



OAKLAND POLICE COMMISSION

REGULAR MEETING AGENDA

July 25, 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/81083678200> 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 or +16694449171 or +17193594580 or +12532158782 or +13462487799 or +16469313860

Webinar ID: 810 8367 8200

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.

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 Peterson
Roll Call: Vice Chair Ricardo Garcia-Acosta; Commissioner Regina Jackson; Commissioner Wilson Riles;
Commissioner Angela Jackson-Castain; Alternate Commissioner 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.

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

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT (Government Code Section 54957(b)) Title: Inspector General

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

- 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.

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



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V. Community Police Review Agency (CPRA) Update

Executive Director Mac Muir will provide updates on the CPRA, to the extent permitted by state and local law. Topics discussed in the update may include the Agency’s pending cases, completed investigations, staffing, and recent activities. Additionally, CPRA Director Mac Muir will introduce the consultants who are instrumental in the IAD to CPRA Transition. ***This is a recurring item. (Attachment 1)***

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

VI. Update from Office of the Inspector General

Interim Inspector General Charlotte Jones will provide an update on the OIG’s work. Topics discussed in the update may include project priorities under the City Charter; staffing updates; community engagement and outreach. ***This is a recurring item. (Attachment 2)***

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

VII. 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 3)***

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



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VIII. **Senate Bill 2 (SB2) Presentation**

Lt. Gordon Dorham will give a presentation and update on the implementation and impact of Senate Bill 2 (SB2), concerning police decertification due to misconduct and will go over the related training on stops for police officers. (*Attachment 4*)

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

IX. **Approval to prioritize for the Office of Inspector General to conduct a review audit and provide policy recommendations regarding OPD and CPRA's Internal Affairs Case No. 23-0459.**

This agenda item directs the Inspector General to conduct a review audit of OPD's compliance with Task 5 and Task 45 of the Negotiated Settlement Agreement, specifically OPD and CPRA's process and procedures for investigation including their determination of appropriate level of discipline regarding Internal Affairs Case No. 23-0459. This item additionally requests policy recommendations (if any) to the Commission for its consideration before the Commission's statement to the Court (September 4, 2024, Case Management Conference). City Charter Section 604(b)(4-5) requires the Commission to propose changes to policy, procedure, custom, or General Order of the Department which governs elements expressly listed in the Negotiated Settlement Agreement. City Charter 604(f)(5) further requires the OIG to audit "the Department's compliance with the fifty-two (52) tasks described in the Settlement Agreement in United States District Court case number C00-4599, *Delphine Allen, et al., v. City of Oakland, et al.*" Additionally, Municipal Code 2.45.120(f) provides authority to the Commission to prioritize the work of the OIG. Pursuant to City Charter Section 604(f)(5), the OIG is authorized to have full access to the City's report (prepared by an outside investigator) and the Community Police Review Agency's (CPRA) report in Oakland Police Department (OPD) Internal Affairs Case No. 23-0459, as well as the findings and discipline imposed. Pursuant to City Charter Section 604(f)(5), the OIG is also authorized to have full access of any other confidential, non-public OPD Internal Affairs Division Reports of Investigation, CPRA Investigation Reports, or Reports completed by third-party investigators engaged by the City.

X. **Approval of the Community Policing Policy First Reading**

Commissioner Wilson Riles, Community Policing Ad Hoc Chair, will lead and call for a vote to approve the draft documents. (*Attachment 5*)

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

XI. **Approval Annual Report Draft**

Chair Marsha Carpenter Peterson, Annual Report Ad Hoc Committee Chair, will lead and call for a vote to approve the draft document. (*Attachment 6*)

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



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XII. Ad Hoc Committee Reports

Representatives from Ad Hoc Committees will provide updates on their work. Opportunities for discussion, public comment, and/or actions, if any, will be provided following the presentation of all Ad Hoc Committee updates.

This is a recurring item.

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

The Staff Searches Ad Hoc Committee is responsible for the recruitment and hiring of staff vacancies, including but not limited to the Inspector General.

Enabling Ordinance Ad Hoc (Commissioners Peterson (Chair), Garcia-Acosta, Jackson)

The Enabling Ordinance Ad Hoc committee is tasked with reviewing the City Council's revisions to the Enabling Ordinance Chapters 2.45, 2.46, and the addition of Chapter 2.47. The Ad Hoc will align the Commissioner's feedback and make a recommendation to the City Council. Tasks include meeting with all relevant stakeholders.

(Attachment 7)

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

XIII. 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

XIV. 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



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

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

XVI. 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 the required accommodations, auxiliary aids, or services.



July 2024 Completed Investigations

Inv.	Case #	Received Date	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding/Conclusion
MM	23-1327	8/10/2023	7/31/2023	7/5/2024	8/5/2024	Subject 1	Use of Physical Force	Within OPD Policy
							Use of Physical Force	Within OPD Policy
							Use of Physical Force	Unfounded
EB	23-1590	9/29/2023	9/27/2023	7/10/2024	9/25/2024	Subject 1	Conduct Toward Others - Demeanor	Unfounded
							Use of Physical Force	Within OPD Policy
							Use of Physical Force	Unfounded
CH	24-0322	2/27/2024	2/24/2024	7/8/2024	2/22/2025	Subject 1	Obedience To Laws – Felony	Administrative Closure (Lacks Specificity)
YH	24-0379	3/7/2024	1/19/2024	7/9/2024	3/5/2025	Subject 1	Truthfulness	Duplicate
CH	24-0427	3/19/2024	3/16/2024	7/9/2024	3/16/2025	Subject 1	Obedience To Laws – Felony	Administrative Closure (Not OPD Officer)
							Obedience To Laws – Felony	Administrative Closure (Not OPD Officer)
AL	24-0222	2/7/2024	2/5/2024	7/16/2024	2/5/2025	Subject 1	Prohibited Activity on Duty	Unfounded
FK	24-0190	2/1/2024	1/14/2024	7/16/2024	1/30/2025	Subject 1	Performance Of Duty – General	Within OPD Policy
							No MOR Violation	Administrative Closure (Lacks Specificity)
							No MOR Violation	Administrative Closure (Lacks Specificity)
AY	23-1234	8/1/2023	7/25/2023	7/17/2024	7/24/2024	Subject 1	Performance of Duty – Care of Property	Sustained
							Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
							Subject 2	Performance of Duty – Care of Property



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**COMMUNITY POLICE
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July 2024 Completed Investigations

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(Total Completed = 13)

Inv.	Case #	Received Date	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding/Conclusion
						Subject 3	Performance of Duty – Care of Property	Within OPD Policy
							Use of Physical Force	Within OPD Policy
						Subject 4	Use of Physical Force	Within OPD Policy
						Subject 5	Use of Physical Force	Within OPD Policy
						Subject 6	Performance of Duty – Planting Evidence	Unfounded
AY	23-1232	7/26/2023	7/23/2023	7/19/2024	7/24/2024	Subject 1	Conduct Towards Others - Demeanor	Sustained
							Performance of Duty - General	Sustained
							Contact Towards Others – Harassment and Discrimination	Not Sustained
CH	24-0158	1/30/2024	1/28/2024	7/17/2024	1/26/2025	Subject 1	Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
							Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
							Conduct Toward Others - Harassment, Discrimination, or Profiling by Race or Ethnicity	Unfounded
							Performance of Duty - General	Within OPD Policy
CH	23-1702	10/18/2023	10/15/2023	7/20/2024	10/14/2024	Subject 1	Conduct Towards Others – Demeanor	Unfounded
							Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
							Performance of Duty - General	Unfounded
							Use of Physical Force	Unfounded

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(Total Completed = 13)

Inv.	Case #	Received Date	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding/Conclusion
							Use of Physical Force	Unfounded

Other Cases No Longer Pending:

According to Oakland City Charter Section 604(f)1, the CPRA “shall not be required to investigate each public complaint it receives, beyond the initial intake procedure, but shall investigate public complaints involving uses of force, in-custody deaths, profiling based on any of the protected characteristics identified by federal, state, or local law, untruthfulness, and First Amendment assemblies.

The following cases were initially determined to have involved at least one required or “mandated” allegation and were assigned to a staff member. Upon review, the CPRA found these cases did not, in fact, include mandated allegations. Pursuant to City Charter Section 604(f)1, the CPRA will not be investigating the allegations in the following cases, and they are being removed from the Pending Case List:

24-0631
24-0672

Finding Definitions:

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.

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.

Not Sustained/Unable to Determine: 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.

Additional Definitions:

No Jurisdiction: The Subject Officer of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.



July 2024 Completed Investigations

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(Total Completed = 13)

Administrative Closure (Lacks Specificity): Complaint lacks specificity and complainant refuses or is unable to provide further clarification necessary to investigate the complaint.

Administrative Closure (Not OPD Officer): The investigation determined that the subject of this complaint was not a member of the Oakland Police Department.

604(g)3 Adjudication: If the Chief of Police prepares his or her own findings and proposed discipline and provides it to the Agency before the Agency's investigation is initiated or completed, the Agency may close its investigation or may choose not to conduct its own investigation in order to allow final discipline to proceed as proposed by the Chief, except that in investigations of Level 1 uses of force, sexual misconduct or untruthfulness, the Commission must approve the Agency's decision by a majority vote. If the Agency chooses not to close its investigation, imposition of final discipline shall be delayed until the Agency's investigation is completed and the Agency makes its findings and recommendations for discipline.



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**COMMUNITY POLICE
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June 2024 Completed Investigations

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(Total Completed = 7)

Inv.	Case #	Received Date	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding/Conclusion
YH	21-1558	12/28/2021	12/24/2021	6/27/2024	12/23/2022	Subject 1	Performance of Duty – Miranda Violation	Sustained
							Use of Physical Force	Exonerated
EB	23-1215	7/27/2023	6/18/2023	6/25/2024	7/22/2024	Subject 1	Performance of Duty – General	Unfounded
							Conduct Toward Others - Harassment, Discrimination, or Profiling by Race or Ethnicity	Unfounded
							Conduct Toward Others - Demeanor	Unfounded
							Conduct Toward Others - Demeanor	Unfounded
						Subject 2	Performance of Duty – General	Unfounded
CH	23-1659	10/10/2023	10/7/2023	6/28/2024	10/5/2024	Subject 1	Use of Physical Force	Unable to Determine
CH	23-1818	11/14/2023	11/12/2023	6/28/2024	11/10/2024	Subject 1	Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
							Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
							Performance of Duty – General	Within OPD Policy
							Use of Physical Force	Unfounded
							Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy



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(Total Completed = 7)

Inv.	Case #	Received Date	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding/Conclusion
							Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
							Use of Physical Force	Unfounded
						Subject 3	Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
							Use of Physical Force	Unfounded
						Subject 4	Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
							Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
							Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Within OPD Policy
AY	23-1975	12/15/2023	12/11/2023	6/5/2024	12/9/2024	Subject 1	Conduct Toward Others - Demeanor	Sustained
							Use of Physical Force	Within OPD Policy
							Within OPD Policy	Unfounded
CH	24-0041	1/9/2024	4/18/2023	6/27/2024	1/2/2025	Subject 1	Use of Physical Force	Within OPD Policy
						Subject 2	Use of Physical Force	Within OPD Policy
						Subject 3	Use of Physical Force	Within OPD Policy
						Subject 4	No Mor Violation	Administrative Closure (Not OPD Officer)
	24-0283	2/21/2024	2/21/2024	6/26/2024	2/20/2025	Subject 1	Use of Physical Force	Administrative Closure (Not OPD Officer)



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(Total Completed = 7)

Inv.	Case #	Received Date	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding/Conclusion
							Conduct Toward Others - Harassment, Discrimination, or Profiling by Race or Ethnicity	Administrative Closure (Not OPD Officer)
						Subject 2	Conduct Toward Others - Harassment, Discrimination, or Profiling by Race or Ethnicity	Administrative Closure (Not OPD Officer)



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(Total Completed = 7)

Other Cases No Longer Pending:

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The following cases were initially determined to have involved at least one required or “mandated” allegation and were assigned to a staff member. Upon review, the CPRA found these cases did not, in fact, include mandated allegations. Pursuant to City Charter Section 604(f)1, the CPRA will not be investigating the allegations in the following cases, and they are being removed from the Pending Case List:

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Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.

Administrative Closure (Lacks Specificity): Complaint lacks specificity and complainant refuses or is unable to provide further clarification necessary to investigate the complaint.

Administrative Closure (Not OPD Officer): The investigation determined that the subject of this complaint was not a member of the Oakland Police Department.

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604(g)3 Adjudication: If the Chief of Police prepares his or her own findings and proposed discipline and provides it to the Agency before the Agency's investigation is initiated or completed, the Agency may close its investigation or may choose not to conduct its own investigation in order to allow final discipline to proceed as proposed by the Chief, except that in investigations of Level 1 uses of force, sexual misconduct or untruthfulness, the Commission must approve the Agency's decision by a majority vote. If the Agency chooses not to close its investigation, imposition of final discipline shall be delayed until the Agency's investigation is completed and the Agency makes its findings and recommendations for discipline.



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Pending Cases as of July 2024
(Sorted by One-Year Goal)

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 Total Pending = 115 (-7.25%)

Case #	Incident Date	Date Received IAD	Date Received CPRA	Intake or Investigator	Assigned Staff	180-Day Goal	1-Year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-1410	11/20/2021	11/20/2021	11/20/2021	Investigator	YH	05/19/2022	Tolled	Use of Force	1	1	17	Use of Force
22-0622	05/25/2022	05/25/2022	05/25/2022	Investigator	YH	11/21/2022	Tolled	Use of Force	1	14	1	Use of Force
22-1379	10/17/2022	10/17/2022	10/17/2022	Investigator	JS	04/15/2023	Tolled	Use of Force	1		7	Use of Force
23-0558	01/23/2023	01/23/2023	01/25/2023	Investigator	DB	07/22/2023	Tolled	Use of Force	1	7	1	Use of Force
23-0510	04/12/2023	04/12/2023	04/12/2023	Investigator	DB	10/09/2023	Tolled	Use of Force	1	4	8	Use of Force, Performance of Duty, Obedience to Laws, Truthfulness
22-1102	08/23/2022	08/23/2022	04/19/2023	Investigator	YH	02/19/2023	Tolled	Other	1	1		Obedience to Laws
23-1602	03/29/2023	10/02/2023	10/15/2023	Investigator	YH	03/30/2024	Tolled	Truthfulness	1	2	1	Truthfulness, Obedience to Laws
23-1781	11/07/2023	11/07/2023	11/07/2023	Investigator	YH	05/05/2024	Tolled	Use of Force	1	1	1	Use of Force
24-0582	04/17/2024	04/17/2024	04/17/2024	Investigator	YH	10/14/2024	Tolled	Use of Force	1	2	2	Use of Force
24-0593	04/20/2024	04/20/2024	04/23/2024	Investigator	DB	10/17/2024	Tolled	Other	1	3	5	Obedience to Laws, Performance of Duty
23-1348	08/07/2023	08/14/2023	08/15/2023	Investigator	JS	02/10/2024	08/12/2024	Discrimination	1	5	8	Use of Force, Unlawful Detention, Illegal Search
23-1361	08/15/2023	08/15/2023	08/16/2023	Investigator	YH	02/14/2024	08/14/2024	Use of Force	1	4	6	Use of Force, False Arrest
23-1423	08/02/2023	08/25/2023	08/26/2023	Investigator	MM	02/21/2024	08/23/2024	Use of Force	1	1	3	Use of Force
23-1521	09/16/2023	09/16/2023	09/17/2023	Investigator	EM	03/14/2024	09/14/2024	Use of Force	1	1	1	Use of Force
23-1522	09/16/2023	09/16/2023	09/17/2023	Investigator	KP	03/14/2024	09/14/2024	Use of Force	1	4	8	Use of Force, Demeanor, Discrimination
23-1544	09/18/2023	09/19/2023	09/21/2023	Investigator	EM	03/16/2024	09/16/2024	Use of Force	1	1	6	Use of Force, Demeanor
23-1595	10/01/2023	10/01/2023	10/01/2023	Investigator	AL	05/29/2023	10/01/2024	Use of Force	1	15	46	Use of Force, Performance of Duty
23-1655	10/06/2023	10/06/2023	10/10/2023	Investigator	JS	04/03/2024	10/04/2024	Use of Force	1	1	5	Use of Force, Demeanor, Performance of Duty
23-1665	10/09/2023	10/09/2023	10/11/2023	Investigator	JS	04/06/2024	10/07/2024	Use of Force	1	8	8	Use of Force
23-1722	10/19/2023	10/19/2023	10/24/2023	Investigator	KP	04/21/2024	10/22/2024	Discrimination	1	2	4	Discrimination/Demeanor
23-1754	10/26/2023	10/26/2023	10/30/2023	Investigator	JS	04/27/2024	10/24/2024	Use of Force	1	1	6	Use of Force, Performance of Duty, Demeanor
23-1786	11/03/2023	11/03/2023	11/07/2023	Investigator	EM	05/01/2024	11/01/2024	Truthfulness	1	3	1	Truthfulness
23-1795	11/04/2023	11/04/2023	11/07/2023	Investigator	EM	05/24/2024	11/02/2024	Other	1	1	1	Obedience to Laws
23-1804	11/08/2023	11/10/2023	11/10/2023	Investigator	DB	05/06/2024	11/07/2024	Discrimination	1	1	3	Search and Seizure, Discrimination
23-1834	11/14/2023	11/14/2023	11/17/2023	Investigator	EM	05/12/2024	11/12/2024	Discrimination	1	2	2	Discrimination
23-1857	11/18/2023	11/18/2023	11/21/2023	Investigator	AL	05/16/2024	11/16/2024	Use of Force	1	1	5	Use of Force
23-1851	11/19/2023	11/19/2023	11/21/2023	Investigator	AY	05/17/2024	11/17/2024	Use of Force	1	4	3	Use of Force, Performance of Duty

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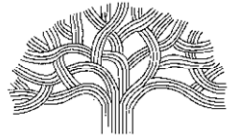


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23-1914	11/29/2023	11/29/2023	12/01/2023	Investigator	JS	05/27/2024	11/27/2024	Use of Force, Discrimination	1	4	14	Use of Force, Discrimination, Performance of Duty
23-1947	12/04/2023	12/04/2023	12/07/2023	Investigator	DB	06/01/2024	12/02/2024	Use of Force	1	1	1	Use of Force
23-2039	12/26/2023	12/26/2023	12/28/2023	Investigator	AL	06/23/2024	12/24/2024	Use of Force	1	3	8	Use of Force
23-2063	12/05/2023	12/29/2023	02/06/2024	Investigator	AY	06/26/2024	12/27/2024	Use of Force	1	3	4	Use of Force, Performance of Duty
24-0015	08/11/2023	01/03/2024	01/08/2024	Investigator	MM	07/03/2024	01/03/2025	Other	2	1	1	Demeanor
24-0067	01/11/2024	01/12/2024	01/16/2024	Investigator	AY	07/10/2024	01/10/2025	Use of Force	1	2	1	Use of Force
24-0156	01/26/2024	01/26/2024	01/30/2024	Investigator	EM	07/24/2024	01/24/2025	Use of Force	1	2	2	Use of Force, False Arrest
24-0155	01/28/2024	01/28/2024	01/30/2024	Investigator	EM	07/26/2024	01/26/2025	Discrimination	1	2	3	Discrimination
24-0187	09/27/2003	01/31/2024	01/31/2024	Investigator	KP	07/29/2024	01/29/2025	Use of Force	1	2	6	Use of Force, Prohibited Activities On Duty, General Conduct, Compromising Criminal Cases, Service Complaint, Reports and Bookings
24-0198	02/02/2024	02/02/2024	03/01/2024	Investigator	KP	07/31/2024	01/31/2025	Discrimination	2	1	1	Discrimination
24-0223	02/08/2024	02/09/2024	02/20/2024	Investigator	FK	08/07/2024	02/08/2025	Use of Force	1	1	3	Use of Force, False Arrest, Improper Investigation
24-0226	02/12/2024	02/12/2024	02/14/2024	Investigator	EM	08/10/2024	02/10/2025	Use of Force	1	3	7	Use of Force, False Arrest, Unlawful Search, Care of Property
24-0229	02/12/2024	02/12/2024	02/14/2024	Investigator	AY	08/10/2024	02/10/2025	Use of Force	1	2	2	Use of Force
24-0258	02/17/2024	02/17/2024	02/20/2024	Investigator	DB	08/15/2024	02/15/2025	Discrimination	1	1	1	Discrimination
24-0278	2/21/2024	2/21/2024	2/23/2024	Investigator	KP	08/19/2024	2/19/2025	Discrimination	1	2	3	False Arrest, Discrimination, Demeanor
24-0734	02/21/2024	02/21/2024	05/20/2024	Investigator	AL	08/19/2024	02/19/2025	Use of Force	1	1	1	Use of Force
24-0285	02/16/2024	02/22/2024	02/27/2024	Investigator	KP	08/20/2024	02/20/2025	Use of Force	1	1	4	Use of Force, False Arrest, Care of Property, Performance of Duty
24-0304	02/24/2024	02/24/2024	03/04/2024	Investigator	CH	08/22/2024	02/22/2025	Use of Force, Discrimination	1	1	3	Use of Force, Discrimination
24-0353	03/01/2024	03/01/2024	03/05/2024	Investigator	YH	08/28/2024	02/28/2025	Use of Force	1	1	3	Use of Force, Reports and Bookings, Obedience to Laws
24-0372	03/04/2024	03/04/2024	03/04/2024	Investigator	CH	08/31/2024	03/03/2025	Discrimination	1	1	1	Discrimination
24-0357	01/01/2024	03/04/2024	03/05/2024	Investigator	EM	08/31/2024	03/03/2025	Use of Force	1	1	1	Use of Force
24-0365	03/04/2024	03/04/2024	03/05/2024	Investigator	AL	08/31/2024	03/03/2025	Discrimination	1	1	3	Discrimination
24-0380	03/06/2024	03/06/2024	03/07/2024	Investigator	CH	09/02/2024	03/05/2025	Discrimination	1	1	1	Discrimination
24-0138	01/19/2024	03/06/2024	03/07/2024	Investigator	YH	09/02/2024	03/06/2025	Truthfulness	1	1	1	Truthfulness

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24-0384	03/07/2024	03/07/2024	03/08/2024	Investigator	EM	09/03/2024	03/06/2025	Use of Force	1	2	2	Use of Force
24-0398	03/11/2024	12/01/2024	03/11/2024	Investigator	DB	09/07/2024	03/10/2025	Other	1	1	1	Sexual Misconduct
24-0494	03/11/2024	03/11/2024	03/11/2024	Investigator	YH	09/07/2024	03/10/2025	Discrimination	1	3	4	Discrimination, Failure To Report, Conduct Towards Others, Supervisor Authority and Responsibilities
24-0405	03/12/2024	03/12/2024	03/13/2024	Investigator	CH	09/08/2024	03/11/2025	Use of Force	1	1	1	Use of Force, Conduct Towards Others
24-0414	11/07/2021	03/14/2024	03/14/2024	Investigator	CH	09/10/2024	03/13/2025	Use of Force	1	1	4	Use of Force, Performance of Duty
24-0422	03/16/2024	03/16/2024	03/19/2024	Investigator	CH	11/21/2024	03/15/2025	Discrimination	1	2	4	Discrimination, False Arrest
24-0423	03/17/2024	03/17/2024	03/18/2024	Investigator	CH	09/13/2024	03/16/2025	Use of Force	1	4	3	Use of Force, False Arrest, Demeanor
24-0430	03/13/2024	03/19/2024	03/13/2024	Investigator	CH	09/15/2024	03/18/2025	Use of Force	1	1	1	Use of Force
24-0448	03/21/2024	03/21/2024	03/22/2024	Investigator	EM	09/17/2024	03/20/2025	Use of Force	1	1	4	Use of Force, False Arrest, Performance of Duty, Consumption of Intoxicants
24-0452	09/09/2023	03/22/2024	03/25/2024	Investigator	DB	09/18/2024	03/21/2025	Use of Force	1	2	4	Use of Force, Performance of Duty, Conduct Toward Others
24-0466	03/22/2024	03/22/2024	03/28/2024	Investigator	CH	09/18/2024	03/21/2025	Other	1	4	5	Obedience to Laws, False Arrest
24-0459	03/23/2024	03/23/2024	03/26/2024	Investigator	DB	09/19/2024	03/22/2025	Use of Force	1	1	1	Use of Force
24-0475	03/25/2024	03/25/2024	03/28/2024	Investigator	EM	09/21/2024	03/25/2025	Use of Force	1	1	1	Use of Force
24-0481	01/01/1999	03/28/2024	03/29/2024	Investigator	KP	09/24/2024	03/27/2025	Use of Force	1	1	2	Use of Force, Refusal to Provide Name/Serial #
24-0495	03/29/2024	03/29/2024	03/28/2024	Investigator	CH	09/25/2024	03/28/2025	Use of Force	1	2	1	Use of Force
24-0497	03/30/2024	03/30/2024	04/02/2024	Investigator	CH	09/26/2024	03/29/2025	Use of Force	1	1	1	Use of Force
24-0504	03/30/2024	04/01/2024	04/03/2024	Investigator	CH	09/28/2024	03/31/2025	Use of Force	1	1	1	Use of Force
24-0533	04/03/2024	04/03/2024	04/09/2024	Investigator	CH	09/30/2024	04/02/2025	Use of Force	1	3	1	Use of Force
24-0635	09/23/2023	04/15/2024	05/02/2024	Intake	DC	10/12/2024	04/04/2025	Other	1	3	3	Performance of Duty
24-0576	02/16/2024	04/16/2024	04/15/2024	Intake	DC	10/04/2024	04/06/2025	Use of Force	1	1	1	Use of Force
24-0543	04/03/2024	04/08/2024	04/10/2024	Intake	CH	10/05/2024	04/07/2025	Use of Force	1	1	1	Use of Force
24-0566	04/14/2024	04/15/2024	04/16/2024	Investigator	KP	10/09/2024	04/11/2025	Use of Force	1	2	4	Use of Force, Performance of Duty
24-0565	04/12/2024	04/12/2024	04/16/2024	Investigator	AL	10/09/2024	04/11/2025	Use of Force	1	2	2	Use of Force
24-0574	04/15/2024	04/15/2024	04/16/2024	Investigator	CH	10/12/2024	04/14/2025	Use of Force	1	2	2	Use of Force
24-0595	04/18/2024	04/18/2024	04/19/2024	Investigator	CH	10/15/2024	04/17/2025	Use of Force	1	3	3	Use of Force, False Arrest, Performance of Duty, Consumption of Intoxicants

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24-0592	04/19/2024	04/19/2024	04/23/2024	Investigator	CH	10/16/2024	04/18/2025	Use of Force	1	3	3	Use of Force
24-0587	04/20/2024	04/20/2024	04/23/2024	Intake	DC	10/17/2024	04/19/2025	Use of Force	1	1	1	Use of Force
24-0600	04/20/2024	04/23/2024	04/23/2024	Investigator	CH	10/17/2024	04/19/2025	Use of Force	1	1	1	Use of Force
24-0588	04/21/2024	04/21/2024	04/23/2024	Investigator	CH	10/18/2024	04/20/2025	Other	1	1	3	Obedience to Laws, False Arrest, Performance of Duty
24-0609	04/22/2024	04/22/2024	04/24/2024	Investigator	CH	10/19/2024	04/21/2025	Use of Force	1	1	1	Use of Force
24-0597	04/17/2024	04/22/2024	04/24/2024	Investigator	AL	10/19/2024	04/21/2025	Other	2	1	1	Performance of Duty
24-0591	04/20/2024	04/20/2024	04/23/2024	Intake	DC	10/17/2024	04/23/2025	Discrimination	1	1	1	Discrimination
24-0629	04/27/2024	04/27/2024	04/30/2024	Investigator	CH	10/24/2024	04/26/2025	Other	1	1	1	Obedience to Laws
24-0664	05/04/2024	05/04/2024	05/07/2024	Investigator	CH	10/31/2024	05/03/2025	Use of Force	1	1	2	Use of Force, Demeanor
24-0667	05/05/2024	05/05/2024	05/07/2024	Investigator	CH	11/01/2024	05/04/2025	Use of Force	1	4	8	Use of Force, Demeanor
24-0663	05/06/2024	05/06/2024	05/07/2024	Intake	DC	11/02/2024	05/05/2025	Use of Force	1	2	2	Use of Force
24-0701	03/06/2024	05/09/2024	05/14/2024	Investigator	CH	11/05/2024	05/08/2025	Other	2	1	3	Performance of Duty General, False Arrest, Care of Property
24-0713	05/13/2024	05/13/2024	05/14/2024	Intake	KC	11/09/2024	05/12/2025	Use of Force	1	1	1	Use of Force
24-0729	05/17/2024	05/17/2024	05/20/2024	Investigator	CH	11/13/2024	05/16/2025	Use of Force	1	2	2	Use of Force
24-0737	05/18/2024	05/18/2024	05/20/2024	Intake	KC	11/14/2024	05/17/2025	Use of Force	1	2	4	Use of Force, Performance of Duty
24-0735	05/17/2024	05/18/2024	05/20/2024	Intake	DC	11/14/2024	05/17/2025	Use of Force	1	1	1	Use of Force
24-0746	03/28/2024	05/19/2024	05/21/2024	Intake	DC	11/15/2024	05/18/2025	Use of Force	1	3	7	Use of force
24-0742	05/19/2024	05/19/2024	05/21/2024	Intake	KC	11/15/2024	05/18/2025	Use of Force	1	2	4	Use of Force, Performance of Duty
24-0739	03/28/2024	05/19/2024	05/30/2024	Investigator	AL	11/15/2024	05/18/2025	Use of Force	1	2	10	Use of Force, Conduct Towards Others, Performance of Duty, Failure To Accept or Refer a Complaint
24-0749	05/20/2024	05/20/2024	05/21/2024	Investigator	CH	11/16/2024	05/19/2025	Use of Force	1	5	15	Use of Force, False Arrest, Demeanor
24-0754	02/05/2024	05/21/2024	05/21/2024	Investigator	CH	11/17/2024	05/20/2025	Use of Force	1	3	5	Use of Force, Performance of Duty
24-0770	05/21/2024	05/21/2024	05/30/2024	Intake	KC	11/17/2024	05/20/2025	Use of Force	1	2	2	Use of Force
24-0767	05/09/2024	05/23/2024	05/23/2024	Investigator	CH	11/19/2024	05/22/2025	Discrimination	1	1	3	Discrimination, Harassment
24-0763	05/23/2024	05/23/2024	05/28/2024	Intake	KC	11/19/2024	05/22/2025	Discrimination	1	1	4	Discrimination, Demeanor
24-0768	05/24/2024	05/24/2024	05/28/2024	Investigator	CH	11/20/2024	05/23/2025	Use of Force	1	1	1	Use of Force
24-0769	05/27/2024	05/27/2024	05/28/2024	Intake	DC	11/23/2024	05/26/2025	Use of Force	1	2	4	Use of Force
24-0793	05/30/2024	05/30/2024	05/31/2024	Intake	DC	11/26/2024	05/30/2025	Use of Force	1	1	1	Use of Force
24-0799	05/31/2024	05/31/2024	06/03/2024	Intake	DC	11/27/2024	05/30/2025	Use of Force	1	4	4	Use of Force
24-0803	06/01/2024	06/01/2024	06/04/2024	Investigator	CH	11/28/2024	05/31/2025	Use of Force	1	3	3	Use of Force

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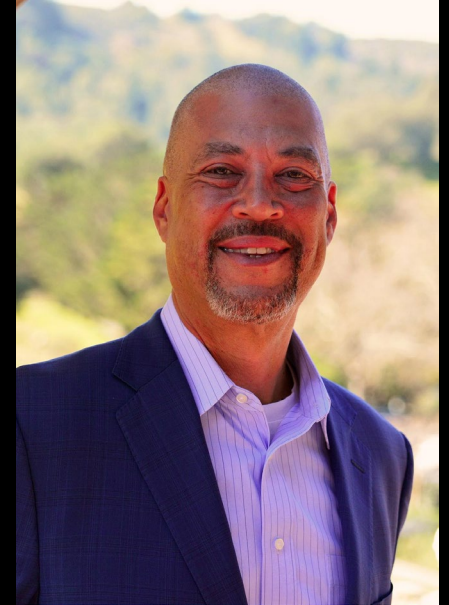
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24-0817	06/04/2024	06/04/2024	06/05/2024	Investigator	DB	12/01/2024	06/03/2025	Other	2	1	1	Performance of Duty, Miranda Violation
24-0831	05/09/2024	06/06/2024	06/05/2024	Intake	KC	12/02/2024	06/04/2025	Use of Force	1	1	2	Use of Force, Performance of Duty
24-0862	06/13/2024	06/13/2024	06/18/2024	Intake	DC	12/10/2024	06/13/2025	Discrimination	1	3	6	Discrimination, Performance of Duty
24-0876	06/17/2024	06/17/2024	06/18/2024	Intake	KC	12/14/2024	06/16/2025	Use of Force	1	2	2	Use of Force
24-0903	02/12/2024	06/25/2024	06/27/2024	Intake	KC	12/22/2024	06/24/2025	Use of Force	1	1	2	Use of Force, Performance of Duty
24-0909	06/26/2024	06/26/2024	06/28/2024	Intake	DC	12/23/2024	06/25/2025	Use of Force	1	2	2	Use of Force
24-0949	05/01/2024	07/02/2024	07/05/2024	Intake	SH	12/29/2024	07/01/2025	Use of Force	1	1	2	Use of Force, Performance of Duty
24-0935	07/01/2024	07/02/2024	07/05/2024	Intake	DC	12/29/2024	07/02/2025	Discrimination	1	1	1	Discrimination
24-0953	07/03/2024	07/03/2024	07/05/2024	Intake	SH	12/30/2024	07/02/2025	Use of Force	1	1	1	Use of Force
24-0964	07/05/2024	07/05/2024	07/08/2024	Intake	DC	01/01/2025	07/25/2025	Use of Force	1	1	2	Use of Force

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Our Presenters



- **Andrew Lah:** Visiting Professor, USF Law School and Managing Partner, MLF
- **Russell Bloom:** Independent Police Auditor for the Bay Area Rapid Transit District (BART) Police Department



MOEEL
LAH
FAKHOURY



AGENDA REPORT

TO: Honorable Oakland
Police Commission

FROM: Charlotte Jones
Acting Inspector General

SUBJECT: Office of the Inspector General
Informational Report

DATE: July 25, 2024

PURPOSE

The purpose of this informational report is to provide the Oakland Police Commission (“Commission”) and members of the public with updates from the Office of the Inspector General (“OIG”), since the previous Inspector General’s last presentation. In this document, the OIG provides a high-level outline of its prioritized projects and current activity. The OIG also attempts to address specific questions raised by Commissioners and community members at previous meetings. For additional context, the OIG has also included pertinent attachments that have been released since its last presentation. Through these reports, the OIG seeks to fulfill its commitment to providing transparent civilian oversight.

STAFFING

Deputy Inspector General

I started with the OIG last year as the Chief of Audits and Evaluations. Working diligently under the IG’s leadership and mentoring, last month the IG offered me the position of Deputy Inspector General. I excitedly accepted the position, and it became official on July 6, 2024. As the Deputy Inspector General, my role is to work directly for the Inspector General to maintain the internal operations of the OIG, including:

- Assisting the Inspector General with strategic planning and policy development
- Overseeing staff and assisting where required with police performance audit functions and policy analysis
- Making suggestions to the IG on priority projects that are in alignment with the OIG mission
- Evaluating information to assess merits, validity, and accuracy of reports, findings, and recommendations
- Overseeing the collection of policies, data, research information, and interview process to ensure adherence to policies and procedures

I will also take on any duties as directed by the Inspector General. I look forward to continuing to serve the City of Oakland.

Police Commission Meeting
July 25, 2024

Acting Inspector General

Michelle N. Phillips resigned from the position of Oakland's inaugural Inspector General effective July 13, 2024. She will of course be missed. As the Deputy Inspector General and the only manager at the OIG, I will take on the Acting role of Inspector General, managing the internal and external responsibilities of the OIG while this Commission seeks to hire a permanent Inspector General.

New Inspector General

After the IG's resignation, in order to move the hiring process along for this Commission, she had me create a requisition for the position of Inspector General. I created that requisition on June 3rd and it was approved by all necessary parties by June 12, 2024. The job was posted on June 21st, with the closing date to apply being August 1, 2024. Appropriately, the OIG's only role in this process is to ensure that this Commission receives the applications from the candidates and assist with the onboarding paperwork once the hire is made. I have been keeping the Inspector General Hiring Ad Hoc aware of the number of applicants received weekly. The OIG also presented the job posting on our social media last week.

Police Performance Auditing Services

The OIG is tasked with auditing, evaluating and inspecting the operations and procedures of the Oakland Police Department, including the 52 tasks of the Negotiated Settlement Agreement, and the investigative processes and procedures of the Community Police Review Agency (CPRA). Without auditing staff those responsibilities were not being met. In order to maintain the operations of the OIG, in May 2024 the OIG submitted a Request For Proposals (RFP) for Police Performance Auditing Services. As the Chief of Audits and Evaluations, now Deputy IG, I am the project manager for the RFP, and will be managing the services of the hired firm.

The scope of the RFP is to hire a firm that will:

- Conduct audits, evaluations and reviews of the OPD and CPRA compliance with policies, procedures and laws as directed by the OIG
- Audit OPD and CPRA misconduct complaint and discipline process
- Review samples of closed CPRA and IAD complaints and investigations to determine if the complaint and investigative process is followed in a complete, thorough, objective and fair manner
- Conduct audits, evaluations, and inspections of OPD procedures as they relate to policies, procedures, efficiency and effectiveness for:
 - Internal Affairs Department
 - Use of Force
 - General Reporting Procedures
 - Personnel Information Management System
 - Training, Recruitment and Retention
 - Personnel Practices
 - Community Policing Plan
- Conduct additional independent audits as assigned by the Office of the Inspector General

- Provide support services for audits and evaluations in progress
- Provide reports and materials produced as property of the Office of the Inspector General in an editable digital format

The due date for the submission of proposals was extended to June 28, 2024. The OIG received four (4) submitted proposals from potential firms. Those firms are scheduled to be interviewed next week and a candidate firm will hopefully be chosen soon after.

Director of Communications and Engagement

On June 8th of this year, the OIG hired a new Director of Communications and Operations, Monica Pelayo-Lock. Director Pelayo-Lock brings years of relevant communications experience. She's here this evening to introduce herself and provide a little insight on what she is doing in the OIG.

BUDGET

Oakland was faced with a significant budget deficit, which required the OIG, as well as all other Departments to make difficult decisions when submitting their budget proposals. Although of course the IG made the final decisions, she did discuss with me the budget concerns and we made determinations that we believed were in the best interest of the office. The budget proposal that was submitted by the OIG and was accepted by the City Council and the Mayor included the freezing of four (4) OIG positions for six (6) months. The frozen positions include the Chief of Audits and Evaluations, and three auditor/analyst positions.

The rationale for freezing those four positions is that the auditor positions, and my position after my promotion, were already vacant. The OIG had already gone through the list of candidates for the auditor positions and so would have to create a new requisition, recruit, and interview to hire. That is a lengthy process and could take up to six (6) months anyway. The OIG would be in the same circumstance whether the positions were frozen or not. We seek to hire for those positions as soon as the freeze is over and eligible candidates are identified. The way the current positions at the OIG stand at this time are included on the attached organizational chart.

CITY CHARTER AND NEGOTIATED SETTLEMENT AGREEMENT (NSA, MEASURE S1 OIG)

Inspections of NSA Section III: Internal Affairs Division (IAD)

The NSA mandates that OPD is required to sustain the outlined tasks in an effort to ensure effective and long-term police reform. After reviewing NSA Section III, the OIG identified several tasks that were categorized as "inactive." The OIG elected to conduct an updated inspection of seven tasks in Section III, to ensure continued compliance. The seven tasks are outlined in Table 1 below.

Table 1: NSA-Section III: Selected Tasks for Inspections

Task 3: IAD Integrity Tests	Task 4: Complaint Control System for IAD
Task 7: Methods for Receiving Citizen Complaints	Task 8: Classification of Citizen Complaints

Task 9: Contact of Citizen Complainant	Task 11: Summary of Citizen Complaints Provided to OPD Personnel
Task 13 Documentation of Pitchess Responses	

The OIG requested information related to the seven tasks mentioned above. Initial information was received from OPD in part on May 15, 2024. Discussions were had after that date and additional requests for information have been sent. As we are completing seven (7) detailed inspections, just myself and the policy analyst doing the work at this time, we expect that the inspections will not be completed until the end of the year.

Policy Review of DGO B-08: Field Training Program

The Office of the Inspector General completed most stages of analysis of the office's Policy Review of DGO B-08: *Field Training Program*. The project will include an analysis of the relationship between OPD's field trainers and trainee misconduct (use of force, etc.) allegations. This project was initially stalled due to the prioritization of other time-sensitive projects and a delay in receiving data. Although the project is in the review and editing phase, it is currently put on hold while the NSA inspections are completed.

CITY COUNCIL POLICY DIRECTIVE-OPD STAFFING STUDY

In consultation with City Administration, the OIG selected PFM Financial Advisors, LLC ("PFM Financial") to conduct an OPD staffing study and resource analysis. The City Council unanimously approved the contract, which has been fully executed and is in its final stage of compliance review. The OIG meets bi-weekly with PFM Financial and OPD's point of contacts to ensure timely communications and that we keep our timeline milestones, within reason.

The OIG in collaboration with OPD and the Information Technology Department (ITD) are regularly providing data on an ongoing basis as requested for comprehensive analysis. The PFM team conducted a site visit on May 15, 2024, and May 16, 2024. The work of this study is ongoing.

ADDITIONAL PROJECTS

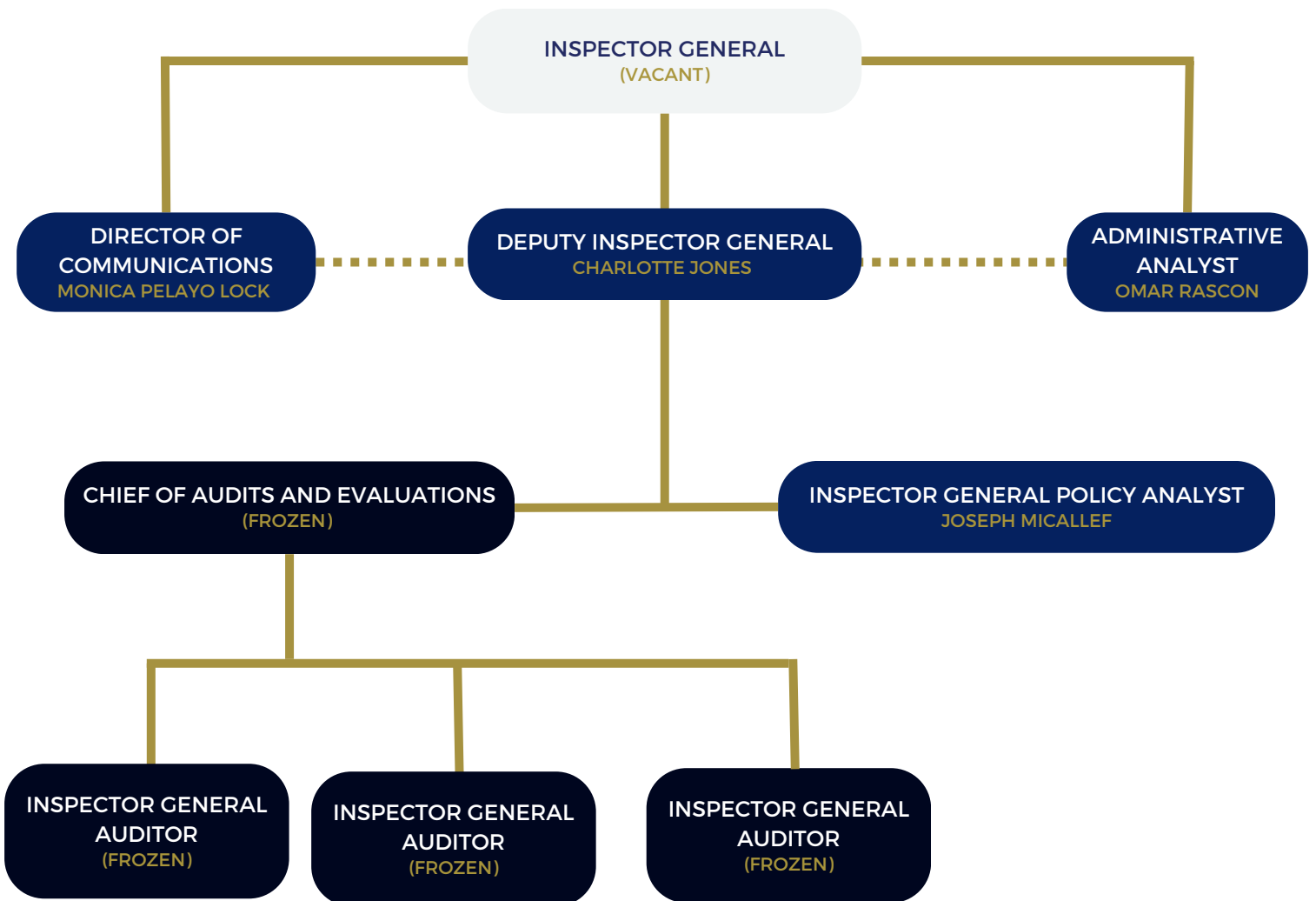
The OIG is finalizing the annual report for fiscal year 2024 and prioritizing the audit workplan for fiscal year 2025. For questions regarding this report, please contact the Office of the Inspector General, at OIG@oaklandca.gov.

Respectfully submitted,

Charlotte Jones
 Acting Inspector General
 Office of the Inspector General



OFFICE OF INSPECTOR GENERAL ORGANIZATIONAL CHART





Thursday, July 11, 2024

Dear Oaklanders,

As we enjoy the beautiful summer weather and close out this fiscal year, we want to share what is next for the [Office of the Inspector General](#) (OIG). The OIG has focused on providing transparent reports and updates to the community during the last quarter of this year including the upcoming release of the **FY 2024 Annual Report**. Late this spring, we released a policy review and a policy recommendation. We informed the Police Commission in May that we were on track to complete most of the tasks outlined in the [Annual Audit Work Plan for Fiscal Year 2024](#). With more work in the pipeline, the OIG remains committed to its service to Oakland.

It is with mixed emotions that I share, this will be my last newsletter as the Inspector General for the City of Oakland. I have used my time in Oakland to work on improving civilian oversight and accountability of the Oakland Police Department (OPD) in an ethical and transparent way. With very limited resources I believe I've created a department that displays the values and goals of Oaklanders. It has been a pleasure and honor to serve you in this capacity.

I encourage you to continue to remain engaged with the civilian oversight entities in Oakland and support the next Inspector General as you have supported and encouraged me.

Inside this newsletter, you will learn more about the OIG's:

- 1. Upcoming Annual Report**
- 2. Published Reports**
- 3. New OIG Team Members & Updates**
- 4. Inspector General (IG) Phillips In Action**
- 5. Upcoming Events**

With Oakland Love,

Michelle N. Phillips
Inspector General

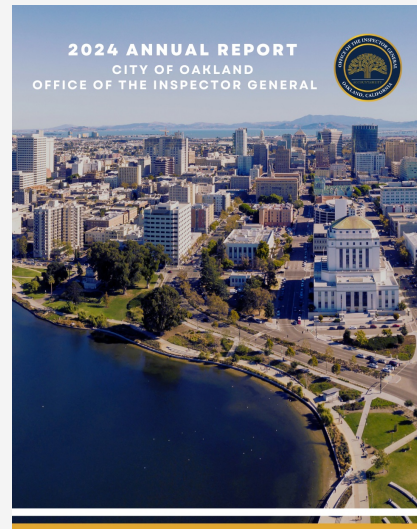


A. FY2024 Annual Report

The OIG is working on its FY 2024 Annual Report and will be releasing it soon. The report will show that the OIG made major strides in advancing the community's call to establish effective accountability measures for the Oakland Police Department (OPD).

This report will detail OIG activities and summarizes reports published over the past fiscal year, including but not limited to the following:

- The [Compliance Evaluation of the Department's General Order B-08: Field Training Program](#) shows that while the Department was generally compliant with the requirements of Task 42 it could do more to streamline the process and ensure Quarterly Panel Reviews are conducted on a consistent basis.
- The [Memorandum on the State of Department National Incident-Based Reporting System \(NIBRS\) Compliance](#) recommends that the Department regularly update Police Commission about their efforts towards transition to the database and reach out to the Federal Bureau of Justice Statistics and the State Department of Justice, among others, to seek additional funding if necessary.
- The Community Outreach and Engagement efforts to keep Oakland informed of the OIG's mission and goals and the importance of civilian oversight more generally.



[Read Full Report](#)

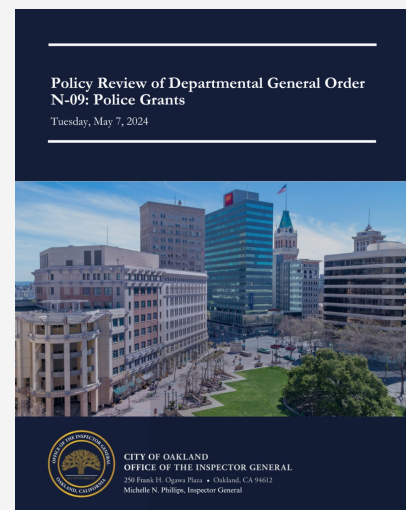
2. Published Reports

A. Policy Review of Department General Order N-09: Police Grants

On May 7th, the OIG released a policy review evaluating how the Department applies for and manages grants.

After media outlets reported that Oakland did not submit its application for the State of California's Organized Retail Theft Prevention Grant Program (ORTPGP) in September 2023, the OIG self-initiated this review and found opportunities for procedural improvements.

Read the [full policy review](#) on OIG's website.

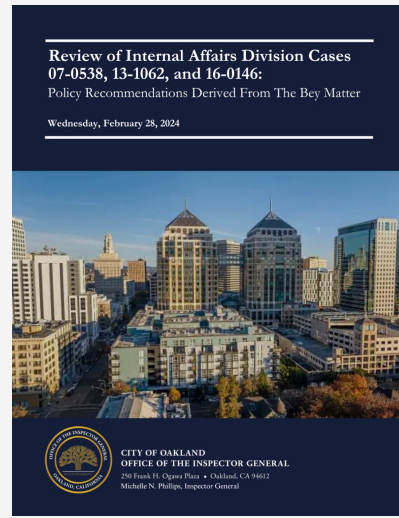


B. Policy Recommendations Derived from the Bey Matters

On May 17th, the OIG published a policy review that analyzed three Internal Affairs Division (IAD) cases collectively called the Bey Matters.

The OIG report revealed deficiencies in several IAD policies with the OIG ultimately recommending changes to 5 policies and the creation of a new policy that requires CPRA review cases before IAD official closes them.

[Click here](#) to read the full report.



3. New OIG Team Members & OIG Updates!

MEET OUR NEW Teammates

- Monica Pelayo Lock**
Director of Communications & Engagement
- Lae'Onie Lowery**
Summer Intern
- Nigel Willacy**
Summer Intern
- Lucinda Zhou**
Summer Intern

Please join us in welcoming our new Director of Communications and Engagement Monica Pelayo Lock! Dr. Pelayo Lock brings over 10 years of experience advocating for civic engagement. Before joining the OIG team, she worked in museums and academia and holds a Ph.D. in History from the University of Southern California. She is excited to work with a mission-driven department and serve the community of Oakland.

Three summer interns, all rising high school seniors, also joined the OIG team. Nigel Willacy from College Preparatory School is passionate about police reform. Lae'Onie Lowery (McClymonds High) and Lucinda Zhou (Lionel Wilson High) are part of the Center for Youth Development through Law Program and are deeply invested in social justice.

4. Inspector General (IG) Michelle N. Phillips In Action

A. National Forum for Black Public Administrators Conference

Inspector General Phillips returned to Baltimore from April 3rd to April 7th. She represented

Oakland's Office of Inspector General and gathered with black leaders from across the country to exchange ideas and solutions on providing support to local communities in crisis.



B. MMANC Women's Leadership Summit

On Thursday, May 2nd, Inspector General Phillips attended the Municipal Management Association of Northern California for a one-day event filled with inspiring panels, empowering conversations, and dynamic networking opportunities.



5. Upcoming Events

A. Town Nights, Summer 2024

The Department of Violence Prevention's Town Nights returned on June 14! These free community events are hosted on Friday evenings during the summer months.



In 2020, the City of Oakland launched this event series to change community norms around violence via engagement, intervention, and celebration.

For more information about the 2024 events, visit the [Town Nights website](#).

B. Alameda County Community Connect Homeless Resource & Job Fair, July 18th

Alameda County is hosting a Homeless Resource and Job Fair. Registration is not required to access important resources.



The fair is happening on Thursday, July 18, 9:00 AM to 4:00 PM at the Oakland Coliseum. Help us spread the word!

For more information, visit the [Alameda County Community Connect](#) webpage.

B. National Night Out 2024, August 6th

The 2024 National Night Out will take place on Tuesday, August 6th, 4:00 PM to 8:00 PM.

National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live. National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community.



Register by July 29th on the [National Night Out Registration](#) webpage to receive a Host Pack

C. Oakland Pride Festival + Celebration, September 17th-18th

Oakland Pride celebrates the cultures and diversity of the Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ+) diaspora in the East Bay, promoting equality, social justice, civic involvement, and responsibility with Oakland and neighboring communities.



On Saturday, September 7th, residents are welcome to participate in a variety of events. The annual Oakland Pride Parade will begin at noon, going down Broadway from 14th to 21st.

For more information, visit the [Oakland Pride](#) website.

Questions and/or Recommendations? Email oig@oaklandca.gov!

Follow @OaklandOIG on Social Media:



City of Oakland, Office of the Inspector General | 250 Frank Ogawa Plaza Ste. 6306 | Oakland, CA 94602 US

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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: 7/18/2024

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

Task	
Task 45: Disparity in Discipline	6 th IMT Sustainability Report (15 Dec 23): No compliance finding <ul style="list-style-type: none"> 2023 IAD Discipline Outcome Study – in progress, internal draft expected by end of April Failure to Accept or Refer Complaint (FTARC) and Supervisory Notes File (SNF) inspection – complete <ul style="list-style-type: none"> 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. Draft definition of “Patterns” provided 25 Apr 24.
IMT Visit	5 Aug 24
Next CMC	4 Sep 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	
Sexual Misconduct Policy	Action plan agreed with OIG. OPD developed a working group.
Racial Profiling / Bias Policy (DGO M-19)	In OPC Ad Hoc. A draft MOR violation with description was provided to the Ad Hoc on 3 Apr 24. By the next meeting, the policy will have minimally bookmarked the areas where the six OIG recommendations will be inserted.
K-4: Reporting and Investigating the Use of Force. (SO 9214)	OCA review complete. Executive Team review for final submission.
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	<i>Sworn Staffing</i> Authorized: 678 Filled: 705 <i>Communications Dispatchers</i> Authorized: 76 Filled: 76 (26 in training)	<i>Long-term leave:</i> 78 sworn employees <ul style="list-style-type: none"> 45 Medical Leave 32 Admin Leave <ul style="list-style-type: none"> 2 Lieutenant 4 Sergeants of Police 25 Police Officers

* “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.

	<p>Professional Staffing Authorized: 303.50 Filled: 332.5</p> <p>Vacancies of note: Police Records Specialist (10) Police Communications Dispatcher (0)</p> <table border="1" data-bbox="414 415 933 991"> <thead> <tr> <th>As of May 13, 2024 (Sworn only)</th> <th>Admin Leave</th> <th>Medical Leave On-Duty Illness/Injury</th> <th>Medical Leave Personal Illness/Injury</th> <th>Military Leave</th> </tr> </thead> <tbody> <tr> <td>2+ Years</td> <td>1</td> <td>6</td> <td></td> <td></td> </tr> <tr> <td>1-2 Years</td> <td>11</td> <td>10</td> <td>1</td> <td></td> </tr> <tr> <td>6 mo.– 1 Year</td> <td>8</td> <td>8</td> <td>1</td> <td>1</td> </tr> <tr> <td>2-6 months</td> <td>10</td> <td>11</td> <td>4</td> <td></td> </tr> <tr> <td>Less than 2 months</td> <td>2</td> <td>2</td> <td>3</td> <td></td> </tr> <tr> <td>Total</td> <td>32</td> <td>37</td> <td>9</td> <td>1</td> </tr> </tbody> </table>	As of May 13, 2024 (Sworn only)	Admin Leave	Medical Leave On-Duty Illness/Injury	Medical Leave Personal Illness/Injury	Military Leave	2+ Years	1	6			1-2 Years	11	10	1		6 mo.– 1 Year	8	8	1	1	2-6 months	10	11	4		Less than 2 months	2	2	3		Total	32	37	9	1	<ul style="list-style-type: none"> 1 Military Leave <p>Of the 32 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="966 352 1485 571"> <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> <tr> <td>Total</td> <td>11</td> <td></td> <td>2,996,244.00</td> </tr> </tbody> </table> <p>Attrition Rate – 4/mo. (45 separated over past year)</p> <p>Reemployments – 6 pending approval</p> <p>Retirement Projections for 2024: 88 possible</p> <ul style="list-style-type: none"> 2 Deputy Chiefs of Police 4 Captains of Police 9 Lieutenants of Police 26 Sergeants of Police 47 Police Officers 	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	Total	11		2,996,244.00
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Academy recruits	<p>Academy 193rd: 12 graduated on 10 May 24 – Start Transition Phase (approx. 2 weeks), then FTO 1st phase (4 weeks) in beginning of Jun 2024. Academy 194th: Started June 24. Chief Mitchell and Commissioner Jackson attended.</p> <ul style="list-style-type: none"> 33 OPD Graduate Nov/Dec <p>Academy 195th: Start 3 Aug 24 Academy 196th: Start 7 Dec 24</p>																																																				
General Department functions	<p>2023 2040 total cases 114 Sustained cases 348 sustained allegations</p>	<p>2024 619 Total cases Current open cases: 62 in IAD Investigations 144 in DLI</p>																																																			
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 - 171 Number of Skelly Officers – 45 Wait time for each Skelly – Varies How are Skelly Officers selected (training, recusals. Etc.) - Must attend Skelly Hearing Officer Training</p>																																																			
General Department functions (CID)	<p>SVS Juvenile Cases: 2024 (Year-To-Date)</p> <ul style="list-style-type: none"> Juvenile Arrests: 215 total juvenile arrests Referrals to restorative justice programs (i.e. NOAB): 4 	<p>Hate Crimes: 2024 (Year-To-Date)</p> <ul style="list-style-type: none"> Total Cases: 15 New cases: 1 Hate Crime Investigators <ul style="list-style-type: none"> Ofc. Mae Phu Ofc. W. Earl Seay 																																																			

	<ul style="list-style-type: none"> • YTD Restorative Justice Referrals:33 <p>Missing Persons: 2024</p> <ul style="list-style-type: none"> • YTD MPU Cases: 632 • YTD Closed MPU Cases: 483 <p>DVU Cases: 2024 (Year-To-Date)</p> <ul style="list-style-type: none"> • Total cases: 1268 • 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 - 425 • 243(e)(1) - 475 • 273.5 - 368 	
<p>Education and training regarding job-related stress, PTSD, wellness</p>	<ul style="list-style-type: none"> • July 23rd Blood Drive- Red Cross PAB • POWR Grant recipient- We are delighted to share that OPD will participate in a POST-certified 5-day Organizational Wellness Coordinator training. OPD will have 4 staff (two sworn and two Professional Staff) members attending. OPD will have actionable steps to create our agency wellness plan. Our training will be held from July 15-19, 2024. Training is covered by POST (Part of POWR Grant). The Commission expects a Wellness Strategic plan and Mission Statement. • OPD Wellness and Strategic Plan will be completed by August 31st 2024. (after the completion of the POWR Training in Folsom with POST/ UC San Diego) • Wellness Unit Budget – Currently there is not a a line item for Operations & Maintenance (O&M) for the Wellness Unit. Allocations are designated only for the Internal Service Fund (ISF) and personnel costs. Traditionally, the Wellness Unit has been funded by the Bureau of Services, Communication, and the Training Unit. There is \$200K remaining from a one-time allocation of \$750,000. The plan is to request that these funds be carried forward during the carry-forward phase. 	
<p>Budget (QUARTERLY)</p>	<p>Last: Next:</p>	
<p>Citywide Risk Management (QUARTERLY)</p>	<p>Last: 3/14/24 Next:</p>	

V. Collaboration with OIG

Project	Status
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 4/24/24.
Sexual Misconduct Policy	Policy: see policy section.
"Patterns" definition	Collaboration meeting w/ OIG, CPRA, IMT on 3/19/24
OIG Document on OPD Policy Types	Created by OIG and OPD completed review.

FTO Study	All data has been provided. Complete.
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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 Log, Weekly IAD Meetings	Ongoing
Complaints & Mediation	Pending
"Patterns" definition	Collaboration meeting w/ OIG, CPRA, IMT on 3/19/24

VIII. Collaboration with Community

Project	
National Night Out	Tuesday, August 6, 2024 4:00pm - 8:00pm
Coffee with a Cop	June 13, 2024, from 11:00 AM to 1:00 PM at McDonald's (4514 Telegraph Avenue).
Annual Tour	Preparing for Community Annual Tour Jun/Jul/Aug

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 2/8/24. Training Bulletin being drafted. Training was published on 2 Apr 24.
2806.5 VC / Citation Update (AB 2773)	Update sent 3/19/2024. • 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 1/26/24
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 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	
SB 2	• Scheduled Presentation for 25 July 24 – Lt. Dorham
Militarized Equipment Annual Report	• Presented on 11 Jul 24 – Lt. Febel

911 System Grand Jury Report Presentation	<ul style="list-style-type: none"> Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng
Technology Plan Development	<ul style="list-style-type: none"> Presented on 11 July 24 – Deputy Director Suttle
MACRO Strategy Development	<ul style="list-style-type: none"> Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng
MACRO Data	<p>January 2024 to 18 June 24:</p> <ul style="list-style-type: none"> 3722 potential calls (were not able to refer due to criteria) 245 calls referred ? Number of calls MACRO actually went to OPD tracks duty hours and number of crews working for dispatching purposes
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

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

2024 Commission training Senate Bill 2 “SB2”

A/Captain Gordon Dorham

Topics that will be covered

- ◇ SB2- What is it?
- ◇ SB2 Certification/decertification
- ◇ SB2 required reporting of “Serious Misconduct”
- ◇ Duration: 2 hours
- ◇ Q&A

Senate Bill 2

- ◇ This class is intended as an overview of SB2 and is not comprehensive. SB2 is a long and complicated law that affects many aspects of law enforcement. For a full or better understanding, review the following:
 - ◇ Bill text [SB2 Text](#)
 - ◇ POST SB2 workshop reference material [POST SB2 reference material](#)
 - ◇ RLS summary [RLS SB2 summary](#)
- ◇ Affected Government Codes:
 - ◇ • GC 1029 • GC 1031.4 • GC 1029 • GC 1031.4
- ◇ Affected Penal Codes
 - ◇ • PC 832.12 PC 13510.8 • PC 13509.5 PC 13510.85 • PC 13510.1 PC 13510.9

SB2 - What is it?

- ◇ On September 30, 2021, Governor Gavin Newsom signed into law Senate Bill 2 (“SB 2”), a bill that will significantly affect law enforcement agencies across the state. The bill’s stated intent is to increase accountability for misconduct by peace officers and makes five significant changes:

SB2 - What is it?

- ◆ It will create a process for the Commission on Peace Officer Standards and Training (“POST”) to revoke certifications for peace officers such that those individuals will be disqualified from peace officer employment in California;

SB2 - What is it?

- ◆ It expands the list of circumstances that will disqualify a person from employment as a peace officer;

SB2 - What is it?

- ◆ It will require law enforcement agencies to investigate all complaints or claims of serious misconduct by peace officers regardless of whether the subject officer(s) is still employed by the agency;

SB2 - What is it?

- ◆ It will require law enforcement agencies to report to POST all complaints, claims, allegations, and findings of serious misconduct;

SB2 - What is it?

- ◇ It will remove some immunity provisions for peace officers and their employing agencies in civil rights lawsuits brought under the Tom Bane Civil Rights Act.

SB2 – Certification/ decertification

- ◆ POST awards Basic Certificate to all eligible peace officers as required pursuant to Penal Code Section 13510.1, and previously only revoked the certificate in the case of fraud or felony conviction. Now POST is responsible for the decertification process.
- ◆ POST standard of proof is “Clear and Convincing” to decertify, not preponderance.
- ◆ [POST training video](#)

SB2 Compliance

- ◆ Allegations of “Serious Misconduct” must be reported to POST by OPD within 10 days.

SB2 Compliance

- ◇ 9 “Serious misconduct” allegations required to be reported to POST and de-certifiable
 - ◇ Dishonesty
 - ◇ Abuse of power
 - ◇ Sexual assault
 - ◇ Demonstrating bias
 - ◇ Acts that violate the law that are sufficiently egregious or repeated
 - ◇ Participation in a law enforcement gang
 - ◇ Failure to cooperate with an investigation into potential police misconduct
 - ◇ Failure to intercede

SB2 Compliance

- ◆ 9 “Serious misconduct” allegations required to be reported to POST and de-certifiable
 - ◆ Dishonesty
 - ◆ Relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by a peace officer or custodial officer.
 - ◆ Including, but not limited to:
 - ◆ False statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.

SB2 Compliance

- ◇ 9 “Serious misconduct” allegations required to be reported to POST and de-certifiable
 - ◇ Abuse of Power
 - ◇ Including, but not limited to:
 - ◇ Intimidating witnesses
 - ◇ Knowingly obtaining a false confession
 - ◇ Knowingly making a false arrest.

SB2 Compliance

- ◇ 9 “Serious misconduct” allegations required to be reported to POST and de-certifiable
 - ◇ Physical abuse
 - ◇ Excessive or unreasonable use of force.

SB2 Compliance

- ◇ 9 “Serious misconduct” allegations required to be reported to POST and de-certifiable
 - ◇ Sexual Assault
 - ◇ Commission or attempted initiation of a sexual act with a member of the public
 - ◇ On Duty
 - ◇ Force
 - ◇ Threat
 - ◇ Coercion
 - ◇ Extortion
 - ◇ Offer of leniency / other official favor
 - ◇ Under color of Authority
 - ◇ Propositioning for or commission of any sexual act while on duty

SB2 Compliance

- ◇ 9 “Serious misconduct” allegations required to be reported to POST and de-certifiable
 - ◇ Demonstrating Bias
 - ◇ Race
 - ◇ National Origin
 - ◇ Religion
 - ◇ Gender Identity or Expression
 - ◇ Housing Status
 - ◇ Sexual Orientation
 - ◇ Mental or Physical Disability
 - ◇ Other protected status in violation of law or department policy
 - ◇ Inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner

SB2 Compliance

- ◇ 9 “Serious misconduct” allegations required to be reported to POST and de-certifiable
 - ◇ Acts that violate the law
 - ◇ Sufficiently egregious or repeated
 - ◇ Inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public

SB2 Compliance

- ◆ 9 “Serious misconduct” allegations required to be reported to POST and de-certifiable

- ◆ Participation in a law enforcement gang
 - ◆ A group of law enforcement officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing

SB2 Compliance

- ◆ 9 “Serious misconduct” allegations required to be reported to POST and de-certifiable

- ◆ Failure to cooperate
 - ◆ Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to Penal Code 13510.8.
 - ◆ The lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered a failure to cooperate

SB2 Compliance

- ◆ 9 “Serious misconduct” allegations required to be reported to POST and de-certifiable
 - ◆ Failure to intercede
 - ◆ Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary
 - ◆ As determined by an objectively reasonable officer under the circumstances
 - ◆ Taking into account other officers may have additional information regarding the threat posed by a subject

SB2 Compliance

- ◆ For investigators:
 - ◆ During an investigation, if you discover an additional allegation of “Serious Misconduct” according to SB2, you must contact IAD SB2 Compliance to have this reported to POST.
 - ◆ During an investigation, you are required to report an officer or former officer’s failure to cooperate with an IAD investigation. Report this to IAD SB2 Compliance and IAD will report to POST even if the officer has left OPD.
 - ◆ Remind officer of this when you make the call, email, message.

SB2 Compliance

- ◇ All agencies are required to retroactively report back to 2020
 - ◇ OPD had 2000+ cases to report as of March 2023

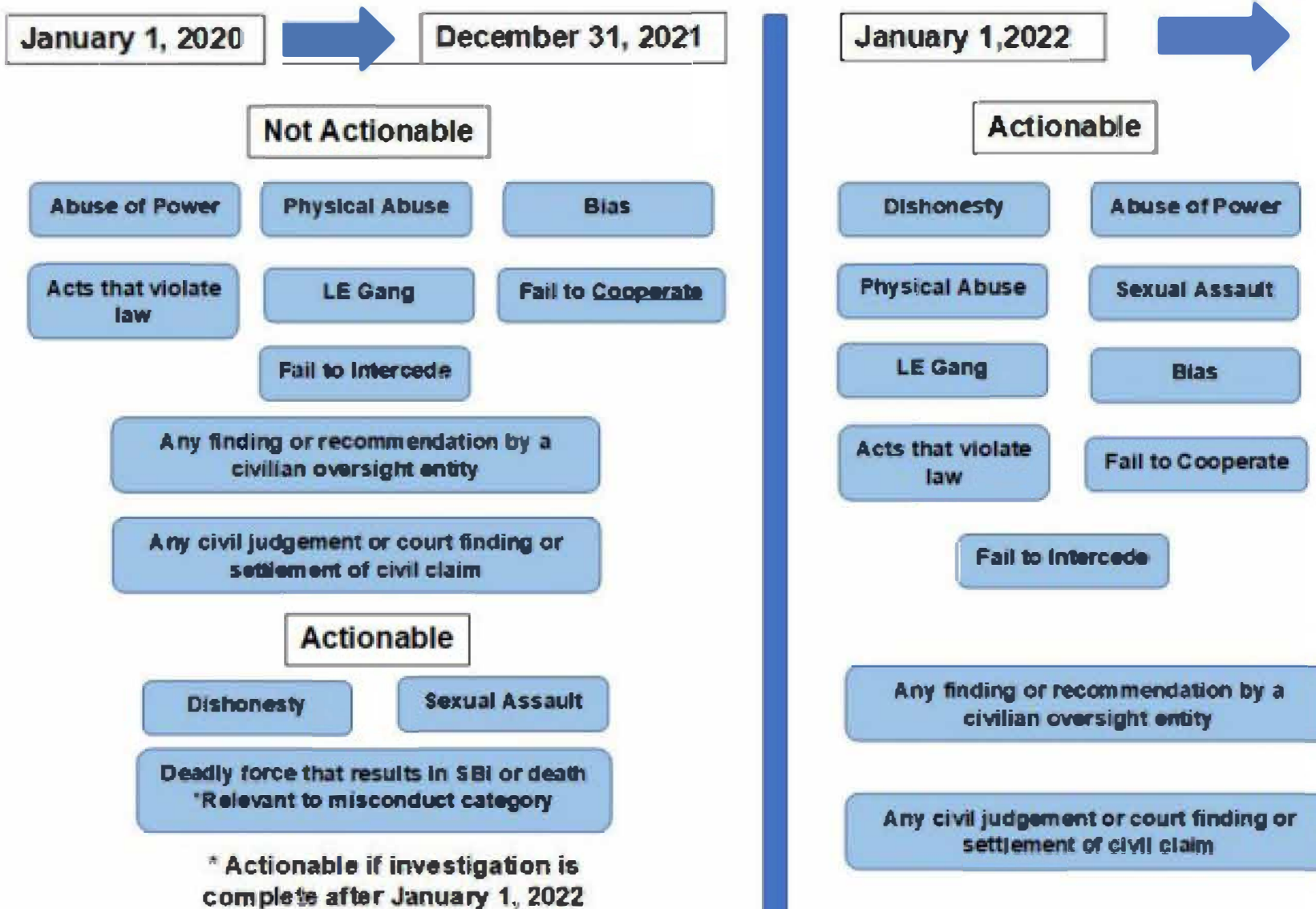
SB2 Compliance

- ◇ All agencies are required to retroactively report back to 2020
 - ◇ OPD has 2000+ cases to report as of March 2023
 - ◇ Actionable vs. not actionable

Actionable vs. not actionable

Retroactive Reporting (Jan 1, 2023)

By July 1, 2023 !



SB2

- ◇ What happens after a case is reported to POST?
- ◇ Page [96-112](#)

SB2

◆ Questions?

Memorandum

To: Racial Profiling and Community Policing Ad Hoc Committee
From: Jesse Hsieh, Oakland Police Commissioner
Date: 12/21/23
Subject: DGO 15-01 Community Policing

Background and Summary

The Community Policing ad hoc was formed in August 2021 and consisted of three commissioners, city staff, community members, and Oakland Police Department members. The ad hoc's goal was to complete revisions to a draft of the document originally created by OPD and revised by the SSOC and CPAB.

From August 2021 to May 2022, the Community Policing ad hoc met and worked on DGO 15-01. In May 2022, DGO 15-01 was submitted to the Commission and approved.

Unfortunately, the Commission went through some staff changes in May, June, and July 2022. The Commission was also working through several other policies that took up a great deal of bandwidth. Due to this, DGO 15-01 was never submitted to City Council for final approval.

In December 2022, ad hoc commissioners discovered that OPD executive staff had reviewed 15-01 and had suggested modifications and edits. In the spirit of collaboration, commissioners decided that OPD would send suggested edits to the commissioners and the ad hoc would be reconstituted.

In January 2023, many OPD executive staff members and policy and procedures staff members were placed on administrative leave, slowing down progress.

In May 2023, the Community Policing ad hoc was reconstituted. Its members were Commissioner Brenda Harbin-Forte, Commissioner Rudy Howell, Commissioner Jesse Hsieh, Mariano Contreras, Joe DeVries, Jose Dorado, Omar Farmer (SSOC), Reginald Lyles, Mike Nisperos, Wilson Riles, Jr., Pastor Jacqueline Thompson, Lt. William Febel, Lt. Steve Toribio, and Sgt. Alain Manguy. In June 2023, Commissioner Harbin-Forte was removed from the Commission. In October 2023, Commissioner Howell resigned from the Commission. Also in October 2023, Wilson Riles, Jr. was appointed as a Commissioner and began joining the ad hoc as a Commissioner.

In early December 2023, the Commission Chair announced new ad hoc committee assignments. The ad hoc was combined with the Racial Profiling ad hoc. This author was not assigned to the new Racial Profiling and Community Policing ad hoc.

This author decided that the best thing to do was to wrap up work on DGO 15-01 and submit it to the newly constituted ad hoc for further action. This author wrapped up work on DGO 15-01 on December 18, 2023 by reaching consensus on as many items as possible and identifying those places where consensus was not possible. It was the plan of the ad hoc to submit DGO 15-01 to the full Commission, asking the Commission to resolve the debate, and then forward the policy to City Council for approval pursuant to Oakland City Charter 604(b)(4) or (b)(5), depending on the Commission's decision.

Below is a list of all changes made since May 2022 and the rationale behind the changes, if any.

Changes to DGO 15-01 as of December 18, 2023

Department Mission, Vision, and Goals for Community Policing

- Section A split into two parts and numbering deleted.
- Departmental Core Values & Mission
 - o *The Department has adopted Community-Oriented Policing (COP) as its operational philosophy to institutionalize the core values of Fairness, Integrity, Respect, Service and Teamwork (F.I.R.S.T.). The mission of the Department is to provide police service focused on public safety and the sanctity of life, to hold ourselves accountable to a high standard of conduct, efficiency and efficacy, and to promote mutual respect between the Department and the communities of Oakland.*
 - o This paragraph is new. It comes from the Department. The first sentence integrates the Department's Core Values from its Strategic Plan. It takes the Department's Mission from the strategic plan and inserts it into the second paragraph for consistency across all policies.
- The Philosophy of Community Policing:
 - o Previous Section A moved to this section.
 - This was done to avoid inconsistencies between this policy and other places where the Department has laid out its Mission and Vision.
 - o First paragraph, first sentence changed: "~~The mission of the Oakland Police Department ("OPD" or "Department")~~ Department's purpose is to..."
 - This was done to avoid inconsistencies between this policy and other places where the Department has laid out its Mission and Vision.
 - o First paragraph, second sentence changed: "To achieve ~~this mission~~ said purpose, the Department's goals must have..."
 - This was done to avoid inconsistencies between this policy and other places where the Department has laid out its Mission and Vision.
 - o Second paragraph, second sentence added: "*This community policing philosophy, just like the rest of the Department's policies and practices, must recognize and affirmatively practice a new and transformative culture that will seek to intentionally repair and replace historic toxic and harmful systemic behaviors.*"
 - This was added as a suggestion from community members.
 - o Second paragraph, second sentence changed: "It is a policing model in which officers *recognize, include, and* empower communities..."
 - This was added as a suggestion from community members.
 - o Second paragraph, third sentence changed: "It is a ~~customer service~~ collaborative approach to policing..."
 - This was added as a suggestion from community members.

Purpose

- Section B numbering deleted.
- First sentence changed: "The purpose of this *Departmental General Order* is to:"

Community Policing and Problem Solving

- Section C numbering deleted.
- Section 1 – Community Priorities
 - o First paragraph, added an appendix for details regarding SMART principles to not clutter the narrative portion of the DGO.
 - o Second paragraph, second sentence: “The CRO ~~will~~ *should* report back to the sponsoring Neighborhood Council ~~at the completion of each step in the SARA Process in real time on the progress of each SARA project.~~”
 - This was a compromise. Department members were concerned with discipline if they were slow or late to report at various stages of SARA project completion. Certain community members were adamant that notice and communication from the CRO to the Neighborhood Council was of the utmost importance. This was later addressed in the CRO section, under Section 3 – Specific Responsibilities, section (f).
- Section 2 – SARA projects
 - o New sentence added to beginning of first paragraph: “*A Neighborhood Council Priority, or other Community Priority, elevated by a CRO to be taken through the SARA process is called a SARA project or “project.”*”
 - This was added to clarify the different between priorities and projects.
 - o First sentence changed: “A SARA project is a ~~way~~ *method* to identify...”
 - o Fourth sentence: “The SARA model includes the following steps:” changed to “*See Appendix XXXX for details regarding the SARA model and its included steps.*”
 - This change moved a long list of details to an Appendix for ease of reading.
 - o Section a, b, c, and d detailing the steps of the SARA model are moved to Appendix XXXX.
- Section 3 – Priority and Project review
 - o “Upon completion of responding to a priority – including the closure of a SARA project – the involved CRO should discuss with the relevant Neighborhood Council” changed to “*Community Resource Officers should discuss completion/resolution of a Community Priority (including the closure of a SARA Project) with the relevant Neighborhood Council.*”
 - This change made the section easier to read. It also limited those priorities that the CRO needed to report to the Neighborhood Council on to Community Priorities rather than all priorities.

Community Resource Officers

- Section D numbering deleted.
- Section 2 – General Responsibilities, section j: Documenting and reporting on the following:
 - o “Social, racial, ethnic, and language concerns that have a role and factor into CRO activities;” changed to “*Department actions or community concerns that implicate social issues, issues of race or ethnicity, or language issues that have a role and factor into CRO activities.*”
 - The previous language was too vague to give adequate direction to CROs. The new language makes clear that CROs are obligated to document and report on any community concerns that may implicate social issues, issues of race or ethnicity, or language issues that may arise from the community. It also makes

clear that the CRO should report on Department actions along the same lines so that the community knows what the Department is doing along those lines.

- Added footnote to section k:
 - *“Beat” refers to a territory that an officer is assigned to for purposes of enforcement or patrol. In Oakland, there are 35 beats. These 35 beats are further divided into CP, or Community Policing, beats. For example, beat 31 is divided into CP beats 31X, 31Y, and 31Z; beat 32 is divided into CP beats 32X and 32Y. CROs are assigned to beats by their numbers, not by their letters (CP beats). The term “beat” refers to the entire territory, including its CP beats.*
- Section 3 – Specific Responsibilities
 - First paragraph, added sentence 3: *“However, as technologies and project-management software and databases evolve, the means of creating and tracking projects may change.”*
 - This language change future proofs the policy to the extent that technology within the Department may change.
 - Section d changed: *“Assist Neighborhood Councils in establishing appropriate priorities and open SARANet Projects based on these Neighborhood Council Priorities, as needed.”*
 - Section e: no consensus on edit.
 - Original language stated: *“Maintain at least one project centered on a Neighborhood Council Priority, per assigned beat.”*
 - Community members support the following language, which is modified from the original:
 - *“Maintain at least one project centered on a Neighborhood Council Priority, per assigned beat. CROs are allowed to overlap beat projects as needed.* CROs shall work with Neighborhood Councils to prioritize and schedule out projects, with those centered on violence taking higher priority. It is incumbent on each CRO to explain to each respective Neighborhood Council the rationale behind project selection and mapping.*
 - **Footnote: The requirement that a CRO have at least one open project centered on a Neighborhood Council Priority, per assigned beat, refers to the beats assigned, not the individual subdivisions. Thus, if a CRO is assigned to beat 3 and beat 32, they are required to have at least two open projects centered on a Neighborhood Council Priority, one for beat 31 and one for beat 32.*
 - *Community members support this language for many reasons: They want CROs to work on the priorities of the Neighborhood Council, and to have work done in their beats. They want CROs to focus on the projects for Neighborhood Councils and not be pulled away for other duties, such as crowd control or homeless encampment activities. They also want to require that OPD adequately fund the CRO program, and this project quota is one way to do that.*

- The practical effect of this language is that it will increase the number of projects being worked on at any given time. There could be anywhere between 20-35 projects at any given time. This will increase the workload on the current CRO unit, which is hovering around 10-15 police officers for the entire city of Oakland.
- The hope is that this will incentivize OPD to add more resources, namely more CROs, to the unit. This will have a negative effect on the current CRO unit as it will increase its workload. That negative effect will remain until OPD adequately staffs the unit. This could mean that CROs have multiple projects but work through them slower than they would like due to workload. There is a chance that OPD does not increase CRO staffing and this just makes an untenable workload for CROs.
- OPD wants this language:
 - “Each Bureau of Field Operations (1 and 2) shall maintain one project centered on a Neighborhood Council Priority at all times. CROs shall work with Neighborhood Councils to prioritize and schedule out projects, with those centered on violence taking higher priority. It is incumbent on each CRO to explain to each respective Neighborhood Council the rationale behind project selection and mapping.
 - OPD supports this language. They have staffing challenges. Their CRO numbers are dwindling. Their CROs are constantly being called to other activities, such as homeless encampment management, calls for service, or community meetings. They don’t believe that the CROs at current staffing levels can maintain the standard above. They are concerned about discipline for failing to maintain a minimum number of projects. Further, CRO’s employ a team-based approach to problem-solving efforts, meaning multiple CRO’s work concurrently on a single project, which may be anywhere across the respective BFO. This further influenced the decision on the minimum project count for NC priorities.
 - The practical effect of this language is that the minimum number of projects centered on a Neighborhood Council Priority for the entire City of Oakland will be two, one for BFO 1 and BFO 2. That’s two projects for all 35 beats in Oakland. Despite this, CRO can initiate more projects than the minimum.
- Section f: modified significantly
 - *“Report on the progress of Neighborhood Council Priorities by presenting reports on the progress of each Neighborhood Council Priority in a manner determined by Neighborhood Council in partnership with the CRO. Such reports may be presented by:*
 - *Presenting brief oral reports on the progress of each Neighborhood Council/community priority at Neighborhood Council meetings;*
 - *Submitting written reports to the sponsoring Neighborhood Council. Reports may be submitted to the Neighborhood Council Chair or Vice*

Chair, and a copy provided to the associated Neighborhood Service Coordinator to include in the Neighborhood Council's next meeting.

- *Providing written or oral updates on the progress of SARA projects to the sponsoring Neighborhood Council. These updates may be on a regular basis or upon the completion of each step of the SARA project as determined by the Neighborhood Council."*
 - CROs and Neighborhood Councils should collaborate on how they want to receive their information and reports. CROs and Neighborhood Councils must determine how the reports by CROs are done.
 - The practical effect of this will be a discussion between the Neighborhood Council and the assigned CRO about how they want the information on their Neighborhood Priority reported. The ad hoc discussed various scenarios and believed that if there was no agreement, there would be no violation of this policy. The ad hoc also believed that to the extent there were disagreements, escalation to immediate superiors would be sufficient, but did not think it necessary to write it into the policy. The ad hoc also discussed and disagreed on the likelihood of discipline.
- Section i & j: combined and modified
 - *"Research and identify the three locations generating the highest calls for service on their Community Policing Beat and, as appropriate, open projects aimed at reducing these calls for service;" and "Identify properties associates with neighborhood problems (calls for service, crime, blight, and nuisance) and institute projects to address these problems;" combined to*
 - *"Partner with a crime analyst to identify the top three locations associated with neighborhood problems (calls for service, blight, and nuisance) and work with the Neighborhood Council during each Neighborhood Council meeting to determine whether and how best to address any associated issues;"*
- Section m: modified
 - *"Check email and voicemail messages daily and respond within a reasonable time (CROs shall use beat-specific email addresses for all communication related to issues in Community Policing beats)" changed to*
 - *"Check voicemail messages each regular work-day; each CRO shall, when assigned to their normal duties, check their CRO emails weekly. CRO sergeants shall help ensure CROs check their emails as required by this section. Responses should be made within a within a reasonable amount of time."*
- Section n: added coordination with media team
 - *"Coordinate with the Department media team to create, gather, or provide updates, results, and events regarding projects or priorities, responses, and results to Neighborhood Service Coordinators for public dissemination, including but not limited to posting to social media platforms."*
- Section 4 – Use of Auditing of the SARANet Database
 - First paragraph, first sentence: Added *"*, barring absences due to vacation, training, etc."*"* to the end.

- Added second sentence: “Circumstances preventing the delay of an update should be documented in the next update.”
- Modified third paragraph: “The Department will make publicly available, *upon submission of a public records request (presently form TF 3281) or via the City of Oakland public records request portal at <https://oaklandca.nextrequest.com/>*), information on all Projects in the SARAnet Database in properly redacted form.”
- Added fourth paragraph: “*The above shall be applied, as appropriate, to any new or updated project-tracking software or database in the event SARAnet is no longer used.*”
- Section 5 – CRO Assignment to Beats and Neighborhood Councils
 - Second paragraph: “The Department *shall make reasonable efforts to* ~~will~~ adequately staff or fund the CRO program such that CRO members may meet their continuing obligations to attend Neighborhood Council meetings and work on SARA projects.”
 - Third paragraph: “Such reassignment must be approved by the ~~Area Commander~~ *respective Special Resources Commander.*”
 - Fourth paragraph: “CROs ~~shall~~ *should* not be assigned to more than two Neighborhood Councils. However, the ~~Area Commander~~ *Special Resources Commander* may permit a CRO to be assigned to more than two Neighborhood Councils as staffing and crime data dictate.”
- Section 6 – Data Collection and Dissemination
 - “CROs are required to use SARAnet to document community-based projects. In addition to using SARAnet, CROs should track other activities undertaken, such as crowd management, calls for service, and Neighborhood Council priorities solved without law enforcement intervention.” changed to
 - “Each CRO sergeant shall prepare a monthly report, reviewed and approved through their first-level commander, documenting CRO activities that fall outside the CRO's normal assigned duties. Such activities include, but are not limited to, crowd management and calls for service.”
- Section 8 – Tenure
 - First paragraph modified: “CRO members ~~must~~ *should* commit to at least three years in this position. Newly appointed members are expected to serve at least five years in the position. ~~Transfers into and out of any CRO unit are governed by OPD DGO B-04, Personnel Assignments, Selection Process, and Transfers. Voluntary transfers out of the Community Policing assignment are subject to DGO B-04 Section IX.B.4's one year Patrol requirement.~~”
 - The initial change from must to should occurred after OPD represented that to state otherwise would be a violation of the MOU with the OPOA.
 - The third sentence was deleted as superfluous language.
 - The fourth sentence was added to emphasize that if officers requested voluntary transfers out of the Community Policing assignment, they would be required to return to patrol for at least one year. It was emphasized that the patrol assignment was not a desirable assignment.
 - Second paragraph added: “*If the Chief of Police or designee approves a voluntary transfer from the Community Policing assignment to another eligible out-of-Patrol assignment pursuant to DGO B-04 Section IX.B.3, that approval shall be documented in*”

writing and submitted to the Special Resources Commander. Such a transfer is disfavored unless the member's immediate supervisor concurs in the transfer out of the Community Policing assignment."

- This created an accountability measure for voluntary transfers out of the Community Policing assignment. It also made room for situations where the Community Policing assignment was truly not a good fit by allowing an immediate supervisor to concur in the transfer.
- Section 9 – Evaluation
 - First paragraph, second sentence: "Supervisors shall also evaluate whether CRO performance is meeting community empowerment goals outlined in ~~Section B~~ of this policy."
 - First paragraph, third sentence: "The evaluating supervisor shall collect, review, and incorporate community and Neighborhood Council input in *Supervisory Note Files*, and *in turn into annual performance appraisals, in line with current practice* ~~their evaluation of CROs.~~"
 - There was a great amount of discussion about whether OPD was permitted to take or solicit feedback on CROs due to DGO A-2 that prohibited officers from taking surveys unless authorized by the Chief of Police or Commander. Eventually, we determined that it was within policy, as the Special Resources Commander or other C could authorize it.

Community Meetings

- Section B numbering deleted

Departmental Core Values & Mission

The Department has adopted Community-Oriented Policing (COP) as its operational philosophy to institutionalize the core values of Fairness, Integrity, Respect, Service and Teamwork (F.I.R.S.T.). The mission of the Department is to provide police service focused on public safety and the sanctity of life, to hold ourselves accountable to a high standard of conduct, efficiency and efficacy, and to promote mutual respect between the Department and the communities of Oakland.

The Philosophy of Community Policing

The Department's purpose is to promote and protect public safety while respecting the dignity and rights of all, including the most vulnerable. To achieve said purpose, the Department must have the community's well-being and support at the heart of all law enforcement activities, and must be grounded on collaborative partnerships with Oakland residents, non-law enforcement City agencies and departments, community-based organizations, faith-based organizations, businesses, and Neighborhood Councils.

Community Policing is the affirmed public policy strategy to achieve the Department's mission. This community policing philosophy, just like the rest of the Department's policies and practices, must recognize and affirmatively practice a new and transformative culture that will seek to intentionally repair and replace historic toxic and harmful systemic behaviors. It is a policing model in which officers recognize, include, and empower communities through building collaborative, transparent, honest, and trusting relationships with the communities they serve. It is a collaborative approach to policing, which embraces community-led and community-directed problem-solving, and where officers are seen as part of the community rather than separate from it. It places a high value on problem-solving responses that are preventative in nature and not solely dependent on the use of the criminal justice system.

A successful Community Policing program requires that Department members be trained in the history of policing in Oakland and engage in a restorative justice-based dialogue with community members in a manner that allows for continuous adjustments to Department practices, procedures, and policies. Such adjustments will repair the historical harm done by policing in Oakland, mitigate unintended consequences of such practices, procedures, and policies, and avoid further harm by eliminating the use of inappropriate practices, procedures, and policies. A successful Community Policing Policy also requires that Department members receive training in cultural diversity and competency, active listening, and effective community engagement. Finally, a successful Community Policing program requires the Department's commitment to using de-escalation strategies when responding to issues arising in the communities.

The Community Policing problem-solving model carries with it a commitment to implementing responses, rigorously evaluating effectiveness, and subsequently reporting the results of priorities and projects in ways that will benefit the community, the Department, and policing practices in general.¹

¹ Problem-Oriented Policing, Herman Goldstein, 2015.

Community Policing is not just a strategy that reduces crime. Community Policing improves the overall quality of life in our neighborhoods for all residents.

Purpose

The purpose of this Departmental General Order is to:

- Hereby declare the Department's commitment to using de-escalation strategies when responding to issues arising in Oakland's communities.
- Hereby declare the Department's commitment to hiring officers from Oakland's communities.
- Set clear expectations for the Department to actively engage community groups and members of the public in building and fostering mutually trusting, lasting relationships on a Department-wide and individual basis.
- Define the Department's role and bureau expectations regarding the responsibilities of Community Resource Officers and other Department staff in implementing tasks related to associated resolutions and measures, some of which currently include Oakland's Community Policing Program (Resolution 79235) and Oakland's Public Safety and Services Violence Prevention Act (Resolution 85149, also known as Measure Z).
- Direct the Department to support community engagement and neighborhood empowerment objectives, currently laid out by the Oakland Neighborhood Services Division, Resolution 79235, and Resolution 85149.
- Direct that Department members receive training in a broad range of subjects, including among other things, the history of policing in Oakland and the use of restorative justice principles aimed at repairing historical harm.
- Direct that all trainings be developed and presented in collaboration with the community, when allowed by law.
- Direct that Department members who exemplify Community Policing principles be commended and rewarded for their efforts.

Community Policing and Problem-Solving

Implementing Community Policing as a problem-solving tool requires that the Department and the community work together to identify community priorities, design tailored solutions to the problems, prioritize responses to the tailored solutions, and evaluate the success of the tailored solutions.

1. Community Priorities

Community priorities are prioritized issues of concern, generated by the community itself, which can be addressed in whole or in part by partnership with the Department. While typically set by attendees of the Neighborhood Councils, priorities can come from a variety of different sources. Neighborhood Council Priorities should be identified through a specific procedure and produced in written form following SMART principles (see [Appendix XXXX](#) for details regarding SMART). However, priorities should be applicable to a larger section of the Community Policing Beat rather than just one individual. Such priorities should be determined by a representative group

of community stakeholders with a focus on diversity. Community Policing Beats should have one to three priorities at any given time.

Community Resource Officers (CROs) will take the lead in taking Neighborhood Council Priorities of a more serious nature through the SARA (Scanning, Analysis, Response, Assessment) Process. The CRO should report back to the sponsoring Neighborhood Council on the progress of each SARA project. CROs will let Neighborhood Service Coordinators take less serious Neighborhood Council priorities through the SARA process.

2. SARA Projects

A Neighborhood Council Priority, or other Community Priority, elevated by a CRO to be taken through the SARA process is called a SARA project or “project.” A SARA project is a method to identify specific priorities or problems and to design tailored solutions for those issues. Each CRO is expected to have at least one open SARA project at any given time. The SARA concept includes an evaluation of the solutions and results to determine the efficacy of the designed response. See **Appendix XXXX** for details regarding the SARA model and its included steps.

3. Priority and Project Review

Community Resource Officers should discuss completion/resolution of a Community Priority (including the closure of a SARA Project) with the relevant Neighborhood Council.

Community Resource Officers

Every Oakland Police Department sworn police officer is a community policing officer. Thus, it is the responsibility of all Department members to positively engage members of the community with the goal of fostering productive relationships and a collaborative effort to promote safe communities in line with the principles outlined above.

However, not every sworn police officer is a Community Resource Officer (CRO). CROs have special qualifications, training, and experience that permits them to focus problem-solving activities on community identified priorities or priorities that affect the overall safety and well-being of the community in a given area.

1. Qualifications

Applicants for the CRO position should have at least 3 years of law enforcement experience and a proven track record of exceptional service, which must be determined by community input. Additionally, applicants must have demonstrable community engagement skills and project management skills.

The CRO position is an Order of Merit List position as defined in OPD DGO B-4, *Personnel Assignments, Selection Process, and Transfers*². Selection of CRO members will be governed by OPD DGO B-4, Section VI-VII, *Order of Merit List Procedures and OML Selection Process*.

2. General Roles

Community Resource Officers (CROs) are responsible for the coordination of problem-solving activities in specific geographic areas, including:

- a. Initiating and completing SARA projects.
- b. Establishing and building relationships with community members and leaders.
- c. Being a resource for community members on preventative measures for common or recurring problems that do not require a SARA project.
- d. Regularly communicating updates about the status of Neighborhood Council Priorities to the Chair of the assigned Neighborhood Council.
- e. Attending all Neighborhood Council regular meetings and providing routine updates as well as a fully briefed alternate officer when necessary.
- f. Encouraging active participation of OPD personnel in Neighborhood Council and other community groups.
- g. Serving as liaisons with City Departments.
- h. Coordinating enforcement efforts or responses to safety issues with city and law enforcement personnel or other public safety departments or agencies; informing, answering, and alleviating any affected neighborhood concerns about those specific enforcement efforts to the extent possible.
- i. Coordinate and provide foot and bicycle patrol as needed.
- j. Documenting and reporting on the following:
 - Neighborhood Council Priorities;
 - Community Concerns;
 - Area Command staff Priorities;
 - Crime issues;
 - Blight concerns;
 - SARA projects;
 - Crime statistics including ShotSpotter data;
 - Department actions or community concerns that implicate social issues, issues of race and/or ethnicity, or language issues that have a role and factor into CRO activities;
 - Any other information that is either requested by the community or relevant to a Neighborhood Council Priority or community concern.
- k. Answering calls for service in their assigned beats³, if needed.

² Department General Order B-4: Personnel Assignments, Selection Process, and Transfers, located here:

<https://public.powerdms.com/oakland/tree/documents/26>.

³ "Beat" refers to a territory that an officer is assigned to for purposes of enforcement or patrol. In Oakland, there are 35 beats. These 35 beats are further divided into CP, or Community Policing, beats. For example, beat 31 is divided into CP beats 31X, 31Y, and 31Z; beat 32 is divided into CP beats 32X and 32Y. CROs are assigned to beats by their numbers, not by their letters (CP beats). The term "beat" refers to the entire territory, including its CP beats.

CROs may act as first responders to crowd management events in their assigned beat and may answer calls for service outside of their assigned beat. CROs may also work with other law enforcement members in providing violence or other serious crime suppression outside of their assigned beat. However, due to the importance of the CRO program in fostering relationships with the community, drawing CROs from their assigned duties and beats is greatly disfavored and should only be done as a last resort.

3. Specific Responsibilities

CROs act as coordinators and liaisons for projects and priorities in their assigned Community Policing Beats. CROs may utilize the SARA process to solve problems. CROs presently document project progress in the community project database, SARANet. However, as technologies and project-management software and databases evolve, the means of creating and tracking projects may change. CROs are also expected to:

- a. Build community support for the Department through positive customer service;
- b. Be visible to and engage with the community;
- c. Identify and develop working relationships with formal and informal community leaders in their assigned Beats (e.g., Block leaders, Neighborhood Watch block captains, school principals, community center staff, religious leaders, businesses, merchant associations, etc.);
- d. Assist Neighborhood Councils in establishing appropriate priorities and open SARANet Projects based on these Neighborhood Council Priorities, as needed;
- e. See below for positions

Department Position:

Each Bureau of Field Operations (1 and 2) shall maintain one project centered on a Neighborhood Council Priority at all times. CROs shall work with Neighborhood Councils to prioritize and schedule out projects, with those centered on violence taking higher priority. It is incumbent on each CRO to explain to each respective Neighborhood Council the rationale behind project selection and mapping.

Community Member Position

Maintain at least one project centered on a Neighborhood Council Priority, per assigned beat. CRO's are allowed to overlap beat projects as needed.* CROs shall work with Neighborhood Councils to prioritize and schedule out projects, with those centered on violence taking higher priority. It is incumbent on each CRO to explain to each respective Neighborhood Council the rationale behind project selection and mapping.

**Footnote: The requirement that a CRO have at least one open project centered on a Neighborhood Council Priority, per assigned beat, refers to the beats assigned, not the individual subdivisions. Thus, if a CRO is assigned to beat 31 and beat 32, they are required to have at least two open projects centered on a Neighborhood Council Priority, one for beat 31 and one for beat 32*

- f. Report on the progress of Neighborhood Council Priorities by presenting reports on the progress of each Neighborhood Council Priority in a manner determined by Neighborhood Council in partnership with the CRO. Such reports may be presented by:

- Presenting brief oral reports on the progress of each Neighborhood Council/community priority at Neighborhood Council meetings;
 - Submitting written reports to the sponsoring Neighborhood Council. Reports may be submitted to the Neighborhood Council Chair or Vice Chair, and a copy provided to the associated Neighborhood Service Coordinator to include in the Neighborhood Council's next meeting.
 - Providing written or oral updates on the progress of SARA projects to the sponsoring Neighborhood Council. These updates may be on a regular basis or upon the completion of each step of the SARA project as determined by the Neighborhood Council.
- g. Coordinate with Neighborhood Service Coordinators and community leaders to utilize community-based organizations to resolve problems;
- h. Identify violent crime hot spots in their Community Policing Beat;
- i. Partner with a crime analyst to identify the top three locations associated with neighborhood problems (calls for service, crime, blight, and nuisance) and work with the Neighborhood Council during each Neighborhood Council meeting to determine whether and how best to address any associated issues;
- j. Communicate important information to patrol officers and coordinate the response activities of these officers in solving projects;
- k. Coordinate with other City, county, and state agencies to resolve problems as needed. These include but are not limited to⁴:
- Alameda County District Attorney's Office
 - City Administrator's Office
 - Department of Housing and Community Development
 - Department of Human Services
 - Department of Parks, Recreation, & Youth Development
 - Department of Public Works
 - Department of Race and Equity
 - Department of Transportation
 - Department of Violence Prevention
 - Economic & Workforce Development Department
 - Mobile Assistance Community Responders of Oakland (MACRO)
 - Oakland Fire Department
 - Oakland Unified School District and other youth agencies, such as, but not limited to, the all-city youth council
 - Office of the City Attorney
- l. Check voicemail messages each regular work-day; each CRO shall, when assigned to their normal duties, check their CRO emails weekly. CRO sergeants shall help ensure CROs check their emails as required by this section. Responses should be made within a reasonable amount of time.
- m. Coordinate with the Department media team to create, gather, or provide updates, results, and events regarding projects or priorities, responses, and results to

⁴ This list is organized alphabetically, not by importance or priority.

Neighborhood Service Coordinators for public dissemination, including but not limited to posting to social media platforms.

- n. Fully update, orient, and educate incoming CROs to Beat priorities and issues, past and present, as well as introduce them to Beat stakeholders.

4. Use and Auditing of the SARANet Database

CROs shall update the SARANet Database on the status of their project responses regularly, at least every two weeks, barring absences due to vacation, training, etc. Circumstances preventing the delay of an update should be documented in the next update. CROs should maintain contact with other personnel to include updates of coordinated responses to projects in the database.

CRO Sergeants will review or audit the SARANet Database monthly to ensure that SARA projects are properly documented.

The Department will make publicly available, upon submission of a public records request (presently form TF 3281 or via the City of Oakland public records request portal at <https://oaklandca.nextrequest.com/>), information on all Projects in the SARANet Database in properly redacted form.

The above shall be applied, as appropriate, to any new or updated project-tracking software or database in the event SARANet is no longer used.

5. CRO Assignment to Beats and Neighborhood Councils

CROs will be responsible for close and continuous coordination with their assigned Beat's Neighborhood Council and Neighborhood Service Coordinators. All Neighborhood Councils will have an assigned CRO. However, each of the Neighborhood Councils may not have a dedicated CRO.

The Department shall make reasonable efforts to adequately staff or fund the CRO program such that CRO members may meet their continuing obligations to attend Neighborhood Council meetings and work on SARA projects.

The Department is committed to keeping continuity of CROs assigned to a specific beat and Neighborhood Council. Therefore, the Department will establish criteria for reassigning CROs outside their designated Beats. Such reassignment must be approved by the respective Special Resources Commander.

CROs should not be assigned to more than two Neighborhood Councils. However, the Special Resources Commander may permit a CRO to be assigned to more than two Neighborhood Councils as staffing and crime data dictate.

If a CRO is assigned to more than two Neighborhood Councils, reassigned to a different beat or Neighborhood Council, or reassigned to a different Department unit, the Department shall document the justification for these assignments, the assignment's proposed benefit to the community, and the assignment's impact on the City of Oakland, including its residents, stakeholders, and visitors. Reassignments will be timely reported to the affected Neighborhood Council. The Department will annually report these reassignments to the Community Policing

Advisory Board, the Public Safety and Services Oversight Committee, and the Oakland Police Commission at their regularly scheduled meetings.

CROs shall meet with and assist their assigned Neighborhood Councils in accordance with each Neighborhood Council's published meeting schedule. Neighborhood Councils are not the single point of contact for the CRO and attention must also be paid to other community organizations, including faith-based organizations, on their beat.

6. Data Collection and Dissemination

Each CRO sergeant shall prepare a monthly report, reviewed and approved through their first-level commander, documenting CRO activities that fall outside the CRO's normal assigned duties. Such activities include, but are not limited to, crowd management and calls for service.

CROs should disseminate information on community projects and priorities to involved or required Department staff.

Twice a year, all CROs and Neighborhood Service Coordinators should meet to share and disseminate information on the following topics:

- Successful and unsuccessful SARA projects
- Successful and unsuccessful community led projects
- Trainings that were helpful for the CRO position
- Trainings that are needed to become better CROs
- Replicating successful tactics to be used in other parts of Oakland

Successes, failures, and recommendations generated from this meeting will be summarized and reported to the Community Policing Advisory Board, the Public Safety and Services Oversight Commission, and the Oakland Police Commission at their regularly scheduled meetings.

7. Professional Development

OPD shall provide initial and annual training to all CROs that will include content and curriculum developed and presented by diverse community representatives and organizations. Topics include, but are not limited to⁵:

- a. Alternatives to Enforcement and Incarceration
- b. Building Relationships with Community Stakeholders⁶
- c. Community Engagement⁷
- d. Community Harm topics
- e. Community Relations and Customer Service
- f. Crisis Intervention
- g. Cultural Diversity and Competency

⁵ This list is organized alphabetically, not by importance or priority.

⁶ This training should include a component on strategies to affirmatively develop and establish relationships with community leaders, community members, and elected and informal representatives of the assigned area.

⁷ This training should include a component on strategies that develop and deploy a community outreach plan tailored to each neighborhood that engages community members in coordination with Neighborhood Councils and Neighborhood Services Division.

- h. Custom notifications
- i. De-escalation⁸
- j. Effective Communication
- k. Harm Reduction Principles
- l. Implicit Bias
- m. Problem-solving using the SARA model
- n. Project Management and Resource Allocation
 - Identification and utilization of community resources and organizations
 - Ongoing training on local government functions
 - Crime prevention through environmental design
- o. Restorative Justice Practices
- p. Search warrants
- q. Stress Management
- r. Tactical Training and Procedural Justice
- s. Undercover and crime reduction operations

Trainings on the following topics shall include community presenters or community-based organizations: Cultural Diversity and Competency, Implicit Bias, De-escalation, Community Relations and Customer Service, Restorative Justice Principles, Stress Management, Community Harm topics, and Harm Reduction Principles. The Department will include the community even if these topics already have POST-mandated curriculum.

The Department shall identify and publish those trainings which cannot be developed in collaboration or presented by the community based on Evidence Code section 1040, the official information privilege. This list will be attached to this policy as **Appendix XXXX**.

Supervisors and commanders of CROs shall identify further training which will enhance the professional development of CROs. CROs shall identify training which will enhance their development or job performance and submit training requests for consideration. In all cases, CRO training shall involve community resources to the greatest extent possible.

CROs should consider conducting “practice groups” where positive and learned de-escalation applications and “field” experience are reviewed and incorporated in ongoing revisions to department policies and practices and taken back to the department for general use.

⁸ CROs and Neighborhood Councils are the closest thing to a partnership bridge between OPD and neighborhoods. Therefore, this training should incorporate the most effective and innovative de-escalation practices due to the close relationship between CROs and the community. Oakland’s diversity and large communities of color require that essential de-escalation training pay special attention to racial implicit bias by addressing the following questions:

- What role does race and racism play in law enforcement interactions with residents?
- How can these interactions implement basic de-escalation techniques while upholding a “standard” of equity?
- What do law enforcement officers see and process when they see a suspect?
- What do they see and process when the suspect is black or brown?
- Why is it that a higher percentage of blacks are handcuffed while being detained or questioned?

8. Tenure

CRO members should commit to at least three years in this position. Newly appointed members are expected to serve at least five years in the position. Voluntary transfers out of the Community Policing assignment are subject to DGO B-04 Section IX.B.4's one year Patrol requirement.

If the Chief of Police or designee approves a voluntary transfer from the Community Policing assignment to another eligible out-of-Patrol assignment pursuant to DGO B-04 Section IX.B.3, that approval shall be documented in writing and submitted to the Special Resources Commander. Such a transfer is disfavored unless the member's immediate supervisor concurs in the transfer out of the Community Policing assignment.

9. Evaluation

Performance reviews and appraisals of CROs will be conducted on a regular basis as dictated in DGO B-06, *Performance Appraisal*⁹. Supervisors shall also evaluate whether CRO performance is meeting community empowerment goals outlined in this policy. The evaluating supervisor shall collect, review, and incorporate community and Neighborhood Council input in Supervisory Note Files, and in turn into annual performance appraisals, in line with current practice. All community input regarding CROs shall be included in the evaluation.

If supervisors consider community and Neighborhood Council input, supervisors should obtain as much contextual and background information as possible and permit the CRO member to respond, if necessary.

This does not replace the standard complaint procedure laid out in DGO M-03, *Complaints Against Department Personnel or Procedures*¹⁰ and DGO M-03.1, *Informal Complaint Resolution Process*¹¹.

Community Meetings

Community meetings are an opportunity for the Department to interact with the community outside of its law enforcement duties. By attending such meetings, the Department strengthens its commitment to local communities. Thus, the Department must host at least one community meeting per quarter in each Patrol Service Area; each patrol supervisor and officer assigned to a regular beat or geographic area of the City of Oakland must attend a minimum of one community meeting per quarter in the Area to which they are regularly assigned.

⁹ Department General Order B-6: Performance Appraisal, located here:
<https://public.powerdms.com/oakland/tree/documents/28>.

¹⁰ Department General Order M-03: Complaints Against Department Personnel or Procedures, located here:
<https://public.powerdms.com/oakland/tree/documents/1266222>.

¹¹ Department General Order M-03.1: Informal Complaint Resolution Process, located here:
<https://public.powerdms.com/oakland/tree/documents/442>.

Appropriate personnel attend and document attendance at community meetings and public appearances in accordance with the provisions of DGO B-7, *Public Appearances*¹².

1. Presentations at Community Meetings

Depending on assignment and classification, staff members may be required to make presentations at community meetings. OPD staff should consider hosting community meetings and other events in different areas in the beat. CROs are expected to make presentations on a regular basis. When presenting at a community meeting, the assigned CRO should do the following to ensure City-wide consistency:

a. Send an Outlook calendar invite (single meetings only) to the:

- BFO Deputy Chief
- BFO Neighborhood Services Manager
- Area Captain
- Area Special Resource Lieutenant
- Area CRO Sergeant
- Area CRT Sergeant
- Assigned Neighborhood Service Coordinator

The calendar invite should include beat priorities and CRO contact information.

b. CRO presentation topics should minimally include:

- Contact information.
- Current beat priority and project updates (status of priority or project, responses since last meeting, status of assessment or evaluation).
- Identification of new priorities or projects (if needed).
- Community Beat crime trends and crime rates (in advance of the meeting, if possible), including quarterly data for an Area, ShotSpotter data, and aggregate crime data for the City of Oakland.
- Summary of the Beat CRO's key activities, including but not limited to additional intelligence-based and crime prevention operations not covered above that are relevant to the Neighborhood Council. This may include surveillance operations, high visibility patrols, search warrants, violent crime investigations, domestic violence and child abuse interventions, and tow activity.
- Misc. Agenda Items (other announcements, other presentations, information on requested topics or where this information can be found, etc.).

c. Introduce yourself at the beginning of the meeting.

d. Explain the role of CROs, if needed, required, or requested.

e. Explain that:

- The goal of Community Policing is to create a peer-level partnership between OPD and the neighborhoods it serves.

¹² Department General Order B-7: Public Appearances, located here: <https://public.powerdms.com/oakland/tree/documents/29>.

- That OPD is here to support community-led efforts to empower neighborhoods and foster safe and equitable neighborhoods.
- f. CROs are required to provide:
 - Crime statistics for the Area and Beat.
 - Updates on priorities and projects, including:
 - Defined priority and project problem and goal.
 - Status of each active priority or project or for each priority or project closed since the last meeting or update.
 - Responses completed or logged by all priority or project partners since last meeting or update.
 - g. CRO and Neighborhood Service Coordinator Interaction – CROs and Neighborhood Service Coordinators should collaborate prior to every Neighborhood Council meeting to review and discuss beat information, crime statistics, crime trends, priorities, and projects. Identification of current neighborhood concerns including problem properties and hot spots should be included.
 - h. CROs should provide Neighborhood Service Coordinators with the CRO's report prior to the meeting.
2. Small Group "Living Room" Meetings

Small group meetings are a specific type of community meeting. Like all community meetings, the goal of a small group meeting is to improve police-community relations. When holding a small group meeting, the Department shall consider neighborhood dynamics to ensure the safety of all participants and maximize the trust between community members and with the Department. Small group meetings employ specific criteria, such as the following:

- a. Intimate setting (such as an actual residential living room) OR local facility recommended by the assigned Neighborhood Service Coordinator (such as a library or recreation center).
- b. Small group size (no more than 20 participants).

Small group meetings are generally attended by Area command staff, supervisors, and officers. Neighborhood Service Coordinators should be invited when possible. However, small group meetings should not replace Neighborhood Council meetings.

For meetings that may deal with recent or serious violent incidents in the community, the Department should consider requesting a neutral facilitator, including, but not limited to, a restorative justice facilitator, a representative from the Department of Violence Prevention, a Neighborhood Law Corps attorney, or a member of the community.

Appendix A – SMART

SMART is an acronym representing a model for establishing written objectives, initially proposed by George Doran¹:

Specific: Target a specific area for improvement.

Measurable: Quantify or at least suggest an indicator of progress.

Assignable: Specify who will do it.

Realistic: State what results can realistically be achieved, given available resources.

Time-related: Specify when the result(s) can be achieved.

¹ Doran, G. T. (1981). “There’s a S.M.A.R.T. way to write management’s goals and objectives.” *Management Review*. 70 (11): 35-36.

Appendix B – SARA Model (CURRENT TB III-A.5)

SARA is a problem-solving model for community-based policing.

Definitions:

Scanning: Personnel identify the location and conditions, problem, parties involved, and crimes involved, if any.

Analysis: Personnel gather detailed information about the problem, and work to understand the problem's scope, nature, and cause.

Response: Personnel implement a solution. Implementation may involve separating a large problem into smaller, more manageable parts.

Assessment: Personnel evaluate the solution to determine overall effectiveness and sustainability, and assess what can be done differently in the future.

Expanded Breakdown:

SCANNING

- a. Identifying recurring problems of concern to the public and the police.
- b. Identifying the consequences of the problem for the community and the police.
- c. Prioritizing those problems.
- d. Developing broad goals.
- e. Confirming that the problems exist.
- f. Determining how frequently the problem occurs and how long it has been taking place.
- g. Selecting problems for closer examinations.

ANALYSIS

- a. Identifying and understanding the events and conditions that precede and accompany the problem.
- b. Identifying relevant data to be collected.
- c. Researching what is known about the problem type.
- d. Taking inventory of how the problem is currently addressed and the strengths and limitations of the current response.
- e. Narrowing the scope of the problem as specifically as possible.
- f. Identifying a variety of resources within and outside of Oakland that may be of assistance in developing a deeper understanding of the problem.
- g. Developing a working hypothesis about why the problem is occurring.

RESPONSE

- a. Brainstorming for new interventions.

- b. Searching for what other Oakland Neighborhood Councils and other communities with similar problems have done.
- c. Choosing among the alternative interventions.
- d. Outlining a response plan and identifying responsible parties.
- e. Stating the specific objectives for the response plan.
- f. Carrying out the planned activities.

ASSESSMENT

- a. Determining whether the plan was implemented (a process evaluation).
- b. Collecting pre- and post- response qualitative and quantitative data.
- c. Determining whether broad goals and specific objectives were attained.
- d. Identifying any new strategies needed to augment the original plan.
- e. Conducting ongoing assessment to ensure continued effectiveness.

Sample Checklist:

SCANNING

1. Identify the nature of the problem
 - Location based
 - Area based
 - Activity/event based

Investigation

2. Identify the persons involved or present
 - Property owner
 - Property manager
 - Business operator
 - Tenant or lessee
 - Squatter/trespasser
 - Neighbors
 - Corporate officials
 - State, county officials
3. Documentation and file building
 - Property records
 - Police records (LRMS, RMS)
 - Information from patrol officer
 - Related police reports
 - Internet databases (state, private)

Site Visit

4. Verify investigation information
 - Verify address/location
 - Who is there

- What activity is evident
- Photographs and/or video
- 5. Document other activities/conditions
 - Utilities, on or off
 - Code compliance issues
 - Health and safety
 - Licensing/permitting issues
- 6. SMART determination
 - Needs assessment: who and why
 - Date and time
 - Owner notification
- 7. Immediate enforcement or resolution action
 - Owner cooperative, commits to solution
 - Arrests or citations
 - Evidence of crime gathered

ANALYSIS

Smart Response

- 8. Pre-meeting
 - Discuss problem
 - Set objectives
 - Confirm time and place
- 9. Respond to site
 - Contact all inspectors or agents
 - Render the premises safe
 - Contact owner and occupants
 - Discuss findings with team
 - Thank all participants
 - Request copies of reports for file
 - Involve patrol officers whenever possible
 - Owner present

Strategize

- 10. Review documentation and options
 - Enforcement
 - Eviction
 - Nuisance abatement or eviction ordinance
 - Drug nuisance abatement
 - Code enforcement, i.e. demolition
 - Community action, i.e. small claims court
 - Other solutions appropriate to a particular site or problem
 - Voluntary compliance documented by a written agreement

11. Choose measure(s) to assess effectiveness of response
 - Before and after observations and pictures
 - Before and after calls for service data
 - Before and after drug hotline calls
 - Before and after computer aided dispatch (CAD) calls
 - Before and after crime statistics
 - Project survey
 - Feedback from community meetings and message boards
 - Other

RESPONSE

12. Notification
 - Due process letter to property owner, i.e. 11570 H&S
 - Certified mail or hand deliver
 - Document the delivery
13. File building
 - Follow-up site visits
 - Enforcement
 - Coordinate efforts with patrol officer
 - Surveillance
 - File any responses from owner/occupants
 - Maintain database
14. Civil action
 - Nuisance ordinance declaration/hearing
 - Eviction ordinance filing
 - Drug nuisance abatement lawsuit filed
 - Lis pendens
 - Lender notification
 - Corporate notification (businesses)
 - Community action, small claims court action filed
15. Code enforcement
 - Substandard public nuisance declaration
 - Imminent hazard
 - Relocation
 - Clean and board
 - Lien the property
 - IRS and Franchise Tax Board notification

Negotiate

16. Follow-up with decision maker
 - Seek resolution
 - Deal only with decision maker, i.e. owner or agent
 - Use sound negotiating techniques

- Written documentation of all agreements
- Settlement agreements
- Completed by CAO
- Reviewed by OPD
- 2-year term
- Performance bond

Closure

17. Closure steps and requirements

- Verify no drug hotline calls or CAD calls for service for 90 days
- Owner contacted
- Site visit to verify compliance documented
- Closing statement in file
- Closing photographs
- Supervisory review and approval

ASSESSMENT

Maintenance

18. Maintenance steps and requirements

- Advise community of their responsibility to monitor
- Respond to activity indicative of a return of problem
- Maintain file on project
- Monitor indicators such as calls for service, RMS, etc.
- Make a periodic drive-by or site visit

19. Measure effectiveness of response

- Changes in physical state
- Changes in calls for service data
- Changes in drug hotline calls
- Changes in CAD calls
- Changes in crime statistics
- Community feedback
- Other

20. Process review

- Review entirety of the project for process improvement
- Incorporate successes in similar projects
- Review project with supervisor/commander
- Review project with patrol officer



DRAFT

2023 ANNUAL REPORT



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EXECUTIVE SUMMARY

Since its establishment via Measure LL in 2016 and subsequent enhancement of powers through Measure S1 in 2020, the Commission has significantly expanded its influence through the implementation of policies and programs.

The Police Commission of the City of Oakland, established through Measure LL and S1, serves as a civilian oversight entity tasked with soliciting community input and supervising the Oakland Police Department (“OPD” or “Department”) to ensure alignment with national benchmarks for constitutional policing. Apart from monitoring and auditing OPD's adherence to protocols and regulations, the Commission also holds the mandate to supervise the Office of the Inspector General (“OIG”) and the Community Police Review Agency (“CPRA”), the former focusing on compliance assessments and the latter on investigating instances of police misconduct alongside proposing disciplinary measures.

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

The Commission consists of seven Regular Commissioners and two Alternate Commissioners who are appointed by either the Mayor or a Police Commission Selection Panel. Alternate Commissioners have the opportunity to vote if they are promoted to Regular Commissioners by the Chair. Despite the legislation for the Commission being ratified in November 2016, the Commission did not begin functioning until December 2017. All commissioners are required to be residents of Oakland and serve voluntarily.



LEGISLATIVE HISTORY

The OPD has faced a long and troubled history marked by numerous scandals and a prolonged period of federal oversight. This journey officially began with the 'Riders' scandal in 2000, where four officers were accused of brutalizing suspects, planting drugs, and falsifying reports. This led to a civil rights lawsuit and the establishment of the Negotiated Settlement Agreement (NSA) in 2003, designed to implement widespread reforms within the department.

The NSA, one of the longest-running federal oversight programs for any police department in the United States, mandated OPD to complete 52 reform tasks. These tasks included improving the quality of police misconduct investigations, addressing racial disparities, and overhauling policies related to use of force and internal affairs. The OPD's progress was initially slow, and multiple incidents of misconduct over the years further delayed compliance.

Notable setbacks included a major sexual exploitation scandal in 2016, which resulted in the resignation or firing of multiple police chiefs within a short period of time. Additionally, OPD's violent response to the Occupy Oakland protests in 2011 and the mishandling of several high-profile investigations further complicated the reform efforts.

Under the leadership of various chiefs, particularly Chief LeRonne Armstrong, OPD has made significant strides towards compliance in recent years. The department has improved its handling of use-of-force incidents and police misconduct investigations, and it has implemented a data-driven early warning system to monitor officer behavior. The progress the department made on the tasks led the Court Monitor to move OPD to Sustainability in 2022.

Despite these improvements, challenges remain. The OPD still needs to complete tasks 2, 5, and 45 related to internal affairs investigations, complaint procedures, and consistency in disciplinary actions. The department's ability to maintain these reforms without external oversight is a critical concern for stakeholders, especially the Police Commission involved in the reform process. While OPD has made notable progress in recent years, the reform journey has been marked by significant challenges and setbacks. The department is now closer than ever to ending federal oversight, but sustained commitment to these reforms is essential for lasting change.



STRUCTURE

POLICE COMMISSION COMPOSITION

January to October 2023

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



Commission Chair, Tyfarah Milele



Commissioner Rudolph Howell



Commission Vice Chair, David Jordan



Commissioner Regina Jackson



Commissioner Brenda Harbin-Forte'



Commissioner Marsha Carpenter Peterson



Commissioner Jesse Hsieh



Alternate Commissioner Karely Ordaz



Alternate Commissioner Angela Jackson-Castain



POLICE COMMISSION LEADERSHIP

As of October 2023



Marsha Carpenter Peterson
Commission Chair

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



Karely Ordaz
Vice Chair

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

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

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

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

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



POLICE COMMISSION COMPOSITION

As of December 2023

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

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



Marsha Carpenter Peterson
Commission Chair
• Appointed by Mayor
• Seat: Mayoral
• End of Term: Oct 16, 2023



Karely Ordaz
Vice Chair
• Elevated by Commission
• Seat: Selection Panel
• End of Term: Oct 16, 2026



Regina Jackson
Commissioner / Chair Emeritus
• Appointed by Mayor
• Seat: Mayoral
• End of Term: Oct 16, 2024



Jesse Hsieh
Commissioner
• Appointed by Selection Panel
• Seat: Selection Panel
• End of Term: Oct 16, 2024



Wilson Riles
Commissioner
• Appointed by Selection Panel
• Seat: Selection Panel
• End of Term: Oct 16, 2026



Angela Jackson-Castain
Commissioner
• Appointed by Selection Panel
• Seat: Selection Panel
• End of Term: Oct 16, 2024



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



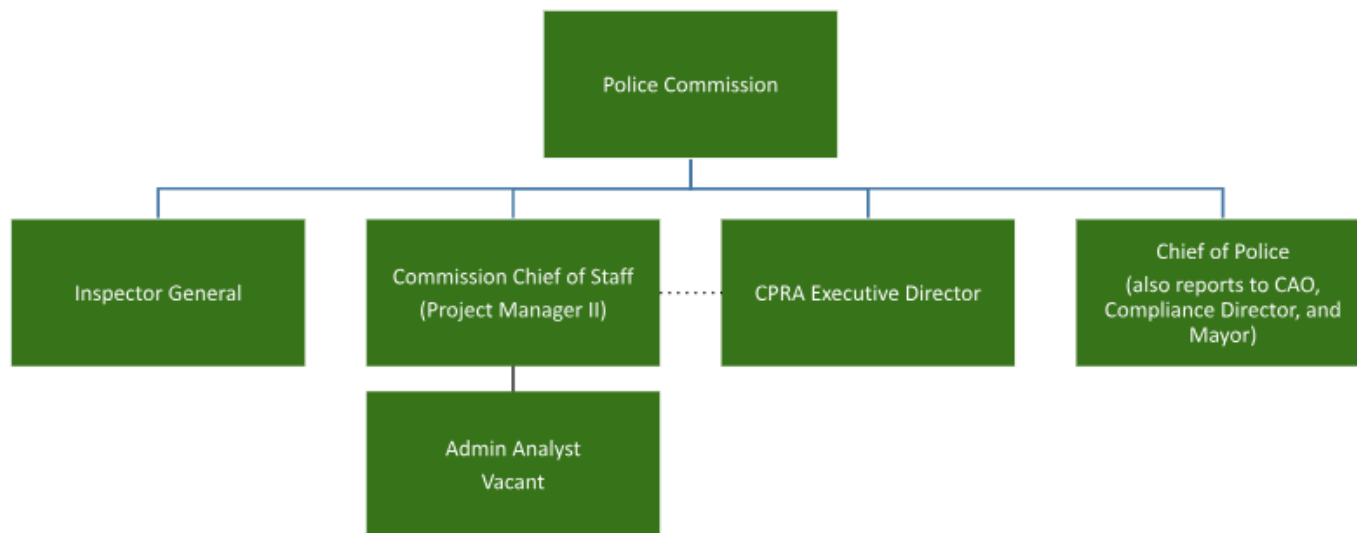
Ricardo Garcia-Acosta
Alternate Commissioner
• Appointed by Selection Panel
• Seat: Selection Panel
• End of Term: Oct 16, 2025



VACANT
Mayoral Appointee: Alternate Commissioner



STAFFING



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

New leadership hired Mykah Montgomery to take over the role of Chief of Staff, responsible for supervising all business operations and administrative tasks for the Commission. She serves as a Limited Duration Employee (ELDE).



OVERSIGHT FUNCTIONS

POLICE CHIEF SEARCH

Police Chief Search 2023 Timeline:

- February 2023 Police Chief Terminated
- April 2023 - Chief Search Began
- Police Chief Search Community Forum
- Special Town Hall Meeting
- List of Unvetted Applicants Sent to Mayor
- October 2023 - OPC Leadership Transition
- Search Continued Under New Leadership
- December 2023 - Three (3) Candidate Names Timely Forwarded to Mayor
- December 2023 - Mayor Rejected Candidates

**Community Forum:
The Search for Oakland's Next
CHIEF OF POLICE**

ZOOM WEBINAR (Multilingual)
August 9 | 6:00 - 7:00 PM
Link: <https://us02web.zoom.us/j/87969536439>
Dial In: +1 609 444 9171
Webinar ID: 879 6950 8439

IN-PERSON SESSIONS

August 5 | 10:30 - 11:30 AM
Golden Gate Branch Library
5690 San Pablo Avenue, Oakland

August 5 | 3:00 - 4:00 PM
Cesar E. Chavez Branch Library
East 12th Street, Suite 271, Oakland

August 12 | 10:30 - 11:30 AM
81st Avenue Branch Library
1021 81st Avenue, Oakland

August 12 | 2:00 - 3:00 PM
West Oakland Branch Library
1901 Adeline Street, Oakland
*Spanish language translation available

COMMUNITY QUESTIONS

1. What should be the highest priorities for Oakland's next Chief of Police?
2. What characteristics should Oakland's next Chief of Police possess?
3. What background or experiences should Oakland's next Chief of Police possess?
4. What elements in a candidate's track record would suggest that they'd be able to respond to Oakland's specific challenges as the next Chief of Police?

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

survey.monkey.com/r/7Y7VRMD

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

**JOIN US FOR A
TOWN HALL
MEETING**

**THURSDAY
29 SEPTEMBER 2023**

**START AT
06:30PM**

**OAKLAND CITY HALL
COUNCIL CHAMBERS
1700 N. SHAW BLVD, OAKLAND, CA 94612**

CHIEF OF POLICE SEARCH

**SHOULD THE OAKLAND POLICE COMMISSION
RECOMMEND LERONNE ARMSTRONG BE REINSTITATED AS
CHIEF OF POLICE?**

SHARE YOUR VOICE!

TOWN HALLS ARE OPEN TO ALL OAKLAND RESIDENTS WHO IDENTIFY THEMSELVES AS OAKLAND RESIDENTS. REGISTERATION IS REQUIRED. REGISTERATION IS FREE. REGISTERATION IS REQUIRED FOR SPEAKERS (DEPENDS ON ATTENDEE NUMBER)

SHARE YOUR PUBLIC COMMENTS TO
OPC@OAKLANDCOMMISSION.ORG

For more information
WWW.OAKLANDCA.GOV/POLICE-COMMISSION



OVERSIGHT FUNCTIONS

POLICIES & PROCEDURES

The Commission reforms Department policies related to all Negotiated Settlement Agreement (NSA) tasks. It sets the evaluation criteria for the Chief, the Inspector General, and the Executive Director of the CPRA.

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

In the short term, the Department, thanks to the Oakland Police Commission, adopted the recommendations issued by the law firm of Clarence, Dyer, Cohen, LLP ("CDC").

The Department has initiated a detailed process of implementing those recommendations through new and updated policies and training materials.

Moreover, the Department has gone beyond those recommendations by examining additional policy and procedure changes. These changes aim to enhance communication between the Department, the CPRA, and the Commission, ensuring that:

- Transparency in reporting and documentation is maintained.
- Timely and accurate information is shared among all parties.
- There is a consistent and clear protocol for addressing complaints and investigations.
- Community engagement and feedback mechanisms are strengthened.
- Accountability measures are robust and effectively enforced.

These efforts are intended to build trust, improve oversight, and foster a more cooperative relationship between the Department, the CPRA, and the community.





POLICIES & PROCEDURES PASSED

The Police Commission is proud to have reviewed and approved a total of 20 policies and procedures that prioritize transparency, accountability, and the protection of civil rights. These efforts underscore our commitment to ensuring accountability and fostering trust and cooperation between law enforcement agencies and the communities they serve.

PASSED

Updated Militarized Equipment Policies:

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

DGO I-26 (Ground Robots)

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



POLICIES & PROCEDURES PASSED

PASSED

Updated Militarized Equipment Policies:

DGO K-6 (Department Rifles)

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

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

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

TB V-F.02 (Chemical Agents)

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



POLICIES & PROCEDURES PASSED

PASSED

Updated Militarized Equipment Policies:

TB-III-H (Specialty Impact Munitions)

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

CDC Recommended Policies

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

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

DGO D-22 Personal Disclosure Policy:

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

IAD 23-01 General Operating Procedures the Police Commission

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



POLICIES & PROCEDURES PASSED

PASSED

CDC Recommended Policies

TB V-T.01 Internal Investigation Procedure Manual

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

CID PP 23-02 Recusal Process

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

CID PP 23-01 Investigative Training Program

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

DGO M-04.1

- The Oakland Police Department's Departmental General Order (DGO) M-04.1 outlines the policy and procedures related to a specific aspect of law enforcement operations.



POLICIES & PROCEDURES PASSED

PASSED

CDC Recommended Policies

Investigative Recusal Form

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

Reviewer Recusal Form

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

DGO I-15 Body Worn Camera Policy

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

Special Order 9213 M-03 Amendment Department General Order.

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



POLICIES & PROCEDURES PENDING & REVIEWED

PENDING

In general, a variety of factors, such as compliance challenges, federal oversight, leadership changes, required reforms' complexity, and external legal and community factors, may cause delays in implementing certain policies within the Oakland Police Department. Nonetheless, the OPC is committed to collaborating with the Police Department to ensure the timely approval of these policies.

- **Excited Delirium Removal from OPD's Policy Manual**
 - The Commission requested an update from the Oakland Police Department regarding its strategy for fully eliminating the use of the term "excited delirium", in accordance with Assembly Bill 360 and the Chief's directive.
- **OPD Definition of Patterns Request**
 - The Commission recommended the necessity of establishing a formal definition for the term Patterns, and OPD is currently engaged in developing this definition.

REVIEWED

CPRA Standard Operating Procedures Manual:

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



PRESENTATIONS

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

These topics showcase the Commission's initiatives to enhance police procedures, promote officer well-being, interact with community resources, and manage violence prevention and appropriate firearm procurement.

The key themes from the discussion and presentations at the OPC meeting include:

- **Commission Authority and NSA Compliance:**
 - Discussion on the Commission's authority and priorities concerning the NSA Tasks 5 (investigating police misconduct) and 45 (tracking police stops and searches).
- **Community Services and Support:**
 - A joint presentation by C.A.R.E.S. Navigation Center and La Familia will focus on community support services.
- **Violence Prevention:**
 - Department of Violence Prevention (DVP) presentation
- **Mental and Emotional Health:**
 - Discussion on the OPD budget allocation for education and training regarding job-related mental and emotional health issues for officers, as per the Commission's NSA Memorandum and related ordinances.
- **Gun Procurement Policy:**
 - Informational presentation on a proposed gun procurement policy that requires sourcing guns from reputable dealers meeting specific criteria.
- **Ceasefire Program:**
 - Presentation by the Oakland Police Department on the Ceasefire program, which is focused on reducing gun violence through community engagement and targeted enforcement.
- **Oakland City Attorney's Office (OCA) Presentation:**
 - The Oakland City Attorney's Office presented its semi-annual report as required by City Municipal Code 2.45.070 (I).



COMMUNITY ENGAGEMENT

Hosting public forums provided significant opportunities for direct engagement and dialogue between The Police Commission, The Oakland Police Department, various oversight agencies, and the residents of Oakland. These events were essential platforms for community members to express their concerns, exchange experiences, and offer input on policing procedures and regulations.

Through fostering open communication and transparency, these events played a pivotal role in building trust and understanding between law enforcement and the community.

Additionally, they enabled the Commission to gain insights into local needs and priorities, facilitating better advocacy for policies and reforms that embrace the diverse perspectives and interests of the community.

Ultimately, by empowering residents to actively participate in shaping the future of policing in their neighborhoods, these public forums and community events promoted collaboration and mutual respect among all stakeholders involved.



Saturday, November 4, 2023 • 2-4 pm
 In-person gathering

MEET your NEW
 Police Commissioners, the Inspector General
 and Community Police Review Agency Director

Fremont High School 4610 Foothill Blvd, Oakland, CA 94601
 Enter on Ygnacio Ave. from High Street • Light snacks

• Concerned about public safety?
 • Are there alternative police responses available?
 • How can you file a police misconduct complaint?



COMMUNITY ENGAGEMENT

**ALLEN TEMPLE BAPTIST CHURCH PUBLIC MINISTRY
VIRTUAL TOWN HALL**

**PEACEKEEPING
IN OUR COMMUNITY**
Let's Work Together!

**SATURDAY, APRIL 29, 2023
12:00 - 1:30 P.M.**

JOIN THE CONVERSATION WITH SOME OF OUR LOCAL OFFICIALS.

**Dr. Jacqueline A Thompson,
Senior Pastor**

					
Reverend Jeremy McCants Moderator	Sheriff Yesenia Sanchez, Alameda County	Tyfahra Milele, Chairperson	Regina Jackson, Chairperson Emeritus	Marsha Peterson, Commission Member	DA Pamela Price, Alameda County (INVITED)

OAKLAND POLICE COMMISSIONERS

FOR MORE INFORMATION CONTACT:
Reverend Jeremy McCants at jmccants@ALLEN-TEMPLE.ORG or 510-544-8910

REGISTER TODAY!
Visit ALLEN-TEMPLE.ORG/NEWS or Click the link below to register.

ALLEN TEMPLE BAPTIST CHURCH
DR. JACQUELINE A. THOMPSON, SENIOR PASTOR - DR. J. ALFRED SMITH, SR., PASTOR EMERITUS
ALLEN TEMPLE BAPTIST CHURCH - 8501 INTERNATIONAL BLVD, 94621 - 510-544-8910 - WWW.ALLEN-TEMPLE.ORG

Do not miss the opportunity to join this important conversation!



CITY OF OAKLAND | POLICE COMMISSION
 250 FRANK H. OGAWA PLAZA, SUITE 6302 © OAKLAND, CA 94612

Commission's Priority Proposed Revisions to Oakland Municipal Code

CITATION	PROPOSAL
<p>Section 2.45.050 Alternate Commissioners to Join Closed Session</p>	<p>Section 2.45.050</p> <ul style="list-style-type: none"> • “Whether or not designated as a temporary voting member, alternates shall be deemed to play an official and essential role in the duties of the Commission and shall be permitted to attend all closed session deliberations.”
<p>2.45.065 Hold Over of Expired Term</p>	<p>Section 2.45.065</p> <ul style="list-style-type: none"> • “If a Commissioner has served two terms, the relevant appointing authority shall appoint a successor Commissioner no fewer than 90 days before the end of the expiring second term. A Commissioner’s expired second term shall hold over if no successor has been appointed upon the term’s expiration, and the Commissioner shall be permitted to remain on the Commission for a period not to exceed six months from the date of the expiration of the term. Notwithstanding the preceding six-month hold over limitation, no Commissioner whose term has expired shall be removed involuntarily from their position until their respective position has been filled.”
<p>Section 2.45.070(E)(2) Functions and Duties of the Commission</p>	<p>Section 2.45.070 (E)(2)</p> <ul style="list-style-type: none"> • “A Sustained finding of Misconduct against the Chief arising from any of the following: administrative investigation conducted by the Internal Affairs Division, an outside entity, an outside investigator, and/or CPRA investigation in which termination is within the recommended range of discipline in the Department’s Matrix. In such circumstances, the Commission, the Agency Director, and the Inspector General shall be notified within 24 hours of the initiation of the administrative investigation and be provided with all relevant documents and records upon request.”

<p>Section 2.45.070(H) Functions and Duties of the Commission</p>	<p>Section 2.45.070 (H)</p> <ul style="list-style-type: none"> • “Consistent with section 604(e)(6) of the Charter, have the authority to remove the Inspector General by the majority vote of an ad hoc committee to refer the decision to remove the Inspector General to the full Commission, who may formally remove the Inspector General by an affirmative vote of no fewer than five members only after a finding or findings of cause.”
<p>Section 2.45.070(J) Functions and Duties of the Commission</p>	<p>Section 2.45.070 (J)</p> <ul style="list-style-type: none"> • “Request that the City Attorney submit semi-annual reports in February and September to the Commission and to City Council which shall include a listing and summary of:” <ol style="list-style-type: none"> 5. The amount of money paid from City funds as a result of settlements for Officer misconduct 6. Number of tort claims 7. Funds paid in settlement 8. Funds paid by court order 9. The number of sworn officers who have been defendants in civil litigation and/or charged criminally within the last 5 years
<p>Section 2.45.080(A)-(E) Access to Documents</p>	<p>Section 2.45.080 (A)-(E)</p> <ul style="list-style-type: none"> • The Commission shall have access to Department files and records, including personnel files, in accordance with Charter Section 604(f)(2). Commission requests for Department records shall be submitted in writing to the Captain of Internal Affairs and/or the Chief. The Department shall be responsible for responding to Commission requests for Department records in accordance with Charter section 604(f)(2). • Subject to applicable law, the Commission shall have access to all Agency and Department files and records, with the exception of non-officer personnel records, and to all files and records of other City offices, departments or agencies that are relevant and necessary to the performance of its duties, with the exception of non-officer personnel records. Requests for access to officer personnel records under this subsection shall be made by a majority vote of the Commission, which shall articulate a reasonable nexus to one or more of the Commission’s powers and duties enumerated in Charter Section 604(b).

	<ul style="list-style-type: none"> • Subject to applicable law, the Commission shall have access to all Department files and records and to all files and records of other City departments and agencies that are relevant to a-Serious Incident. Requests for access to officer personnel records under this subsection shall be made by a majority vote of the Commission, which shall articulate a reasonable nexus to one or more of the Commission’s powers and duties enumerated in Charter Section 604(b). • The Commission shall have access files and records, including personnel records, necessary to perform its duty to review the Agency's closure of certain use-of-force, sexual misconduct, and untruthfulness investigations pursuant to Charter section 604(g)(3). • The Commission shall have access files and records, including personnel records, necessary to perform its duty to review the Agency's dismissal and/or administrative closure of all complaints of Misconduct involving Class I offenses pursuant to section 2.45.070(M) of this Chapter.
<p>2.45.130 (A) Discipline Committee Training Requirements</p>	<p>Section 2.45.130 (A)</p> <ul style="list-style-type: none"> • “No Discipline Committee established by the Commission shall decide any dispute between the Chief and the Agency, as directed by section 604(g) of the City Charter, until each member of the Discipline Committee has completed: (1) orientation regarding Department procedures, for discipline procedures for Misconduct, and (2) the training described in section 2.45.190 A. through F.” • “A new Commissioner shall complete all training described in <u>section 2.45.190 A. through F</u> prior to being seated as a Commissioner.”
<p>Section 2.45.180 Administrative Support</p>	<p>Section 2.45.180</p> <ul style="list-style-type: none"> • The City Council shall allocate a full-time administrative position to the City budget for the purpose of providing adequate administrative support for the Commission. This full-time administrative position shall also serve as a liaison to the City Administrator. • The City shall ensure that the Commission is equipped with adequate resources to fully function as a public agency, including but not limited to a credit card for use for official purposes, immediate access to³ technical assistance and support, and

	administrative support as needed to effectuate the Commission's Charter role and duties to conduct proper and effective civilian police oversight.
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Chapter 2.45 OAKLAND POLICE COMMISSION

2.45.010 Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

"Ad Hoc Committee" shall mean a temporary committee formed by the Commission comprised of less than a quorum of Commission members to address a specific issue.

"Agency" shall mean the Community Police Review Agency.

~~"Appointing Authority" shall mean the Selection Panel established by section 604(c)(3) of the City Charter or the Mayor. "Appointing Authorities" shall mean both the Selection Panel and the Mayor.~~

"Chief" shall mean the Chief of Police of the Oakland Police Department.

"Commission" shall mean the Oakland Police Commission.

"Department" shall mean the Oakland Police Department.

"Misconduct" shall mean both ~~a Department sworn employee's~~ an Officer's affirmative act that violates, and/or ~~his or her~~ a failure to act in violation of, the Department's policies, procedures, or directives, including, without limitation to, the Department's Manual of Rules.⁴

"Officer" shall mean any sworn individual employed by the Department.

"OIG" shall mean the civilian Office of Inspector General created by this Chapter 2.45.

"Serious Incident" shall mean ~~a Department sworn employee an Officer~~ involved shooting, death or serious bodily harm caused by the action and/or inaction of ~~a Department sworn employee an Officer~~, in-custody death, ~~and/or the alleged~~ on-duty or off-duty criminal conduct of ~~a sworn Department employee an Officer~~ which rises to the level of a felony or ~~serious misdemeanor a~~ Serious Misdemeanor, and/or the initiation of any administrative investigation of the Chief of Police or the Interim Chief of Police as well as any Assistant, Acting, and/or Deputy Chief.

"Serious Misdemeanor" shall mean any misdemeanor crime, for which if a person were convicted, could preclude active law enforcement personnel or ~~a sworn employee of the Department an Officer~~ from successfully fulfilling the responsibilities of their job classification. Examples include those crimes that involve violence, intimidation, threats, sexual offenses, theft, dishonesty, possession of drugs, purchase, ownership or possession of a firearm in violation of California Penal Code section 12021(c)(1), and those crimes where bias based on any legally protected characteristic is a motivating factor.

"Subject Officer" shall mean ~~the Department sworn employee an Officer~~ who is the subject of a complaint of alleged ~~misconduct~~ Misconduct.

2.45.020 Creation of Police Commission and repeal of Citizens' Police Review Board.

Oakland City Charter section 604 has established the Oakland Police Commission. ~~Effective the sixtieth day after the City Council's confirmation of the first group of Commissioners and alternates~~, Ordinance No. 12454 C.M.S., which created the Citizens' Police Review Board, ~~shall be~~ is repealed.

2.45.025 ~~Conflict of interest. Reserved.~~

~~The following persons shall not be eligible to serve as a Commissioner or as a member of the Selection Panel:~~

- ~~A. Any attorney who represents a person or entity with a pending claim or lawsuit against the Department; or~~
- ~~B. Any attorney who represented a person or entity that filed a claim or lawsuit against the Department and that claim or lawsuit was finally resolved during the previous year.~~

~~This Section shall not apply to the Selection Panel members already appointed on the effective date of this Chapter 2.45.~~

2.45.030 Selection Panel.

- A. To the extent practicable ~~and with the exception of the first Selection Panel previously formed under City Charter section 604(c)(3)~~, the Mayor and the City Council shall use best efforts to appoint individuals to the Selection Panel who are broadly representative of Oakland's diversity and who represent communities experiencing the most frequent contact with the Department.
- B. ~~With the exception of the first Selection Panel previously formed under City Charter section 604(c)(3)~~, Selection Panel members shall be residents of Oakland.
- C. The City Administrator shall post on the City's website the names of all Selection Panel members within four (4) business days of their appointment(s) being received by the City Clerk.

- D. The Selection Panel, with the assistance of the City Administrator, shall determine how to solicit candidates for the positions of Commissioner and alternate, and shall determine, consistent with City Charter section 604, what information candidates must submit as part of their applications.
- E. In accord with the City's record retention schedule, the Selection Panel shall maintain all electronic communications to, from and/or copied to any Selection Panel member regarding any matters within the Selection Panel's jurisdiction and provide such communications to the City upon request.
- F. The Selection Panel shall receive training and orientation regarding City Charter section 604 on an annual basis.
- G. Each Selection Panel member shall ~~observe~~ attend no fewer than (2) Commission meetings per calendar year in person and view no fewer than (2) Commission meetings per calendar year remotely. Each Selection panel member shall submit an attestation form that they have met the requirements of this section G to Selection Panel staff.

2.45.040 Bylaws Commission's governing policies and rules of procedure order.

- A. The Commission ~~may shall~~ prepare and maintain its own rules of order procedures bylaws to govern its operations, the management of its agendas, and the conduct of its meetings. Any such bylaws shall be approved or amended by a vote of not less than five (5) affirmative votes and shall be consistent with the City Charter and all City ordinances.
- B. The Commission shall adopt policies for official communications and general directions to Commission staff and City employees generally, as well as for official communications and specific directions to the Agency Director, the Inspector General and the Police Chief specifically. Neither the Commission Chair nor any other Commissioner shall give orders or directions to the Agency Director, the Inspector General or the Chief except to the extent the Commission has the authority to give such direction and has specifically delegated its authority in a Commission policy or determined to exercise such authority by majority vote of the Commission. Any such delegation of authority by the Commission to direct the Agency Director, the Inspector General or the Chief must be reasonably specific in nature and may not be a general or blanket direction delegation.
- C. The Commission's rules of order procedure shall provide a clear process for the Commission, by a motion and a vote, to schedule items to, or to remove items from, future Commission agendas in accordance with applicable law. Subject to the Brown Act, the Chair and the Vice Chair shall retain the ability to set agendas outside of Commission votes. Motions and votes to schedule or remove open-session items shall occur in open session, and motions and votes to schedule or remove closed-session items shall occur in closed session.
- D. All commissioners are public officials and are required to conduct themselves with the highest integrity and leadership in all ~~in~~actions. This includes conducting themselves appropriately in interactions with the public, with fellow members of the Commission, and with all City employees. Commissioners shall act in accordance with all applicable laws and policies, including the Commission's policies and all rules of order procedure. Complaints that a Commissioner has failed to abide any of the same will be assessed and investigated as appropriate by an independent investigator ~~such as including but not limited to~~ the City's Office of Employment Investigations and Civil Rights Compliance (EICRC) or the Public Ethics Commission. A finding that a Commissioner has violated an applicable law, rule, or policy may result in reprimand, suspension, or removal by the City Council.
- E. To the extent required by law, the City will provide all impacted employee unions with notice of such proposed bylaws amendments to the Commission's governing policies and rules of procedure prior to implementation.

2.45.045 Confidentiality of personnel information.

The Commission, the Agency, the OIG, and their respective staff shall maintain the confidentiality of ~~Department sworn employee Officer~~ personnel records (as defined by California Penal Code section 832.7) as required by state and local law. Failure to maintain the confidentiality of ~~Department sworn employee Officer~~ personnel records, whether or not intentional, may subject Commission, Agency and OIG staff to discipline, up to and including termination of employment.

2.45.050 Designation of alternates as voting members.

~~A. Consistent with section 604(d)(3) of the Charter, the The~~ Chair of the Commission may, in ~~his or her their~~ discretion, designate an alternate as a temporary voting member ~~to establish a quorum. if a Commissioner is absent from a meeting. Consistent with section 604 of the City Charter, there shall not be more than seven (7) voting members of the Commission at any given time.~~

B. "Whether or not designated as a temporary voting member, alternates shall be deemed to play an official and essential role in the duties of the Commission and shall be permitted to attend all closed session deliberations."

2.45.060 Background checks.

In accordance with federal and state law, a background check shall be performed on the Mayor's and the Selection Panel's final candidates for the position of Commissioner and alternate Commissioner before their names are submitted to the City Council for confirmation. The City Administrator's Office shall retain an independent contractor to perform these background checks, which shall only include: verification of educational and employment background, and any other information that may be verified by a public records search.

~~A. Verification of educational and employment background, and any other information that may be verified by a public records search.~~

The results of the background check ~~identified in subsection A., above,~~ shall be treated as public records, and shall be considered by the ~~appropriate Appointing Authority~~ Mayor or Selection Panel, as appropriate, prior to submitting the names of the final candidates to the City Council for confirmation.

2.45.065 Hold Over of Expired Term

If a Commissioner has served two terms, the relevant appointing authority shall appoint a successor Commissioner no fewer than 90 days before the end of the expiring second term. A Commissioner's expired second term shall hold over if no successor has been appointed upon the term's expiration, and the Commissioner shall be permitted to remain on the Commission for a period not to exceed six months from the date of the expiration of the second term. Notwithstanding the preceding six-month hold over limitation, no Commissioner whose second term has expired shall be removed involuntarily from their position until their respective position has been filled.

2.45.070 Functions and duties of the Commission.

In addition to the powers and duties described in section 604 of the Oakland City Charter, the Commission shall:

- A. In accord with the City's record retention schedule, maintain all electronic communications to, from and/or copied to any Commissioner or alternate regarding any matters within the Commission's jurisdiction, and provide such communications to the City upon request.
- B. Maintain the confidentiality of its business in accordance with state and local law, including without limitation to, California Penal Code 832.7 and the California Public Records Act (Cal. Gov't Code sec. 6250, et seq.). A Commissioner's failure to maintain such confidentiality, whether or not intentional, may be considered "gross misconduct in office" for purposes of City Charter section 604(c)(10).
- C. Review and comment on the education and training the Department provides its ~~sworn employees~~ Officers regarding the management of job-related stress and the signs and symptoms of post-traumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for ~~additional more or different~~ education and training to the Chief, who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. The Commission shall consider whether such training is adequately funded when it reviews the Mayor's proposed budget pursuant to Charter section 604(b)(7).
- D. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 1~~5~~ of each year, in accordance with the City Administrator's proposed budget timeline, or such other date as set by the Mayor, ~~a proposed budgets~~ for providing the education and training identified in subsection C., above the Commission, OIG and CPRA.
1. The Inspector General and Agency Director shall submit proposed budgets for the OIG and ~~CPRA~~ the Agency, respectively, to the Commission for inclusion in the Commission's proposal. The OIG and the Agency may also submit their respective budgets directly to the Mayor and the City Administrator in addition to the Commission.
 2. The Commission's budget proposal shall be adopted by majority vote in open session after receiving and discussing recommendations from members of the public.
 3. Once budgeted by the City Council, funds and positions shall be subject to the requirements of Charter section 604(e)(6) and Municipal Code sections 2.45.100(D) and 2.46.040(G). Consistent with the Inspector General's and Agency Director's authority under Charter section 604(e)(6) to organize and reorganize the OIG and the Agency, respectively, the Commission may not direct or require the transfer, deletion, or other alteration of funds or staff positions that City Council ultimately allocates to the OIG and the Agency.
- E. Notwithstanding section 2.29.020 of the Oakland Municipal Code and in accordance with section 604(b)(10) of the City Charter, have the authority to remove the Chief, without the approval of the Mayor, by a vote of not less than five (5) affirmative votes and only after finding cause. Any city entity that receives a complaint against the Chief shall forward said complaint to the Agency and the Commission Chair within 24 hours. When the Commission or the Agency becomes aware of allegations described in this section, the Commission and the Agency shall meet to discuss whether to conduct an Agency investigation as appropriate. For purposes of removing the Chief, "cause" shall be defined as any of the following:
1. Continuing, intentional, or willful failure or refusal to perform the duties and responsibilities of the Chief ~~of Police~~ as required by any employment agreement with the City, the City Charter, the City's governing laws and regulations, or any laws, rules or regulations of any governmental entity applicable to the Chief's employment by the City or to City operations, including without limitation, the inability to perform the duties and responsibilities of the Chief of Police as aforementioned as a result of alcoholism or drug addiction; or
 2. A ~~final~~ Sustained finding of Misconduct against the Chief arising from any of the following: an administrative investigation conducted by the Internal Affairs Division, an outside entity, an

outside investigator, and/or CPRA investigation in which where termination is within the recommended range of discipline in the Department's Matrix. In such circumstances, the Commission, the Agency Director, and the Inspector General shall be notified within 24 hours of the initiation of the administrative investigation and shall be provided with all relevant documents and records upon request."

- ~~2-3.~~ Gross neglect of duties, material violation of any duty of loyalty to the City, or material violation of City or Department policy, including without limitation to, any policies or procedures pertaining to harassment and discrimination, after the Chief has received written warning of the neglect or violation and the Chief has failed to cure the neglect or violation within twenty (20) days; or
 - ~~3-4.~~ Conviction by, or entry of a plea of guilty or nolo contendere, in a court of competent and final jurisdiction for (a) any crime involving moral turpitude, (b) any felony offense, (c) any crime which is likely to have a material adverse impact on the business operations or financial or other condition of the City, or (d) any crime which has resulted in imprisonment; or
 - ~~4-5.~~ Failure or refusal to cooperate with any investigation involving employees of the Department; or
 - ~~5-6.~~ Obstruction of any investigation of Department employee ~~misconduct~~ Misconduct or criminal activity; or
 - ~~6-7.~~ Refusal, which shall include ongoing failure, to administer or enforce any Department policy or procedure; or
 - ~~7-8.~~ A material act of dishonesty, fraud, embezzlement, self-dealing, or other act of moral turpitude; or
 - ~~8-9.~~ A material breach of confidentiality; or
 - ~~9-10.~~ Loss of any professional license or other certification required by state or local law to perform the duties of the position of Chief of Police.
- F. ~~Within two hundred and forty (240) days of the City Council's confirmation of the first group of Commissioners and alternates and on the anniversary of that date thereafter, notify the Chief regarding what information will be required in~~ Receive and comment on the Chief's annual report to the Commission, as required by Charter section 604(b)(8), which shall include, at a minimum, the following:
1. The number of complaints submitted to the Department's Internal Affairs Division (hereinafter, "IAD") together with a brief description of the nature of the complaints;
 2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated;
 3. The number of investigations completed, or otherwise closed, by IAD, and the results of the investigations, including total data on types of alleged rule violations, employee types (professional staff, police officer trainee, officer and/or supervisors), and ultimate determinations (Sustained, Not Sustained, Unfounded, Exonerated, or Administratively Closed);
 4. The number of training sessions provided to ~~Department sworn employees~~ Officers, and the subject matter of the training sessions;
 5. Revisions made to Department policies;
 6. The number and location of ~~Department sworn employee~~ Officer-involved shootings;
 7. The number of Executive Force Review Board ~~or~~ and Force Review Board hearings, and the results;

8. A summary of the Department's monthly Use of Force Reports;
9. Number of ~~Department sworn employees~~ Officers disciplined and the level of discipline imposed; and
10. The number of closed investigations which did not result in discipline of the ~~subject officer~~ Subject Officer.

The Chief shall submit the annual report by the last day of April the following calendar year. By the last day of ~~March~~ December of each year, the Commission shall notify the Chief regarding any additional information requested. The Chief's annual report shall be available to the public and thus shall not disclose any information in violation of state and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7.

- G. Conduct ~~an~~ annual performance ~~review~~ reviews of the Inspector General, the Agency Director, and ~~of~~ the Chief. The Commission shall determine, and may periodically amend, the criteria for evaluating the Inspector General's, the Agency Director's, and the Chief's job performances by a majority vote in open session, ~~and communicate those performance criteria, in addition to any other job performance expectations, to the Agency Director and the Chief one (1) full year before conducting any evaluation of their job performance.~~ No performance criteria, or any other job expectation, may be used in a performance review unless it was adopted by the Commission eleven (11) months prior to the end of the applicable review period. The Commission shall provide any new evaluation criteria or substantive revisions or additions thereto to the City's Human Resources Department for review and input regarding consistency with both City and industry standards. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Inspector General's, the Agency Director's, or the Chief's job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary. Nothing herein shall be construed to prohibit evaluation of the Inspector General, the Agency Director, or the Chief in closed session, pursuant to applicable law.
- H. Consistent with section 604(e)(6) of the Charter, have the authority to remove the Inspector General by the majority vote of an ad hoc committee to refer the decision to remove the Inspector General to the full Commission, who may formally remove the Inspector General by an affirmative vote of no fewer than five members only after a finding or findings of cause. For purposes of removing the Inspector General, "cause" shall be defined as any of the following:
 1. Continuing, intentional, or willful failure or refusal to perform the duties and responsibilities of the Inspector General as required by any employment agreement with the City, the City Charter, the City's governing laws and regulations, or any laws, rules or regulations of any governmental entity applicable to the Inspector General's employment by the City or to City operations, including without limitation to, the inability to perform the duties and responsibilities of the Inspector General as aforementioned as a result of alcoholism or drug addiction; or
 2. Gross neglect of duties, material violation of any duty of loyalty to the City, or material violation of City policy, including without limitation any policies or procedures pertaining to harassment and discrimination, after the Inspector General has received written warning of the neglect or violation and has failed to cure the neglect or violation within twenty (20) days; or
 3. Conviction by, or entry of a plea of guilty or nolo contendere, in a court of competent and final jurisdiction for (a) any crime involving moral turpitude, (b) any felony offense, (c) any crime which is likely to have a material adverse impact on the business operations or financial or other condition of the City, or (d) any crime which has resulted in imprisonment; or
 4. A material act of dishonesty, fraud, embezzlement, self-dealing, or other act of moral turpitude; or

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5. A material breach of confidentiality; or
6. Loss of any professional license or other certification required by state or local law to perform the duties of the position of Inspector General.
7. Two (2) consecutive annual performance evaluations with an overall rating of less than fully effective ratings.
- ~~H.I.~~ ~~Create a form for Commissioners to use in providing annual comments, observations and assessments to the City Administrator regarding the Inspector General's job performance. Each Commissioner shall complete the form individually and submit his or her completed form to the City Administrator confidentially. Regularly evaluate the sufficiency of performance of legal counsel.~~
1. The Commission shall develop and implement a performance evaluation process to assess the performance of its outside counsel. Metrics to be evaluated shall include, but are not limited to: analytical abilities, legal research/writing, public speaking, professionalism, time management, productivity, and subject matter expertise/knowledge of the law. Areas of subject matter expertise shall include, but are not limited to, if applicable: understanding of the Brown Act/Sunshine Act and parliamentary rules, public employment law, and/or policing policies/practices and police accountability.
2. Performance evaluations of outside counsel shall occur regularly, but no less frequently than once each calendar year.
3. The Commission shall report to the City Council regarding the performance evaluation of outside counsel.
4. If the Commission creates a staff attorney position through the Civil Service Board, in accordance with Charter sections 604(b)(12) and 604(e)(7), the Commission shall conduct performance evaluations in accordance with applicable personnel rules and labor agreements.
- ~~H.J.~~ Request that the City Attorney submit (semi)-annual reports in February and September to the Commission and to City Council which shall include a listing and summary of:
1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration;
 2. Arbitration decisions or other related results;
 3. The ways in which it has supported the police discipline process; and
 4. Significant recent developments in police discipline.
 5. The amount of money paid from City funds as a result of settlements for Officer misconduct
 6. Number of tort claims
 7. Funds paid in settlement
 8. Funds paid by court order
 9. The number of sworn officers who have been defendants in civil litigation and/or charged criminally within the last 5 years
- The City Attorney's semi-annual reports shall not disclose any information in violation of state and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7.
- K. Make available on its website, to the extent permitted by law:
1. The Commission's annual report;

2. The Chief's annual report;
3. The Agency's reports;
4. The Agency Director's monthly reports; ~~and~~
5. The ~~Inspector General's annual report.~~ OIG's reports, and
6. Access to the City's public records portal; and
7. The City Attorney's semi-annual reports to the Commission

No information shall be distributed in any form, including but not limiting to, using any print media, or posted using any electronic media, in violation of state and local law regarding the confidentiality ~~of personnel records or privilege~~, including but not limited to confidentiality of personnel records under California Penal Code section 832.7.

- L. Direct the Agency to investigate a ~~serious incident~~ Serious Incident when requested by the Mayor, the City Administrator, and/or the City Council by ~~an its~~ affirmative majority vote.
- M. Review the Agency's dismissal and/or administrative closure of all complaints of ~~misconduct~~ Misconduct involving Class I offenses, including any Agency investigative file regarding such complaints, and, in its discretion and by five (5) affirmative votes, direct the Agency to reopen the case and investigate the complaint. For purposes of this subsection, the definition of "Class I offenses" shall be the same as the definition of "Class I offenses" in the Department's Discipline Policy.
- N. Submit an annual, written report as required by Charter section 604(b)(9) to the Mayor, City Council and the public by May 30 of each year. In association with the Agency Director and in consultation with the Chief or the Chief's designee, establish rules and procedures for the mediation and resolution of complaints of misconduct. To the extent required by law, the City will provide the employee unions with notice of such proposed bylaws prior to implementation.
- ~~O.~~ ~~Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.~~
- O. Review and comment on the Department's policy and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments thereof to the Chief, and request the Chief to consider its recommendations and respond to its comments in writing.
- P. Solicit and consider input from members of the public regarding the quality of their interactions with the Agency and the Commission.
- Q. Hold at least two public hearings each calendar year. Provide an agenda item to solicit public input to discuss potential amendments to update the Commission's rules of procedure and to ensure compliance with section 2.45.040. The Department, through the City Administrator or his or her designee, shall report to the Commission on issues identified by the Commission through the Commission's Chair. The City Administrator, or his or her designee, shall attend in person unless impracticable, and shall be prepared to discuss and answer questions regarding the issues identified by the Commission.
- R. On behalf of the City of Oakland, have the authority to bind the City by written contract, as described in Oakland Municipal Code Chapter 2.04, for such professional, technical or scientific services as are necessary to fulfill its Charter duties. No Commission member may participate in a vote to approve a contract until he or she completes prior to completing the contract training described in section 2.45.190 N., ~~such training to be provided by City Administration within sixty (60) days of final passage of this section 2.45.070 S. and, thereafter, as prescribed by section 2.45.190 N.~~

~~Failure to complete contract training before participating~~ Participating in a vote to approve a contract without completing contract training, and/or ~~failure failing~~ to adhere to the requirements, procedures and policies set forth in Chapter 2.04 of the Oakland Municipal Code, may be considered "gross misconduct in office" for purposes of Charter section 604(c)(10).

The Council recognizes and acknowledges that the City may need the cooperation and assistance of Commission members to address contract disputes that arise in connection with contracts that the Commission approves during the tenure of such Commissioners' service as a regular or alternate member on the Commission. Each Commissioner shall have the responsibility and duty to cooperate and to provide assistance to the City to address contract disputes that arise in connection with contracts that the Commission approves during his/her tenure as a regular or alternate member of the Commission.

S. No Commissioner in their individual capacity shall interfere with an open Agency investigation or any other administrative investigation of an Officer.

2.45.075 Serious ~~incidents~~ Incidents.

~~Within one hundred and eighty (180) days after the effective date of this Chapter 2.45, the~~ The City Administrator ~~or their designee shall establish ensure the Department establishes and maintains a protocol for notifies~~ the Commission Chair, the Agency Director, and the Inspector General of ~~serious incidents~~ Serious Incidents within forty-eight (48) hours of the Chief knowing ~~or having a reasonable suspicion that a serious incident~~ Serious Incident has occurred, ~~or knowing of an allegation that a Serious Incident has occurred. For purposes of this subsection, "Reasonable Suspicion" shall mean that, from the totality of the circumstances, there is a specific, articulable, and objective basis for suspecting personnel of criminal activity. There must be specific facts beyond the mere allegation of criminal misconduct.~~ The City Administrator or their designee shall also provide a confidential status report to the ~~Chair of the~~ Commission, the Agency Director, and the Inspector General within ten (10) calendar days of the date on which the ~~serious incident~~ Serious Incident occurred, and shall provide a second confidential status report to ~~the Chair of~~ the Commission, the Agency Director, and the Inspector General within forty-five (45) calendar days of the date on which the serious incident occurred. The City Administrator or their designee shall also brief the Commission Chair, the Agency Director, and the Inspector General at least once a month regarding allegations of all ~~serious incidents~~ Serious Incidents under investigation.

2.45.080 Access to documents.

- A. The Commission shall have access to Department files and records, including personnel files, in accordance with Charter Section 604(f)(2). Commission requests for Department records shall be submitted in writing to the Captain of Internal Affairs and/or the Chief. The Department shall be responsible for responding to Commission requests for Department records in accordance with Charter section 604(f)(2).
- ~~A.B.~~ Subject to applicable law, the Commission shall have access to all Agency and Department files and records, with the exception of non-officer personnel records, and to all files and records of other City offices, departments or agencies that are relevant and necessary to the performance of its duties, with the exception of non-officer personnel records. Requests for access to officer personnel records under this subsection shall be made by a majority vote of the Commission, which shall articulate a reasonable nexus to one or more of the Commission's powers and duties enumerated in Charter Section 604(b).
- ~~B.C.~~ Subject to applicable law, the Commission shall have access to all Department files and records, with the exception of personnel records, and to all files and records of other City departments and agencies that are relevant to a serious incident Serious Incident. Requests for access to officer personnel records under this subsection shall be made by a majority vote of the Commission, which shall articulate a reasonable nexus to one or more of the Commission's powers and duties enumerated in Charter Section 604(b). Notwithstanding the foregoing, the Commission shall have access to the personnel records necessary to perform its duties

~~described in City Charter section 604(g)(3) and in section 2.45.070 M. of this Chapter of the Oakland Municipal Code.~~

- ~~D. The Commission shall have access files and records, including personnel records, necessary to perform its duty to review the Agency's closure of certain use-of-force, sexual misconduct, and untruthfulness investigations pursuant to Charter section 604(g)(3).~~
- ~~E. The Commission shall have access files and records, including personnel records, necessary to perform its duty to review the Agency's dismissal and/or administrative closure of all complaints of Misconduct involving Class I offenses pursuant to section 2.45.070(M) of this Chapter.~~
- ~~C.F. The Discipline Committees shall have access to all files, including personnel records, that are included in the Chief's and Agency's submissions, as described in City Charter section 604(g)(2) and in this Chapter 2.45.~~
- ~~D. The Inspector General shall have access to all files, including personnel records, that are necessary to perform his or her duties as described in this Chapter 2.45.~~
- ~~E. The Commission and the OIG shall follow Department policies and procedures regarding the release of videotape and audio tape recordings of alleged Class 1 violations committed by police officers.~~
- ~~F.G. To the extent possible, any confidential documents, files, and records shall be made available to the Commissioners, the Inspector General, and the Discipline Committees in electronic format on a secure server. Each individual who has access to this server shall have his or her their own password. Each page of any printed copies of confidential documents, records, or files shall bear a watermark consisting of the name of the individual for whom the printed copies are made. All such copies must be stored in a secure place and must be shredded when no longer needed. Upon expiration of his or her their term, a Commissioner must return to the City any and all copies of confidential materials that have not been shredded.~~

2.45.090 Meetings.

In conducting its meetings, the Commission shall comply with all requirements of the Brown Act, California Government Code section 54950, et seq., and Article II of Chapter 2.20 of the Oakland Municipal Code.

- A. Consistent with City Charter section 604(d)(1), the Commission shall meet at least twice each month at an established time and place suitable to its purpose. Such meetings shall be designated regular meetings, and shall be held at City Hall. If the Commission determines, by a majority vote of those present at a regular meeting, that a second regular meeting in that month is not necessary, it shall provide public notice of the meeting cancellation as required by all applicable State and local laws. Video recordings of all open sessions of Commission meetings shall be aired on KTOP-TV10. The Commission shall work with City Administration to facilitate public participation via internet platforms such as Zoom. The Commission shall report out to the public regarding the progress made in this regard at least quarterly until such remote access is established.
- B. Consistent with City Charter section 604(d)(1), at least twice each calendar year, the Commission shall hold one (1) of its regularly scheduled meetings at a location outside of City Hall. These offsite meetings shall be designated special meetings subject to the ten-day agenda notice requirement for purposes of Article II of Chapter 2.20 of the Oakland Municipal Code, and shall include an agenda item titled "community roundtable," or something similar. The purpose of the community roundtable agenda item shall be to solicit community testimony and other input in discussions regarding community policing, building trust between the community and the Department, and other similar and relevant subjects as determined by the Commission. The Commission shall consider inviting to each roundtable individuals and groups familiar with the issues involved in building and maintaining trust between the Department and the community, including but not limited to, representatives from the Department, members of faith-based groups, youth groups, advocacy groups, residents of

neighborhoods that experience the most frequent contact with the Department and, to the extent practicable, formerly incarcerated members of the community.

- C. "Final Actions," as defined by state and local open meeting laws, taken by the Commission in closed session shall be publicly reported with the vote or abstention on that action of every member present. ~~Closed sessions that are scheduled in conjunction with regular Commission meetings shall be held at the end of Commission meetings, prior to open forum and adjournment, unless holding closed session earlier is necessary to accommodate attendance by a person other than a Commissioner, Commission staff, or the Commission's outside counsel.~~

2.45.110 Civilian Inspector General.

- A. ~~Within one (1) year of the City Council's confirmation of the first group of Commissioners and alternates, the Commission, with the assistance of the Human Resources Management Department and in accordance with the City's Civil Service Rules, shall prepare a job description and list of required qualifications for the position of civilian Inspector General. After all required approvals have been obtained for adding this position to the City's Classification Plan (as defined by the City's Civil Service Rules), the Commission, with the assistance of the City Administrator shall be responsible for hiring the first and all subsequent civilian Inspectors General. The Inspector General shall be subject to a background check as described in section 2.45.060, above, before hiring except that the results of the background check shall be submitted only to the Commission.~~
- B. ~~Within ninety (90) days of his or her appointment, the Inspector General shall, at a minimum, receive the training described in City Charter section 604(c)(9) and in section 2.45.190 A. through F. of this Chapter 2.45. The Commission may propose any additional training it deems necessary for the Inspector General to perform the functions and duties of the OIG.~~
- C. ~~The Inspector General shall report to the Commission, and may only be removed according to the City's Civil Service Rules and any applicable memorandum of understanding between the City and a union.~~
- D. ~~The Inspector General shall be responsible for the day to day operations of the OIG, including but not limited to the supervision and direction of all OIG staff.~~
- E. ~~The Inspector General shall be permitted to attend, as an observer, Executive Force Review Board, Force Review Board, and, to the extent permitted by law, Skelly hearings if he or she chooses to do so. The Inspector General shall not have any decision-making authority regarding the specific cases being heard, and shall maintain the confidentiality of the hearings as required by law. The Inspector General shall not be permitted to attend any Executive Force Review Board, Force Review Board, or Skelly hearing until he or she has completed the training identified in section 2.45.190 C.~~

(Ord. No. 13498, § 2, 7-10-2018)

2.45.120 Functions and duties of the Office of Inspector General.

The Commission shall advise the OIG of its priorities and the functions and duties the Commission establishes for the Office of Inspector General, which shall include, without limitation:

- A. ~~Preparing an annual report, summarizing the results of the annual reviews of:~~
- ~~1. The Department's processes and procedures for investigating alleged Misconduct;~~
 - ~~2. The Department's processes and procedures for determining the appropriate level of discipline for sustained findings of misconduct;~~
 - ~~3. The Agency's processes and procedures for investigating alleged Misconduct;~~

4. ~~The Agency's processes and procedures for determining the appropriate level of discipline for sustained findings of misconduct;~~
5. ~~Trends and patterns regarding Department training and education, and the Department's use of any early warning system(s);~~
6. ~~Training and/or policy issues that arise during the investigations of complaints; and~~
7. ~~Trends and patterns regarding use of force and Department sworn employee involved shootings.~~

~~This annual report shall be presented to the Commission, the Mayor, the City Council's Public Safety Committee, the City Council and to the Chief and shall include, where appropriate, recommendations for changes in the processes and procedures that were reviewed.~~

- B. ~~Monitoring and evaluating, on at least an annual basis, the number and percentage of sworn officers who have received in-service training on profiling and implicit bias, procedural justice, de-escalation, diplomacy, situational problem-solving, and work-related stress management, and make recommendations, as appropriate, to the Commission regarding changes to the Department's training programs.~~
- C. ~~Developing and presenting a plan to the Commission to measure the performance of each element of the Department's discipline process for sworn Department employees.~~
- D. ~~Completing all audits or reviews requested by the Mayor, the City Administrator, and/or the City Council by an affirmative majorityCa vote. The Inspector General shall report all findings to the office that requested the audit or review.~~
- E. ~~Monitoring, evaluating, and making recommendations regarding the Department's recruitment and hiring practices for sworn personnel.~~
- F. ~~Monitoring, evaluating, and making recommendations regarding the Department's policies and procedures as requested by the Commission in furtherance of its duties under City Charter section 604(b)(4), (5) and (6).~~
- G. ~~Monitoring, evaluating, and making recommendations regarding the Department's risk management practices.~~
- H. ~~Any reports, plans, audits, reviews and recommendations generated by the OIG shall not disclose information in violation of state and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7.~~

~~(Ord. No. 13498, § 2, 7-10-2018)~~

2.45.130 Establishment of the Establishing Discipline Committee.

A separate Discipline Committee will be established for each ~~Department sworn employee~~ Officer discipline or termination case. The ~~Chairperson of the~~ Commission Chair shall appoint three (3) Commission members to serve on a Discipline Committee, and shall designate one (1) of these three (3) Commission members as the Committee's chair ~~Chairperson~~. The Discipline Committees shall decide any dispute between the Agency and the Chief regarding ~~the proposed or final~~ findings or ~~proposed or final level of~~ discipline to be imposed on a ~~subject-officer~~ Subject Officer.

- A. No Discipline Committee established by the Commission shall decide any dispute between the Chief and the Agency, as directed by section 604(g) of the City Charter, until each member of the Discipline Committee has completed: (1) orientation regarding Department ~~operations, policies and~~ procedures, ~~including but not limited to~~ for discipline procedures for Misconduct, and (2) the training described in section 2.45.190 A. through F.

- B. Membership in the Discipline Committees shall rotate for each ~~Department sworn employee~~ Officer discipline or termination case, as determined by the ~~Chairperson of the~~ Commission Chair.
- C. All Commissioners, including Alternate Commissioners, who have satisfied the discipline training requirement(s), may serve as Discipline Committee members.
- D. Any Commissioner with a conflict of interest regarding a particular case shall recuse themselves as appropriate from serving on a Discipline Committee. The following are examples of potential Commissioner conflicts: a personal relationship with an individual involved in the case, participation in a discipline meeting in which the case was discussed, and/or participation in a formal review of a case, such as Force Review Board.
- E. "A new Commissioner shall complete all training described in section 2.45.190 A. through F prior to being seated as a Commissioner."

2.45.140 Discipline.

In accordance with section 604(g)(4) of the City Charter, all ~~Department sworn employees~~ Officers shall be afforded their due process and statutory rights, including Skelly rights, as follows:

- A. With respect to ~~misconduct~~ Misconduct that is given a Class I designation pursuant to the Department's Discipline Policy, the Chief and the Agency Director shall include probative video and/or audio recordings videotape and/or audiotape from their respective investigations in their submissions to the Discipline Committee pursuant to City Charter section 604(g)(2). The Discipline Committee shall have the authority to require the Chief and the Agency Director to provide any additional videotape, audiotape recordings, and/or documents (including without limitation any existing transcripts of ~~subject officer~~ Subject Officer or witness interviews) from the Agency's and the Department's investigation files that it deems relevant to its deliberations, and shall also have the authority to require the Chief and the Agency Director, or their non-attorney designees, to appear before the Discipline Committee to present their findings and recommendations and to answer questions.
- B. The record submitted to the Discipline Committee by the Chief regarding any ~~misconduct~~ Misconduct shall include the ~~subject officer's~~ Subject Officer's history of discipline for the previous five (5) years. All documents submitted to the Discipline Committee by either the Agency Director or the Chief shall not include any redactions unless such redactions are required by law.
- C. After the investigation of a complaint has been completed and a decision has been made regarding the proposed findings and the proposed level of discipline (hereinafter referred to as the "proposed discipline"), either by agreement between the Chief and the Agency or by decision of the Discipline Committee, the Chief shall send a notice of intent to impose discipline or a notice of intent to terminate to the ~~subject officer~~ Subject Officer. Consistent with City policy and applicable law, the Department shall offer the ~~subject officer~~ Subject Officer a Skelly hearing to be conducted by an assigned Skelly officer. After completion of the Skelly hearing, the Skelly officer shall issue ~~his or her a~~ his or her a report which shall include ~~his or her a~~ his or her a recommendation regarding whether the proposed discipline should be affirmed or modified in any way.
- D. The Skelly report shall be submitted to the Chief and to the Agency Director if the Chief and the Agency Director agreed on the Proposed Discipline. The Chief and the Agency Director shall consider the Skelly report and consult with each other regarding the final set of findings and level of discipline to be imposed (hereinafter referred to as "final discipline").
 - 1. If the Chief and the Agency Director agree on the final discipline, the Chief shall send a notice of discipline or notice of termination to the ~~subject officer~~ Subject Officer.

2. If the Chief and the Agency Director do not agree on the final discipline, the Skelly report shall be submitted to the Discipline Committee which shall decide the final discipline based solely on the record reviewed and considered by the Skelly Officer (which shall include the notice of intent to discipline or terminate with all attachments). The Discipline Committee shall also have the authority to require the Chief and the Agency Director, or their non-attorney designees, to appear before the Discipline Committee to present their recommendations and to answer questions. After determining the final discipline, the Discipline Committee shall direct the Chief to send a notice of discipline or notice of termination to the ~~subject officer~~ Subject Officer.
- E. The Skelly report shall be submitted to the Discipline Committee if the Discipline Committee decided the proposed discipline. The Skelly report shall also be submitted to the Chief and the Agency Director. The Discipline Committee shall consider the Skelly report in deciding the final discipline. After such determination, the Discipline Committee shall direct the Chief to send a notice of discipline or notice of termination to the ~~subject officer~~ Subject Officer.
- F. After the final discipline has been determined by either the agreement of the Agency Director and the Chief, or by the Discipline Committee, and to the greatest extent permitted by law, the complainant(s) shall be informed of the disposition of the complaint.
- G. The Discipline Committee shall maintain the confidentiality of all personnel and/or privileged information as required by State and local law. After the Discipline Committee has concluded its deliberations regarding the Proposed Discipline and/or the final discipline, it shall return all records and information it received (if not received electronically) to the party from which it received such records and information. Members of the Discipline Committee shall not retain copies of the records they receive from the Chief and the Agency, nor shall they publicly comment about, or discuss any personnel matter with anyone, including another member of the Discipline Committee, outside of Discipline Committee meetings, except as required by a valid subpoena. This subsection G. shall not preclude any member of a Discipline Committee from participating in any grievance procedure, including without limitation testifying in an appeal before the Civil Service Board or an arbitration or other type of administrative hearing.
- H. The ~~subject officer~~ Subject Officer may appeal the imposition of discipline or termination to the Civil Service Board. In addition, the ~~subject officer~~ Subject Officer may grieve the imposition of discipline or termination as prescribed in a collective bargaining agreement.

(Ord. No. 13498, § 2, 7-10-2018)

2.45.150 – ~~Establishment of other~~ Establishing additional committees.

The Commission Chair may establish either an ad hoc or standing committee by majority vote of the Commission. Membership on a Committee shall be proposed by the Chair and ratified by a majority vote of the Commission.

The Commission must obtain City Council approval prior to the creation of any standing committee only if the committee will require additional resources. A proposal to create a standing committee of the Commission must include information regarding the costs associated with staffing the standing committee, if any, and the costs of complying with noticing and reporting requirements resulting from its establishment. City Council approval shall not be required for creating temporary or ad hoc committees.

2.45.160 Public statements of the Commission.

The Chair speaks on behalf of the Commission to the public and in official communications. The Commission Chair may authorize one or more of its members to issue statements to the public regarding the Commission's official business, to the extent such business is not confidential or privileged under State or local law,

only after the statement has been approved by an affirmative vote of not less than four (4) votes in a public meeting.

Commissioners may publicly discuss their roles as individual commissioners for the purpose of educating the community but may not speak on behalf of the Commission without authorization from the Commission Chair.
~~Commissioners may publicly discuss their roles as Commissioners and the Commission's public and official business for the purpose of educating the community, provided they adhere to the notice requirements of the Brown Act and Oakland's Sunshine Ordinance.~~

2.45.170 Election of Chairperson Electing a Commission Chair and Vice-Chair.

~~At the Commission shall elect a Commission Chair and Vice-Chair at its first regular meeting, the members shall elect a Chairperson and a Vice-Chairperson. Beginning February 1, 2019, the members shall elect a Chairperson and a Vice-Chairperson at the first regular meeting of each calendar year, and as necessary to fill a vacancy.~~

2.45.180 ~~Staff assistance.~~ Staff assistance and administrative support.

- ~~A. The City Council shall allocate a full-time administrative position to the City budget for the purpose of providing adequate administrative support for the Commission. This full-time administrative position shall also serve as a liaison to the City Administrator.~~
- ~~B. The City shall ensure that the Commission is equipped with adequate resources to fully function as a public agency, including but not limited to a credit card for use for official purposes, immediate access to technical assistance and support, and administrative support as needed to effectuate the Commission's Charter role and duties to conduct proper and effective civilian police oversight.~~
- ~~C. At a minimum, the City Council shall allocate the equivalent of an additional one-half (½) of a full-time administrative position (0.5 FTE) to the City budget for the purpose of providing adequate administrative support for the Commission.~~
- ~~D. The full-time equivalent non-City Attorney legal advisor position assigned by the City Attorney after consultation with the Chair shall be divided into two (2) part-time positions: a one-half (½) or two-thirds (⅔) time position with specific responsibilities for providing legal services to the Agency related to investigations and discipline, and a one-half (½) or one-third (⅓) time position as legal advisor to the Commission. The legal advisor to the Agency and the legal advisor to the Commission shall report to the Commission. Neither the legal advisor to the Agency nor the legal advisor to the Commission shall report to or be supervised by the City Attorney or any Deputy City Attorney. Pursuant to City Charter Section 401(6), the City Attorney shall act as counsel to the Agency and the Commission in any litigation brought against either in their official capacity and shall provide legal advice only upon request of the Commission.~~

2.45.190 Commissioner training.

- ~~A. Immediately upon appointment, each Commissioner and alternate shall familiarize themselves with City Charter section 604 and with Chapters 2.45, and 2.46, and 2.47 of the Oakland Municipal Code. The Office of the City Attorney, Commission legal counsel, and other community organizations as appropriate shall provide all trainings required of Commissioners to the Commission in public meetings or via video recording, etc.~~

- B. Within the Commission's budget there shall be a line item for attendance at conferences offered by organizations including but not limited to, the National Association for Civilian Oversight of Law Enforcement ("NACOLE").
- ~~C.~~ ~~Ongoing or repeated failure to complete training within the timeframes proscribed by City Charter and/or this Section may constitute a substantial neglect of a Commissioner's duty.~~
- C. Each Commissioner and alternate shall complete the City's on-line training on workplace retaliation training at least once each calendar year. Commissioner and alternates shall complete the first such training within sixty days of appointment, or as soon thereafter as possible. The Public Ethics Commission shall request and receive an annual report in January of each year regarding the Commission's workplace retaliation training activity for the preceding calendar year.
- D. Within six (6) months of appointment, or as soon thereafter as possible and with the exception of the first group of Commissioners and alternates, each Commissioner and alternate shall receive training on:
- ~~A.~~ ~~Become familiar with City Charter section 604 and with Chapters 2.45 and 2.46 of the Oakland Municipal Code.~~
- ~~B.1.~~ ~~Receive training in~~ basic principles of constitutional due process and administrative hearing procedures;
- ~~C.2.~~ ~~Receive training in~~ the legal requirements for maintaining the confidentiality of personnel records and other confidential documents or information;
- ~~D.3.~~ ~~Receive briefing on~~ the negotiated settlement agreement in the case of Delphine Allen, et al. v. City of Oakland, Case No. C00-4599, and all related court orders for so long as they remain in effect;
- ~~E.4.~~ ~~Receive information regarding~~ constitutional civil rights guaranteed to all citizens as such rights are affected by law enforcement;
- ~~F.5.~~ ~~Receive training in the legal requirements of the~~ California's Political Reform Act (Cal. Gov't Code section 81000, et seq.), Oakland's Conflict of Interest Code (Oakland Municipal Code Chapter 3.16), California's Brown Act (Cal. Gov't Code section 54950, et seq.), Oakland's Sunshine Ordinance (Oakland Municipal Code Chapter 2.20), and California's Public Records Act (Cal. Gov't Code section ~~6250~~ 7920, et seq.);
- ~~G.6.~~ ~~Receive training in open session in the legal requirements of~~ California's Meyers Miliias Brown Act (Cal. Gov't Code section 3500, et seq.) (MMBA), the Public Employment Relations Board's administration of the MMBA, the City's Memoranda of Understanding with the Oakland Police Officers' Association and other represented City employees, the City's Civil Service Board, and other relevant City personnel policies and procedures, which training shall be provided by the City Administrator or their designee(s) from Human Resources and/or Employee Relations and shall occur in open session; and
- ~~H.7.~~ ~~Receive training in open session in the legal requirements of~~ California's Public Safety Officers Procedural Bill of Rights Act (Cal. Gov't Code section 3300, et seq.), ~~and other California Code sections pertaining to peace officers' rights, which training shall be provided by the Agency Director and/or their designee(s) and shall occur in open session; and~~
8. City policies and procedures regarding Officer misconduct and discipline, including Relevant Department and CPRA policies and procedures.

~~The first group of Commissioners and alternates shall comply with the requirements of subsections A. through H. within twelve (12) months of their appointment.~~

~~E.~~ ~~In addition,~~ Within twelve (12) months of appointment, or as soon thereafter as possible ~~and with the exception of the first group of Commissioners and alternates,~~ each Commissioner and alternate shall:

~~I.9.~~ Receive the training and orientation specified by section 604(c)(9) of the City Charter;

~~J.10.~~ Participate in a Department "ride-along" and attend a police academy curriculum designed for them by the Chief after consultation with the Commission. The curriculum shall be designed so that criminal background checks will not be required for attendance;

~~K.11.~~ Complete the Department's implicit bias training, and crisis intervention training;

~~L.12.~~ Complete Peace Officer Standards and Training (POST) Learning Domains 15 (Laws of Arrest) and 16 (Search and Seizure); and

~~M.13.~~ Receive training regarding racial equity.

~~The first group of Commissioners and alternates shall comply with the requirements of subsections I. through M. within eighteen (18) months of their appointment.~~

~~The City Administrator shall assist the Commission in scheduling and facilitating all training and orientation required by this Section and by section 604 of the City Charter. Within the Commission's budget there shall be a line item for attendance at conferences offered by organizations such as the National Association for Civilian Oversight of Law Enforcement ("NACOLE").~~

~~N.14.~~ Receive training on the City's public contracting requirements, policies and procedures for the purchase of professional, technical, and/or scientific services before the Commissioner casts a vote on any such contract, notwithstanding the six-month time frame provided for training in this Section 2.45.190 and in accord with Section 2.45.070, which provides that Commissioners must receive training on public contracting before the Commissioner votes on such contracts and that failure to do so constitutes gross misconduct in office and grounds for removal.

~~F.~~ The City Administrator shall assist the Commission in scheduling and facilitating all training and orientation required by this Section and by Charter section 604. ~~Within the Commission's budget there shall be a line item for attendance at conferences offered by organizations such as the National Association for Civilian Oversight of Law Enforcement ("NACOLE").~~

~~G.~~ Ongoing or repeated failure to complete training within the timeframes proscribed by City Charter and/or this Section may constitute a substantial neglect of a Commissioner's duty and may result in a referral to the Public Ethics Commission.

2.45.200 Hearings.

It shall be the sole and exclusive responsibility of the Commission to determine the order and conduct of any public hearing, consistent with applicable law.

2.45.210. Authority of Public Ethics Commission.

If ~~either the Commissioner Commission or the Inspector General~~ does not receive the files and records requested pursuant to section 604 of the City Charter or pursuant to this Chapter 2.45 within fifteen (15) business days of its request, the Public Ethics Commission shall have the authority to investigate allegations that the head of the offending City department or agency failed to provide the requested files or records as required by section 604 of the City Charter or this Chapter 2.45. Such requirements shall be subject to enforcement by the City in the same manner as violations of Chapter 2.25 of the Oakland Municipal Code.

2.45.220 Reporting to City Council. Administrative hearing upon removal of Chief

The Commission shall submit its first annual, written report to the Mayor, City Council and the public within eighteen (18) months of the City Council's confirmation of the first group of Commissioners and alternates. The Commission's subsequent reports shall be submitted annually on or near the anniversary of that date.

Upon removal of the Chief from office, for any reason by any authority within the City, the Chief shall be entitled to an administrative appeal in accordance with California Government Code section 3304(c). Removal for the purposes of this section shall include any action that constitutes removal under the Code, including but not limited to termination.

The Chief shall have ten (10) calendar days from service of the notice of the action constituting removal to request an administrative appeal. The request for appeal must be in writing and must be directed to, at a minimum, the Commission, the Mayor, and the City Attorney.

The administrative appeal procedure shall be as follows:

The City will retain an independent hearing officer Hearing Officer, the cost of which shall be borne by the City. The hearing officer's assessment of the removal and findings of fact related to the same shall serve as a non-binding recommendation to the City. The hearing officer Hearing Officer shall receive evidence solely through records, sworn declarations and argument. The parties' arguments shall be oral, except that either party may also elect to submit a closing brief following the presentation of evidence. Any evidence introduced in a closing brief not previously introduced or submitted to the arbitrator Hearing Officer will not be considered. Closing briefs shall be submitted within twenty (30) calendar days of the close of the hearing. The hearing officer will not consider briefs submitted after the deadline. The hearing officer will finalize the evidentiary record and submit a written report rendering a nonbinding recommendation to the City and, as necessary to make such recommendation and, make underlying findings of fact, about the removal of the Chief, whether or not the removal decision was supported by just cause.

The hearing officer Hearing Officer shall submit the report within thirty (30) calendar days of the close of the hearing; unless either party timely submits a closing brief, in which case the record shall be finalized and the complete report shall be delivered within sixty (60) calendar days after the close of the hearing.

The Hearing Officer shall provide the following materials to the Removing Authorities (the Mayor and the Commission) for their consideration, which shall constitute the official hearing record: (1) A summation page delineating the name of the Hearing; any and all issues set forth by the Parties during the administrative appeal hearing; a brief summary of the written report; (2) the complete written report rendering all findings and recommendations; (3) any documentary evidence, and any written briefs submitted; and (4) the cassette tape(s) audio and/or video recordings of the hearing.

The hearing shall be audio and or video recorded by the City. Copies of the recording will be available to the appellant, upon written request, for no charge. The hearing shall be closed to the public. The hearing officer's report and all other related or accompanying documents and materials shall remain confidential to the extent required by law.

Chapter 2.46 COMMUNITY POLICE REVIEW AGENCY

2.46.010 Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

"Agency" shall mean the Community Police Review Agency.

"Commission" shall mean the Oakland Police Commission.

"Department" shall mean the Oakland Police Department.

"Misconduct" shall mean both ~~a Department sworn employee's~~ an Officer's affirmative act that violates, and/or ~~his or her a~~ failure to act in violation of, the Department's policies, procedures or directives, including without limitation the Department's Manual of Rules.

"Officer" shall mean any sworn individual employed by the Department.

"Subject Officer" shall mean the ~~Department sworn employee~~ Officer who is the subject of a complaint of alleged Misconduct.

2.46.020 Creation.

Oakland City Charter section 604 has established the Community Police Review Agency. It is in the public interest to facilitate the Agency's receipt of public complaints regarding alleged ~~misconduct~~ 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. ~~The Commission, in consultation with the Agency Director, shall determine the number of existing Agency staff who would work at such a location.~~ Hours of operation for this location shall be clearly posted on the office door and inside the office. The address of this office location, together with hours of operation and a telephone number, shall be posted on the City's website and on the Agency's website.

2.46.030 Functions and duties.

In addition to the powers and duties prescribed in section 604 of the Oakland City Charter, the Agency's functions and duties are as follows:

- A. Use the same complaint form as used by the Department in receiving all public and internally generated Department complaints concerning alleged ~~misconduct~~ Misconduct, including complaints from Department non-sworn employees. All complaints, wherever filed, shall ~~be~~ indicate the date-stamped of receipt and ~~numbered sequentially~~ be assigned an internally generated case number. A copy of the numbered and date-stamped complaint shall be provided to the complainant, whenever possible, and to the Department's Internal Affairs Division within one (1) business day of receipt.
- B. Make complaint forms available to the public by posting the forms and information about the complaint process on the Agency's website, by accepting the online filing of complaints and attachments via the Agency's website, and by making information about the complaint process available at other public locations to be determined by the Agency Director.
- C. Ensure that all investigators receive any necessary training in conducting fair and impartial investigations.
- D. Request the Commission to issue a subpoena, in accordance with City Charter section 604(b)(3), to compel a ~~subject officer~~ Subject Officer and any other ~~sworn employee of the Department~~ Officer to fully cooperate with an Agency investigation. The Chief shall order all ~~Department sworn employees~~ Officers subject to any subpoena issued by the Commission to comply with all requirements of the subpoena.

- E. ~~Video~~ tape record the interviews of all Subject Officers who are alleged to have committed a Class I offense. For purposes of this subsection, the definition of "Class I offense" shall be the same as the definition of "Class I offense" in the Department's Discipline Policy.
- F. Request, without requiring, that the complainant(s) and witnesses of Class I allegations agree to be audiotaped or videotaped if, in the Agency's discretion, its investigation would benefit from such taping.
- G. In consultation with and upon the approval of the Commission, establish rules and procedures for the operation of its business including, but not limited to, procedures for the intake of complaints.
- H. ~~No less than~~ At least twice ~~a~~ each calendar year, and as permitted by applicable law, ~~issue~~ submit a report to the Public Safety Committee which shall include the following information:
1. The number of complaints submitted to the Agency, together with a brief description of the nature of the complaints and the identification of the Council District from which the complaint originated;
 2. The demographic profiles of the complainants to the extent that information exists or is voluntarily provided by the complainants;
 3. The number of the Agency's pending investigations and the types of Misconduct that is being investigated;
 4. The number of investigations completed by the Agency, the results of the investigations, and the ~~amount of time~~ number of days spent on the investigations;
 5. The number of ~~Department sworn employees for~~ Officers whom sustained findings of ~~misconduct~~ Misconduct were made against and the level of discipline proposed;
 6. The number of closed investigations which did not result in sustained findings and/or discipline of the ~~subject officer~~ Subject Officer;
 7. The number of cases referred to mediation;
 8. The number of cases in which the Agency failed to meet (a) the one-hundred-and-eighty-day (180) goal specified by City Charter section 604(f)(3), and/or (b) the deadline specified by California Government Code section 3304; and
 9. The number of times a Department employee failed to comply with the Agency's request for an interview or for the production of documents, and the number of times a Department sworn employee, whether a sworn or non-sworn employee, an Officer failed to comply with a valid subpoena and whether discipline was imposed for any such non-compliance.
 10. The date a complaint was filed with the Agency and the date a complaint was filed with the Department's Internal Affairs Division.
 11. The number of cases that were not completed within 250 days of being filed.

2.46.040 Agency Director.

The Agency Director shall ~~report to and be supervised~~ overseen by the Commission, subject to applicable law, and shall be responsible for the day-to-day operations of the Agency. The Agency Director's job responsibilities shall include, but not be limited to, the following:

- A. Identifying the staff positions, in addition to the position of Investigator, necessary to perform the Agency's functions and duties;

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- B. Assigning complaints to investigators, consulting with investigators regarding, and monitoring the progress of, their investigations;
 - C. Monitoring the workload of all Agency staff;
 - D. Reporting to the Commission once a month regarding the Agency's pending cases. The following information shall be included in the Agency Director's monthly written report:
 1. The case number;
 - ~~2. The name of the complainant;~~
 2. The initials of the investigator assigned to investigate the complaint;
 3. The date the complaint was filed with the Agency and the date the complaint was filed with the Department's Internal Affairs Division;
 4. The date by which the investigation must be completed if the Agency is to meet the one-hundred-and-eighty-day (180) goal specified by City Charter section 604(f)(3);
 5. The deadline by which the investigation must be completed, as specified by California Government Code section 3304;
 6. The date of the incident that is the subject of the complaint; and
 7. If City Charter section 604(f)(1) requires the Agency to investigate the complaint, whether the complaint involves uses of force, in-custody deaths, profiling based on any of the protected characteristics identified by federal, state, or local law, and First Amendment assemblies. If City Charter section 604(f)(1) does not require the Agency to investigate the complaint, a brief, general description of the type of complaint. This brief, general description must be similar in length and generality to the description of the types of complaints the Agency is required to investigate, as stated in City Charter section 604(f)(1); and
 8. The number of times the Department and/or a Department employee refused to comply with a written request for information, and the number of times a Department sworn employee an Officer refused to comply with a valid subpoena.
 - E. Conducting annual job performance evaluations of all Agency staff;
 - F. Responding to questions and issues raised by the public, as permitted by applicable law; and
 - G. Preparing a proposed budget for the Agency. The proposed budget shall be delivered to the Commission by February 1 of each year, in accordance with the City Administrator's proposed budget timeline, or such other date as set by the Mayor. In addition to submitting the Agency's proposed budget to the Commission, the Agency Director may submit the proposed budget directly to the Mayor and the City Administrator by the earlier of April 1 of each year or such other date as set by the Mayor. Consistent with the Agency Director's authority to organize and reorganize the Agency as well as their designation as a department head under Charter section 604(e)(6), the Commission may not direct or require the transfer, deletion, or other alteration of funds and staff positions that the City Council ultimately budgets to the Agency.
 - G.H. Attending, or having their designee attend, any and all Skelly hearings of a Subject Officer.
 - I. Any other duties assigned by the Commission, consistent with the Agency's powers and duties as described in section 604 of the City Charter and subject to any constraints imposed by the Agency's budget.

2.46.050 Background checks.

In accordance with federal and state law, and consistent with section 604(e)(7) of the City Charter, background checks shall be performed on all new [Agency Complaint Investigators Agency staff](#) and on the Agency Director, before hiring. The City Administrator's Office shall retain an outside person or entity to perform these background checks, which shall include:

- A. Verification of educational and employment background, and any other information that may be verified by a public records search; and
- B. Results of a Criminal Records Search. The results of the background checks may be used solely for the purpose of evaluating the candidates [for the Agency Director and for Agency Complaint Investigator](#). The results of any background checks of candidates for the position of Agency Director shall be submitted only to the Commission. The results of any background checks of candidates [for the position of Agency Complaint Investigator staff positions](#) shall be submitted [only](#) to the Agency Director.

2.46.060 Mediation Program.

Upon the agreement of the Chief, the Agency Director, the complainant(s), and the [subject officer 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 [following the Commission's established rules and procedures. The Chief and the Agency Director shall agree upon: \(1\) the types of cases that can be referred to mediation; and \(2\) the guidelines regarding the process, including but not limited to, confidentiality and agreement of the parties to participate. Any current or former](#) Commissioner, [any current or former](#) City employee, [and any current or former Department sworn officer](#) shall not be appointed mediator. Both the Chief and the Agency Director must approve of any settlement offer before it is proposed to the [subject officer Subject Officer](#) and/or before any such offer is accepted.

2.46.070 Authority of Public Ethics Commission.

If the Agency does not receive the files and records requested pursuant to section 604 of the City Charter or pursuant to this Chapter 2.45 within [ten \(10\)](#) business days of its request, the Public Ethics Commission shall have the authority to investigate allegations that the head of the offending City department or agency failed to provide the requested files or records to the Agency as required by section 604 of the City Charter or this Chapter 2.46. Such requirements shall be subject to enforcement by the City in the same manner as violations of Chapter 2.25 of the Oakland Municipal Code.

Title 2 - ADMINISTRATION AND PERSONNEL
Chapter 2.47 OFFICE OF THE INSPECTOR GENERAL

SECTION 2. Chapter 2.47 (Office of Inspector General) of the Oakland Municipal Code is hereby added as follows (section numbers and titles are indicated in bold type; additions are indicated by underscoring).

Chapter 2.47 Office of the Inspector General

2.47.010 Definitions

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"OIG" shall mean the Office of Inspector General.

"Commission" shall mean the Oakland Police Commission.

"Department" shall mean the Oakland Police Department.

"Inspector General" shall mean the Director of the OIG.

2.47.020 Creation

Oakland City Charter Section 604 has established the Office of Inspector General.

A. The city shall allocate a sufficient budget for the OIG to perform its functions and duties.

B. All OIG staff shall be civil service employees in accordance with section 604(e)(7) and article IX of the Charter.

C. The Inspector General shall be subject to a background check as described in section 2.45.060 above before hiring, except that the results of the background check shall be submitted only to the Commission.

D. Any reports, plans, audits, reviews, and recommendations generated by the OIG shall not disclose information in violation of state and local law regarding confidentiality or privilege, including but not limited, to California Penal Code section 832.7.

2.47.030 Functions and duties.

In addition to the powers and duties prescribed in section 604 of the Oakland City Charter, the OIG's functions and duties are as follows:

A. Conducting any audit or review of the Department necessary to assess the Department's performance and adherence to constitutional policing practices, and any audit or review of the Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Commission to fulfill its duties under City Charter section 604(b)(4).

Title 2 - ADMINISTRATION AND PERSONNEL
Chapter 2.47 OFFICE OF THE INSPECTOR GENERAL

(5) and (6).

B. Preparing a biennial report, summarizing the results of the biennial reviews of:

1. The Department's processes and procedures for investigating alleged Misconduct;
2. The Department's processes and procedures for determining the appropriate level of discipline for sustained findings of Misconduct;
3. The Agency's processes and procedures for investigating alleged Misconduct;
4. The Agency's processes and procedures for determining the appropriate level of discipline for sustained findings of Misconduct;
5. Trends and patterns regarding Department training and education, and the Department's use of any early warning system(s);
6. Training and/or policy issues that arise during the review of completed investigations of complaints; and
7. Trends and patterns regarding use of force and Officer-involved shootings.

This biennial report shall be presented to the Commission, the Mayor, the City Council's Public Safety Committee, the City Council, and the Chief, and it shall include, where appropriate, recommendations for changes in the processes and procedures that were reviewed.

C. Monitoring and evaluating, on at least an annual basis, the number and percentage of Officers who have received in-service training on profiling and implicit bias, procedural justice, de-escalation, diplomacy, situational problem-solving, and work-related stress management, and making recommendations, as appropriate, to the Commission regarding changes to the Department's training programs.

D. Developing and presenting a plan to the Commission to measure the performance of each element of the Department's discipline process for Officers.

F. Monitoring, evaluating, and making recommendations regarding the Department's recruitment and hiring practices for Officers.

G. Monitoring, evaluating, and making recommendations regarding the Department's policies and procedures as requested by the Commission in furtherance of its duties under City Charter section 604(b)(4), (5) and (6).

H. Monitoring, evaluating, and making recommendations regarding the Department's risk management practices.

Title 2 - ADMINISTRATION AND PERSONNEL
Chapter 2.47 OFFICE OF THE INSPECTOR GENERAL

I. Monitoring, evaluating, and making recommendations regarding reversals of discipline.

2.47.040 Civilian Inspector General.

The Inspector General's job responsibilities shall include, but not be limited to, the following:

A. Managing all OIG audits, evaluations, inspections and reviews. Subject to Charter Section 604(f)(5), the Inspector General shall have **primary sole** discretion in deciding whether **and how to** conduct any OIG audit, evaluation, inspection or review, including decisions regarding timing, methodology, findings, recommendations, and reporting. In considering requests for audits, evaluations, inspections or reviews, including requests from the Mayor, City Administrator, or City Council, the Inspector General shall take into consideration the OIG's priorities, resources, and available funding.

B. Completing the training described in City Charter section 604(c)(9) and in section 2.45.190 A through F of this Chapter 2.45 within ninety (90) days of taking office.

C. Overseeing the day-to-day operations of the OIG, including but not limited, the supervision and direction of all OIG staff. Subject to any duty to meet and confer with an affected union, the Inspector General shall have sole discretion in setting the operating procedures for the OIG.

D. Reporting **every other month** to the Police Commission at a public meeting on recently completed, pending, and upcoming audits, evaluations, inspections or reviews. The Inspector General may, upon mutual agreement between the Inspector General and the Police Commission, report more frequently.

E. Observing, or having a designee observe, Executive Force Review Boards, Force Review Boards, and, to the extent permitted by law, Skelly hearings **and Discipline Committee meetings**. Attendance at such events by the OIG shall be at the Inspector General's discretion. The Inspector General shall not have any decision-making authority regarding the specific cases being heard and shall maintain the confidentiality of the hearings as required by law. The Inspector General shall not be permitted to attend any Executive Force Review Board, Force Review Board, ~~or Skelly hearing, or Discipline Committee~~ until they have completed the training identified in section 2.45.190 C.

F. Preparing a proposed budget for the OIG. The proposed budget shall be delivered to the Commission by February 1 of each year. In addition to submitting the OIG's proposed budget to the Commission, the Inspector General may also submit the proposed budget directly to the Mayor and the City Administrator by the earlier of April 1 of each year or such other date as set by the Mayor. Consistent with the Inspector General's authority to organize and reorganize the OIG as well as their designation as a department head under Charter section 604(e)(6), the Commission may not direct or require the transfer, deletion, or other alteration of funds and staff positions that the City Council ultimately budgets to OIG.

Title 2 - ADMINISTRATION AND PERSONNEL
Chapter 2.47 OFFICE OF THE INSPECTOR GENERAL

2.47.050 Background checks.

In accordance with federal and state law, and consistent with section 604(e)(7) of the City Charter, background checks shall be performed on all new OIG staff before hiring. The City Administrator's Office shall retain an outside person or entity to perform these background checks, which shall include:

A. Verification of educational and employment background, and any other information that may be verified by a public records search; and

B. Results of a Criminal Records Search. The results of the background checks may be used solely for the purpose of evaluating the candidates and shall be submitted to the IG.

2.47.060 Authority of Public Ethics Commission.

If the OIG does not receive the files and records requested pursuant to section 604 of the City Charter or pursuant to this Chapter 2.47 within fifteen (15) business days of its request, the Public Ethics Commission shall have the authority to investigate allegations that the head of the offending City department or agency failed to provide the requested files or records to the OIG as required by section 604 of the City Charter or this Chapter 2.47. Such requirements shall be subject to enforcement by the City in the same manner as violations of Chapter 2.25 of the Oakland Municipal Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses, or phrases may be declared invalid or unconstitutional.