an update on the CPRA Standard Operating Procedures (SOP), subject to state and local legal constraints. The SOP update may cover the Agency's pending cases, completed investigations, staffing, and recent activities. Commissioner Ricardo Garcia-Acosta (Chair) and CPRA ED Mac Muir will provide the update.

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

Strategic Planning Retreat Ad Hoc: Commissioners Jackson-Castain (Chair), Garcia-Acosta, & Farmer

The Strategic Planning Retreat Ad Hoc Committee is tasked with organizing a strategic planning retreat and developing a comprehensive plan to guide the Commission's activities, initiatives, and decisions over a defined period. This strategic plan will serve as a roadmap, enabling the Police Commission to achieve its goals, enhance operations, and better serve the community. Commissioner Jackson-Castain (Chair) will provide an update.

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



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IX. 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. The Commission will work on creating a list of agenda items for future meetings.

This is a recurring item.

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

XV. 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 before 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.***

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

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

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

XVII. Adjournment

NOTICE: In compliance with the Americans with Disabilities Act and Equal Access Ordinance, for those requiring special assistance to access the video conference 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 the required accommodations, auxiliary aids, or services

OAKLAND POLICE DEPARTMENT REPORTING TEMPLATE
FOR POLICE COMMISSION MEETING

*+There hereby is established the Oakland Police Commission (hereinafter, Commission), which shall oversee the Oakland Police Department (hereinafter, Department) in order to ensure that its policies, practices, and customs conform to national standards of constitutional policing. * - Oakland City Charter Section 604(a)(1)*

Prepared: 10/03/2024

I. 52 NSA Task Force – Status of Compliance, Charter 604(f)(5)

Task	
Task 2, 5, 24, 25 and 45	<ul style="list-style-type: none"> • 8th IMT Sustainability Report (2 Aug 24): Task 2: Timeliness Standards and Compliance with IAD Investigations <ul style="list-style-type: none"> ▪ In compliance • Task 5: Complaint Procedures for IAD <ul style="list-style-type: none"> ▪ Not in compliance • Task 24: Use of Force Reporting Policy and Task 25: Use of Force Investigations and Report Responsibility <ul style="list-style-type: none"> ▪ In compliance • Task 45: Consistency of Discipline Policy <ul style="list-style-type: none"> ▪ No compliance Finding <p>The Eighth NSA Sustainability Period Report of the Independent Monitor for the Oakland Police Department has been completed by the monitoring team.</p> <p>Failure to Accept or Refer Complaint (FTARC) and Supervisory Notes File (SNF) inspection – complete</p> <ul style="list-style-type: none"> • Patterns definition – collaboration meeting w/ OIG, CPRA, IMT on 19 Mar 24. • Revisions are underway based on the feedback provided by the CPRA and IMT. • 2nd Draft definition of “Patterns” provided 12 Aug 24: <ul style="list-style-type: none"> ▪ <i>“A pattern of behavior is defined as three or more related incidents of a similar nature, committed by an employee within two years (730 days). This behavior is characterized by regularity, suggesting a systematic or habitual nature rather than isolated events. Identifying a pattern is based on the frequency, consistency, and similarity of the behaviors or actions under comparable circumstances.</i> <p style="text-align: center;"><i>A recognized pattern mandates Internal Affairs notification as defined in DGO M-03.”</i></p> • Next steps: OPD needs approval from the monitoring team and stakeholders before amending DGO M-03. <p>Case Management Conference (CMC) – 4 Sep 24 (Summary below)</p> <ul style="list-style-type: none"> • Court oversight shall continue. • IAD shall be a “direct report” to the Chief of Police. The commander of IAD shall hold the rank of Deputy Chief of Police. <ul style="list-style-type: none"> ○ Effective Saturday, 14 Sep 24, Deputy Chief Mendoza will oversee IAD, and directly report to Chief Mitchell. • The mayor, or a mayoral representative, the City Administrator, a representative of the Office of the City Attorney, the Chief of Police, and a representative from the Monitoring Team are required to meet every two weeks.

* “Constitutional Policing Matters” include: Use of force; Use of force review boards; Profiling based on any of the protected characteristics identified by Federal, State, or local law; First Amendment assemblies; Use of militarized equipment; and Elements expressly listed in Federal court orders or Federal court settlements such as the Negotiated Settlement Agreement.

	<ul style="list-style-type: none"> The City shall file a Status Report on 8 Oct 24 to explain how the court order has been implemented. Tasks 24 and 25 will no longer be subject to active monitoring.
IMT Visit	Nov 2024
Next CMC	8 Jan 25

II. Policies Related to Constitutional Policing Matters – Status Update, Charter 604(b)(2) and 604(b)(4)-(5)
III. Any Other Policy, Procedure, Custom, or General Order Regardless of Its Topic – Status Update, Charter 604(b)(2) and 604(b)(6)

Policy	
J-04 Pursuit Policy	In OPC Community Policing Ad Hoc. Attended and presented at the Public Forum on 31 Jul 24.
BFO P&P 15-01 Community Policing	OPC approved Draft First Reading – 25 Jul 24 Police Commission Reviewing Policy outcome from Ad Hoc
Sexual Misconduct Policy	Under review with the City Attorney’s Office. No timeline of completion was given as of 24 Sep 24.
Racial Profiling / Bias Policy (DGO M-19)	Sent to the Commission for review.
K-4: Reporting and Investigating the Use of Force. (SO 9214)	OCA review complete. Executive Team review for final submission. Pending scheduling for Chief presentation and review.
SO 9216: Excited Delirium	Special order presented to OPC twice. Pending OPD approval.
Militarized Equipment Annual Report	Draft presented to the Police Commission on 11 Jul 24.

IV. OPD Budget, Charter 604(b)(7) & MC 2.45.070(C)-(D)

Topic																							
Staffing & resource management	<p><i>Sworn Staffing</i> Authorized: 678 Filled: 685</p> <p><i>Communications Dispatchers</i> Authorized: 78 Filled: 66 (25 in training)</p> <p><i>Professional Staffing</i> Authorized: 303.50 Filled: 257.5</p> <p><i>Vacancies of note:</i> Police Records Specialist (4) (6 Police Records Specialist positions are frozen) Police Communications Dispatcher (10) 4 Dispatchers tentatively hired eff 26 Oct 24.</p> <table border="1" data-bbox="412 1818 930 1936"> <thead> <tr> <th>As of Sept 26, 2024</th> <th>Admin Leave</th> <th>Medical Leave On-</th> <th>Medical Leave Personal Illness/</th> <th>Military Leave</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p><i>Long-term leave:</i> 81 sworn employees</p> <ul style="list-style-type: none"> 48 Medical Leave 33 Admin Leave <ul style="list-style-type: none"> 1 Lieutenant 4 Sergeants of Police 28 Police Officers 0 Military Leave <p>Of the 33 sworn personnel on admin leave, 11 have been off for 1-2 years. The annual cost associated with those 11 employees is \$2,996,244. The cost breakdown is below:</p> <table border="1" data-bbox="972 1770 1481 1936"> <thead> <tr> <th>Admin Rank</th> <th>Position</th> <th>Cost</th> <th>Total Cost</th> </tr> </thead> <tbody> <tr> <td>Lieutenant of Police</td> <td>1</td> <td>355,644.00</td> <td>355,644.00</td> </tr> <tr> <td>Police Officer</td> <td>10</td> <td>264,060.00</td> <td>2,640,600.00</td> </tr> </tbody> </table>	As of Sept 26, 2024	Admin Leave	Medical Leave On-	Medical Leave Personal Illness/	Military Leave						Admin Rank	Position	Cost	Total Cost	Lieutenant of Police	1	355,644.00	355,644.00	Police Officer	10	264,060.00	2,640,600.00
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Academy Recruits	<p>Academy 193rd: 12 graduated on 10 May 24 – Currently in FTO 4th Phase.</p> <p>Academy 194th: Started June 2024. Chief Mitchell and Commissioner Jackson attended first day.</p> <ul style="list-style-type: none"> • 28 OPD and 1 outside agency (Alameda PD) - Now in 12th week. • Scheduled to Graduate 20 Dec 24 <p>Academy 195th: Scheduled to start on 9 Nov 24</p> <p>Academy 196th: TBD</p>																																								
General Department functions (IAD)	<p>Skelly Data:</p> <ul style="list-style-type: none"> • All trained Commanders and Managers can conduct Skelly's • Changed to digital format • Waiver for Officers <ul style="list-style-type: none"> ○ Working with City Attorney to formalize • Added personnel to assist 	<p>Number of pending Skelly's - 169</p> <p>Number of Skelly Hearing Officers – 30</p> <p>Number of Skelly awaiting assignment - 0</p> <p>Wait time for each Skelly – Varies</p> <p>How are Skelly Officers selected (training, recusals. Etc.) - Must attend Skelly Hearing Officer Training</p> <p>A Skelly Unit dashboard is currently being created for tracking</p>																																							
IAD Cases	<p>2023</p> <p>2040 total cases</p> <p>114 Sustained cases</p> <p>348 sustained allegations</p>	<p>2024</p> <p>Total cases this year closed – 959 (as of 02 Oct 24)</p> <p>Total cases open – 1412 (as of 02 Oct 24)</p> <p>Total cases in IA – 92 (as of 02 Oct 24)</p> <p>Total cases in DLI – 207 (as of 02 Oct 24)</p>																																							
SB 2	<p>https://post.ca.gov/Peace-Officer-Certification-Actions</p>		<p>SB 2 List: 2024 (Year-To-Date)</p> <p>3 total Oakland PD</p>																																						
General Department functions (CID)	<p>SVS Juvenile Cases: (Year-To-Date)</p> <ul style="list-style-type: none"> • Juvenile Arrests: 278 total juvenile arrests • Referrals to restorative justice programs (i.e. NOAB, CW): 2 • YTD Restorative Justice Referrals: 44 <p>Missing Persons: 2024 (Year-To-Date)</p> <ul style="list-style-type: none"> • YTD MPU Cases: 901 • YTD Closed MPU Cases: 749 <p>DVU Cases: 2024 (Year-To-Date)</p> <ul style="list-style-type: none"> • Total cases: 2,869 		<p>Hate Crimes: 2024 (Year-To-Date)</p> <ul style="list-style-type: none"> • Total Cases: 21 • New cases: 1 • Hate Crime Investigators <ul style="list-style-type: none"> ○ Ofc. W. Earl Seay 																																						

	<ul style="list-style-type: none"> Clearance rate on DV cases is near 100%: These are named suspect cases. All I/C and Out of Custody cases get reviewed by an investigator. Domestic Dispute - 767 243(e)(1) - 746 273.5 - 789 	
Education and training regarding job-related stress, PTSD, Wellness	October is National Depression Education and Awareness Month <ul style="list-style-type: none"> Peer Support Team sent out information/resources 	
Budget QUARTERLY	Last: Next:	
Citywide Risk Management QUARTERLY	Last: 27 Aug 24 Next: 19 Nov 24	

V. Collaboration with OIG

Project	Status
NSA Inspections Tasks: 3, 4, 7,8, 9, 11, and 13	Meetings and data sharing.
OPD Staffing Study	Biweekly meetings with OIG and PFM. Ongoing data collection and sharing.
M-19 Audit Response	Completed and provided to the Ad Hoc on 3 Apr 24.
Review of IAD Cases 07-0538, 13-1062, and 16-0146	In progress. Due 24 Apr 24.
Sexual Misconduct Policy	Policy: see policy section.
"Patterns" definition	Collaboration meeting w/ OIG, CPRA, IMT on 19 Mar 24.
OIG Document on OPD Policy Types	Created by OIG and OPD completed review.
FTO Study	Completed.

VI. Collaboration with CPRA

VII. Rules and Procedures for Mediation and Resolution of Complaints of Police Misconduct, OMC 2.45.070(N)

Project	Status
Transition of IAD to CPRA	Information sharing with the Transition Consultants Moeel Lah Fakhoury Law Firm – Andrew Lah and Russell Bloom
Daily Complaint Log, Weekly IAD Meetings	Ongoing
Complaints & Mediation	Pending
"Patterns" definition	Collaboration meeting w/ OIG, CPRA, IMT on 19 Mar 24.

VIII. Collaboration with Community

Truck or Treat	Please join us for our 6 th Annual Oakland Police Department Trunk or Treat October 31, 2024 Verdesse Carter Park
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	9600 Sunnyside Street 3:00 P.M. - 5:00 P.M.
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IX. Status of Submitting Records/Files Requested by Commission, Charter 604(f)(2)

File	Status
None	

X. New Laws Affecting OPD

Law	
2024 New Laws Generally	Training plan to OPC 8 Feb 24. Training Bulletin being drafted. Training was published on 2 Apr 24.
2806.5 VC / Citation Update (AB 2773)	Update sent 19 Mar 24. • tell detainees the reason for the stop, prior to any questioning related to a criminal investigation or traffic violation • document the reason for the stop on citations and reports associated with the stop
AB 360: "excited delirium"	See policy section.

XI. Required Reporting to the California Department of Justice / Attorney General**XII. Policy/Practice on Publishing Department Data Sets, OMC 2.45.070(P)**

Report	Status
OIS or SBI (GC 12525.2)	Annual report: sent 26 Jan 24
DOJ Clearance Rates	In the process of gathering the information. Records enters crime data for UCR reporting.
Stop Data (GC 12525.5)	Annual report 2023 Stop data was transmitted to State – sent 11Mar 24

XIII. Any Commission Requests Made by Majority Vote of Commission – Status Update, Charter 604(b)(8)**XIV. Report from Department via City Administrator or designee, on Issues Identified by Commission through Commission's Chair, OMC 2.45.070(R)**

Request	
Encampment Management	<ul style="list-style-type: none"> • Captain Eriberto Perez- Angeles to present <ul style="list-style-type: none"> ○ Encampment Management
Youth Services	<ul style="list-style-type: none"> • Scheduled to present 24 Oct 24 - Lieutenant's Daza-Quiroz and Campos <ul style="list-style-type: none"> ○ Juvenile Arrest Referrals
Ceasefire	<ul style="list-style-type: none"> • Presented on 26 Sep 24 - Director Reverend Damita Davis <ul style="list-style-type: none"> ○ Ceasefire
30x30 - OPOA Women's Committee	<ul style="list-style-type: none"> • Presented on 19 Sep 24 - Lt. Alexis Nash <ul style="list-style-type: none"> ○ 30x30 ○ OPOA Women's Committee ○ Women Leaders in Law Enforcement Symposium (WLLE)
Patterns Definition	<ul style="list-style-type: none"> • Presented on 22 Aug 24 - "Patterns" Definition – Lt. Hubbard
Skelly	<ul style="list-style-type: none"> • Presented on 22 Aug 24 - Update on Skelly – Act. Capt. Dorham
Wellness Unit	<ul style="list-style-type: none"> • Presented on 22 Aug 24 - Wellness Unit Update – Dr. Nettles
J-04 Pursuit Policy	<ul style="list-style-type: none"> • Presented on 31 Jul 24 at the Community Policing Ad Hoc Public Forum - Capt. Ausmus, A/Captain E. Perez-Angeles, and Sgt. Urquiza-Leibin
SB 2	<ul style="list-style-type: none"> • Presented on 25 July 24 – Lt. Dorham

911 System Grand Jury Report Presentation	<ul style="list-style-type: none"> Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng 																				
MACRO Strategy Development	<ul style="list-style-type: none"> Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng 																				
MACRO Data	<ul style="list-style-type: none"> September 2024 monthly data: <ul style="list-style-type: none"> 102 calls referred 93 Number of calls MACRO actually went to MACRO (there were 9 calls with disposition of MACR1- Macro Time Out- Not Handled and 1 call was disposition MACR2 – Macro Team Assisted by OPD. 485 potential calls (were not able to refer due to criteria). These calls include the following call types: <table border="1"> <tr> <td>415</td> <td>415J</td> <td>912</td> <td>EVAL</td> </tr> <tr> <td>415CU</td> <td>647</td> <td>5150</td> <td>OMC</td> </tr> <tr> <td>415D</td> <td>647C</td> <td>602I</td> <td>SLEEP</td> </tr> <tr> <td>415F</td> <td>601I</td> <td>922</td> <td>WELCK</td> </tr> <tr> <td>415E</td> <td>647F</td> <td>314</td> <td>SENILE</td> </tr> </table> OPD tracks duty hours and number of crews working for dispatching purposes New CAD System does not yet track calls sent to MACRO and then sent back to OPD to handle; however, Per data from MACRO, a total of 238 calls were transferred to Law Enforcement to handle from September 2024. 	415	415J	912	EVAL	415CU	647	5150	OMC	415D	647C	602I	SLEEP	415F	601I	922	WELCK	415E	647F	314	SENILE
415	415J	912	EVAL																		
415CU	647	5150	OMC																		
415D	647C	602I	SLEEP																		
415F	601I	922	WELCK																		
415E	647F	314	SENILE																		
Paid Admin Leave Budget	<ul style="list-style-type: none"> Presented on 13 Jun 24 Manager Marshall and Chief Mitchell 																				
MACRO Presentation	<ul style="list-style-type: none"> Presented on 23 May 24 Communications Manager – Mgr. Cheng 																				
Ceasefire	<ul style="list-style-type: none"> Presented on 8 May 24 – A/C Valle 																				
IAD/Skelly	<ul style="list-style-type: none"> Presented on 8 May 24 and 13 Jun 24 - Lt. Dorham 																				
CHP	<ul style="list-style-type: none"> The draft has been sent to the Police Commission for review. Governor Newsom deployed CHP to Oakland to help “fight crime.” (https://www.sfgate.com/bayarea/article/newsom-deploys-chp-officers-to-oakland-18656944.php) This initiative is similar to one that occurred in 2013: https://oakland.legistar.com/LegislationDetail.aspx?ID=1287123&GUID=303EB8E7-C23D-4A83-8012-D6BA29C03940 																				

XV. Police Chief’s Annual Report, OMC 2.45.070(F) (ANNUALLY)

Rules and Procedures – CPRA Mediation Option

I. PURPOSE AND INTENT

The purpose of this document is to set forth rules and procedures for the CPRA Mediation Option.

The purpose of the CPRA Mediation Option is to provide Oakland community members who complain about select police conduct with a safe, neutral, and facilitated forum to speak directly to the Oakland Police Department (OPD) officers involved in their complaints. The Mediation Option is voluntary, non-disciplinary process.

The intent of the Mediation Option is to provide, on a case-by-case basis, an opportunity for direct and meaningful dialogue between a community member and a sworn member of OPD in a safe, neutral, and facilitated environment.

II. RULES AND PROCEDURES

Eligibility

CPRA shall identify select cases for Mediation Option eligibility. Cases ineligible for mediation shall include:

- a. Class I allegations of misconduct, including but not limited to:
 - a. Sexual Misconduct
 - b. Use of Force
 - c. Death in Custody
 - d. Racial Profiling
 - e. Untruthfulness
- b. Cases pertaining to pending litigation.
- c. Cases subject to an open criminal case.

Cases that may be eligible for mediation shall include:

- a. Service complaints¹
- b. Class II allegations of misconduct that do not indicate a pattern of misconduct
- c. Examples of allegations that may be considered:
 1. Demeanor
 2. Search and Seizure
 3. Performance of Duty - General

¹ See Department General Order M-3, which describes a service complaint as, “A complaint from any source regarding an inadequate policy, procedure, practice, service level, or legal standard or statute required of the Department that would not result in discipline. Service complaints shall be assigned an IAD case number and documented in the IAD database. A service complaint is not an allegation of misconduct.

Prior to deeming a case eligible for mediation, CPRA staff shall review evidence relating to the complaint. CPRA supervision shall consult with the CPRA Executive Director, who will make a final determination of Mediation Option eligibility.

Contacting Complainants

Upon determination that a case is eligible for mediation, assigned CPRA staff shall make reasonable efforts to contact the complainant to offer mediation. CPRA staff contacting a community member for this purpose shall inform the community member that the Mediation Option is voluntary, confidential, and non-disciplinary. CPRA staff shall offer the community member literature regarding the CPRA Mediation Option, which shall be drafted by Community Boards and approved by the CPRA Executive Director.²

If a community member declines mediation, the case proceeds as usual. If a community member accepts mediation, the Internal Affairs Bureau (IAB) Deputy Chief and Captain are notified.³

Contacting Officers

Upon notification from CPRA that a community member has requested to mediate their complaint, and unless there is disagreement as to whether the complaint is eligible for mediation, the IAB Deputy Chief or their designee shall ensure that the subject officer is notified and shall notify CPRA as to whether the subject officer would like to mediate the complaint. The subject officer shall be notified that:

- a. Mediation is a voluntary, confidential, and non-disciplinary process
- b. Any mediation will resolve only specific allegations alleged by the community member, and would not preclude IAB or CPRA from investigating other allegations
- c. All mediations are facilitated by Community Boards, a San Francisco-based non-profit specializing in mediation services as per City Council Resolution 90105.

If a subject officer declines mediation, the case proceeds as usual. If a subject officer accepts mediation, CPRA notifies Community Boards staff.

Notification to Community Boards

When both a community member and an officer have accepted mediation, CPRA will notify Community Boards and provide a means of contacting both the community member and the subject officer. CPRA will not provide Community Boards with information regarding the complaint.

Community Boards Notification to Community Member

Upon receipt of a mediation referral, a Community Boards Mediation Coordinator will contact the community member to understand the nature of their complaint, provide relevant literature regarding the CPRA Mediation Option, and confirm the community member's continued interest

² The Mediation Option shall only be offered by CPRA employees as assigned by the CPRA Executive Director.

³ The Internal Affairs Bureau (IAB) Deputy Chief and Captain may determine that a case is not eligible for mediation.

in participating.⁴ If interest remains, the Community Boards Mediation Coordinator will request convenient dates and times for a one-hour mediation, and provide the community member with a Pre-Mediation Survey.

Community Boards Notification to Subject Officer

Upon confirming the community member's desire to mediate their complaint, Community Boards shall contact the subject officer to provide relevant literature regarding the Mediation Option and to confirm the officer's continued interest in participating. If interest remains, the Mediation Coordinator will request convenient dates and times for a one-hour mediation and provide the subject officer with a Pre-Mediation Survey.

Scheduling the Mediation

The Community Boards Mediation Coordinator will work with the subject officer and community member to find a mutually agreeable time to meet for one hour. Mediations may be conducted virtually or in person. Each Mediation is facilitated by two mediators who receive mediation training from Community Boards. Community Boards will strive to complete mediations within 60 days of receiving a referral from CPRA.

The Mediation

The mediation session shall be organized and facilitated by Community Boards, the longest-running nonprofit conflict resolution and restorative justice center in the United States as of 2024. The mediation will be scheduled for one hour.

Requests for reasonable accommodations will be assessed by CPRA and Community Boards on a case-by-case basis.

During a mediation session, a community member and a subject officer are provided a forum to discuss the community member's complaint. If a mediation proceeds for more than one hour, parties and mediators may elect to:

- a) Extend the mediation; or
- b) Schedule an additional session.

Debriefs Following Mediation

At the end of a mediation session, participants shall be provided with a second, post-mediation survey.

Following a mediation session, mediators shall meet with Community Boards' Mediation Coordinators to debrief. Mediators shall complete an exit interview and provided a general,

⁴ If, at any point prior to the mediation itself, a community member rescinds their desire to mediate their complaint, Community Boards shall notify the CPRA Executive Director, and the complaint will proceed as if they had not initially accepted mediation.

anonymized summary of what occurred. All other notes taken during the mediation shall be destroyed.

Post-Mediation Feedback

Between 90 and 100 days following a mediation session, Community Boards shall send each party a third survey for the purpose of measuring the CPRA Mediation Option's impact over time.

Memorialization

Upon the completion of a mediation between a community member and a subject officer, CPRA shall administratively close the allegations cited in the community member's initial complaint as "Mediated." Cases that proceed to a mediation session are presumed closed.

If a mediation session is completed and either party is not satisfied with the process and requests that the allegations continue to be investigated, Community Boards shall contact the CPRA Executive Director, who will assess such requests on a case-by-case basis.

CPRA shall notify IAB when a complaint is administratively closed as "Mediated."

A resolution achieved through mediation:

- a. Does not constitute an admission of guilt or wrongdoing; and
- b. Shall not be considered a factor (considered a prior offense or an aggravated circumstance) in determining progressive discipline; and
- c. Shall not be considered a Sustained finding; and
- d. Shall not limit the discretion of a supervisor, commander, or manager to provide training or take non-disciplinary, corrective action; and
- e. Is incorporated into the subject's complaint history.

The provisions of AB 301 do not apply during the mediation process.⁵

Mediator Criteria

Mediators for the CPRA Mediation Option must fit the following criteria:

- a. Have received 40-hour Basics of Mediation certification from Community Boards, or equivalent training⁶
- b. Have received CPRA Mediation Option Training (Facilitated by Community Boards and CPRA)
Are not a current or former sworn member of a law enforcement agency

⁵ For information regarding OPD's Informal Complaint Resolution Process, see DGO M-03.1.

⁶ Applicants from Oakland are strongly encouraged to apply for a free 40-hour Community Boards training. Contact cpa@oaklandca.gov for additional information.



DEPARTMENTAL
GENERAL
ORDER

Effective Date:
10 Nov 08

Evaluation Coordinator:
IAD Commander

M-3.1

NSA Task: 4

Index as:

Evaluation Due Date:
11 May 09

Informal Complaint Resolution Process

Automatic Revision Cycle:
1 Year

INFORMAL COMPLAINT RESOLUTION PROCESS

I. PURPOSE

- A. The purpose of this order is to set forth Departmental policy and procedures for initiating, administering, and reviewing the appropriateness of the Informal Complaint Resolution (ICR) process.
- B. The ICR process may be used to informally address service complaints or alleged acts of Class II misconduct against Departmental personnel that do not indicate a pattern of misconduct.
- C. The intent of the ICR process is to expedite the resolution of less serious types of complaints against members and employees.

II. POLICY

- A. Members and employees shall explain to all persons making a complaint the formal complaint and ICR process, as well as their right to file a complaint with the CPRB.
- B. OPD personnel shall not unduly influence persons making a complaint to consent to the ICR process.
- C. The ICR process may only be offered by a supervisor, commander, manager, or authorized IAD member.
- D. Supervisors, commanders, and managers shall be held accountable for the proper use of the ICR process.
- E. Complainants shall be notified of the ICR resolution in-person, by phone, mail, or email.

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- F. The following allegations may be considered for the ICR process:
1. Service complaints; or
 2. Any Class II violation that does not indicate a pattern of misconduct.
- G. The formal complaint process shall be initiated in accordance with the provisions of Departmental General Order (DGO) M-3, COMPLAINTS AGAINST DEPARTMENTAL PERSONNEL OR PROCEDURES if any of the following conditions occur:
1. The complainant does not consent to the ICR process;
 2. The subject received a sustained finding for any Class I offense within the past 12 months;
 3. The alleged offense is a Class I offense;
 4. At the discretion of an IAD Commander; or
 5. The subject's complaint history indicates a pattern of misconduct involving any Class II offenses.
- H. All service complaints (unresolved and resolved) shall be forwarded to the appropriate Bureau Deputy Chief/Director for any additional follow-up and/or resolution, if necessary.
- I. A resolution achieved through the ICR process:
1. Does not constitute an admission of guilt or wrongdoing;
 2. Shall not be considered a factor (considered a prior offense or an aggravating circumstance) in determining progressive discipline;
 3. Shall not be considered a 'sustained' finding;
 4. Shall not limit the discretion of a supervisor, commander, or manager to provide training or take non-disciplinary corrective action; and

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5. Is incorporated into the subject member/employee's complaint history.

- J. The provisions of the Public Safety Officer's Procedural Bill of Rights Act (commonly known as "AB 301") are in effect only where interviewing or taking a statement from the subject may lead to punitive action (discipline). Discipline does not result from the ICR process. Therefore, the provisions of AB 301 do not apply during the ICR process.

III. PROCEDURES

Timelines for processing, investigating, and reviewing ICR cases shall be the same as the timeframes for formal internal investigations, as set out in DGO M-3.

- A. Processing complaints
 1. Received by IAD
 - a. IAD personnel shall receive and process complaints in accordance with the provisions of DGO M-3.
 - b. In instances where the complainant does not agree to the ICR process, an IAD Commander shall make the final determination whether the ICR process will be utilized to resolve the complaint.
 - c. If the ICR process is utilized, the IAD shall:
 - 1) Complete an Informal Complaint Resolution Form (TF-3132) (hereinafter referred to as Form) in accordance with Part III, B-D of this order; or
 - 2) Hand-deliver the investigative file to the appropriate Bureau Deputy Chief/Director to prepare the Form and to complete the follow-up.
 2. Received by an organizational unit other than IAD
 - a. The person receiving the complaint shall receive and process the complaint in accordance with the provisions of DGO M-3.

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- b. The investigating supervisor, commander, or manager advised of the complaint shall:
 - 1) Assess and determine if the complaint meets the criteria for the ICR process in accordance with the provisions of Part II, F of this order.
 - 2) Offer the ICR process to the complainant and, if accepted, complete a Form in accordance with the provisions of Part III, B-D of this order.
- B. Determining a resolution
1. Resolutions may include but are not limited to measures such as:
 - a. Explaining to the complainant relevant Departmental policy and procedures, and/or applicable legal requirement(s) regarding the subject matter, such as:
 - 1) Serving a search warrant (legal presence);
 - 2) Issuing a citation (sign or go to jail);
 - 3) Landlord/tenant disputes (voluntary leave vs. eviction);
 - 4) Domestic disputes/violence (mandatory arrest); or
 - 5) Departmental procedures, including parole/probation search authority, handcuffing techniques, and/or other defensive tactics techniques.
 - b. Imposing remedial or non-disciplinary corrective action on personnel;
 - c. Revising Departmental/Unit policy or procedures; or
 - d. Notifying the COP and/or the appropriate Bureau Deputy Chief/Director for follow-up and resolution.
 2. Ensure that the provisions of the resolution are reasonable, appropriate, and address the issues and concerns of the complaint.
 3. Notify and advise the complainant of the provisions of the resolution.

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4. Advise the subject member/employee of the complaint and the resolution of the ICR.
5. If it is known that a formal investigation will be conducted:
 - a. Take a statement from the complainant when possible; and
 - b. Advise the subject member/employee that he/she shall also be formally notified by the IAD.

C. Completing the Form

The supervisor, commander, manager, or authorized IAD personnel utilizing the ICR process shall:

1. Obtain an IAD Case Number from IAD or a CAD Incident Number (temporary tracking number) from the Communications Division (after IAD business hours) on the day the ICR was initiated.
2. Ensure the completed Form documents the following:
 - a. The name and serial number of the person receiving the complaint;
 - b. IAD Case Number or CAD Incident Number;
 - c. Summary of the complaint;
 - d. The date, time, location, and means of contact (i.e., in person, via phone, mail, or email);
 - e. The name of the complainant;
 - f. Identity of involved personnel;
 - g. How the matter was resolved;
 - h. Detail any recommendations for corrective action to address service complaints; and
 - i. Indicate if the subject member or employee is not eligible (if known) and advise that a formal internal investigation has been initiated;

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3. If the complainant agrees to the ICR process, attempt to obtain the complainant's signature on the ICR form. In the absence of the complainant's signature, the supervisor, commander, or manager shall attest that the complainant agreed to the ICR process and sign his/her name in the blank signature block. The supervisor, commander, or manager shall document the reason for the absence of the signature.
4. Hand-deliver or route the completed Form and other pertinent documents through the first-level commander/manager for administrative review and then to the IAD.

D. ICR Administrative Review

1. The investigator's first level commander/manager shall review the Form and other pertinent documents for accuracy, completeness, quality, and the appropriateness of the resolution and either:
 - a. Concur with the ICR process and/or resolution:
 - 1) Endorse the Form; and
 - 2) Ensure the completed and endorsed Form is delivered directly to the IAD for review; **OR**
 - b. Dissent with the ICR process and/or resolution:
 - 1) Prepare and attach a memorandum to the ICR detailing the reasons for the dissent and deliver to the IAD.
 - 2) The memorandum may include recommendations such as:
 - a) Initiating a formal investigation;
 - b) Developing a proposed training outline for the subject member/employee;
 - c) Taking alternative non-disciplinary corrective action with the member/employee;
 - d) Taking immediate corrective action to address a service complaint; or

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- e) Forwarding the complaint to the COP and/or appropriate Bureau Deputy Chief/Director for follow-up and resolution.
- 3) Alternative recommendations for non-disciplinary corrective action shall be based on historical [last five (5) years] data on the subject member/employee to include:
 - a) Nature of same or similar complaints;
 - b) Total number of complaints;
 - c) Frequency of complaints; and
 - d) Pattern of misconduct.
 - 4) Alternative recommendations regarding service complaints shall be based on:
 - a) Common practices;
 - b) Best practices; and/or
 - c) Past or current practices which serve the best interests of the Department.
- 2. The first-level commander/manager shall ensure the completed and reviewed Form (including any dissenting memoranda) is hand-delivered to the IAD.
 - 3. The IAD Commander or designee shall make the final decision regarding any dispute, discrepancy, or the appropriateness of the use or resolution of the ICR process.
 - 4. The IAD Commander shall direct IAD personnel to review a sample of approved ICR forms by contacting the complainant to confirm they were not unduly influenced to consent to the ICR process. Such contacts shall be documented on the ICR form and in the Chronological Activity Log.

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IV. IAD RESPONSIBILITIES**A. CPRB Notification**

The IAD Administrative Sergeant shall advise the CPRB when it has been determined that a complaint, which has been filed initially with the CPRB, is being resolved through the ICR process.

B. ICR Distribution

The IAD shall forward copies of approved ICRs to the:

1. Subject member/employee; and
2. Complainant (in person or via mail).

C. Maintenance and Retention

IAD Intake shall:

1. Ensure that each ICR has been assigned an IAD Case Number during processing;
2. Enter the ICR information and resolution into the IAD Complaint Database; and
3. Permanently retain the Form and ancillary documents in the IAD Control File.

By order of

Wayne G. Tucker
Chief of Police

Date Signed: _____



COMMUNITY POLICE REVIEW AGENCY (CPRA) ANNUAL REPORT FY 2023-2024

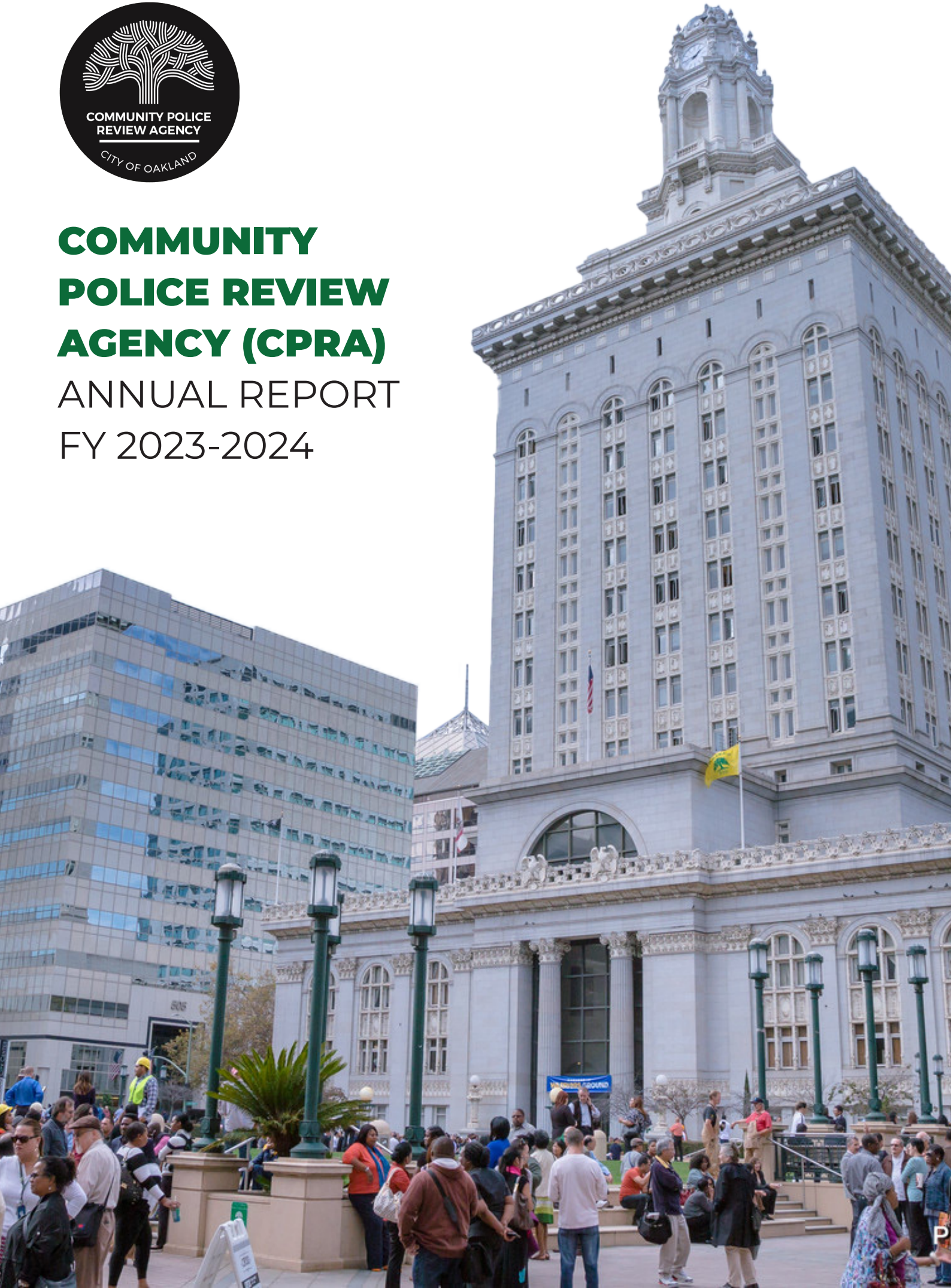




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EXECUTIVE SUMMARY

1. CPRA's Independent Investigative Process

CPRA is an investigative police oversight agency. Operating separately from OPD's Internal Affairs Division, CPRA investigates misconduct allegations in specific areas, including use of force, in-custody deaths, and profiling. In FY 23-24, CPRA sustained 65 allegations of misconduct, including allegations of force, truthfulness, and racial profiling. CPRA is committed to ethical oversight, adhering to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics, which emphasizes integrity, transparency, and community service.

2. The Case Triage Process: August 2023 – January 2024

Despite facing increased caseloads, which soared from 71 to over 220 cases from January 2022 to August 2023, CPRA successfully implemented a triage system to prioritize cases which presented a likelihood of misconduct. This initiative resulted in the closure of cases in which both CPRA and IAD found that misconduct was not present. During the same time period, CPRA Sustained or agreed to sustain 48 allegations. The agency's staff nearly doubled following the recruitment of new investigators, allowing for timely case assignments,

and improving the average closure time from 363 days to 206 days. The previously concerning ratio of three new cases for every one closed improved to nearly 1:1, indicating a stable investigative process.

3. Accomplishments

In Fiscal Year (FY) 2023-2024, CPRA achieved significant milestones, enhancing its operational capacity and community engagement across Oakland. The agency emphasized staff training through various programs, including internal affairs and trauma-informed interviewing, to enhance investigative effectiveness. CPRA also enhanced its operational capacity by hiring seven investigators, a Supervising Investigator, a Chief of Special Investigations and Training, and an in-house attorney, underscoring the agency's commitment to accountability and efficient case management. Additionally, CPRA established a street-level presence by expanding to a satellite location in Fruitvale Plaza and securing an accessible office space at 150 Frank Ogawa Plaza. Moreover, CPRA prepared to launch a mediation program with Community Boards, enabled by a \$240,000 grant from the JAMS Foundation, furthering compliance with the Oakland Municipal Code. With completed objectives, CPRA is poised to strengthen police accountability and constitutional policing in Oakland.



4. Challenges & Goals

CPRA is actively working towards several goals for FY 24-25. A transition of responsibilities from OPD's Internal Affairs Division will require process improvements, database upgrades, and increasing investigative capacity. Despite implementing some of the City Auditor's recommendations from 2020, several recommendations remain partially complete, and the agency is committed to addressing these areas while working towards better efficiency and transparency.

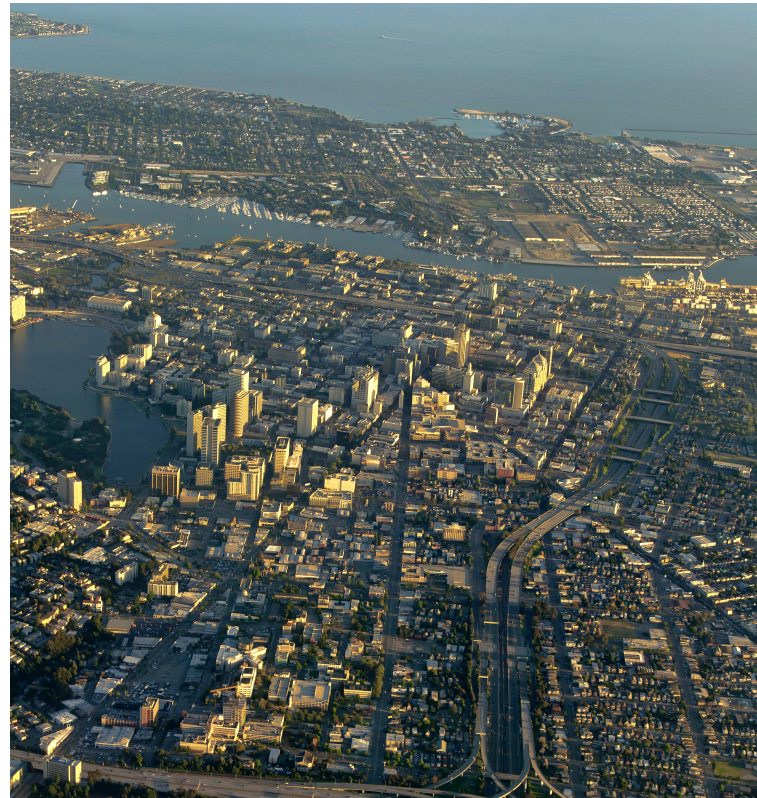
5. Working with the Police Commission

CPRA has supported the Police Commission by highlighting OPD policy issues, conducting Commissioner training, and providing monthly public reports on investigations. Three Discipline Committees were convened in FY 23-24 to address investigative disputes between the CPRA Executive Director and the Chief of Police.

6. Who We Are

CPRA staff bring extensive experience in oversight, law, and investigations. At the end of FY 23-24, CPRA had eight

Investigators, three Intake Technicians, a Supervising Investigator (Investigator III), an Administrative Analyst, an in-house CPRA Attorney, and a Chief of Special Investigations and Training. An additional attorney and at least one investigator are expected to join CPRA in Fall 2024.



CPRA HISTORY

In 2016, following a widely publicized sex scandal, 83.19 percent of Oakland voters passed Measure LL, which disbanded the Citizens' Police Review Board (CPRB), and created the far more powerful and independent CPRA.

In 2020, voters overwhelmingly supported the passage of Measure S1, which created the Office of the Inspector General and bolstered the powers of CPRA.

In 2021, Oakland's Reimagining Public Safety Task Force recommended that the City, "Reorganize OPDs internal structure to include transferring most of IAD to

the Community Police Review Agency," and that this recommendation "should be implemented immediately," with an estimated cost savings of \$1,000,000 to Oakland taxpayers.

In 2023, City Council approved a budget that included the addition of 13 new CPRA positions to facilitate this transfer of responsibilities. Due to budget constraints, CPRA's expansion for FY 24-25 was limited to three new positions.

As of August 2024, a team of consultants are evaluating the resources and measures needed to make this transfer a reality.



LETTER FROM THE EXECUTIVE DIRECTOR: A Community-Driven Agency

Less than four years after the murder of George Floyd and the national reckoning that came with it, some oversight entities around the country are shrinking, having their powers stripped down, or being outright abolished. This has not been the case in Oakland, a city whose people have an acute awareness of power, of who can give and who can take away, and the need to hold the powerful accountable. But in trying times, we may be asked whether civilian oversight of law enforcement is truly necessary.

This begs for a simple reminder – the police enforce the law. Our law: derived from the United States Constitution, guaranteeing that We the People have the right to freedom of speech, the right to be secure against unreasonable searches and seizures, the right to remain silent and to due process of law, the right to equal protection of the law. What is our country without these rights?

In Oakland, we quickly and painfully learn that these rights are not afforded to everyone. And whether it's from personal experience or a study on racial inequity or another daunting police scandal, we learn that absent considerable protection, our rights are liable to be stripped away.

At times the structure of American policing itself invites violations of these rights. Would it be easier to just break up the protest? Would it be simpler to enter without a search warrant? Would it be justifiable to shoot first and ask questions later, even if shooting isn't necessary? In some places, the answer is yes. In Oakland, the answer is no. Not just because our community knows we must hold law enforcement to a high standard, but because we have created a robust system of civilian oversight. Here the community shapes policing rules to reflect community expectations. Then, oversight entities hold officers accountable to those rules. CPRA extends its greatest gratitude to: first, the people of Oakland, who time and again have demanded accountability; and to the OPD officers who adhere to the laws, rules, and policies that govern policing in our community.

So why do we have civilian oversight of law enforcement? Simply put, in a city and country where constitutional rights have not been equitably granted, every safeguard to those rights is critical. Civilian oversight balances the power of the badge and the gun with a community's power to guide when and how they are used. Civilian oversight's work, our work, is to protect your rights.

This brings us to CPRA itself. First and foremost, CPRA is in a very different place than it was in late July 2023, a month after I joined the team as Executive Director. Then, as we set out the goal of building a national model for police oversight, the agency's circumstances were dire.

The time to close a case was 363 days and rising. No new cases had been assigned to an investigator since 2022. Three cases were being received for every one case closed. Ransomware had wreaked havoc on CPRA's database, and the agency would need to staff up very quickly to save critical cases from missing critical deadlines.



Those days are over.

Through the past year, short-handed CPRA staff worked tirelessly to comb through evidence, identify cases with a likelihood of misconduct, and complete investigations with sustained findings before the ever-imposing statute of limitations expired.

Their work revealed facts that advanced accountability and racial justice. In FY 23-24, CPRA sustained 65 allegations of misconduct, including allegations of force, truthfulness, and racial profiling.

This may seem like a lot of sustained findings. Rest assured, CPRA's investigators impartially and objectively gather the facts, adhering to the principles of the NACOLE Code of Ethics. The product of a truly excellent, independent, and impartial investigation is that at the end, when all the facts and rules are gathered and analyzed, the finding becomes apparent.

By the end of FY 23-24, the agency had grown from 8 to 16 employees, and a team of consultants had started to build a detailed roadmap for the eventual transition of investigative responsibilities from Internal Affairs to CPRA.

Our work would not be possible without the extraordinary commitment of the public servants at CPRA, who work long hours, adapt, grow, and above all, listen to the community. By design, the public has limited access to CPRA's sensitive work. But internally, the public interest drives us forward.

We are grateful to have the support of the Police Commission and the many City stakeholders that shape our work: the Inspector General, Mayor, City Administrator, City Attorney, City Council, City Auditor, and their staff members who share our deep commitment to the City of Oakland.

Police accountability is critical to strengthening public safety. With your support, we are confident that CPRA will further its mission to achieve fairness, impartiality, and timeliness in its investigations, to strengthen police accountability, and to ensure constitutional policing that respects the civil rights of the people of Oakland.

We thank you for your continued care and attention.

Best,

CPRA Executive Director

MISSION STATEMENT

The Community Police Review Agency (CPRA) is a civilian-run, community-centered police oversight agency that independently investigates allegations of Oakland Police Department (OPD) misconduct. CPRA's mission is to achieve fairness, impartiality, and timeliness in its investigations, to strengthen police accountability, and to ensure constitutional policing that respects the civil rights of the people of Oakland.

INDEPENDENT INVESTIGATIONS

CPRA is an investigative police oversight agency. Our investigations are independent of OPD's Internal Affairs Division (IAD), which also conducts investigations into OPD misconduct. Sometimes CPRA and IAD investigations come to the same conclusions. Sometimes the investigations reach different conclusions. In either instance, investigative findings are presented to the Chief of Police.

What makes CPRA stand out among police oversight agencies is that when the CPRA Executive Director and Chief of Police disagree on investigative findings or proposed discipline, the case is appealed to the Police Commission in the form of a Discipline Committee. A Discipline Committee resolves this disagreement.

Below is an outline of the CPRA investigative process from beginning to end.

A Complaint is Submitted

Community members can submit complaints with CPRA online, by phone, or in-person. Complaints can be submitted anonymously. CPRA also receives all public complaints that have been submitted with OPD, including complaints submitted directly to OPD during an incident. When a complaint is initially received, CPRA staff may reach out to the community member to request additional information to help clarify the allegation(s) and/or identify the officer(s), incident location(s), or other involved parties. Under California Government Code Section 3304, investigations must usually be completed within one year, with some exceptions.





Jurisdiction

After CPRA receives a complaint, staff reviews that complaint to determine whether it falls within CPRA's required or "mandated" jurisdiction. These are the categories of public complaints that CPRA must investigate under City Charter Section 604(f)1:

If allegations fall within these five categories, a CPRA case will be opened at the intake stage for a full review. Some cases, such as in-custody death investigations, may bypass the intake stage for direct assignment to an investigator.

If allegations do not fall within these five categories, but there is evidence that the case may need additional review to determine jurisdiction, intake staff are tasked with assessing the allegations more thoroughly.



Complaints that CPRA Automatically Investigates:

- Force
- In-Custody Death
- Profiling
- False Statements
- First Amendment Assemblies

As resources permit, CPRA also conducts investigations in a limited number of non-mandated cases that involve allegations such as sexual misconduct, interference with investigations, and unlawful search or seizure.

Resources permitting, CPRA's Executive Director has discretion to open investigations into additional categories of alleged misconduct that may serve the public interest to be independently investigated by CPRA. For example, CPRA may open investigations into allegations of sexual misconduct, interference with investigations, or unlawful search or seizure.

These "non-mandated" allegations are assessed on a case-by-case basis, weighing the potentially negative impact additional casework may have on active investigations.

CPRA also conducts investigations as directed by the Commission.

Intake Technicians: Gathering and Reviewing Evidence

Usually, when CPRA determines an investigation will proceed, the case is assigned to an Intake Technician. Every case is different, so intake steps may slightly vary depending on existing evidence. But Intake Technicians generally take steps including but not limited to: reviewing the complaint, following up with the community member who filed the complaint, gathering and reviewing body-worn camera (BWC) footage, requesting and reviewing police documentation, obtaining other relevant evidence, and identifying alleged violations of laws, regulations, and OPD policy. This includes identifying potential violations that the community member may not have expressed (e.g., officers searching someone's home when they are handcuffed in a police vehicle, and thus cannot see that the search is occurring).

Intake Technicians create an initial summary of the evidence. The timeframe for a case remaining at the intake stage depends on a series of variables, including:

- The time needed to review (and often re-review) BWC footage;
- The number of documents to be requested;
- Timing of OPD response to document requests;
- Consultation with Supervision and Counsel;
- Existing workload

When an Intake Technician completes their summary of evidence, this document is submitted to the Complaint Investigator III (Intake Supervisor).



Note: In July 2023, informal CPRA staff polling and partial data analysis indicated that it was taking approximately seven months, on average, for a case to proceed from the intake stage to supervisory review. With the same standard of analysis, as of May 2024, this time had been cut at least in half. By August 30, 2024, the oldest case at the intake stage was 64 days old, and the average case at the intake stage was 36 days old.

The Intake Supervisor: Assessing Complaints from Intake

When an Intake Technician completes their initial case summary, they will have watched and summarized BWC footage (when applicable), identified and summarized key documents, and provided an initial summary of the evidence. The Intake Supervisor then reviews the intake summary, watches BWC footage (when applicable), and determines next steps.

In consultation with the CPRA Executive Director and Counsel, the Intake Supervisor may:

- Recommend assignment to an investigator to proceed with officer interviews;
- Recommend additional steps by Intake Technician;
- Recommend that findings should be reached based on existing evidence via a Directed Supervisory Investigation
 - o Example: a community member alleges excessive force but thorough review of BWC footage capturing the entire incident reveals that no force was used. In this instance, the Intake Supervisor would recommend that the allegation be Unfounded via a Directed Supervisory Investigation. After approval from the Executive Director, the case would be closed.

The Intake Supervisor submits a recommendation regarding next steps to the CPRA Executive Director, who makes a final decision. If a case is closed at this stage, the Intake Supervisor completes the investigation by documenting the rules, analyses, and conclusions that lead to their final recommendation.





Investigators: Assessing, Planning, and Interviewing

When an investigator receives a case, they review initial evidence and consult with supervision to discuss next steps. After conducting any necessary follow up with the community member who filed the complaint, the investigator forms an investigative plan.

Investigations often require interviews of the officers involved (subject officers), witness officers, and sometimes additional community members. CPRA investigators may interview OPD training officers on matters relevant to the investigation.

Officers have due process rights and must be notified of the allegations against them. During interviews, they have a right to union or legal representation. They are required to answer all questions truthfully. If an investigation determines that an officer was not truthful during their interview, that officer will be cited for a "Truthfulness" allegation. As set forth in the OPD Discipline Matrix, the presumptive penalty for a sustained Truthfulness allegation is termination.

The time to complete an investigation depends on a complex series of variables, including but not limited to:

- The time needed to review evidence, including BWC footage;
- The time needed to research relevant laws, rules, and policies;
- Consultation with supervisors and/or legal counsel;
- The time needed to interview officers and community members;
- The time needed for officers to obtain counsel and agree to be interviewed;
- The time needed to interview officers (and then review transcripts of those interviews);
- Existing workload;
- The time spent writing and editing the Report of Investigation





Finalizing Investigations: The Report of Investigation (ROI)

An ROI is a written document summarizing the facts the investigation related upon, the relevant rules, policies and laws, the investigator's analysis of whether the facts constituted misconduct, and investigative conclusions.

An ROI ranges in length depending on the complexity of the incident and the number of allegations. An ROI for a single allegation with a single officer and a single complainant might span two pages. An ROI with many officers, complainants, and allegations might span over 100 pages.

Findings are determined by a "preponderance of the evidence" standard. This standard of evidence has been articulated in many different ways, with essentially the same meaning. The Code of Federal Regulations defines a preponderance of the evidence as:

The degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.

In *Bichai v. DaVita, Inc.*, the Fifth District Court of Appeals of California stated that the preponderance of the evidence standard simply requires the trier of fact to believe that the existence of a fact is more probable than its nonexistence.

In *Union Pacific Railroad Co. v. State Board of Equalization*, the First District Court of Appeals of California described the preponderance of the evidence standard as the weight of the evidence, meaning more than 50 percent proof. Therefore, under this standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.



The IAD General Operating Procedures states that:

The standard of proof in internal investigations is “preponderance of evidence” rather than the criminal standard of “beyond a reasonable doubt”. Preponderance of the evidence has been described as a “slight tipping of the scales of justice” or “more than 50 percent” or “more likely than not.”



Standard of Proof

CPRA uses a “preponderance of the evidence” standard of proof in its investigations. If CPRA sustains an allegation, this means that it was more likely than not that the alleged misconduct occurred

CPRA's four main investigative findings are as follows:

Finding	Description
Sustained	The investigation revealed a preponderance of evidence that the alleged conduct did occur and was in violation of law and/or Oakland Police Department rules, regulations, or policies.
Not Sustained	The investigations revealed evidence that can neither prove nor disprove by a preponderance of evidence that the alleged conduct occurred and was in violation of law and/or Oakland Police Department rules, regulations, or policies.
Exonerated/Within OPD Policy	The investigation revealed a preponderance of evidence that the alleged conduct did occur and was in accordance with the law and Oakland Police Department rules, regulations, or policies.
Unfounded	The investigation revealed a preponderance of evidence that the alleged conduct did not occur.

When an investigator submits their ROI to the Executive Director, CPRA leadership reviews the ROI. Investigators receive feedback on each ROI, ranging from verbal consultation to line editing to instructions for additional investigation. When ROI feedback is complete, the CPRA Executive Director signs the ROI and sends it directly to the OPD Chief of Police.

In cases with sustained findings, CPRA makes a disciplinary recommendation, applying OPD's policies as reflected in the [OPD Discipline Matrix](#), which assigns a discipline range for various categories of misconduct.

CPRA considers both aggravating and mitigating factors in going up or down the discipline range. Under Measure S1, all CPRA investigators have access to officers' past disciplinary history, which aids in their assessment of the appropriate discipline as they examine an officer's prior disciplinary history. Among other factors, CPRA also considers an officer's past discipline history when assessing potential discipline.

In FY 23-24, CPRA agreed to sustain 65 allegations of misconduct.



Sustained Findings and Adjudication of Discipline

When CPRA comes to sustained findings, CPRA and OPD leadership meet. The investigators from CPRA and IAD present the findings from their independent investigations and recommend discipline to the Chief of Police.

If the Chief of Police agrees with the CPRA Executive Director as to the findings and discipline, then the subject officer is issued a notice of intent to impose discipline.

In several instances in FY 23-24, CPRA and IAD investigations recommended different findings to the Chief of Police. Sometimes, the Chief agreed with CPRA's findings. When the Chief of Police and CPRA Executive Director could not come to an agreement, the CPRA Executive Director notified the Police Commission Chair, who then convened a Discipline Committee. Three Discipline Committees were convened in FY 23-24 to address investigative disputes between the CPRA Executive Director and the Chief of Police.

Police Commission Discipline Committees

When the CPRA Director and Chief of Police disagree on the findings or discipline relating

to an investigation, the case is referred to a Discipline Committee. A Discipline Committee is convened by the Police Commission Chair and comprised of three Police Commissioners on a rotating basis.

Once a Discipline Committee is convened, CPRA and OPD submit their findings. After reviewing both submissions, the Discipline Committee resolves any dispute between the CPRA Executive Director and the Chief of Police. The Discipline Committee notifies the Chief of their decision. If the Discipline Committee comes to a sustained finding, then the Chief notifies the subject officer.

The Discipline Committee may also require additional investigation. In FY 23-24, Discipline Committees decided on three cases.

Appeals

Officers are afforded their due process and statutory rights. They may appeal disciplinary decisions and have an independent officer conduct a "Skelly" meeting, in which the officer can respond by refuting the allegations or proposing an alternate remedy or discipline. Officers may have additional venues for appeal, including arbitration, depending on factors including but not limited to MOU provisions and the level of discipline imposed.

Protections

OPD Manual of Rules Section 398.70 explicitly prohibits officers from interfering with CPRA or IAD investigations:

Members and employees are prohibited from contacting any witnesses, complainants, or subjects... for the purpose of discussing or influencing their testimony or persuading them to withdraw complaints. When routine contact with such persons is unavoidable, members and employees shall refrain from any discussion of complaints against Department personnel or testimony relating to those complaints.

Further, OPD Manual of Rules Section 398.73 prohibits retaliation for engaging in protected activity.

CPRA may investigate allegations of interference with investigations and/or retaliation. If an officer is sustained for either of those allegations, the [OPD Discipline Matrix](#) assigns termination as the presumptive penalty.

Further, OPD Manual of Rules Section 398.73 prohibits retaliation for engaging in protected activity.

CPRA may investigate allegations of interference with investigations and/or retaliation. If an officer is sustained for either of those allegations, the OPD Discipline Matrix assigns termination as the presumptive penalty.



Concerns?

Any community member concerned that they may face interference or retaliation for filing a complaint may call CPRA at (510) 238-3159 or email us at cpra@oaklandca.gov to receive additional information about the complaint process and the protections that come with it.

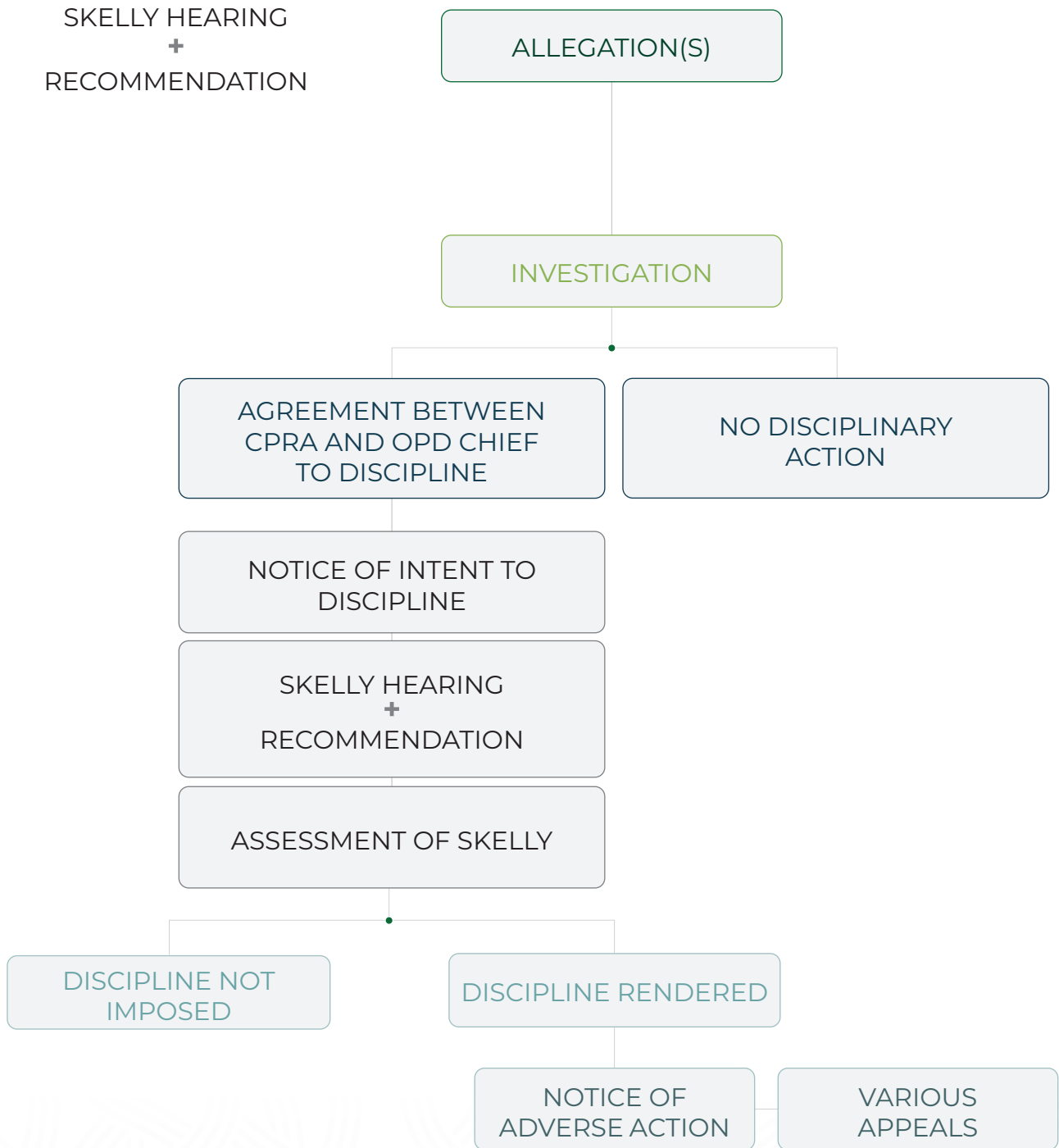
NACOLE Code of Ethics

CPRA staff adhere to the [National Association for Civilian Oversight of Law Enforcement \(NACOLE\) Code of Ethics](#). The pillars of the NACOLE Code of Ethics are listed below:

- Personal Integrity
- Independent and Thorough Oversight
- Transparency and Confidentiality
- Respectful and Unbiased Treatment
- Outreach and Relationships with Stakeholders
- Agency Examination and Commitment to Policy Review
- Professional Excellence
- Primary Obligation to the Community



CPRA PROCESS



*This chart is intended to provide a general overview of the CPRA process, but does not represent every possible outcome and/or disciplinary path.



THE AUGUST 2023 – JANUARY 2024 CASE TRIAGE PROCESS

On July 27, 2023, thirty days after being hired, CPRA Executive Director Muir presented the Police Commission with an update regarding the state of the agency. It included the following:

- Caseloads increased from 71 cases in January 2022, to over of 220 cases in July 2023.
- In Fiscal Year (FY) 21-22, CPRA closed 183 investigations and sustained 73 allegations.
- In FY 22-23, CPRA closed 65 cases and sustained 12 allegations.
- As of July 2023:
 - 64 cases (approximately 30%) were assigned to employees who no longer worked for CPRA.
 - The average time for a case to close had risen 363 days. That number was rising.
 - 135 cases (approximately 63%) had not been assigned to investigators.
 - No new cases had been assigned to investigators since 2022.
- CPRA was receiving three cases for every one it was closing.
- The February 2023 ransomware attack has significantly impacted CPRA data collection.
- The investigative staff (Complaint Investigator IIs) had dropped from six to three. Two of the remaining investigators had been with CPRA for a little more than six months and needed training.

In response to these challenging circumstances, CPRA implemented a triage system, designed to ensure accountability

by prioritizing cases with a likelihood of misconduct. CPRA promised to fully investigate shootings and deaths in custody, to evaluate each case on an individual basis, and to establish an internal process for review.

CPRA kept its promise. Every case was reviewed by an Intake Technician, Supervising Investigator, and the Executive Director. Some cases were flagged as containing a likelihood of misconduct and were assigned to an investigator. Many of those cases, through thorough and objective investigation, led to sustained findings of misconduct.

Cases in which layers of review found a likelihood that misconduct did not occur – i.e., the conduct would likely lead to Unfounded, Exonerated, or Not Sustained findings, were reported out as “Unable to Fully Investigate.”

In each of these “Unable to Fully Investigate” cases, IAD had also come to the determination that no misconduct occurred. CPRA had the option to agree with IAD’s findings, but the CPRA team determined that it would be more transparent, in line with CPRA’s values, to reflect precisely what occurred. CPRA carefully reviewed the evidence in each case, but did not conduct a full, independent investigation due to limited time and staffing. These were partial investigations, not full ones. Hence the label of “Unable to Fully Investigate.”

This painful but necessary process began in August 2023 and continued through January 2024. Over that time, the agency faced severe challenges. For a stretch of September, for various reasons there were zero (0) investigators available. In October and November, CPRA’s Executive Director needed to serve dually as the Police Commission’s Chief of Staff. Still Intake Technicians, investigators, and the Supervising Investigator worked extraordinary hours to ensure that every case received thorough professional attention.



224 in August

190 in September

176 in October

161 in November

142 in December

110 in January

101 by February

One month at a time, CPRA's total number of cases dropped, from a high 224 in August, to 190 in September, 176 in October, 161 in November, 142 in December, 110 in January, and 101 by February, when the triage process was complete.

The benefits of the triage system quickly became clear. By focusing CPRA's resources on those cases with a likelihood of misconduct, it was able to conduct thorough investigations where accountability was on the line. From August 2023 to mid-January 2024 CPRA agreed to sustain 48 allegations, 36 more than had been sustained in all of FY 22-23.

CPRA has worked to build a stable investigative process that will prevent future backlogs from occurring. In October and November, five new investigators joined CPRA's ranks. By December, every CPRA case was assigned to a staff member. In January, CPRA hired a part-time Supervising Investigator. In February, CPRA hired the first in-house attorney (CPRA Attorney) and the first Chief of Special Investigations and Training.

The contrast between July 2023 and June 2024 shows that CPRA has taken significant strides forward. In July 2023, the average time to close a case was 363 days. In June 2024, the average time to close a case was 206 days. In July 2023, 135 cases (63%) of cases were at the intake stage of the investigative process. By June 2024, 45 cases (36%) were at the intake stage. In July 2023, no cases received in 2023 had been assigned to investigators. By June 2024, the oldest case in intake had been received in mid-March 2024, and all 2023 cases, along with 39 cases received in 2024, were assigned to investigators.

Where in July 2023, there had once been a ratio of three cases received for every one closed, by Spring 2024, the ratio of cases had leveled to nearly 1:1, a strong indicator of a stable investigative process. In filling existing vacancies and capitalizing on salary savings from earlier in the year, CPRA's staff nearly doubled.

Now, with the case triage process complete, CPRA's offices are bustling and continuing to grow. Calls are being answered live by Intake Technicians, and significant progress is being made not only to ensure accountability in existing cases, but to prepare for the long-awaited transition of responsibilities from CPRA to IAD.



ACCOMPLISHMENTS:

FY 2023-2024

Having outlined CPRA's triage process that led to today, below is a collection of accomplishments achieved in the past year.

Key Agency Accomplishments	Status
Accessible Ground Floor Space	Complete
Begin Mediation Program Design	Complete
Begin Sending Personalized Case Closure Letters	Complete
Build Sustainable Investigative Process	Complete
Fully Staffed Agency	Complete
Hire Training Director	Complete
Hire CPRA Attorney	Complete
Racial Bias Investigations Training	Complete
Return to Answering Live Calls	Complete
Trauma-Informed Staff Training	Complete
Triage CPRA Case Backlog	Complete
Obtain Funding for Additional CPRA Attorney	Complete
Obtain Funding for Two Additional Investigators	Complete



Expanding CPRA's Footprint in Oakland

Over the past year, CPRA staff have sought to expand the agency's presence in Oakland. Below are several examples of this work.

2.46.020

Oakland Municipal Code (OMC) § 2.46.020 states:

It is in the public interest to facilitate the Agency's receipt of public complaints regarding alleged misconduct. Thus, some of the Agency staff should be located in a street-level or ground-floor, visible office that is accessible by public transportation.

Although this code was ratified in 2018, until recently CPRA was out of compliance. Beginning in Spring 2024, CPRA committed to two avenues to fulfil this OMC requirement.

First, CPRA staff began working from the Department of Violence Prevention's satellite location at 3411 East 12th Street in Fruitvale Plaza. This street-level location is readily accessible to the public and has provided an excellent opportunity for CPRA staff to discuss CPRA's work with community members. Following a leaseholder change, CPRA staff have continued to work from the Fruitvale Plaza location each Monday.

Second, CPRA secured a four-year lease on the ground floor of 150 Frank Ogawa Plaza. Plans for renovations to this location are on hold due to budget constraints, but in the future CPRA will be able to use this location to receive complaints and hold community events. The development of this location will be critical, as CPRA's current office at 250 Frank Ogawa Plaza is nearing capacity.

CPRA expanded its footprint in other ways. To improve the quality of investigations, CPRA staff members increasingly conducted fieldwork. To an extent greater than ever before, investigators canvassed for video footage and potential witnesses across Oakland.

To expand public awareness of the agency, CPRA staff attended community events and outreach opportunities throughout

the year. In September, for example, staff members conducted daylong outreach at AfroComicCon/Art & Soul Oakland 2023. In October, staff conducted daylong outreach at the Fruitvale Dia de los Muertos parade. Throughout the year, CPRA frequently consulted with community stakeholders to ensure that its vision and strategy aligned with community values, and CPRA investigators regularly attended Police Commission meetings, including meetings held in Fruitvale and East Oakland, to ensure that community members could submit complaints on-demand. Going forward, CPRA looks forward to conducting increased outreach to ensure that the people of Oakland know what CPRA does, and how it can protect their rights.

In addition to community outreach, in FY 23-24 the CPRA Executive Director reported to the scene both times an OPD officer shot and killed a person in Oakland, bolstering transparency in the investigative process.



Thoughts?

Do you want to provide input about CPRA's vision, values, and strategy? Email us at cpra@oaklandca.gov. We always value community feedback.



Training

In addition to CPRA's trainings provided by legal counsel and the vast array of mandatory trainings for City of Oakland employees, CPRA staff attend trainings on a range of subjects to ensure that investigations are bolstered by state-of-the-art investigative techniques.

- In August 2023, investigators attended Internal Affairs training hosted by The Third Degree Communications. This training provided instructions on conducting administrative investigations, including investigating misconduct complaints, use of force cases, officer involved shootings, in custody death investigations, officer criminal conduct investigations and department-initiated investigations.
- Throughout Fall 2023, CPRA staff attended Chicago's Civilian Office of Police Accountability (COPA) People's Academy, a six-week version of COPA's Training academy which focuses on police oversight, investigative and legal concepts, and the role of COPA's Policy, Research and Analyses Division. Each course was taught by a COPA Subject Matter Expert.
- In November 2023, four staff members attended The National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference in Chicago, attending a wide range for civilian oversight events and panels, including *Changing Police Culture: The Importance of Supervisory Practices in Police Reform*, *When Police Officers are Accused of Sexual Misconduct: A Victim Centered Approach to Sex Misconduct Investigations*, and *Evidence-Informed Assessments of Law Enforcement Agencies*.
- In December 2023, staff attended trainings hosted by NACOLE, including *Practical Analysis of Body Worn Camera Footage: Compliance and Procedural Justice in Everyday Police*, *Investigating Biased Policing: Early Lessons and Special Topics*, and *Racial Bias, Vehicular Stops, and the Fourth Amendment*.

In February 2024, CPRA staff attended a three-day in-person training in Forensic Experiential Trauma Interviewing (FETI). FETI is a science and practice-based interviewing methodology informed by the latest research on the neurobiology of trauma and memory. FETI provides interviewers with a science-informed interviewing framework that maximizes opportunities for information collection and accurately documents the participant's experience in a neutral, equitable, and fair manner.

- In February 2024, investigators attended the NACOLE-hosted training Firearms 101, hosted by firearms expert Doc Whetstone and provided basic information on firearms for non-shooter oversight professionals.

Going forward, CPRA's Director of Special Investigations and Training will conduct recurring training to further each staff member's professional development, and to ensure CPRA practices are consistent with best practice.





Manual Creation

In February 2023, CPRA welcomed its new Chief of Special Investigations and Training (CSI). From the outset, the CSI's main responsibility was to draft a CPRA Manual of Operations. This manual, currently in draft form, will provide staff with procedures to streamline the investigative process and ensure investigations reflect best practice. The Manual of Operations is expected to be finalized in Fall 2024.

The CSI will continue to host staff trainings and update the manual to reflect improvement to practice or changes in law, ensuring that staff receive hands-on guidance regarding complex investigative tasks.

Mediation Program

2.46.060

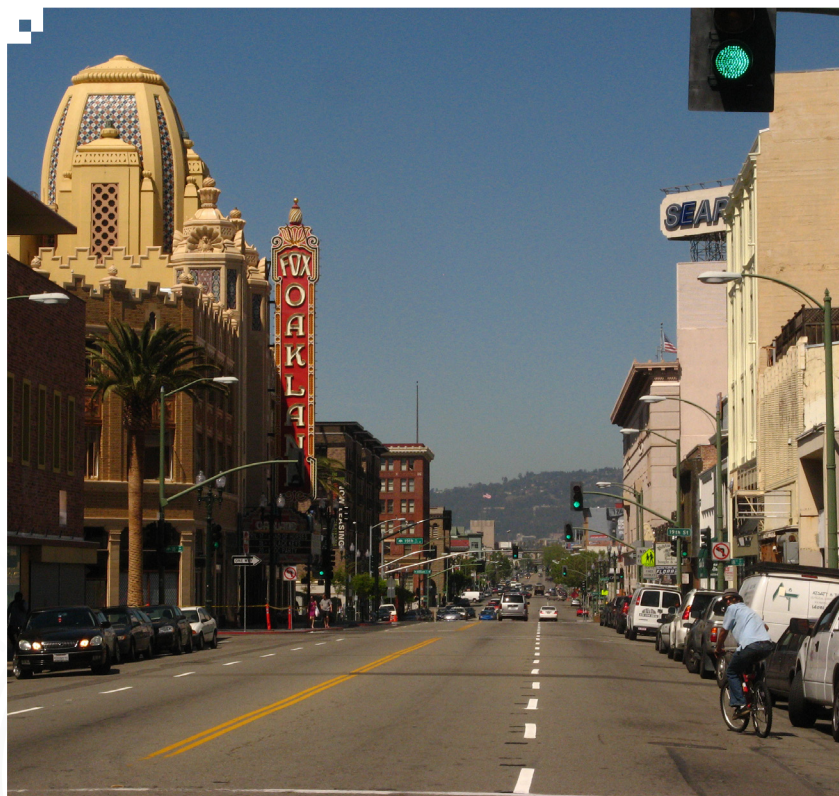
Oakland Municipal Code (OMC) § 2.46.060 states:

Upon the agreement of the Chief, the Agency Director, the complainant(s) and the subject officer(s), the Agency Director shall appoint a qualified mediator with at least five (5) years of experience in mediating employment or other relevant disputes, from a conflict resolution company or association that employs mediators, to mediate a final resolution of the complaint in accordance with the Commission's established rules and procedures.

Although this code was ratified in 2018, until recently CPRA was out of compliance.

Beginning in Summer 2023, CPRA worked with Community Boards, the longest-running nonprofit conflict resolution and restorative justice center in the United States, with a plan to build a CPRA mediation program. In February 2024, the Oakland City Council authorized the program, and in March 2024, Community Boards was awarded a \$240,000 grant from the JAMS Foundation for development and implementation. CPRA has continued to work with Community Boards to finalize a program, with implementation scheduled for Fall 2024.

CPRA staff is thrilled to work with Community Boards staff to ensure that this program provides a valuable and equitable service to the people of Oakland.





Past and Future Hiring

From October 2023 to June 2024, CPRA hired three permanent investigators, five limited-duration investigators, a Supervising Investigator, a CPRA Attorney, and a Chief of Special Investigations and Training. One Intake Technician transitioned from temporary employment to a full-time civil service role. The CPRA Executive Director also hired a Chief of Staff for the Police Commission, who reports to the CPRA Executive Director. CPRA is thrilled to welcome these new employees.

Hiring many new investigators was essential to ensuring that CPRA's investigative backlog was cleared, allowing CPRA to effectively prepare for the transition of responsibilities from IAD to CPRA. Hiring a CPRA Attorney and Chief of Special Investigations and Training has allowed CPRA to strengthen the quality and timeliness of its investigations.

In Fall 2024, CPRA expects to welcome an additional attorney and an additional investigator.

CPRA is committed to diversity, equity, and inclusion in its hiring process. In practice, this has meant removing barriers to entry by creating a Complaint Investigator I position and focusing on candidates based on their civil service tested skills above resume or pedigree.



CPRA Jobs Wanted?

Do you or your organization want to receive CPRA job postings? Email us at cpra@oaklandca.gov.





Investigative Outcomes

Although challenges in FY 23-24 forced CPRA to prioritize, investigations did reveal facts that advanced accountability and racial justice. In FY 23-24, CPRA and the Chief of Police agreed to sustain no fewer than 65 allegations of misconduct. In February 2024, CPRA sustained an allegation of racial profiling for the first time in agency history. Other sustained findings ranged from use of force to failure to supervise to unlawful search/seizure and more.

Below is a list of sustained findings CPRA agreed to in FY 23-24:

Commanding Officers – Authorities and Responsibilities	4
Compromising Criminal Cases	2
Conduct Toward Others - Harassment and Discrimination (Racial Profiling)	1
Conduct Toward Others - Demeanor	7
Department Property and Equipment	1
Failure to Accept or Refer a Complaint	4
General Conduct	3
Insubordination	1
Interfering with Investigations	4
Obedience to Laws - Felony	1
Obstructing the Internal Affairs Process	4
Performance of Duty – Care of Property	2
Performance of Duty - General	6
Performance of Duty – Miranda Violation	1
Performance of Duty – PDRD (Body-Worn Camera)	3
Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	2
Prohibited Activity on Duty – Sexual Activity	1
Refusal to Provide Name or Serial Number	3
Refusal to Testify	1
Reporting Violations of Laws, Ordinance, Rules or Orders	2
Reports and Bookings	5
Supervisors – Authority and Responsibilities	2
Truthfulness	4
Use of Force	1
Total	65



25 sustained allegations were based upon the CPRA investigation's findings. 40 sustained allegations were closed via the City Charter section 604(g)3 provision, in which the OPD Chief presented evidence and proposed discipline which merited CPRA closing its own investigation in order to allow final discipline to proceed.

CPRA safeguards police accountability other ways, too. In addition to its central outcome – ensuring officers are directly held accountable for misconduct, then adjudicating discipline – below are additional ways that CPRA impacts accountability:

- **Discovering Issues:** In some cases, CPRA identifies allegations that a complainant may not have been aware of, or that IAD did not identify. For example,

complainants usually will not know if an officer failed to activate their body-worn camera, or whether an officer accurately reported a use of force.

- **Impacting Outcomes:** In several cases over the past year, CPRA recommended sustaining findings in cases where IAD disagreed. In these cases, CPRA and IAD presented their cases to the Chief of Police. In all cases in which this type of disagreement arose except for one, either the Chief sided with CPRA, or the case was sent to a Discipline Committee.
- **Strengthening Investigations:** CPRA and IAD investigators know that their work may be presented together, and that any discrepancies may be highlighted.

CHALLENGES AND GOALS

Having outlined CPRA's accomplishments in FY 23-24, below are present challenges and future goals.

Key Agency Goals	Status	
Acquire Updates to CPRA Database	In Progress	In Contracting Stage
Average 180 days to Close Investigations	In Progress	Monthly Goal
Create Investigator I Job Specifications	In Progress	Pending Civil Service Board Approval
Update Investigator II Job Specifications	In Progress	Pending Civil Service Board Approval
Implement Mediation Program	In Progress	Community Boards Assignment
Receive Transition of IAD Responsibilities	In Progress	In January 2024, CPRA Began Investigating Select Internally Generated Complaints
Complete CPRA Manual	In Progress	Manual Drafted - Chief of Special Investigations and Training Assigned



Caseloads

In FY 22-23, staffing levels were too low and caseloads were too high. The case backlog was so severe that nearly every CPRA case was at risk of missing the one-year statute of limitations. On several occasions, cases were closed on the final day before that deadline passed.

CPRA was forced to triage cases, and it is a decision we hope never has to be made again.

Data and Case Management

As with many police oversight agencies, the vast majority of CPRA's work is confidential. This highlights the critical need for data to be effectively stored and managed so CPRA can transparently share the impact of its work. A high functioning investigative agency can quickly and effectively use data to measure equity, trends, outcomes, independence, community trust (via surveys), the impact of appeals processes, consistency of discipline, and more.

Prior to the ransomware attack of February 2023, CPRA's internal database partially served this function. It was able to provide limited information regarding the timeliness of cases, and limited data regarding complainant demographics. Following ransomware, CPRA's database was incapacitated for months, and large gaps in data limited its reporting capabilities.

CPRA is currently in the process of hiring a workflow consultant to update its database. This update will ensure that CPRA data is housed in an investigator-friendly digital environment serving as both a repository for data and a case-management tool to ensure that cases can be investigated in a timely fashion with clear automated benchmarks. Acquiring upgrades to CPRA's database is a top priority in the upcoming fiscal year.

Further, to measure CPRA's impact on addressing racial equity in Oakland, quality data management will be essential as the agency takes on responsibilities from IAD.

Hiring Needs

CPRA's budget has been finalized for FY 24-25. However, in future budget considerations, CPRA will need staffing in four critical areas:



Data and Policy: A critical measure of a police oversight's impact on public safety is its impact on racial equity. Without a staff member dedicated to efficiently collecting, aggregating, and presenting CPRA data, the agency is severely limited in its ability to not only show its impact on racial equity, but to draw from the data to inform OPD, Police Commission, and City Council policymaking.



Administration: Every police oversight agency has one thing in common – bureaucracy. Presently, IAD has significant administrative staffing aimed to ensure that records are well organized, and that due process is afforded to officers in a timely fashion. For CPRA to take over responsibilities from IAD, it will need to be provided with comparable administrative staffing.



Investigations: For CPRA to take on the responsibilities of IAD, it will simply need more investigators.



Outreach: Many police oversight agencies rely on outreach staffing to spread community knowledge and trust. To expand community awareness of CPRA's work, budget will need to be dedicated to outreach staffing.



City Auditor Recommendations

In 2020, the City Auditor conducted a Citywide performance audit which included 17 recommendations for CPRA. As per the March 2024 [Audit Recommendation Follow-Up](#), nine remained partially implemented. Below are key points from the City Auditor's report.

Key City Auditor Recommendations	Status	CPRA Update
Ensure All Interviews Regarding Class I Misconduct are Video Recorded	Implemented	Implemented
Establish Criteria for Definition for "Administrative Closure"	Implemented	Implemented
Ensure Hiring Lists Are Up to Date	Partially Implemented	New Hiring Lists Pending HR Approval
Develop Written Policies and Procedures for Investigative Process	Partially Implemented	Manual Drafted - Assigned to Chief of Special Investigations and Training
Develop and Implement Formal Training for CPRA Staff	Partially Implemented	Manual Drafted - Assigned to Chief of Special Investigations and Training
Acquire a Case Management System	Partially Implemented	Workflow and Data Consultant Contract Pending
Develop Outreach Plan	Partially Implemented	Outreach is being intermittently conducted, but creating a full outreach plan is a priority for FY 24-25.

CPRA aims to complete all City Auditor recommendations by the end of FY 24-25.

WORKING WITH THE POLICE COMMISSION

CPRA staff serve the Police Commission by highlighting issues in OPD policy and conducting training for Commissioners. CPRA also regularly provides the Commission with information about CPRA investigations to the extent permissible by law. CPRA further provides the Commission with monthly statistical reports on pending cases and cases that closed in the prior month. These monthly reports are made public and are regularly attached to the Police Commission's agenda.

The CPRA Executive Director attends Police Commission meetings and makes monthly

presentations on a range of issues, nearly all of which are summarized in this report. He also participates in the CPRA Manual of Operations Ad Hoc and Enabling Ordinance Ad Hoc, and from October to November 2023, served dually as the Police Commission's Chief of Staff amidst a vacancy.

In FY 23-24, the Police Commission Chair convened three Discipline Committees to resolve investigative disputes between the CPRA Executive Director and the Chief of Police.



WHO WE ARE

CPRA staff bring extensive experience in oversight, law, and investigations. At the end of FY 23-24, CPRA had eight Investigators, three Intake Technicians, a Supervising Investigator (Investigator III), an Administrative Analyst, an in-house CPRA Attorney, and a Chief of Special Investigations and Training. An additional attorney and at least one investigator are expected to join CPRA in Fall 2024.

Below is CPRA's Organizational Chart as of August 2024.

CPRA Organization Chart







REFERENCES

File a Complaint with CPRA

CPRA Public Reports
Available in Monthly Police
Commission Agendas

CONTACT INFORMATION

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Visit Our Website for More Information
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PROHIBITIONS REGARDING RACIAL PROFILING AND OTHER BIAS-BASED POLICING

Preamble

Knowing the history from which modern institutions evolved is useful for understanding current conditions related to social constructs put in place long before any current actors arrived on the scene. It provides a necessary connection with the when, where, and how certain aspects of the Oakland Police Department's (OPD) present-day activity that may not exactly repeat the past still serve as echoes that perpetuate embedded harm. These insights can strengthen our resolve to rid current systems of the residual tinges of the past that hold us back from the just and peaceful society we desire.

Cultural Accountability Statement

Americans can trace the origins of racial profiling in law enforcement back to the eras of slavery and Jim Crow, marking a longstanding issue that has evolved over centuries and engrained into the consciousness of many Americans. Racial profiling by law enforcement is a complex and systemic issue with deep historical roots in the United States.

In 1693, Philadelphia's court granted the legal authority for police officers to stop and detain any minority person, embedding racial profiling within legal and societal.¹ Later, in 1857, the *Dred Scott v. Sandford* 60 U.S. 393 decision of the United States Supreme Court held that the U.S. Constitution did not extend American Constitutional citizenship to people of Black African American descent.² This landmark decision spawned across the nation a series of community municipal laws segregating African Americans, which is known as Jim Crow laws. Some communities enacted "Sundowner Laws" and other codes, limiting African Americans' access to the town and other public places after sundown, as well as restricting the number of African Americans able to congregate on a street corner.

¹ Staples, R.E. (2011). White Power, Black Crime, and Racial Politics. *The Black Scholar*, 41, 31 - 41.

² *Dred Scott v. Sandford*, 60 U.S. 393 (1856)

A police officer could arrest violators, and municipal courts could prosecute, jail, or fine offenders.³⁴

Racial Profiling and Racial Profiling laws threatened all people of color. They were initially designed to control African Americans and were extended to other marginalized communities, suppressing their ability to exercise their full citizenship. The historical ties of profiling to slavery and its codification into law reflect deep-seated biases and discriminatory practices that have been perpetuated through various eras in American history. Law enforcement tactics and strategies have ingrained these practices, reflecting and reinforcing societal prejudices.

In the 1960s, the Black Panther Party, founded in Oakland, played a role in exposing police brutality and racial injustices in law enforcement. They brought light to police misconduct by bringing national attention to the systemic abuse faced by Black Americans. Their efforts helped shape modern movements advocating for police accountability and contributed to the cultural shifts that underlie why policies like this exist today.

Additionally, the Oakland Police Department entered into a Negotiated Settlement Agreement (NSA) following a series of allegations of police misconduct, particularly related to racial profiling, excessive force, and unlawful searches and seizures, stemming from the “Riders” scandal in the early 2000s. In that case, over 100 African Americans were targeted, arrested, and beaten and had narcotics planted on them when they had, in fact, not been in possession. The result was that the Riders’ plaintiffs collectively served 40 years for crimes they did not commit. The NSA reflects the need for systemic reform within OPD to address these long-standing misconduct issues.

Task 34 is relevant to this policy, which mandates the OPD to eliminate any form of racial profiling and requires comprehensive data collection and analysis to ensure equitable enforcement practices. The settlement serves as a direct response to historical abuses and aims to prevent the recurrence of such misconduct, reinforcing the Department’s commitment to fair and just policing. Some Oakland Police Department’s history of these practices is documented in a case study and book titled “*The Riders Come Out at Night: Brutality, Corruption, and Cover-Up in Oakland*”⁵ and Dr. Eberhardt’s “*Strategies for Change: Research Initiatives and Recommendations to Improve Community Relations in Oakland*.”⁶

³ Loewen, James W. “Sundown Towns and Counties: Racial Exclusion in the South.” *Southern Cultures* 15 (2009): 22 - 47.

⁴ Bay, M. (1999). Remembering Racism: Rereading the Black Image in the White Mind [Review of *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914*, by G. M. Fredrickson]. *Reviews in American History*, 27(4), 646–656. <http://www.jstor.org/stable/30031116>

⁵ Winston, Ali; Bondgraham, Darwin (2023). *The Riders Come Out at Night: Brutality, Corruption, And Cover-Up In Oakland* (First Atria Books hardcover ed.). New York, NY. ISBN 9781982168599.

⁶ Eberhardt, J. L.. (2016, June 15). *Strategies for Change: Research Initiatives and Recommendations to Improve Police-Community Relations in Oakland, Calif.* Stanford, SPARQ Social Psychological Answers to Real-world Questions. Retrieved from <http://www2.oaklandnet.com/oakcal1/groups/police/documents/webcontent/oak059292.pdf>

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Recognizing the far-reaching impact of profiling beyond racial lines is equally crucial in our commitment to fostering a truly equitable and just society. Illegitimate profiling has evolved to threaten all protected classes, including but not limited to individuals based on their race, ethnicity, religion, gender, sexual orientation, gender identity, disability status, and socioeconomic background.

In recognizing the historical context and systemic nature of profiling, our policy is committed to addressing these practices within our police department. We aim to build a foundation for equitable and just law enforcement that respects the dignity and rights of all individuals, free from past biases. Progress and change come from changed behavior as we actively work to dismantle discriminatory practices and foster a culture of inclusion and fairness.

This commitment is a critical step toward healing and progress, ensuring that our law enforcement practices reflect the values of fairness, justice, and respect for all members of our community. To this end, the Oakland Police Department (OPD) has made significant strides toward rectifying the mistakes of the past. However, we acknowledge the ongoing journey towards full accountability and cultural transformation. We are dedicated to continuing this crucial work, striving to better our department and serve as a model of positive change in law enforcement.

Violations of this policy could lead to discipline up to and including termination.

I. PURPOSE

- A. This policy reaffirms the Oakland Police Department's commitment to providing service, enforcing laws fairly and equitably, and establishing a relationship with the community based on trust and respect. Whenever our practices are perceived as biased, unfair, or disrespectful, we lose public trust and support, diminishing our effectiveness.
- B. California Penal Code Section 13519.4(e) prohibits racial profiling by law enforcement officers. This Department policy explicitly prohibits racial profiling and other bias-based policing. It also states the limited circumstances in which members can consider race, ethnicity, national origin, gender, age, religion, sexual orientation, or disability in making law enforcement decisions and actions.

II. DEFINITION OF RACIAL PROFILING

The consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in determining reasonable suspicion, probable cause, or the focus or scope of any law enforcement action that directly or

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indirectly restricts the freedoms or free movement of any person. An officer may rely on these characteristics only as part of a specific suspect description. This definition applies to all law enforcement activities, including traffic stops, pedestrian stops, searches, seizures, questioning, issuing citations, or making arrests.

III. POLICY

- A. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers shall be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution.
- B. Members shall articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, pedestrian, bicycle, or vehicle stops, arrests, non-consensual searches, and property seizures.
- C. Members shall not consider actual or perceived race, ethnicity, national origin, gender, age, religion, sexual orientation, or disability when establishing reasonable suspicion or probable cause or when conducting law enforcement activities. Suspicious activity must be based on specific, articulable facts and circumstances consistent with criminal behavior and should not be generalized to a demographic group. The officer must clearly state the reason for a stop before engaging in questioning related to criminal investigations or traffic violations and document this reason on any resulting citation or police report, in accordance with California Vehicle Code § 2806.5 and Assembly Bill 2773.
- D. Members shall complete all Field Investigative (FI) Reports in the Department's digital report writing platform by the end of the reporting member's shift via the MDT or desktop computer. Hard copy or paper FIs are no longer authorized, except when the FBR system is not operating, in which case paper FIs and paper Stop Data forms shall be completed and submitted to a supervisor for review and delayed data entry by office staff the system is not operational by the end of the reporting member's shift.
- E. Members shall complete a Field Investigative (FI) Report for each investigative encounter and consent search that does not result in an arrest. Members shall also document the reason for the encounter or search.
- F. Members shall advise the Communication Section of any investigative encounter in the field, including detention, arrest, or a consensual encounter, to confirm or dispel a suspicion that the person may be involved

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in criminal activity. This requirement includes all walking stops, car stops, bicycle stops, and consensual encounters where the member talks with a person to confirm or dispel a suspicion that the person may be involved in criminal activity. A person subject to a consensual encounter is free to terminate the encounter at any time.

- G. Members conducting any investigative encounter shall provide the Communications Section with the reason for the encounter at the initiation of the encounter.

IV. CONSENT SEARCHES

- A. A consent search is based on permission granted by the person being searched rather than on probable cause, an arrest incident, or a search warrant. The search is limited to the areas the officers reasonably believe were authorized by the consenting individual. Consent must be given voluntarily and the individual providing consent must have the authority to do so.

- B. Consent searches are permissible law enforcement tools; however, their use shall not be:

- Arbitrary: The request to conduct a consent search must be reasonable, and members should be able to articulate the suspicion that formed the basis for the request.
- Based on actual or perceived race, ethnicity, national origin, gender, age, religion, sexual orientation, or disability.

- C. Members shall advise individuals of their right to refuse a consent search before performing the search.

V. CONDUCTING STOPS

In conducting pedestrian, bicycle, or vehicle stops, members shall:

- A. Be courteous, respectful, polite, and professional.
- B. Clearly state the reason for a stop before engaging in questioning related to criminal investigations or traffic violations and document this reason on any resulting citation or police report, in accordance with California Vehicle Code § 2806.5 and Assembly Bill 2773.
- C. Identify themselves [See Section VI]

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- D. Ensure the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense and explain the reason for any delays.
- E. Answer questions the person may have regarding the stop and explain the disposition of the stop.
- F. Apologize for the inconvenience when appropriate.
- G. If asked, provide the procedures for filing a complaint about police services or conduct outlined in DGO M-3 COMPLAINTS AGAINST DEPARTMENTAL PERSONNEL OR PROCEDURES.

VI. APPLICATION OF HANDCUFFS

Officers shall apply handcuffs in a manner consistent with legal standards and departmental guidelines, ensuring that such restraints are neither arbitrary nor discriminatory. Handcuffs shall only be applied for legitimate law enforcement purposes and when necessary to ensure the safety of the officer, the individual, or the public.

The decision to apply handcuffs must be based on specific and articulable facts, not on the individual's race, ethnicity, gender, or other protected characteristics. Officers must evaluate each situation independently and ensure that the use of handcuffs is proportionate to the perceived threat or risk, considering the totality of the circumstances, including the individual's behavior, the severity of the suspected offense, and the potential risk of harm.

Handcuffs are significant and intrusive, and officers must be mindful of their physical and psychological impact on the individual. They must apply handcuffs in a manner that minimizes discomfort and does not cause unnecessary injury.

VII. OFFICER IDENTIFICATION

In the dynamic landscape of citizen-police interactions, the tenets of Procedural Justice underscore the importance of identifying oneself as a peace officer. At the heart of procedural justice lies the belief in fair processes, advocating that individuals' perceptions of fairness are deeply rooted in the quality of their experiences rather than solely their outcomes. Imagine a scenario where an officer stops a driver. The driver's perception of fairness hinges significantly on being treated with dignity, granted a voice, interacting with a neutral and transparent officer, and deciphering the officer's trustworthy motives. When officers promptly identify themselves, it sets a tone of transparency, accountability, and respect—core pillars of procedural justice. It is more than just a procedural step; it's an act that can profoundly influence a person's long-term attitude toward the police force.

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Such gestures, though they may seem small, are pivotal in establishing and fortifying the community's trust, thus bolstering the legitimacy of law enforcement. Embracing the ethos of procedural justice, especially in everyday interactions like identifying oneself, can be transformative in fostering a more understanding, cooperative, and ultimately safer community.

A. Situations where identification⁷ is mandatory:

- Affecting a stop: In accordance with DGO M-19, Section V. C. – Conducting Stops.
- When a police officer is not in uniform or operating an unmarked police vehicle, they need to engage with citizens while taking official police action.
- Ecological or environmental factors: If ecological or environmental factors such as weather and structural design prohibit a reasonable person from determining if a peace officer is present.
- Executing search or arrest warrants: Before entering a residence or business, officers shall identify themselves in accordance with “knock and notice.”⁸
- Assisting other agencies: When an officer assists another law enforcement agency or responds to an incident outside their jurisdiction, they must identify themselves as soon as feasible.
- On-duty but not in uniform: In both on-duty and off-duty scenarios, even when not in uniform or lacking distinct police insignia or qualifying factors, officers must consistently identify themselves when taking any form of police action.
- During protests or demonstrations: In accordance with TB III-G (using the Tactical Operations Support Team).
- When interacting with vulnerable populations: Officers must exercise heightened awareness and sensitivity to identify themselves, especially when they perceive that individuals may have difficulty comprehending the situation. These individuals may include those with mental illnesses, individuals with disabilities, non-English speakers, elderly citizens, youth, and minors.

⁷ Identification, in the context of this policy, refers to the act of a police officer clearly and unambiguously stating their name or affiliation with the law enforcement agency they represent when interacting with members of the public in their official capacity (e.g.: “Officer Doe” or “Oakland Police.”)

⁸ Penal Code Sections 844, 1531, and Training Bulletin IV-O.

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- If requested by a citizen: If a public member asks for identification, the officer shall provide it in accordance with DGO M-03 – Complaints against Departmental Personnel or Procedures.
- In situations where identification cannot be presumed: Such as during telephone interactions.

B. Situations where identification may be assumed:

- Emergency response: In high-stress situations where rapid response may override the need for immediate identification (active shootings, critical incidents, fires, or medical emergencies).
- In marked patrol cars: When an officer is in a marked patrol car with police lights or sirens activated, their role as a peace officer is readily apparent and may be reasonably assumed by those in the vicinity. The marked patrol car, equipped with distinct police insignia and emergency signaling devices, clearly indicates law enforcement presence and activity.
- In uniform: Officers are considered to be “in uniform” when they are attired in official law enforcement attire, which typically includes a badge, name tag, and other distinct insignia, regardless of whether they are in a complete uniform or not. This designation applies when a reasonable person, observing the officer's attire and insignia, would conclude that the individual is a peace officer. Such situations can encompass instances where officers are not in their full standard uniform but are still unmistakably identifiable as law enforcement personnel due to the prominent display of police insignia.
- During large-scale operations: In situations like Sideshow, tactical team operations, or mass arrests, where multiple officers are present and visibly identified as law enforcement, identification may be assumed.
- At public events: Officers present at public events like parades, sporting events, or festivals.

VIII. EXAMPLES OF RACIAL PROFILING

A. Examples of racial profiling include but are not limited to the following:

- Example #1

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While on patrol, an officer observes a black male driving a new, expensive vehicle in a low-income neighborhood. The vehicle is not listed on the “hot sheet” nor entered in the Stolen Vehicle System (SVS). The officer decides to stop the vehicle to investigate further because he feels the car may have been stolen because it appears too expensive for the driver and the neighborhood.

It is prohibited to detain the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess a specific model of vehicle.

In this example, the officer had neither reasonable suspicion nor probable cause to detain the vehicle. Absent additional information or observations that would lead a “reasonable” officer to believe the vehicle was stolen, such as a smashed window or signs that the vehicle was hot-wired, the officer’s stop constitutes racial profiling.

- Example #2

An officer is assigned to a predominately “white” residential neighborhood. While on patrol, the officer observes a Hispanic male driving a truck late at night. The officer knows most of the residents in the area and does not recognize the Hispanic driver. Recently, there have been burglaries in that area. Based on the fact that there have been burglaries in the area, the driver is Hispanic, and the residents in the area are white, the officer investigated further to investigate further.

Detaining the driver of a vehicle based on the determination a person of that race, ethnicity, or national origin does not belong in a particular part of town constitutes racial profiling and is prohibited.

In this example, the officer’s knowledge of the residents and the driver’s race does not provide reasonable suspicion, even though the race differs from most residents in that area. The fact that there have been burglaries in the area may raise an officer’s suspicion to vehicles driving late at night; however, even when this information is considered with the other factors discussed, it is an insufficient basis for a detention.

IX. STOP-DATA COLLECTION

- A separate Field Interview/Stop Data Report (FI/SDR) is required for all self-initiated encounters involving person(s) subject to a(n):

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- Detention
- Arrest; or
- Encounters resulting in a search or request to search. Self-initiated encounters are encounters unrelated to any radio-dispatched call for service, citizen flag-down, or encounters conducted pursuant to the service of a search warrant. For the purpose of this policy, a radio-dispatched call for service is any CAD-initiated service call by a citizen to Oakland Police Communications.

An FI or Crime Report shall be completed on all radio-dispatched encounters involving person(s) subject to a(n):

1. Detention; or
2. Arrest

For radio-dispatched encounters, officers may complete a single FI or Crime Report documenting all persons subject to these encounters.

- B. For all encounters directed by another officer, it is the responsibility of the officer executing the encounter to complete an FI or Crime Report, and, if applicable a SDR.
- C. For planned operations, the operations commander, with the approval of their Deputy Chief of Police, may temporarily suspend FI/SDR requirements. The operations commander shall document the temporary suspension in the operations plan.
- D. An FI or Crime Report and, if applicable, an SDR is not needed for a vehicle passenger(s) who is merely detained for officer safety reasons, and the interaction is not intrusive. However, asking the passenger(s) if they are on parole or probation, have a criminal history, or have anything illegal on their person requires the completion of an FI/Stop Data Report. Merely asking for identification does not require the completion of an SDR.

An FI or Crime Report and, if applicable, an SDR is not needed for a person(s) subject to a self-initiated consensual encounter. However, asking if they are on parole or probation, have a criminal history, or have anything illegal on their person requires the completion of an FI/Stop Data Report. If the consensual encounter is elevated to a detention or arrest, officers shall complete an SDR. Merely asking for identification does not require the completion of an SDR.

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- E. Officers shall document in their FI or Crime Report:
- The reason for encounter and, if necessary,
 - The reasonable suspicion or probable cause for the stop.

X. MEMBER RESPONSIBILITIES

Racial profiling is considered a “complaint of serious nature,” as enumerated in DGO M-03, Section III, A. 11. a. 3. and requires notification to the “IAD Commander and the Chief of Police, or designee as soon as practical, but in no case more than 24 hours after discovering the allegation.”

In addition to the mandatory reporting requirement of any known or observed racial profiling, members shall not engage in, ignore, or condone racial profiling or other bias-based policing and be responsible for knowing and complying with this policy.

Members who engage in, ignore, or condone racial profiling or other bias-based policing violate the following Manual of Rules Section and are subject to discipline:

314.06 CONDUCT TOWARD THE PUBLIC – RACIAL PROFILING

Members and employees shall engage with all individuals fairly and impartially. The Department adheres unwaveringly to the highest standards of fairness and equality, treating all accusations of racial profiling—whether they concern race, ethnicity, religion, or national origin—with the utmost seriousness, ensuring that every case is meticulously investigated, reflecting our deep commitment to justice and equal respect for all individuals.

Racial profiling, a discriminatory practice by law enforcement officials, is a serious offense. It involves targeting individuals for suspicion of crime based on their race, ethnicity, religion, or national origin rather than on their behavior or reliable information pertaining to a specific suspect's description. This practice is expressly forbidden, as defined in DGO M-19, as it undermines the trust between the community and law enforcement and contradicts the principles of equality and justice.

Any member or employee who engages in racial profiling (discriminatory behavior) against another person or engages in any law enforcement conduct that constitutes racial profiling shall face disciplinary action.

Furthermore, any member or employee who knows that another member or employee has engaged in racial profiling or any conduct that violates the prohibition against racial profiling is responsible for reporting that conduct.

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XI. COMPLAINTS

Complaints of racial profiling and other bias-based policing against members shall be:

- A. Considered complaints of discrimination (Class 1 violation as defined in DGO M-3) and, as such, immediately forwarded to the Internal Affairs Division.
- B. Immediately referred to the member's supervisor, or if the officer's supervisor is unavailable, to the Watch Commander.

XII. TRAINING

- A. Pursuant to California Penal Code Section 13519.4,⁹ each member shall:
 - Attend the Commission on Peace Officer Standards and Training (POST) course on racial, identity, and cultural diversity, which includes training on understanding and respecting racial, identity, and cultural differences and developing effective, non-combative law enforcement methods in a diverse environment.
 - Complete an approved refresher course on racial, identity, and cultural diversity every five (5) years, or more frequently, if necessary, to stay current with evolving trends and best practices.
- B. The Training Commander shall ensure that line-up training on racial profiling and this policy is provided to sworn personnel at least once annually. This training may also be extended to non-sworn personnel.
- C. The curriculum shall be evidence-based and include the following subjects:
 - Identifying key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community.
 - The negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including historical perceptions of discriminatory enforcement practices.
 - The history and role of the civil and human rights movements and their impact on law enforcement.

⁹ 1 Jan 23

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- The specific obligations of peace officers are to prevent, report, and respond to discriminatory or biased practices by fellow officers.
- Perspectives of diverse, local constituency groups and experts on racial, identity, and cultural issues and police-community relations.
- The prohibition against racial or identity profiling, as mandated by subdivision (f) of Section 13519.4.

XIII. SUPERVISORY RESPONSIBILITIES

Supervisors shall:

- A. Not engage in, ignore, or condone racial profiling or other bias-based policing.
- B. Be responsible for knowing and complying with this policy.
- C. Ensure that subordinates under their command know and understand the content and application of this policy.
- D. Comply and ensure subordinate personnel comply with the provisions of this order.
- E. Be subject to disciplinary action for failure to comply with this order.
- F. Be subject to disciplinary action if it is determined that members assigned to a supervisor and/or commander failed to comply with this order and the supervisor and/or commander knew of said violation or should have reasonably known.

XIV. SUPERVISORY RESPONSIBILITIES FOR REVIEWING FIELD INVESTIGATIVE (FI) AND STOP DATA FORMS

- A. The shift supervisor, not the regular supervisor, is responsible for reviewing the field contact (FI) reports and stop data collection forms. The shift supervisor must ensure these forms are reviewed and approved in the FBR system by the end of their shift, barring exigent circumstances.
- B. The review process must be thorough, ensuring that:
 - All categories in the forms are completed.
 - The narrative section is detailed and accurately reflects the encounter.

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- All necessary information, including the CAD incident number and the Report/Document (RD) number, is accurately documented.
- The review and approval should be completed by the end of the supervisor's shift unless urgent situations prevent timely completion.

C. Ensuring Non-Discriminatory Practices: The supervisor must carefully review the documentation to ensure that officers are not engaging in racial profiling. This includes:

- Verifying that the reasons for investigative encounters, consent searches, and stops are clearly articulated and justified based on observable facts and circumstances.
- Ensuring these actions are not based on an individual's race, ethnicity, or national origin.
- Checking that the reasons provided for stops and searches are clear and leaves no room for ambiguity.
- Confirm that the documentation includes observable facts and circumstances that justify actions.

XV. EVALUATION AND ACCOUNTABILITY

Pursuant to the provisions of DGO N-12, Departmental Audits and Inspections, the OIA shall conduct annual reviews and audits of the Department's data collection efforts to ensure compliance with the Settlement Agreement. The OIA shall report all findings to the Chief of Police.

Based on these findings, the OPD will take corrective actions as necessary. This may include revising policies, enhancing training programs, and implementing disciplinary measures for non-compliance.

The policy will be regularly reviewed and updated based on audit results, feedback, and evolving best practices, ensuring it remains relevant and effective.

The OPD will engage with external experts and organizations specializing in racial equity and bias reduction to stay informed about new research and methodologies.

PARTNERSHIP WITH THE CITY OF OAKLAND DEPARTMENT OF RACE AND EQUITY

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The OPD is dedicated to building a strong partnership with the City of Oakland Department of Race and Equity to address racial profiling effectively. This collaboration aims to achieve shared goals through joint efforts and coordinated actions, emphasizing mutual accountability and transparency.

Guided by successful strategies and insights from key figures in the field, the OPD benefits from the expertise of the Department of Race and Equity, which highlights several effective approaches for developing and implementing policies that foster a more just and equitable city. Through interactive dialogues and collaborative efforts, the common constraints and challenges faced by policymakers and practitioners are addressed, ensuring continuous progress toward a fairer community.

By nurturing this partnership, the OPD strives to develop and maintain policies that combat racial profiling and promote equity and justice. This commitment ensures that all community members are treated fairly and respectfully. The ongoing collaboration reflects a shared dedication to building a community where trust and mutual respect form the foundation of law enforcement practices. Furthermore, by fostering transparency and accountability, the OPD is committed to building a trustworthy culture where officers and community members work together to create a safer and more inclusive environment for everyone.

By order of

Floyd Mitchell
Chief of Police

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

New Order
M-19

Effective Date
XXXX

GLOSSARY

Age: The number of years an individual has lived, especially concerning discrimination based on being too young or old.

Bias: Bias is a tendency, inclination, or prejudice toward or against something or someone. It can be positive or negative and often results from personal experiences, cultural conditioning, or societal influences. In the context of law enforcement, bias refers to preconceived notions or attitudes about individuals or groups based on characteristics such as race, ethnicity, gender, age, religion, sexual orientation, or disability. Bias can be explicit, where individuals are aware of their prejudices, or implicit, where attitudes and stereotypes operate unconsciously and influence behavior without the individual's conscious awareness.

Consensual Encounter: A consensual encounter is a voluntary interaction between law enforcement officers and individuals that does not involve coercion, detention, or restriction of the individual's freedom to leave. During a consensual encounter, individuals are free to disregard the officers' requests and walk away without any consequences. Officers do not need reasonable suspicion or probable cause to initiate a consensual encounter.

Consent Search: A consent search is conducted based on the voluntary permission given by the person to be searched rather than on probable cause, an incident to arrest, or a search warrant. The scope of the search is limited to the areas the officers reasonably believe were authorized by the individual giving consent. Consent must be given voluntarily, without coercion, and the individual providing consent must have the legal authority to do so.

Cultural Diversity: The existence of various cultural or ethnic groups within a society.

Culturally Diverse: Inclusive of various cultural backgrounds, customs, languages, or traditions that define different groups.

Detention: A police detention based on reasonable suspicion, also known as a "Terry stop," is a brief, non-intrusive stop of an individual by law enforcement officers based on specific and articulable facts that lead the officers to suspect that the person may be involved in criminal activity. This belief must be more than a mere hunch and should be grounded in observable behavior, information from reliable sources, or the totality of the circumstances. The detention must be temporary and last only as long as necessary to confirm or dispel the officer's suspicion, with the scope limited to what is necessary to achieve its purpose, such as questioning the individual or conducting a pat-down search for weapons if there is a concern for officer safety. The officer must articulate specific facts that justify the stop, including unusual behavior, evasive actions, the time of day, the location, or other contextual factors. The detention must be lawful and based on an

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objective assessment of the circumstances, and any evidence obtained during an unlawful detention may be inadmissible in court.

Disability: A physical or mental impairment substantially limiting one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

Gender: The personal identification or expression of one's sex, including male, female, or non-binary identities.

Gender Identity or Expression: How an individual identifies or expresses their gender, including one's internal sense of being male, female, or something else, and how they express this through clothing, behavior, etc.

Implicit Bias: Implicit bias refers to the attitudes or stereotypes that unconsciously affect one's understanding, actions, and decisions. These biases, which encompass favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Personal experiences and cultural conditioning shape implicit biases and can influence behavior and decision-making, even when individuals believe in fairness and equality. Understanding implicit bias is crucial in preventing bias-based policing.

Nationality: Membership in a particular nation, whether by birth or naturalization, including national origin, citizenship, or ethnicity.

Probable Cause: Under the Fourth Amendment of the United States Constitution, "probable cause" is a legal standard that requires a reasonable belief, based on factual evidence, that a person has committed a crime or that evidence of a crime can be found in a specific location. This standard is higher than reasonable suspicion and is necessary for obtaining warrants, making arrests, and conducting searches without a warrant. Probable cause must be based on specific, reliable facts and circumstances that would lead a reasonable person to believe that a crime has been, is being, or will be committed. It ensures that law enforcement actions are grounded in objective evidence and protects individuals from unreasonable searches and seizures.

Procedural Justice: Procedural justice refers to fairness in resolving disputes and allocating resources. It emphasizes how police and other legal authorities interact with the public and how these interactions shape the public's views of the police, their willingness to obey the law, and actual crime rates. Key principles of procedural justice include transparency, neutrality, respect, and trustworthiness in all interactions between officers and the public. The goal is to ensure that individuals feel their concerns are heard and taken seriously, regardless of the outcome of the encounter.

Peace officers must uphold their duty and oath to exercise procedural justice without being influenced by personal or implicit biases. By ensuring their actions are free from bias, officers can build trust and legitimacy, reinforcing the community's faith in the justice system.

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Race or Ethnicity: A social grouping based on shared heritage, ancestry, or geographical origin.

Reasonable Suspicion: Under the Fourth Amendment of the United States Constitution, "reasonable suspicion" is a legal standard that justifies law enforcement officers in stopping and briefly detaining a person if the officer has a particularized and objective basis for suspecting the person of criminal activity. It is a lower standard than probable cause but requires more than a hunch. Reasonable suspicion must be based on specific and articulable facts and rational inferences from those facts that criminal activity is afoot. This standard allows officers to investigate further while protecting individuals from arbitrary or unjustified intrusions.

Religion: The practice or belief in a set of spiritual or moral principles, including atheism or agnosticism.

Sexual Orientation: A person's sexual or romantic attraction to individuals of the same gender, opposite gender, both, or none.

Stop: The act of a peace officer detaining a pedestrian or vehicle occupant for questioning, search, or other law enforcement activities.

DRAFT



CITY OF OAKLAND POLICE COMMISSION

RULES OF ORDER

ORIGINAL VERSION APPROVED 12.27.2017

- AMENDED 8.23.2018
- AMENDED 9.13.2018
- AMENDED 5.19.2019
- AMENDED 2.25.2021
- AMENDED 12.16.2021
- AMENDED 10.7.2024

CHAPTER 1 – DEFINITION OF TERMS

Rule 1.1 Definition of Terms. The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring an official vote and approval of the Oakland Police Commission to be effective.
- B. "Adopted" in connection with proposed resolutions shall mean and include the adoption of such proposed resolutions by the Oakland Police Commission.
- C. "Agenda" means the agenda of the Oakland Police Commission.
- D. "Chair" shall mean the Chairperson of the Oakland Police Commission.
- E. "Vice Chair" shall mean the Vice Chairperson of the Police Commission of the City of Oakland.
- F. "Charter" shall mean the Charter of the City of Oakland.
- G. "Commission" shall mean the Oakland Police Commission.
- H. "Committee" refers to a sub-group of Commission members that does not constitute a quorum of Commissioners. It is a Committee of the Commission. Based on legal counsel's advice, a published agenda is not required, though Commissioners are encouraged to announce the general meeting topics at the start of the meeting.
- I. "Ad Hoc Committee" shall have the same meaning as in Section 2.45.010 of the Enabling Ordinance: "a temporary committee formed by the Commission comprised of less than a quorum of Commission members to address a specific issue."
- J. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item.
- K. "Council" shall mean the Oakland City Council.
- L. "Informational Item" shall mean an item of the agenda consisting only of an informational report that does not require or permit Commission action.
- M. "Municipal Code" shall mean the Oakland Municipal Code.
- N. "Open Meetings Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance").
- O. "Rules" shall mean the Rules of Order of the Commission.
- P. "Administrative Staff Member" shall mean the individual designated by the Chair as the administrative support for the Commission.
- Q. "Sunshine Ordinance" shall mean Oakland Municipal Code Chapter 2.20.
- R. "CPRA" shall mean the Community Police Review Agency of the City of Oakland.
- S. "Department" shall mean the Oakland Police Department.

- T. "Police Chief" shall mean the Chief of Police of the Oakland Police Department.
- U. "Regular Commissioner" shall mean one of the seven (7) regular commissioners currently serving a term on the Commission.
- V. "Alternate Commissioner" shall mean one of the two (2) alternate commissioners currently serving on the Commission.
- W. "Community Engagement" shall mean collaboration, communication, and participation with community members to foster relationships, gather input, and ensure that the community's voices and needs are considered in plans or actions.
- X. "Priority Items" shall mean a task, action, or agenda item that is deemed of utmost importance and requires immediate attention or action. It typically involves tasks that are essential to fulfilling the Commission's legal, regulatory, or operational obligation.

CHAPTER 2 – ORGANIZATION AND MEETINGS

Rule 2.1. Adoption of Rules of Order. The Commission's Rules of Order shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission. When adopted, such Rules remain in effect unless suspended or amended as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

Rule 2.2. Commissioner Authority Limits on Ad Hoc Committee Proposals. No individual commissioner will have the authority to modify the recommended policy or language proposed by an ad hoc committee. Any recommendations outside of the ad hoc committee shall be referred to the AdHoc and will be considered by the AdHoc committee. Recommendations not accepted by the AdHoc shall not be incorporated or overridden upon the recommendation of a non-AdHoc member without a good faith showing that the AdHoc recommendation or report violates the City Charter or the Police Commission Enabling Ordinance.

Rule 2.3. Amendment to Rules. All proposed amendments to the Rules shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

Rule 2.4. Election of Officers. At the first regular meeting of the Commission held in January of each year, the Commissioners shall elect from among their number a Chair and Vice Chair of the Commission, each to serve for a term beginning at the conclusion of the meeting at which they are elected, and ending at the conclusion of the first regular meeting held in January, or until the election of a new Chair or Vice Chair, whichever occurs later. If more than one commissioner is nominated for an office, the nominees may each speak regarding their qualifications and willingness to serve and answer questions of commissioners or the public. The Commission may discuss the nominations, and when the vote for each office is called, the nominee receiving the majority of the votes shall fill the office. If a vacancy occurs in the office of the Chair for any reason, the Vice Chair shall become Chair, and a new election for Vice Chair shall be held. If a vacancy occurs in the office of the Vice Chair for any reason, a new election for Vice Chair shall likewise be held.

Rule 2.5. Removal of Officers. Any Commissioner may move that a vote of “No Confidence” be taken as to the Chair or Vice Chair of the Commission. A vote of No Confidence supported by at least five (5) Commissioners shall result in removal from the office held. If the Chair is removed under this Rule, the Vice Chair shall become Chair, and a new election for Vice Chair shall be held. If the Vice Chair is removed under this Rule, a new election for Vice Chair shall likewise be held.

Rule 2.6. Meetings and Rules of Procedures. Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth Thursdays of each month in the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland Sunshine Ordinance. Acts by the Commission shall be expressed by motion, which shall be seconded and passed by a majority vote. The Chair and/or Vice Chair shall set the order of business for Commission meetings.

Rule 2.7. Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

Rule 2.8. Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance, may call a special meeting of the Commission, separate from the Commission's regular meetings. In addition, as required by Section 2.45.090(B) of the Enabling Ordinance, at least twice each year, the Commission shall hold one of its regularly scheduled meetings at a location outside of City Hall. These offsite meetings shall be designated special meetings, and they shall comply with all requirements of Section 2.45.090, including having an agenda item titled "Community Roundtable" or something similar.

Rule 2.9. Parliamentary Procedure and Parliamentarian. The rules of parliamentary procedure as set forth in *Robert's Rules of Order Newly Revised (latest edition)* for Small Boards shall govern all meetings of the Commission unless otherwise provided herein. The Commission's Legal Counsel, or such other person as may be designated by the presiding officer upon approval of the Commission, shall serve as the official parliamentarian for meetings of the Commission.

Rule 2.10. Motions. If any Commissioner makes a motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by another Commissioner.

Rule 2.11. Speaking Time Limits for Commissioners. The Chair shall recognize a Commissioner before the Commissioner may speak. No Commissioner shall speak for more than five (5) minutes on any matter without the consent of the Chair or a majority vote of the Commission.

Rule 2.12. Number of Regular Commissioners and Alternate Commissioners. Pursuant to Section 604(c) of the City Charter, the Commission consists of seven (7) Regular Commissioners and two (2) Alternate Commissioners.

Rule 2.13. Quorum. Pursuant to Section 604(d)(3) of the City Charter, five (5) Commissioners shall constitute a quorum. If a quorum is not established by the Regular Commissioners in attendance, the Chair may designate one or more Alternate Commissioners to establish a quorum and cast votes. To ensure consistency in commission business knowledge, Alternate Commissioners should also be included in Closed Session discussions.

Rule 2.14. Voting. Every official act of the Commission shall be adopted by majority vote of the Commissioners present at the meeting and eligible to vote. The Commissioners shall vote in alphabetical order according to their surnames, with the presiding officer of the Commission voting last. Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting. Any Commissioner seeking to abstain shall state the grounds for the abstention. Voting by proxy is prohibited.

Rule 2.15. Rights of Commissioners When Less Than Quorum. In the absence of a quorum, no information may be presented, and no official action may be taken by the Commissioners present, except to order a call of the Commission, reschedule, recess, or adjourn the meeting. Efforts should be made in advance to establish a quorum. If a quorum is not met, the meeting may be canceled. The Chair will send a regular meeting confirmation no less than 7 business days before the scheduled meeting. If a quorum is not achieved, the public must be notified that the meeting is canceled.

Rule 2.16. Commission Chair. The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. The Chair shall represent the Commission in meetings or communications with public officials, the press, and the public. Consistent with Oakland Municipal Code Chapter 2.45, the Chair may create such ad hoc committees to perform such advisory functions as the Chair shall determine and may appoint Regular or Alternate Commissioners to such ad hoc committees. Each Regular and Alternate Commissioner appointed by the Chair to an ad hoc committee shall possess full voting authority on each such committee. The Chair shall have the authority to appoint a former Commissioner to an ad hoc committee as an ex officio non-voting member of the ad hoc committee if such former Commissioner has subject matter expertise or other relevant knowledge or expertise that would assist the ad hoc committee in its work. The ex officio member of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Regular Commissioner or Alternate Commissioner. The Chair shall also have the authority to appoint as non-voting members of an ad hoc committee such members of the public as the Chair deems fit and proper. Such public members of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Regular Commissioner or Alternate Commissioner. The Chair shall have the authority to remove any Regular Commissioner, Alternate Commissioner, former commissioner, or public member from any ad hoc committee. Grounds for removal shall include, but are not limited to, lack of attendance, failure to follow through, and/or unnecessary, rude, or disruptive behavior.

Rule 2.17. Commission Vice Chair. The Vice Chair shall assume the duties of the Chair when necessary. Additionally, the Vice Chair will be invited to participate in all meetings and responsibilities of the Chair, including meetings with direct reports, committee meetings, meetings with the Chief, city officials, legal counsel, agenda preparation discussions, and reports to the City Council.

Rule 2.18. Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any Regular Commissioner, Alternate Commissioner, member of the public, the Executive Director of the Community Police Review Agency (CPRA), Inspector General, CPRA/Inspector General Policy Analyst or member of the Oakland Police Department, may submit suggested agenda topics for the Commission's consideration for discussion at regular or special meetings of the Commission. Items submitted by anyone other than a Regular Commissioner or Alternate Commissioner must be pre-approved by a Commissioner. Suggestions may be submitted to the Commission by emailing the administrative staff member designated by the Chair, with a copy to the Chair.

Rule 2.19. Agenda Matter Suggestions List. At each Regular meeting, the administrative staff member designated by the Chair shall read out the list of pending items and request any additional items from the Commissioners. During public comment on this agenda item, the public may also suggest additional items for consideration.

Rule 2.20. Pending Agenda Matters List & Priority. The Pending Agenda Matters List shall include items moved from the Agenda Matters Suggestions List, and The Pending Agenda Matters List shall also include the duties or deliverables which are required to be performed or provided by the Commission pursuant to Measure LL and the Police Commission Enabling Ordinance. Any listed duty or deliverable required to be performed or provided by the Commission shall include the due date, or estimated due date, for each task or deliverable. A Regular Commissioner may move that a matter on the Pending Agenda Matters List be treated with priority and put directly on an agenda of a future specific Commission meeting. The matter shall be made a Priority Item by a majority vote of the Commission. Priority items are agenda topics that the Commission is required to address pursuant to Measure LL and the enabling ordinance. These include duties or deliverables that must be performed by the Commission.

Rule 2.21. Creation of Commission Meeting Agendas. At the first Commission meeting each month, the Regular Commissioners, with input from the CPRA/Inspector General Policy Analyst, shall work cooperatively to create Commission meeting agendas from “Priority Items” ready for presentation and discussion, from other matters from the Pending Agenda Matters List, or from any other matters deemed appropriate. Each agenda shall include status reports from the chairs of as many ad hoc committees as the Chair deems appropriate. Additional matters may arise between when an agenda is created and when an agenda must be finalized and disseminated. The Chair, in consultation with the Vice Chair, shall finalize meeting agendas in the interest of maintaining meetings of reasonable length and efficacy, meeting and complying with external time constraints, and otherwise advancing the best interests of the Commission.

Rule 2.22. Public List of Pending Agenda Matters and Priority Items. The administrative staff member designated by the Chair shall maintain a running list of Pending Agenda Matters and Priority Items. The lists shall be made publicly available on the Commission’s website and distributed concurrently with any Agenda Matters Suggestions List before any Commission discussion. The Pending Agenda Matters and Priority Items Lists shall also state the dates upon which the matters were placed on the respective lists. The administrative staff member designated by the Chair shall also keep notes regarding agenda items and attachments to be included in the Commission agenda packet and assist in transcribing the agenda.

Rule 2.23. Limitations on Action or Discussion of Items at Commission Meetings. Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at a Commission meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Chair may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.24. Consent Calendar. The Consent Calendar may include routine matters that are expected to be non-controversial and on which there are no scheduled speakers. The Consent Calendar may also include those matters that have been the subject of a public hearing conducted by a Council-approved standing committee of the Commission, a matter previously considered in closed session by the Commission, a matter to reschedule a monthly meeting of the Commission, or a matter to approve minutes of a prior meeting. There will be no separate discussion of Consent Calendar items unless a member of the Commission so requests, in which event the Commission shall remove that item from the Consent Calendar and consider those items separately

Rule 2.25. Minutes of Proceedings. The administrative staff member designated by the Chair shall record the proceedings of each meeting in the Commission's minutes. The Commission will then vote on the minutes, and upon approval, the administrative staff member designated by the Chair will post them on the Commission's website for public and City of Oakland stakeholder access.

Rule 2.26. Alternate Commissioners. Alternate Commissioners shall be allowed to attend meetings in open session, shall be accommodated the same seating as Regular Commissioners, and shall be allowed to participate in open session discussions, including the asking of questions of any presenters or Commission staff members. Alternate Commissioners do not vote unless designated by the Chair, in the Chair's sole discretion, to establish a quorum, in which case, Alternate Commissioners may temporarily cast a vote. When any Regular Commissioner has been suspended by the Council, an Alternate Commissioner shall be selected by the Chair to replace the suspended Commissioner for the duration of the suspension.

Alternate Commissioners shall be eligible to serve on any Commission standing or ad hoc committee, including any Discipline Committee. Alternate Commissioners appointed to standing, ad hoc, or Discipline Committees shall have the same full voting authority as any Regular Commissioner would have.

CHAPTER 3 - RESOLUTIONS

Rule 3.1. Resolutions. Any Regular Commissioner may issue resolutions for the purpose of commendation, recognition, or congratulation of any person, group, organization, or event, or for expressing sympathy, regret, or sorrow regarding the death of any person related to matters of law enforcement. Such a resolution shall be known as a "Commissioner Resolution" and must clearly identify the sponsoring Commissioner. Other Commissioners may join a particular resolution if they wish. Any proposed Resolution must be submitted to the Chair so it can be placed on the Commission meeting agenda. Commission approval is not required for issuing a Commissioner Resolution.

CHAPTER 4 - CHIEF OF POLICE FOR CAUSE ASSESSMENT AND REMOVAL

Rule 4.1. Initiating A For Cause Assessment. Section 604(b)(10) of the City Charter authorizes the Commission to remove the Chief of Police only after adopting a finding or findings of cause, as defined by the City ordinance. In exercising its removal authority, the Commission will follow the process for notification, substantiation, and documentation as defined by ordinance and will consider issues of performance in closed session. The Commission may, by a majority vote of no fewer than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of “cause” as defined by the ordinance. The Commission will follow the process for notification, substantiation, and documentation as defined by ordinance.

Rule 4.2. Vote to Remove Chief of Police. In closed session, when consistent with the Brown Act, after an assessment has been received and considered, the Commission may remove the Chief of Police if the Commission makes a finding of just cause on an affirmative vote of no fewer than five (5) Commissioners.

Rule 4.3. Failed Vote to Assess or Remove Chief of Police. A failed vote to initiate an assessment or to remove the Chief of Police for just cause shall not preclude a subsequent motion on the same action at a later time.

CHAPTER 5 - COMMISSION’S REMOVAL OF A COMMISSIONER

Rule 5.1. Bases for Removal. Pursuant to Section 604(c)(10) of the City Charter, any Commissioner may be removed by a majority vote of the Commission for the following reasons: conviction of a felony, conviction of a misdemeanor involving moral turpitude, a material act of dishonesty, fraud, or other act of moral turpitude, substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, or absence from three consecutive regular Commission meetings or five regular meetings in a calendar year, except due to illness or when absent with permission, or under other extenuating circumstances.

Rule 5.2. The Removal Process. The Chair, or the Vice Chair if the Chair is the subject of the removal process, shall provide written notice to the Commissioner sought to be removed, stating all bases upon which removal appears to be warranted. The removal notice shall also advise the Commissioner that, pursuant to Section 604(c)(10) of the City Charter, the matter is being referred to the Public Ethics Commission to investigate all allegations which if true, could be cause for removal of the Commissioner under Section 601 of the Charter, and that the Public Ethics Commission can refer the findings to the Council for the Council to determine whether the Commissioner should be removed. The removal notice shall also advise the Commissioner that a written response may be submitted to the Chair, or the Vice Chair, as appropriate, no later than seven (7) business days from the date of the removal notice. After a hearing, the

Commissioner may be removed by a vote of no fewer than five (5) Commissioners. If a Commissioner is removed pursuant to this Rule, the Commission shall report such removal to the Council, the Mayor, and the Selection Panel, so that the appropriate appointing authority can replace the removed Commissioner.

Rule 5.3. Replacing a Removed Commissioner. A removed Commissioner shall be ineligible to conduct Commission business. As occurs when the Council suspends a Regular Commissioner pursuant to Section 604(c)(10) of the Charter. If an Alternate Commissioner is removed, the Commission shall notify the Council, the Mayor, and the Selection Panel of the removal decision so that the appropriate appointing authority can replace the Alternate Commissioner.

CHAPTER 6 - RULES OF CONDUCT GOVERNING COMMISSION MEETINGS

Rule 6.1. Open Forum and Time Allotted. Open Forum shall be listed at the beginning and at the end of the Agenda. Open Forum at the beginning of the meeting shall be limited to fifteen (15) minutes. Open Forum at the end of the meeting will not have a time limit. During Open Forum, whether at the beginning or the end of the meeting, the public shall be granted two (2) minutes to address the Commission on items that are not on the agenda, but that may be of interest to the public and that are within the subject matter jurisdiction of the Commission. The Chair, in the Chair's discretion, may reduce a speaker's time to one (1) minute if the Chair publicly states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting, the number and complexity of the agenda items, and the number of persons wishing to address the Commission in Open Forum. Persons wishing to speak during Open Forum must complete a speaker card.

Rule 6.2. Public Comment on Agenda Items and Time Allotted. The Commission values and encourages public comment and participation. Members of the public shall be granted two (2) minutes to speak on each agenda item before the Commission takes action. Public comment must be confined to the specific agenda item under discussion. The Chair may reduce a speaker's time to one (1) minute if the Chair publicly provides reasons based on factors such as the total time allocated or anticipated for the meeting, the number and complexity of agenda items, and the number of persons wishing to speak. In the interest of time, the Chair may request that speakers with similar views designate a spokesperson, who may be granted three (3) minutes to speak. Public speakers must complete a separate speaker card for each agenda item they wish to address, as multiple items cannot be listed on one card. Members of the public will be allotted their time to speak without interruption, but speakers may be cut off if their behavior becomes belligerent, discourteous, or disrespectful.

Rule 6.3. Addressing the Commission and Commissioner Responses.

Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling or screaming. Members of the public should address their questions or remarks to the Commission Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, should refrain from entering into any debates or discussion with speakers during public comment.

Rule 6.4. Audience Conduct. The public has the right to criticize policies, procedures, programs, services, actions or omissions of the Oakland Police Department, the Commission or the Commission's staff. To foster an atmosphere of collaboration, the Commission expects that such criticism will be delivered in a respectful fashion, and that such criticism be directed toward matters that are within the subject matter jurisdiction of the Commission. Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras and tape recording devices may be brought into the Commission meeting; but persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

Rule 6.5. Power and Duty to Remove Disruptive Persons. To ensure efficient and collaborative meetings, the Chair shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

- A. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, being rude or disrespectful toward other participants in the meeting, or otherwise refusing to comply with these Rules of Conduct Governing Commission Meetings;
- B. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
- C. Disobedience of any lawful order of the Chair, which shall include, but not be limited to, an order to be seated.

CHAPTER 7 - COMMISSIONER CONDUCT

Rule 7.1. Commissioner Conduct. All Commissioners are public officials and have a responsibility to conduct themselves with the highest integrity and leadership. Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group. They must act in the public interest, not their private interests or any special interests. They must strictly adhere to all legal and ethical requirements and avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. In both public and private interactions, Commissioners must carefully follow the Commission's Code of Conduct. Each Commissioner must review the Code of Conduct, sign the document acknowledging their understanding and compliance, and provide the signed copy to the Commission's Admin Analyst.

DRAFT



The Oakland Police Commission
Thanks You & Wish You Farewell

YOU WILL
BE MISSED.

