

OAKLAND POLICE COMMISSION REGULAR MEETING AGENDA

DOLAN MILLIMO AGLIN

April 11, 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 to <u>observe only</u>. Public participation via Zoom is <u>not</u> possible currently.



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PUBLIC PARTICIPATION

The Oakland Police Commission welcomes public participation. During this time of transition back to in-person meetings, we are currently prohibited from implementing hybrid meetings. Please refer to 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/89847675936 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):

+1669 900 9128 or +1669 444 9171 or +1719 359 4580 or +1253 215 8782 or +1346 248 7799 or +1646 931 3860

Webinar ID: 898 4767 5936

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 opc@oaklandcommission.org. 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.



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I. Call to Order, Welcome, Roll Call and Determination of Quorum, and (Read-Out from Prior Meeting, if any). Chair Marsha Peterson

Roll Call: Vice Chair Karely Ordaz; Commissioner Regina Jackson; Commissioner Wilson Riles Jr.; Alternate Commissioner Ricardo Garcia- Acosta

Excused: Commissioner Angela Jackson-Castain

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.

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

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

III. Redetermination of Quorum and (Read-Out from Closed Session and/or announcements, if any)

Chair Marsha Peterson

Roll Call: Vice Chair Karely Ordaz; Commissioner Regina Jackson; Commissioner Wilson Riles Jr.; Alternate Commissioner Ricardo Garcia- Acosta

Excused: Commissioner Angela Jackson-Castain

IV. 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*.



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V. Update from Oakland Police Department (OPD)

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

VI. Ad Hoc Committee Reports

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

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

The Community Policing Ad Hoc committee is dedicated to developing a new policy directing the Oakland Police Department's role in Community Policing. This project began in earnest in July 2021 in partnership with community leaders, activists, police officers, and city staff.

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

VII. 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

VIII. 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 <u>not</u> be called upon to speak again without prior approval of the Commission's Chairperson. *This is a recurring item*



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

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

CITY OF OAKLAND

Memorandum

To: Office of the Chief of PoliceAttn: Interim Chief Darren AllisonFrom: Special Operations Division

Date: 02 Apr 24

Re: California Highway Patrol Operation "Oakland Safe Streets"

The City of Oakland has experienced serious public safety challenges. There have been significant increases in violent crime. Highway shootings, homicides, vehicle thefts, property crimes, robberies, organized retail thefts and "Sideshows" have all surged in Oakland. The increase in crime has negatively impacted the quality of life for Oakland residents and has forced businesses to close.

On July 31, 2023, Oakland Mayor Sheng Thao requested additional State resources from Governor Newsom for assistance addressing increasing crime in Oakland. Governor Newsom subsequently directed the California Highway Patrol (CHP) staff to partner with the Oakland Police Department (OPD) with the shared goal of reducing crime in Oakland. The CHP operation in Oakland was dubbed "Oakland Safe Streets" and commenced on August 4, 2023. The operational period and its duration are determined by the CHP.

The CHP was directed by Governor Gavin Newsom to assist the OPD beyond the current mission of the CHP in Oakland that focuses on Oakland highways. CHP has been tasked with conducting proactive and high-visibility enforcement within the City of Oakland in an effort to improve public safety in Oakland. CHP has been deployed within designated high-impact areas identified by crime data and in partnership with the OPD.

OPD provided the relevant policies and procedures to CHP as outlined in OPD policy (General Order L-3, Assistance to Outside Jurisdiction and Mutual Aid). The CHP operates under their established policies, procedures and chain of command structure. CHP and OPD Command communicate and coordinate regularly to assess operations.

CHP MISSION/OBJECTIVES/GOALS

The CHP will assist OPD with a primary focus in three identified Zones (Zone 1, Zone 3, and Zone 6). Each zone has been identified through a weekly analysis of crime data and intelligence. CHP will likely have the most significant impact on crime by focusing on the identified Zones. CHP objectives are accomplished by:

- 1. Conducting high visibility and enforcement patrols with the intent of proactively enforcing the law and maintaining community safety.
- 2. Providing investigative support to ongoing criminal investigations that will deter violence and crime.
- 3. Continually assessing crime data and the need to adjust Zone locations.

CHP Objective 1 – Patrol

CHP patrol operations will appropriately fall within CHP policy and procedures. Officers will enforce laws in a constitutional, fair, and professional manner. Personnel assigned to this operation are expected to work collaboratively with members of the OPD with the goal of enhancing public safety for residents and visitors.

Briefings: Briefings are held at the CHP Oakland Office: 3601 Telegraph Avenue, Oakland.

<u>Staffing</u>: Deployments consist of a minimum of one (1) uniformed sergeant and six (6) uniformed officers. Additional CHP units will aid the operation in addition to their primary CHP roles and responsibilities. Daily numbers and resources will fluctuate. For officer safety and operational integrity, the number of officers deployed *shall not be publicized and/or compromised*.

<u>Hours</u>: Deployment hours occur on Tuesdays and Fridays from <u>1200 to 2200 hours</u>.

Enforcement:

- 1. Deployment focuses on on-view (high-visibility) patrol and enforcement of legal statutes.
- 2. Officers use sound professional judgment when making enforcement contacts and appropriate discretion in all subsequent enforcement action taken.
- 3. All prisoners are transported in a CHP vehicle, in accordance with CHP policy, or with an OPD prisoner transport van, when available and requested. Prior to any prisoner transport, CHP may coordinate with the OPD through the Crime Gun Intelligence Center (CGIC), to determine if any OPD investigators (CID, SRS West, SRS East, Ceasefire, etc.) have an interest in their prisoner for any active or ongoing investigations.

<u>OPD Liaison</u>: OPD's Support Operation Division (SOD), Acting Captain E. Perez-Angeles has been designated as the Liaison between OPD and CHP for this ongoing operation.

<u>Statistical Collection</u>: CHP will provide their statistical data updates on a weekly basis to OPD Acting Captain E. Perez-Angeles for internal tracking. According to CHP leadership, any

specific information with regards to CHP statistical data can be requested through CHP public records request process.

The following is a summation of this week's operational efforts to include the total activity from the beginning of the operation (to date):

CHP Executive Summary

The Operation Oakland Safe Streets performed two deployments during the week of February 26, 2024, to March 3, 2024. Deployments consisted of a departmental presence comprised of seven personnel working collaboratively with personnel from the Oakland Police Department (OPD) and other stakeholders. The deployments concentrated on proactive enforcement to reduce criminal activity, specifically vehicle theft, highway violence, and organized crime. The following is a summation of this week's operational efforts to include the total activity from the beginning of the operation (to date):

- Total arrests to date: 112
 - o All Arrests: 3
- Total DUI arrest to date: 15
 - o DUI Arrests: 0
- Total Drug arrests to date: **16**
 - Drug Arrests (Non-Fentanyl): 1
- Total Fentanyl Drug arrests to date: 1
 - o Fentanyl Drug Arrests: 0
- Total DREs to date: 3
 - o DREs: 0
- Total citations to date: **536**
 - Citations issued (other): 2
- Total vehicle impounds to date: 73
 - Vehicles Impounded: 0
 - Vehicle impounds registration offenses: 0
 - Vehicle impounds license offenses: 0
 - Vehicle impounds arrests: 1
 - Vehicle impounds other: 0
- Total vehicle recoveries to date: 215
 - o Roller 10851 Recovered: 2
 - o Abandoned 10851 Recovered: 4
- Total firearm recoveries to date: 7
 - Firearms Recovered: 0
- Total Use of Force Incidents to date: 5
 - Use of Force Incidents: 0
- Narcotics/Drugs Seized: All weights are approximate.

♣ Total Seized to date:

- Fentanyl: **0.7 grams**
- Methamphetamine: 201.4 grams
- Cocaine: 95.1 grams
- Heroin: 7.9 grams
- Cannabis: **3,750.5 grams**
- Various Pills: **89.7 grams**

♣ Total Seized:

- Fentanyl: **0.0 grams**
- Methamphetamine: 0.0 grams
- Cocaine: 2.5 grams
- Heroin: 0.0 grams
- Cannabis: **0.0 grams**
- Various Pills: **0.0 grams**

OPD made a specific request from CHP for the following statistical data:

- All Arrests Offenses and Zones
- All Use of Force Incidents Offenses and Zones
- All Pursuits Offenses and Zones
- All Recoveries Offenses and Zones
- All Citations Primary Factors and Zones
- All Vehicle Impounds Primary factors and Zones
- <u>All Complaints taken</u> Types Zones
- All Narcotics and Drugs seized Types -Zones

CHP advised OPD that a Public Records Request would be required to supply this data. CHP also advised they do not possess a robust cadre of data analysts that could mine this specific data from their records quickly.

From February 5-9, 2024, Governor Newsom temporarily deployed additional CHP officers for "Operation Deep Roots" in Oakland. The operation was focused on auto theft, cargo theft, organized retail theft, violent crime, and high visibility traffic enforcement. This operation was also under the command and coordination of the CHP. CHP provided public statistical data from this operation. The results were 71 arrests, 145 stolen vehicle recoveries and 4 guns linked to crimes were seized. This operation included 120 CHP officers operating in the City of Oakland. OPD provided CHP with communications support. An OPD liaison was assigned to coordinate with CHP during each of their scheduled operations.

In response to the continued influx of crime within the city of Oakland to include gun violence, robberies, retail/commercial theft, assaults, burglaries, carjacking's, stolen vehicles, and Driving While Under the Influence (DUI) related incidents, the California Highway Patrol (CHP) will be conducting city wide operations over five days. CHP's operational areas and operations are as follows:

- 1. ACRATT Alameda County Regional Auto Theft Task Force Auto Theft Enforcement Operations (Mon-Thurs 0700-1700 BFO's 1 & 2)
- 2. Northern FEAR Team BFO 2 Area 4 Safe Streets Operation (Wed-Fri 1000-2200)
- 3. Warrant Service Team (DUI) (Friday- 0700-1700 Citywide)
- 4. Organized Retail Crime Task Force Theft Operation (Friday, 0900-1900 BFO 1, Area 3
- 5. Commercial Enforcement Operations (Wed, 0700 -1300 Port of Oakland, BFO 1, Area 1) (Friday, BFO 2, Area 5, 0700-1300 Coliseum)

The Oakland Police Department's Special Resource Section's, CGIC (Crime Gun Intelligence Center), Motors, CID (Criminal Investigations Division), Air Unit- Argus, Electronic

Surveillance Unit (ESU), and the Alameda County Regional Auto Task Force (ACRATT) provided support for CHP's operations throughout the week.

In addition to the above-mentioned CHP operations, OPD recently assisted CHP in two large scale operations:

1. On March 6th, 2024, The Oakland Police Department specialized units to include Ceasefire conducted a joint operation with CHP regarding a freeway shooting investigation. The culmination of the investigation resulted in the arrest of four individuals linked to the shooting and several firearms recovered to include an assault rifle. The incident was documented under OPD report 24-011458.



2. On March 12th the Oakland Police Department specialized units assisted the California Highway Patrol and the U.S Department of Agriculture, Officer of Inspector General serve multiple search warrants in BFO2 area four, regarding a group of individuals committing Woman, Infants, and Children (WIC) fraud. The result of the investigation yielded about \$22,000. worth of stolen retail merchandise and illegal firearms to include an assault rifle.

All complaints received in Oakland related to OPD will be addressed per the Department's policy on internal investigations (General Order M-3). If it is determined that the complaint pertains to CHP or another law enforcement agency that is not OPD, OPD staff will contact that agency regarding the complaint to conduct their own investigation.

Any additional statistical data and/or specific information that has not been provided by CHP with regards to both the "Oakland Safe Street Operations" and the "Surge Operations" must be requested through a public records request through the CHP.

Respectfully,

Eriberto Perez-Angeles Acting Captain of Police Support Operations Division Bureau of Field Operations - 2

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: 4/4/2024

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

Task	Status
Task 45:	6 th IMT Sustainability Report (15 Dec 23): No compliance finding
Disparity in	 2023 IAD Discipline Outcome Study – in progress, internal draft expected by
Discipline	end of March
	 Failure to Accept or Refer Complaint (FTARC) and Supervisory Notes File (SNF) inspection – complete
	 Patterns definition – collaboration meeting w/ OIG, CPRA, IMT on 3/19/24. Revisions are underway based on the feedback provided by the CPRA and
	IMT.
Next CMC	04 Jun 24

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	Status
Sexual Misconduct	Action plan agreed with OIG, OPD developing policy
Policy	
Racial Profiling /	In OPC Ad Hoc. A draft MOR violation with description was provided to the Ad Hoc
Bias Policy (DGO	on 3 Apr 24. By the next meeting, the policy will have minimally bookmarked the
M-19)	areas where the six OIG recommendations will be inserted.
K-4: Reporting and	OCA review
Investigating the	
Use of Force. (SO	
9214)	
SO 9216: Excited	Special order presented to OPC twice.
Delirium	Pending OPD approval.

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

Topic	Status	
Staffing & resource	Sworn Staffing	Long-term leave: 80 sworn employees
management	Authorized: 712	 51 Medical Leave
	Filled: 709	 25 Admin Leave
		4 Military Leave
	Professional Staffing	·
	Authorized: 332.50	Attrition Rate – 4/mo. (45 separated over
	Filled: 266.50	past year)
	Vacancies of note:	Reemployments – 7 pending approval
	Police Records Specialist (9)	
	Police Communications Dispatchers (9)	
	 8 dispatchers hired, eff. 27Apr24 	
Academy recruits	Academy 192 nd : 22, graduated Dec 2023	
	Academy 193 rd : 15, started 11 Nov 23 and graduate 10 May 24	
	Academy 194th: Start June 24. POST appr	oval for schedule change

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^{* &}quot;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.

	T	
	Academy 195th: Start 3 Aug 24	
	Academy 196th: Start 7 Dec 24	
	Academy 197th: Start 15 Feb 25	
General	2023	2024
Department	2040 total cases	531 total cases
functions (IAD)	114 Sustained cases	Current open cases
	348 sustained allegations	53 in IAD Investigations
		151 in DLI
General Department functions (CID)	 SVS Juvenile Cases: 2024 (30 days) Juvenile Arrests: 52 total juvenile arrests Referrals to restorative justice programs (i.e. NOAB): 17 YTD Restorative Justice 	Hate Crimes: 2024 (30 days) New cases: 2
	Referrals: 17 Missing Persons: 2024 (30 days) • YTD MPU Cases: 286 • YTD Closed MPU Cases: 203	
	 DVU Cases: 2024 (30 days) New cases: 434 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.DD - 134	
	243(e)(1) - 157273.5 143	
Education and training regarding job-related stress, PTSD, wellness	 April is National Stress Awareness Month OPD Will Host Our Annual Stress Awareness Week April 15th-20th April 15th- Live Grief Webinar- Kaiser- Virtual April 16th Gratitude Day- show a coworker gratitude by extending a nice gesture April 17th How to stay fit while you sit – 11:00 am; Chiropractic Office PAB-Mindful Meditation 2:30 pm Workout Temps PAB April 18th- Zumba- EMS 2:30 p.m./ Workout Temps April 19th Framers Market- Get your steps by walking to the farmers market April 20th Cardio Kick HIIT EMS 2:30 pm May 11th WIRE Workshop Working in Resilient Environments- Virtual-Hosted by Kaiser- Virtual July 23rd Blood Drive- Red Cross PAB 	
Budget	Dispatchers DISPATCHER APPRECIATION - Spirit V Saturday: SUPERSTAR STATUS - Dress Sunday: TEAM NO SLEEP - Roll into wo Monday: CAREER DAY - Suit up in any Tuesday: REP OUR CITY - Wear all your Wednesday: PLAYER PARTY - Rock you Thursday: RETRO DAY - Come in your to Friday: DRESS TO IMPRESS - Get glame Last:	s like your favorite celebrity ork in your pajamas job you want r Oakland gear ur favorite jersey or sports apparel hrowback attire from any decade
(QUARTERLY)	Next:	

Citywide Risk	Last: 3/14/24
Management	Next:
(QUARTERLY)	

V. Collaboration with OIG

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

VI. Collaboration with CPRA

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

Project	Status
Daily Complaint	Ongoing
Log, Weekly IAD	
Meetings	
Complaints &	Pending
Mediation	
"Patterns" definition	Collaboration meeting w/ OIG, CPRA, IMT on 3/19/24

VIII. Collaboration with Community

F	Project	Status
F	Annual Tour	Preparing for Community Annual Tour Jun/Jul/Aug

IX. Status of Submitting Records/Files Requested by Commission, Charter 604(f)(2)

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	File	Status
	None	

X. New Laws Affecting OPD

on Land / modeling of E	
Law	Status
2024 New Laws	Training plan to OPC 2/8/24.
Generally	Training Bulletin being drafted.
-	Training was published on 2 Apr 24.
2806.5 VC /	Update sent 3/19/2024.
Citation Update (AB 2773)	• 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	Annual report: sent 1/26/24
(GC 12525.2)	
DOJ Clearance	In the process of gathering the information. Records enters crime data for UCR
Rates	reporting.
Stop Data	Annual report
•	· ·
(GC 12525.5)	2023 Stop data was transmitted to State – sent 3/11/24

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	Status

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