



OAKLAND POLICE COMMISSION

SPECIAL MEETING AGENDA

September 19, 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/88231431900> 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):

+16694449171,,88231431900# US +16699009128,,88231431900# US

Webinar ID: 882 3143 1900

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

- II. **Closed Session (approximately 5:30 p.m. - 6:30 p.m.)**
The Police Commission will take Public Comment on the Closed Session items.

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

CONFERENCE WITH LEGAL COUNSEL

EXISTING LITIGATION (Government Code Section 54956.9(d)(1))

Delphine Allen et al., v. City of Oakland, et al. N.D. Cal No, 00-cv-4599-WHO

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(Government Code Section 54957(b))

Title not disclosed under personnel privacy laws, California's Brown Act, and City's Sunshine Ordinance

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

- 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. Ad Hoc Committee Reports

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

This is a recurring item.

Community Policing Ad Hoc: Commissioners Riles (Chair), Garcia-Acosta, Jackson)

The Community Policing Ad Hoc Committee is focused on creating a new policy to guide the Oakland Police Department's role in community policing. This initiative officially began in July 2021 in collaboration with community leaders, activists, police officers, and city staff. In June 2023, the Ad Hoc Committee reconvened to review the policy, which the Oakland Police Department resubmitted with amendments. The committee has been tasked with providing recommendations on community policing matters, including but not limited to the pursuit policy, which will be submitted to the City Council for consideration. Committee Chair Riles will present the documents and request the appropriate action from the Commission.

- 1) Approval of the Pursuit Policy Recommendations (**Attachment 1**)
- 2) Approval of the DGO 15-01 Community Policing Second Reading (**Also Attachment 1**)
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

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

The OIG Search Ad Hoc committee is tasked with conducting a nationwide search for the civilian Inspector General for the City of Oakland. This Committee will report to the Police Commission before announcing the nominee for the role. Committee Chair Jackson will provide an update about the search progress and next steps.

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

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

The Staff Search Ad Hoc Committee defines the role, attracts a diverse pool of qualified candidates, and manages a thorough and fair evaluation process. This includes screening applications, conducting interviews, and presenting the most suitable finalists to the hiring authority. The committee ensures an unbiased selection process and promotes diversity and inclusion. Committee Chair Jackson will provide an update about the search progress and next steps.

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



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September 19, 2024 - 5:30 P.M.

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Ad Hoc Committee Reports Continued

NSA (Negotiated Settlement Agreement): Peterson (Chair), Jackson, Jackson-Castain

The NSA Ad Hoc committee is tasked with (1) Representing the Commission in all deliberations and discussions with other stakeholders pertaining to the Sustainability Period and efforts to resolve Court oversight; (2) Reviewing the status of OPD compliance with NSA Tasks 5 (investigations) and 45 (racial disparity in discipline) and make recommendations as to any policies that may be required to achieve compliance in these areas; and (3) Recommend policies and actions required to ensure that the constitutional policing mandated by the NSA continues beyond the Sustainability Period. Chair Peterson will provide an update on the current status and/or next steps, if applicable. These meetings were open to the public. **(Attachment 2)**

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

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

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

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



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Ad Hoc Committee Reports Continued

General Ad Hoc Committee Updates

- **The Retreat Ad Hoc Committee** will focus on strategic planning at this phase, with Commissioners Angela Jackson-Castain (Chair), Ricardo Garcia-Acosta, and Omar Farmer as members. These meetings will be open to the public.
- Commissioner Omar Farmer will replace Commissioner Regina Jackson on the **Community Policing Ad Hoc Committee**, now consisting of Commissioners Wilson Riles (Chair), Ricardo Garcia-Acosta, and Omar Farmer. These meetings will be open to the public.
- **The Budget Ad Hoc Committee** will be activated, with Commissioners [TBD].
- **The Staff Evaluations Ad Hoc Committee** will be activated, with Commissioners [TBD].
- **The Enabling Ordinance Ad Hoc Committee** has completed its current tasks. It will transition into the **Rules Ad Hoc Committee**, with Commissioners Marsha Carpenter Peterson (Chair), Ricardo Garcia-Acosta, and Regina Jackson. Meetings take place every other Monday from 6:00 p.m. to 7:30 p.m. The next meeting is scheduled for 9/30. These meetings will be open to the public.
- **The Racial Profiling Ad Hoc Committee** has completed its current tasks and transitioned into the **Discipline Matrix Ad Hoc Committee**, with Commissioners Regina Jackson (Chair), Marsha Carpenter Peterson, and Ricardo Garcia-Acosta. Meetings take place every Wednesday from 6:00 p.m. to 8:00 p.m. The next meeting is scheduled for 9/25. Recordings from meetings on 9/11 and 9/18 will be available on the Commission website. These meetings will be open to the public.

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

VI. Recognition of National Suicide Prevention Month: Information and Resources Shared by Alternate Commissioner Omar Farmer & Special Guestis Eric Wick from Swords to Plowshares

In recognition of National Suicide Prevention Month, Alternate Commissioner Omar Farmer will share key information and resources, and invite Eric Wick, Swords to Plowshares' suicide prevention trainer, to provide his perspective during and after the presentation to help raise awareness and support suicide prevention efforts.

(Attachment 3)

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



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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 4)

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

VIII. **Approval of Meeting Minutes**

The Commission will review and potentially amend or approve the meeting minutes from [June 13, June 27, July 11, July 25, and August 22, 2024 \(Attachment 5\)](#)

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

IX. **Upcoming/Future Agenda Items**

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. The Commission will work on creating a list of agenda items for future meetings.

This is a recurring item.

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

XV. **Open Forum Part 2** (2 minutes per speaker, 15 minutes total)

Members of the public wishing to address the Commission on matters that were not on tonight's agenda but are related to the Commission's work should submit a speaker card before the start of this item. Persons who spoke during Open Forum Part 1 will not be called upon to speak again without prior approval of the Commission's Chairperson. ***This is a recurring item.***

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



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

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

XVII. Adjournment

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

Draft Review of Departmental General Order J04 on Pursuit Policy, etc.

From: Oakland Police Commissioner Riles, Chairperson of Community Policing Ad Hoc

To: Community Policing Ad Hoc

Re: Directed Review from the Oakland City Council

INTRODUCTION:

On May 21 at a City Council meeting, with a vote of two excused and one abstaining, the Council passed with five ayes the following motion:

Subject: Directing The Oakland Police Commission To Propose Changes To OPD's Pursuit Policies From: Councilmember Jenkins And Reid Recommendation: Adopt A Resolution Directing The Oakland Police Commission To Propose Changes To The Following Oakland Police Department Policies: (1) Departmental General Order J04 On Pursuit Driving; (2) Special Orders 9192 And 9212 On Vehicle Pursuits; And (3) Training Bulletin III-B.9 On Pursuit Intervention Maneuver Techniques, For Submission To The City Council Pursuant To Section 604(B)(4) Of The Oakland City Charter

"We have to be balanced with balancing public safety, with pedestrian safety, with the safety of our officers, with the safety of bystanders," Councilmember Jenkins said at the meeting. "We also have a huge perception issue that we have to tackle as elected leaders in this town that Oakland is open for crime."

The police commission is being asked to bring its report on police pursuits and proposed changes back to the City Council by Sept. 24.

The matter had previously been approved for presentation to the Council by four ayes at the Council Public Safety Committee on May 14.

This policy review action was assigned to the Community Policing Ad Hoc Committee of the Police Commission by the Commission Chairperson, Marsha Peterson. Members of the Community Policing Ad Hoc, besides Commissioner Riles, include Commissioner Ricardo Garcia-Acosta, Commissioner Regina Jackson, Pastor Jacqueline Thompson, Jose Dorado, Mike Nisperos, Deacon Reginald Lyles, Sergeant. Alain Manguy, and Sergeant G. Urquiza.

This review will derive from four sources: (1) A reading of the document *Vehicle Pursuits: A Guide for Law Enforcement Executives on Managing the Associated Risks* which was compiled by both the Community Oriented Police Services (U.S. Department of Justice) and the Police Executive Research Forum published in 2023 and recommended to the Commission by both Governor Gavin Newsom and Sergeant G. Urquiza of OPD; (2) a public, in-the-community forum held on July 31 with a presentation from Sergeant G. Urquiza, Captain L. Ausmus, and Captain E. Perez-Angeles and with a second presentation from Joseph Micallef, Inspector

General Policy Analyst, presenting on “OPD Pursuit Policy: Comparisons to Similar Jurisdictions in California and Nationwide; this forum included questions from the Community Policing Ad Hoc committee members and questions from the audience present with answers; (3) discussion of the information gathered from sources (1) and (2) by the Community Policing Ad Hoc Committee members with inclusion in the discussion and comments from Professor Geoffrey P. Alpert of the University of South Carolina Department of Criminology and Criminal Justice and author of the book, *Police Pursuit Driving: Policy and Research* and who was the major "architect" of Oakland's policy; (4) readings of well researched media articles from The San Francisco Chronicle and The Oaklandside combined with common sense from the participants and contributors. In the in-the-community public forum there was verbal participation from residents, merchants, and other interested parties. Such persons also participated in written fashion outside of the forum. There were no discussions with crime perpetrators who had done crimes and driven away from the police nor with individual patrol officers who had seen crimes and had not pursued the perpetrators. There was hearsay from those participants in this review who did speak to people in these last two categories.

POLICY PRESENTATION:

The presentations from the forum will not be repeated here.

However, it is important to know that OPD's presentation began with an overview that stated the two balancing considerations that shape Oakland's pursuit policy:

- The primary consideration when deciding to engage in a pursuit is the protection of human life and the overall safety of the community.
- Vehicle pursuits are inherently dangerous, but at times, it may be necessary to apprehend individuals who are involved in dangerous criminal activity that harms the community, and who elect to attempt to evade apprehension by fleeing from law enforcement utilizing a vehicle.

There seems to be no debate on anyone's part that increased, more aggressive police pursuits put lives at risk. The headline of the Chronicle article was as follows: "Police chases are killing more and more Americans. With lax rules, it's no accident." The headline of the Oaklandside article was as follows: "Allowing for more Oakland police chases is 'signing death warrants,' expert says." It seems that the last review of OPD's pursuit policy came after the death of two residents: in June 2022 pursuits killed 28-year-old Lolomanaia Soakai and 44-year-old Augustin Coyote in October of 2022 whose family had no recourse because his truck was struck by the car that was attempting to escape. It is also noteworthy that the main thoroughfares where such pursuits almost always take place are in the neighborhoods most heavily populated by low-income people-of-color. These are the neighborhoods in the City with which OPD most needs improved trust and cooperation. The document, *Vehicular Pursuits: A Guide for Law Enforcement Executives on Managing the Associated Risks*, reflects this acknowledgment of the increased risk to injury and life: on page 34 it says, "Agencies must be cautious when adding crime categories to avoid undermining the intent of a restrictive policy."

Sergeant G. Urquiza's presentation listed nineteen (19) risk factors that are to be weighted before initiating a pursuit and then continuously throughout the pursuit. These risk factors do not necessarily require the termination of the pursuit but they "shall be part of the officer's risk assessment" relating to initiating or continuing a pursuit. Those factors are as follows:

1. The volume of vehicular and pedestrian traffic in the area;
2. Traffic conditions;
3. Location of pursuit;
4. Safety of the public in the area of the pursuit (e.g., the presence of children, the elderly, or disabled, the proximity to hospital or school zones in the vicinity of the pursuit);
5. Safety of the pursuing officers;
6. Speeds of both officer and suspect vehicles;
7. Familiarity of the officer and supervisor with the area of the pursuit;
8. Road and weather conditions;
9. Time of day;
10. Quality of communications between the pursuing units, the Communications Section, and/or supervisor;
11. The performance capabilities of the police vehicle or the operation of the emergency lights and siren;
12. Availability of air or field support;
13. Whether the officer has a ride-along passenger with him/her;
14. Whether the suspect is known and can be apprehended at a later time;
15. Whether the suspect is known to be a juvenile;
16. When a non-suspect vehicle and/or pedestrian accident has occurred during a pursuit;
17. The safety of occupants in the fleeing vehicle;
18. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile; and
19. The pursued vehicle's location is no longer known.

It is argued by some that Oakland's policy is more restrictive than the pursuit policies in other communities; realizing the differences of circumstances in communities, this characterization is debatable. In his presentation Joseph Micallef, Inspector General Policy Analyst, compared Oakland's policy with those of four communities in California (San Jose, San Francisco, Fremont, and LA County) and four communities outside of California (Detroit, Mi; Washington, D.C.; Rochester, NY; and Atlanta, Ga.) based on similarities in homicide rates. Oakland is more permissive than Atlanta in terms of which crimes are authorized for pursuits. Oakland is comparatively permissive in the use of pursuit intervention methods and technologies. Oakland's requirement for the 'OK' from a supervisor, to initiate a pursuit and to pursue beyond a speed of fifty miles per hour, takes seconds. Although Oakland's pursuits dropped from 130 in 2022, to 85 in 2023, and to 38 YTD in 2024, the average speed was 58.63 mph (2022), 60.04 mph (2023), and 65.60 mph (2024 YTD).

San Francisco's change in pursuit policy was accomplished by a ballot measure (Measure E); this maybe the source of the politics around pursuit policy in the Bay Area.

The Community Police Ad Hoc Committee did receive comment on pursuit policy from EmpowerOak, an organization founded by former Councilmember and Mayoral candidate, Loren Taylor, that questioned the requirement for Oakland officers to consider nineteen (19) risk factors. This communication questioned the value of having a police commission and criticized the paper work that burdens Oakland police officers as they deal with achieving the reform changes required by the Courts as a result of the Negotiated Settlement Agreement. It is hoped that the looseness of management and oversight that resulted in the dastardly behavior of the Riders and that resulted in the scandals that followed will not be forgotten in the 'heat' of politics. And, it is hoped that the 81% voter approval for the latest iteration of the Police Commission (Measure S1) be remembered. EmpowerOak was heard. Yes, the Oakland Police officers are faced with a great deal of scrutiny.

It was argued that the criminals exploit the rules imposed on police. And "that's why criminals can get away with burglary, car theft, and reckless driving." Page 16 of *Vehicular Pursuits: A Guide for Law Enforcement Executives on Managing the Associated Risks* says "Research suggests that if the police did not chase offenders, there would be no significant increase in the number of suspects who flee. Additional research suggests that agencies with more restrictive pursuit policies do not have higher crime rates." After that specific examples are given in that document. Professor Alpert presented the Ad Hoc Committee a copy of a study done by the New York University School of Law titled *Measuring the Costs and Benefits Associated with Vehicle Pursuit Policies in Roanoke City and Roanoke County, VA*. This document concluded that "These findings suggest that restrictive vehicle pursuit policies have district effects depending on the local context." And, that "Moreover, these policies have the potential to increase the overall effectiveness of the police by minimizing low level, socially costly arrests." It was noted in the Community Ad Hoc Committee discussion that almost no police agency in California chases criminal escapees who are on motorcycles and there has not been a significant, measurable increase in criminals escaping on motorcycles.

Professor Albert also noted the exceptional, current safety record of Oakland police pursuits, compared to the records of other jurisdictions. That is not to say that there were no collisions. And it is noted that 26% of these pursuits end in arrest. However, considering that there are a number of alternative means for identifying and apprehending criminal perpetrators that have not been fully explored in Oakland or that have not been expanded to their most expeditious degree, the balancing of the risk to life with the opportunity for apprehension is thereby not fully actualized; vehicular pursuit is not the sole means to accomplish apprehension.

RECOMMENDATION:

The Commission recommends no change in the two priorities, the balance between which, shape the pursuit policies. All sources, including the Oakland City Council, expressed the appropriateness of balancing the shaping of police pursuit policy between these two priorities.

The Commission recommends the continued weighing of the nineteen (19) risk factors outlined above to initiate and continue a pursuit. It is noted that more streets have been narrowed with restaurant street furniture, bus lanes, and bike lanes; there are scooters, skateboards, motorcycles, and motorized chairs on our streets; and, all too often, those persons using these vehicles are playing music loud or wearing headphones such that they are likely to hear police sirens too late. All of this is not even to speak of the apparent increase in aggressive, rude, risky driving on our streets that seems to have appeared after the end of the pandemic. The Highway Patrol statistics quoted by the Governor came at a time prior to the start of the school year; there are now more young people on the street coming to and from school. And, even without driving at pursuit speeds, regular drivers must be careful of car doors opening into narrowed driving lanes and be careful of street disrepair.

The Commission recommends that pursuits continue to require the ‘OK’ of a supervisor. Oakland patrol officers are younger than in previous years and most likely less familiar with Oakland streets. Nineteen (19) risk factors are a lot of judgments to make in the heat of the moment; so, the thoughts and judgments of a more seasoned superior makes a lot of sense.

The Commission does not recommend a change in the requirement that a pursuit only be initiated “when there is reasonable suspicion to believe a person committed a violent forcible crime and/or a crime involving a firearm, or probable cause that the person is in possession of a firearm.” It has been argued that this restriction encourages criminality; page 16 of *Vehicular Pursuits* calls that a myth. However, “street accounts,” without evidentiary solidity, should not be totally discounted; neither should lives be put at greater risk on that account.

Therefore, the Commission recommends that the Public Safety Committee of the Council take more leadership in encouraging and supporting OPD to seek alternative means of tracking crime perpetrators in those categories that fall outside of those where perpetrators are suspected of committing a violent forcible crime and/or a crime involving a firearm. OPD has already

considered the StarChase system (GPS darts) and found it wanting. OPD is interested in fixed wing manned and drone systems that are able to stay aloft longer and more frequently than the helicopters. Officers have also used the Tesla Sentry Mode that through multiple cameras records activity all around the car. Some merchants have volunteered to place cameras on the outside of their establishments and have them networked so that perpetrators vehicles could be tracked. Neighborhood Councils have also volunteered to participate in such networked-camera vehicle tracking. Such systems, with the nips and tucks of the Privacy Commission, would have the added advantage of building trust between OPD and the community.

Finally, the Commission recommends that the Council Public Safety Committee take every opportunity to pierce the many misperceptions about crime and criminality; and educate our public in Oakland about evidence based and fact-based truths. Rather than using Statewide or National averages for the effectiveness of staffing or tactics, the Commission recommends that the Council Public Safety Committee use analyses and studies specific to the context of Oakland with its broader view of crime reduction that goes beyond simply arrests. Three of the last few Police Chiefs have said that Oakland will never be able to arrest its way to lower crime rates. Crime erupts out of neighborhoods in distress and out of folks coming out of prisons and jails unable to get a job and unprepared to reenter our communities. Vice President Kamala Harris instituted a program called Back On Track to reduce this recidivism. More than thirty (30) years ago Oakland initiated Community Crime Prevention Councils but never fully implemented them; not at all in the neighborhoods most in need of such a program...these are the neighborhoods which repeatedly and consistently demand calls-for-service from OPD. A fully implemented Crime Prevention Council could reduce calls-for-service. MACRO in the Fire Department and the numerous programs in the Department of Violence Prevention such as Violence Interrupters and Ceasefire also are in need of attention from the Public Safety Committee. The Commission urges the Public Safety Committee of the Council to 'step up' and play the role that only it can play.

Introduction

This Training Bulletin sets forth Departmental objectives and procedures to strengthen the Department's commitment to Community Policing.

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. 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. 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 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 beats¹, if needed.

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

¹ "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 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. 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 NC.
- 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 NC during each NC 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 to:
 - 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 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), 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 their 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 to:

- a. Alternatives to Enforcement and Incarceration
- b. Building Relationships with Community Stakeholders
- c. Community Engagement
- d. Community Harm topics
- e. Community Relations and Customer Service
- f. Crisis Intervention
- g. Cultural Diversity and Competency
- h. Custom notifications
- i. De-escalation
- 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. 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. 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 and DGO M-03.1, Informal Complaint Resolution Process.

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.

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

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.
- 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.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DELPHINE ALLEN, et al.,
Plaintiffs,
v.
CITY OF OAKLAND, et al.,
Defendants.

Case No. [00-cv-04599-WHO](#)

**ORDER REGARDING INTERNAL
AFFAIRS REPORTING**

At the Case Management Conference on September 4, 2024, the parties discussed the on-going failure of the Oakland Police Department to police itself, as demonstrated by the investigations concerning Sgt. Chung and Officer Tran. The failure of leadership demonstrated by the defendants requires immediate correction. Therefore, IT IS ORDERED that:

1. Court oversight shall continue.
2. Until further order of the Court, the City shall restructure the organizational chart of the Oakland Police Department. The Internal Affairs Division of the Oakland Police Department shall be a “direct-report” to the Chief of Police. The Chief of Police shall, on a daily basis, bear final and full responsibility for the activities of the Internal Affairs Division. The Commander of the Internal Affairs Division shall be an individual who holds the rank of Deputy Chief of Police. The Court recognizes that the Chief has a myriad of other important responsibilities that this may interfere with, but the Court can no longer tolerate the lack of integrity, consistency, and transparency with which Internal Affairs has operated. The resolve and attention of the new Chief is required to put the Department back on the path to sustainability of the NSA.
3. The Mayor, or a mayoral representative, the City Administrator, a representative of the

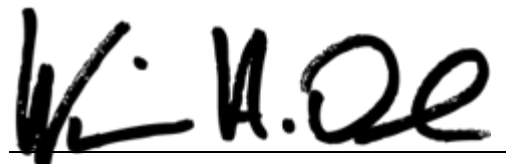
United States District Court
Northern District of California

1 Office of the City Attorney, the Chief of Police, and a representative from the
2 Monitoring Team are required to meet every two weeks. The Chief of Police shall
3 update the participants on important cases that are being investigated, the status of the
4 investigations, and the timelines for completion relevant to Task 2 of the NSA and
5 California Government Code Section 3304 (d) (1). Unless any participant is the
6 subject of an investigation, the participants shall also discuss the progress of any
7 investigations that have been referred to outside investigators (*e.g.*, law firms, private
8 investigators, or consultants). If such a conflict occurs, the City Administrator shall
9 brief the Monitor/Compliance Director or representative from the Monitoring Team on
10 all such outside investigations. The City, through the office of the City Administrator
11 or City Attorney, may invite others to these meetings at its discretion.

- 12 4. The City shall file a Status Report on October 8, 2024, that explains how this Order has
13 been implemented and provides the dates when meetings have occurred.
- 14 5. Tasks 24 and 25 will no longer be subject to active monitoring, as those tasks have
15 been in compliance with the requirements of the NSA since the sustainability period
16 began more than two years ago. However, the Monitor may, at his discretion, seek
17 information and clarification regarding any uses of force and internal investigations of
18 those incidents that are of concern.
- 19 6. The next Case Management Conference is set for January 8, 2025, at 3:30 p.m. The
20 parties shall appear in person (the Mayor may attend by Zoom).

21 **IT IS SO ORDERED.**

22 Dated: September 6, 2024

23
24 

25 William H. Orrick
26 United States District Judge
27
28

1 BARBARA J. PARKER, City Attorney, CABN 69722
 2 RYAN RICHARDSON, Special Counsel, CABN 223548
 3 BRIGID S. MARTIN, Special Counsel, CABN 231705
 One Frank H. Ogawa Plaza, 6th Floor
 4 Oakland, California 94612
 Telephone: (510) 238-3751
 Facsimile: (510) 238-6500
 Email: BMartin@oaklandcityattorney.org

5 Attorneys for CITY OF OAKLAND

6 JOHN L. BURRIS, CABN 69888
 7 Law Offices of John L. Burris
 Airport Corporate Centre
 8 7677 Oakport Street, Ste. 1120
 Oakland, California 94621
 9 Telephone: (510) 839-5200
 Facsimile: (510) 839-3882

10 JAMES B. CHANIN, CABN 76043
 11 Law Offices of James B. Chanin
 3050 Shattuck Avenue
 12 Berkeley, California 94705
 Telephone: (510) 848-4752

13 Attorneys for PLAINTIFFS

14 *(Additional Counsel on Next Page)*

15
 16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

20 DELPHINE ALLEN, et al.)	Case No. 00-cv-04599 WHO
)	
21 Plaintiffs,)	JOINT CASE MANAGEMENT
)	STATEMENT
22 v.)	
)	Date: Sept. 4, 2024
23 CITY OF OAKLAND, et al.,)	Time: 3:30 p.m.
)	Courtroom 2, 17th Floor
24 Defendant(s).)	Hon. William H. Orrick
)	
)	
25)	
26)	

1 ROCKNE A. LUCIA, JR., CABN 109349
Rains Lucia Stern St. Phalle & Silver
2 Attorneys & Counselors at Law
2300 Contra Costa Boulevard, Suite 500
3 Pleasant Hill, CA 94523
Telephone: (925) 609-1699
4 Facsimile: (925) 609-1690

5 Attorneys for OAKLAND POLICE OFFICERS ASSOCIATION

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TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PLAINTIFFS’ STATEMENT 1

PLAINTIFFS’ CURRENT POSITION 1

I. TASK 2 (TIMELINESS STANDARDS AND COMPLIANCE WITH IAD INVESTIGATIONS) 3

II. TASK 5 (COMPLAINT PROCEDURES FOR IAD)..... 4

III. TASK 45 (CONSISTENCY OF DISCIPLINE POLICY) 12

CONCLUSION..... 16

CITY’S STATEMENT 24

OVERVIEW..... 24

I. THE CITY’S SIGNIFICANT ACHIEVEMENTS DEMONSTRATE THE DEPARTMENT HAS EMBRACED THE SPIRIT OF THE NSA..... 26

 A. The Department has meaningfully reduced racial disparity in stops 26

 B. The Department has meaningfully reduced racial disparity in handcuffing 29

 C. The Department’s consistent application of policies, including its policy limiting parole and probation searches, contributes to the reduction in disparity 31

 D. Officers use and report force appropriately and Department review is consistently thorough 34

 E. The Department Uses Deadly Force Less Frequently than Other California Police Departments and Departments in Cities with Similar Violent Crime Rates..... 36

 F. The Department’s Has Increased Diversity in its Ranks 38

 G. The Department’s Has Met Internal Affairs Investigation Timelines for More than Two Full Years 40

 H. The Department Resolved the Disparity Observed in 2022 Internal Affairs Case Outcomes 40

II. THE DEPARTMENT’S INTERNAL INVESTIGATIONS HAVE IMPROVED SINCE 2023 41

 A. The City Has Addressed the Failures that Occurred in 2022 and Early 2023 (Task 5). 41

 B. The City Embodies the Spirit of the NSA Even As it Struggles to Sustain Long-Term Task 5 Compliance..... 42

1 1. The City Cares About the Integrity of Internal Investigations and
 Accountability 42

2

3 2. The City Demonstrates its Commitment to Ensuring Police Accountability by
 Empowering Civilian Oversight..... 43

4 3. The Department’s Internal Introspection Demonstrates its
 Commitment to Integrity and Consistency in Internal
 Investigations..... 44

5

6 C. The Department Maintains an Effective, Sustainable Process to
 Monitor and Ensure Consistency of Discipline (Task 45)..... 45

7 CONCLUSION 47

8 **THE POLICE COMMISSION’S STATEMENT**..... 48

9 I. INTRODUCTION..... 48

10 II. CHARTING A PATH 50

11 A. Stabilize Incoming OPD Leadership 50

12 B. Strengthen OPC Capacity..... 51

13 C. Change OPD Culture 55

14 D. Improve Stakeholder Communication and Cooperation..... 60

15 E. Sustain Compliance..... 61

16 III. CONCLUSION 64

17 **THE OPOA’S STATEMENT** 66

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PLAINTIFFS’ STATEMENT

PLAINTIFFS’ CURRENT POSITION

The Independent Monitor for the OPD has issued two NSA Sustainability Period Reports (Seventh and Eighth Sustainability Reports) since the last Case Management Conference statement. This sustainability period involves the monitoring of the “last remaining and most critical Negotiated Settlement Agreement Tasks: 2, 5, 20, 24, 25, 26, 30, 31, 34, 41, and 45.” (Dkt. 1525, p. 2)

As of the publication of the Eighth NSA Sustainability Period Report of the IMT, OPD is in compliance with nine of these eleven Tasks:

1. Task 2 (Timeliness Standards and Compliance with IAD Investigations –in compliance when most recently assessed by during the Eighth NSA Sustainability Period Report.
3. Task 20 (Span of Control – in compliance when most recently assessed in the Third NSA Sustainability Period Report);
4. Task 24 (Use of Force Reporting Policy – in compliance per the Eighth NSA Sustainability Period Report);
5. Task 25 (Use of Force Investigations and Report Responsibility – in compliance per the Eighth NSA Sustainability Period Report);
6. Task 26 (Force Review Board (FRB) – in compliance when most recently assessed in the Third NSA Sustainability Period Report);
7. Task 30 (Executive Force Review Board (FRB) – in compliance when most recently assessed in the Third NSA Sustainability Period Report);
8. Task 31 (Officer-Involved Shooting Investigations Review Protocol – in compliance when most recently assessed in the Third NSA Sustainability Period Report);
9. Task 34 (Stop Data – in compliance when most recently assessed in the Third NSA Sustainability Period Report);
10. Task 41 (Use of Personnel Assessment System (PAS) and Risk

1 Management – in compliance when most recently assessed in the Third NSA
2 Sustainability Period Report)

3
4 As of this writing, OPD is not in compliance with two NSA tasks:

- 5 1. **Task 5 (Internal Affairs Division (IAD) Complaint**
6 **Procedures – in compliance when assessed by the**
7 **IMT in the 79th Report, “Deferred” in the First NSA**
8 **Sustainability Period Report, then deemed “not in**
9 **compliance” according to the Second, Third,**
10 **Fourth, and Fifth NSA Sustainability Period**
11 **Reports before returning to compliance in the Sixth**
12 **and Seventh IMT Reports. However, the most**
13 **recent (8th) IMT Sustainability Report determined**
14 **that OPD is again out of compliance with Task 5, an**
15 **assessment that is supported by public reporting**
16 **that will be cited at length, below**

17 , and

- 18
19 2. **Task 45 (Consistency of Discipline – this was in**
20 **partial compliance during the First NSA**
21 **Sustainability Period Report, then was moved to**
22 **full compliance during the period covered Second**
23 **NSA Sustainability Period Report. However,**
24 **between the Third Sustainability Report and the**
25 **most recent, Eighth Report, the IMT has reported**
26 **“no compliance finding” for this Task.**

27
28 Plaintiffs’ attorneys agree with the IMT that OPD is not currently in
compliance with these two Tasks. As recently as April of this year, OPD was still in
compliance with Task 5. That is no longer the case, and the Department is
objectively backsliding with regard to fulfilling its NSA obligations.

All nine other Tasks that are being actively monitored by the IMT during the
most recent Sustainability Period were in compliance at the time of the January
Case Management conference, and remained in compliance according to the IMT’s
Eighth NSA Sustainability Period Report, although the Department’s compliance
status with Task 2 was extremely tenuous and at the tipping point of mathematical
non-compliance. Plaintiffs will therefore focus on Tasks 2, 5 and 45, which will

1 determine whether and when OPD is able to finally achieve full compliance with the
2 NSA.

3 **I. Task 2 (Timeliness Standards and Compliance with IAD**
4 **Investigations)**

5 Task 2 requires that the Internal Affairs Department (IAD) of the OPD
6 complete internal investigations in a timely manner. This task was inactive from
7 2015 to July 2019, before abruptly falling out of compliance in the 62nd IMT Report.
8 Task 2 was out of compliance until February 2022, when OPD once again met the
9 mathematical threshold required for compliance.

10 OPD policy requires that “at least 85% of Class I misconduct investigations
11 and at least 85% of Class II misconduct investigations must be completed within
12 180 days to be considered timely.” Per DGO M-03, Class I offenses “are the most
13 serious allegations of misconduct and, if sustained, shall result in disciplinary
14 action up to and including dismissal and may serve as the basis for criminal
15 prosecution.”

16 The IMT reviewed 31 Class I misconduct cases during the period covered by
17 the Eighth OPD Sustainability and determined that 29 of these cases were
18 completed in a timely manner. This represented an 91% timely-completion rate,
19 which put OPD above the 85% minimum-threshold required for compliance with
20 NSA Task 2. During the period covered by the previous four OPD Sustainability
21 Reports, the IMT determined that only 85-89% of Class I misconduct cases were,
22 respectively, completed in a timely manner, and OPD’s continued compliance with
23 this Task was in serious jeopardy. Indeed, as recently as December 2022 (during
24 the period covered by the Second Compliance Report), OPD was completing 100% of
25 Class I misconduct cases in a timely matter. (Second Sustainability Period Report,
26 p. 3). The uptick in the timely-completion rate during the period covered by the
27 Eighth IMT report is a step in the right direction.

28 The IMT also reviewed 144 Class II cases during the period covered by the

1 Eighth OPD Sustainability Report, and found that 138 were in compliance with
2 established timelines. This represents a 96% timely completion rate, which was the
3 same percentage that OPD found in their previous two sustainability reports.

4 OPD was previously in compliance with this task for so long that it became
5 inactive, before suddenly falling out of compliance with no warning. After
6 reattaining compliance, OPD entered another cycle of slowly-reducing timely-
7 completion rates during the periods covered by Sustainability Reports 3-6, and it
8 once again appeared that OPD was at risk of once again falling out of compliance.
9 In fact, the IMT's review of Class I cases during the period covered by the Sixth
10 Sustainability Period Report showed that OPD met the absolute minimum 85%
11 required by the NSA. (This threshold, as Plaintiffs' attorneys have repeatedly
12 noted, is substantially lower than what is required by most other consent decrees).
13 Had even one more Class I investigation fallen outside of the established timelines
14 during the period covered by the Sixth Sustainability Report, OPD would have once
15 again fallen out of compliance with this Task.

16 More recent reviews by the IMT suggest that OPD may have righted the ship
17 with regard to timely-completion rates in Internal Affairs, but it is critical that OPD
18 remain vigilant about meeting the timeliness deadlines mandated by Task 2 going
19 forward. As ever, Plaintiffs' attorneys encourage IAD to continue to aim for a
20 compliance rate well above what is mandated by the NSA, so that the Department's
21 compliance with this Task isn't contingent on any single investigation. OPD must
22 remain in compliance with Task 2 if the Department wishes to exit the
23 Sustainability Period.

24 **II. Task 5 (Complaint Procedures for IAD)**

25 Task 5 pertains to Complaint Procedures for the Internal Affairs Division,
26 and consists of several subtasks, all of which the IMT had previously found in
27 compliance, including:

- 28 • Task 5.1, which requires that when a citizen wishes to file a complaint,

1 the citizen is brought to a supervisor or IAD, or a supervisor is
2 summoned to the scene.

- 3 • Task 5.2, which requires that if there is a delay of greater than three
4 hours in supervisory response, the reason for the delay must be
5 documented.
- 6 • Task 5.3, which requires that where a complainant refuses to travel to
7 a supervisor, or wait for one, personnel make all reasonable attempts
8 to obtain specific information to assist in investigating the complaint.
- 9 • Task 5.4, which requires that specific information be documented on a
10 complaint form and submitted to the immediate supervisor or, in
11 his/her absence, the appropriate Area Commander.
- 12 • Task 5.5, which requires that the supervisor or Area Commander
13 notify Communications and forward any pertinent documents to IAD.

14 During the Sustainability Period the IMT had focused on subtasks 5.15 to
15 5.19 and subtask 5.21, which address the quality of completed IAD investigations.

16 Prior to the onset of the Sustainability Period, the IMT determined that IAD
17 investigations had improved to the standards mandated by the NSA; in February
18 2022, OPD attained full compliance with Task 5. However, the First OPD
19 Sustainability Report moved the status of Task 5 from “in compliance” to “deferred
20 compliance”, and OPD was downgraded to “not in compliance” in the Second OPD
21 Sustainability Report. OPD remained out of compliance with Task 5 over the next
22 four reports as the Department, Plaintiffs’ attorneys, and the IMT crafted, refined,
23 and implemented policies relevant to the Internal Affairs function following the
24 publication of the “Conclusions and Recommendations Re: Vehicle Collision and
25 Elevator Discharge Incidents” drafted by the independent law firm, Clarence Dyer,
26 & Cohen LLP. (Dkt. 1564, “Clarence Dyer Report”)

27 Plaintiffs’ attorneys were active participants in this process, and reported to
28 the Court that many of the policies they worked to craft with various stakeholders

1 within the Department were published and in effect. Accordingly, during the period
2 covered by the 7th Sustainability Report, OPD regained compliance with Task 5, and
3 it appeared on the surface that the Department was making real strides toward
4 sustainable compliance with this Task and, therefore, meeting all requirements
5 mandated by the NSA.

6 It is therefore extremely disappointing to report that OPD has once again
7 fallen out of compliance with Task 5 in the most recent Sustainability Report, in
8 specific ways that echo previous catastrophic failures related to the Internal Affairs
9 function within the Department.

10 During the reporting period covered by the Eighth Sustainability Report, the
11 IMT “learned of investigations conducted by both the Community Police Review
12 Agency (CPRA) and an outside investigator into the actions of senior members of
13 the Department with regard to an earlier IAD investigation. The outside and CPRA
14 investigations resulted in sustained findings and discipline against several senior
15 members of the Department – to include terminations, demotions, and suspension.
16 (8th Sustainability Report, pp. 6-7)

17 Plaintiffs’ counsel was allowed to review both the City’s report (prepared by
18 an outside investigator) and the CPRA report in this matter after agreeing to,
19 signing, and filing a protective order regarding these materials with this Court.
20 The fully executed and filed protective order was entered as Dkt. 1642, and is also
21 attached hereto as [Exhibit 1](#).¹

22 Plaintiffs’ attorneys have abided by all terms of this protective order, which
23 includes a provision that plaintiffs’ counsel may not file in the public record any
24 Protected material. (Exhibit 1, p. 7:19-20). However, the protections conferred by
25 the protective order “do not cover... any information that is in the public domain at
26 the time of disclosure to Plaintiffs’ counsel or becomes part of the public domain

27 ¹ <https://ecf.cand.uscourts.gov/doc1/035124402737>
28

1 after its disclosure as a result of publication not involving a violation of [the
2 protective] Order.” (Exhibit 1, p. 3:10-13). Accordingly, all specific descriptions of
3 this matter, below, are sourced solely and entirely to public news reporting prior to
4 the date Plaintiffs’ Attorneys signed the Protective Order, and do not contain any
5 information that is not currently part of the public record, or that would otherwise
6 violate the protective order entered into by Plaintiffs’ attorneys.

7 On April 30, 2024, Darwin BondGraham and Ali Winston of The Oaklandside
8 published an article titled “3 Oakland police officers face discipline for obstructing
9 internal affairs case: 8 officers in total, including 4 commanders, allegedly botched
10 an examination of bribery and perjury charges against a homicide investigator.” A
11 copy of this article is included as [Exhibit 2](#) to this Case Management Conference
12 Statement)² (. Notably, it was published 18 days before the protective order was
13 signed and filed this matter. (Indeed, this reporting precipitated Plaintiffs’
14 attorneys request to see the City and CPRA reports in this matter. It is
15 inappropriate that the City of Oakland chose to withhold this information from
16 Plaintiffs’ attorneys and, apparently, the IMT, prior to the disclosure of the
17 underlying matter by journalists.)

18 According to Mr. BondGraham and Mr. Winston, “an investigator with the
19 Oakland Police Commission’s Community Police Review Agency – the city’s civilian
20 police watchdog – found [that] eight officers engaged in a range of serious violations,
21 including obstructing an internal affairs case and failing as commanding officers
22 and supervisors to properly oversee their subordinates and carry out their duties.
23 One officer was found to have lied.” (Exhibit 2, p. 1).

24 The Oaklandside article continues, further: “the case centers on allegations
25 that at least three officers obstructed an internal affairs investigation that OPD
26 opened in 2022 to look into possible bribery, perjury, and witness intimidation by

27 _____
28 ² (<https://oaklandside.org/2024/04/30/oakland-police-officers-face-discipline-obstructing-internal-affairs-case-phong-tran/>)


1 OPD investigator Phong Tran. Tran’s actions resulted in two men being freed from
2 state prison after their murder convictions were overturned by the Alameda County
3 Superior Court judge who tried the case against the alleged murderers. In a highly
4 unusual development, the judge’s ruling followed a writ by both the District
5 Attorney and the Public Defender following the withholding of evidence by the OPD.
6 High-ranking OPD supervisors allegedly failed to oversee the internal affairs case
7 examining Tran’s actions, to ensure that it was fairly handled, and Tran was
8 allowed to return to work as a homicide investigator even though he would later be
9 criminally charged by the district attorney.” (Exhibit 2, p. 1)

10 An Alameda County Superior Court judge overturned the aforementioned
11 murder convictions after an eyewitness recanted her claims and said she “lied about
12 the case after receiving multiple cash payments from Tran.” (Exhibit 2, p. 3). In
13 August 2022, then-District Attorney Nancy O’Malley notified OPD about the
14 allegations against Officer Tran, and in 2023 Officer Tran was criminally charged
15 with perjury and witness intimidation. According to the Oaklandside’s reporting,
16 the OPD internal investigator who handled the investigation into Officer Tran
17 concluded that “[I]t may be acceptable practice for investigators to provide financial
18 aid [to witnesses] without proper documentation.” (Exhibit 2, p. 3). The OPD
19 Internal Affairs investigation also determined that the allegations against Tran
20 were “unfounded”, and this finding was approved by commanders with OPD.

21 However, the CPRA subsequently examined “how OPD’s internal affairs
22 division handled the allegations that Tran bribed a witness”, and Mr. BondGraham
23 and Mr. Winston re-published the CPRA findings in this matter, which were
24 originally posted online as part of the Police Commission’s April 25, 2024 meeting
25 agenda. According to this screenshot (Exhibit 2, p. 2), the CPRA investigated nine
26 OPD officers. One officer was cleared of wrongdoing, while the other eight “were
27 found to have committed at least one of three types of violations” (Exhibit 2, p. 2),
28 including three officers who obstructed the internal affairs process. The summary

1 information sheet originally published by the CPRA and then incorporated into the
 2 April 30, 2024 Oaklandside article is included for reference, below:

Attachment 2



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Partial March 2024 Completed Investigations

Page 1 of 7
(Total Completed = 3)

Assigned Inv.	Case #	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding/Conclusion
YH	23-0459	4/4/2023	3/26/2024	3/27/2024	Subject 1	Obstructing the Internal Affairs Process	Sustained
						Truthfulness	Sustained
					Subject 2	Supervisors – Authority and Responsibilities	Sustained
					Subject 3	Obstructing the Internal Affairs Process	Sustained
					Subject 4	Commanding Officers – Authority and Responsibilities	Sustained
						Obstructing the Internal Affairs Process	Not Sustained
						Reporting Violations – Failure to Report Misconduct when Required	Not Sustained
					Subject 5	Commanding Officers – Authorities and Responsibilities	Not Sustained
						Obstructing the Internal Affairs Process	Not Sustained
					Subject 6	Obstructing the Internal Affairs Process	Sustained
						Commanding Officers – Authorities and Responsibilities	Sustained
						Reporting Violations – Failure to Report Misconduct when Required	Not Sustained
					Subject 7	Performance of Duty - General	Sustained
					Subject 8	Commanding Officers – Authorities and Responsibilities	Sustained
						Commanding Officers – Authorities and Responsibilities	Within OPD Policy
					Subject 9	Commanding Officers – Authorities and Responsibilities	Sustained

18
 19 On July 25, 2024, the Oaklandside published a follow-up report titled
 20 “LeRonne Armstrong and another OPD chief were investigated for leadership
 21 failures.” This article is attached as [Exhibit 3](#) to this Case Management Conference
 22 statement.³

23 According to this reporting, Chief Armstrong was investigated by “the Police
 24 Commission’s Community Police Review Agency and an outside firm”, who found
 25 that Chief Armstrong and his successor “failed to ensure OPD’s internal affairs
 26 division rigorously and fairly examined the accusations against [Officer Phong

27
 28 ³ <https://oaklandside.org/2024/07/25/leronne-armstrong-investigated-disciplined-phong-tran-internal-affairs-case/>

1 Tran].” (Exhibit 3, p. 1). The investigators concluded that the Chiefs “fell short in
2 their authorities and responsibilities as commanding officers”, and “recommended
3 that Armstrong face a suspension if he gets his job back.” (Exhibit 3, p. 1). Chief
4 Allison also served a two-day suspension as a result of the CPRA’s review of the
5 Tran case. (Exhibit 3, p. 2).

6 Given that the primary thrust of Task 5 monitoring by the IMT pertains to
7 the quality of IAD investigations, it is not surprising that OPD is out of compliance
8 with this Task. The IMT’s Eight Sustainability Report does not discuss the specifics
9 of the Tran case but notes: “**These personnel findings and systemic**
10 **deficiencies transcend the Department as a whole and call into question**
11 **the capacity of the Department’s internal investigatory process.** Based on
12 these investigations, the serious deficiencies in the Department’s Internal Affairs
13 Division render the Department out of compliance with Task 5.” (8th Sustainability
14 Report, pp. 6-7, **emphasis added**).

15 The very point of the NSA is to establish a framework for effective self-
16 governance without the perpetual involvement and/or oversight of Plaintiffs’
17 attorneys, the Monitor, and this Court. The public reporting about this
18 investigation – and, again, Plaintiffs’ attorneys cannot and will not discuss any
19 aspect of this matter subject to the signed Protective Order – indicates that OPD
20 commanders intentionally made “unfounded” findings in the IAD case pertaining to
21 allegations that Officer Tran bribed a witness for false testimony. An “unfounded”
22 determination indicates a determination that the underlying misconduct did not
23 happen. Given that Officer Tran is currently being prosecuted for perjury and
24 bribery, the “unfounded” determination appears to be wholly inappropriate or,
25 worse, intentionally obfuscatory. It is shocking that OPD’s Internal Affairs
26 investigators determined it was acceptable for a homicide detective to provide
27 undocumented cash payments to witnesses, especially as OPD Departmental
28 General Order O-4 prohibited this practice at the time. The very fact that the

1 CPRA investigation of this matter sustained officers for truthfulness and
2 obstructing the internal affairs process (among other violations) attests to
3 pervasive, systemic failures within IAD. Once again, Internal Affairs investigators
4 and OPD commanders have been faulted, and disciplined, for manipulating an
5 internal investigation.

6 This massive failure after over **20 YEARS** of monitoring is intolerable.
7 Unless the OPD sets forth a concrete plan for remedying this problem that is
8 approved by the plaintiffs' attorneys, the monitor and the court, plaintiffs' attorneys
9 will consider another motion to place the Oakland Police Department in
10 Receivership such as the one approved in significant part (Dkt. 885, incorporated as
11 [Exhibit 7](#)) by the Court on December 12, 2012 that created the Compliance Director.
12 The court should also consider making one high ranking supervisor specifically
13 responsible for the implementation of this plan by the OPD. This command staff
14 member should provide regular reports to the court at future court appearances and
15 reports to the Monitor/Compliance Director.⁴

16 When the NSA started, there were two major problems: (1) the wanton
17 beating and arrest of citizens, largely but not exclusively African Americans, and (2)
18 the failure of the Oakland Police Department to police itself in a competent, fair,
19 and complete manner.

20 In fact, there has been significant progress in the first category; plaintiffs'
21 attorneys, who had at least one wanton "beat up" case without cause nearly every
22 week, have seen such cases greatly reduced to the point where these cases are
23 extremely rare. This proves that the Oakland Police Department is capable of
24 significant change if the will to change and to discipline those officers who do not
25 change is there. It also proves that most patrol officers in Oakland are doing an
26 outstanding job despite budget shortfalls, significant crime, and other problems
27 they have to face every day.

28 ⁴ <https://ecf.cand.uscourts.gov/doc1/035110051505>

1 However, this recent massive corruption event proves that the Oakland
2 Police Department's attempts to police itself in a competent, fair and complete
3 manner have failed. At this late date in the NSA, drastic action is necessary to
4 prevent the NSA from going on for many more years. The Oakland Police
5 Department command staff has proven that they pay lip service to the NSA and
6 continue with "business as usual" despite court oversight. Plaintiffs' attorneys look
7 to the court and the Monitor/Compliance Director to implement a plan where
8 further transgressions of this type will be severely punished, even more so than has
9 already taken in place. In addition, as discussed above, an effective action plan is
10 necessary to ensure that this behavior does not repeat itself. And there must be
11 severe consequences for supervisors if this action plan is not effectively
12 implemented.

13 **III. Task 45 (Consistency of Discipline Policy)**

14 Task 45 requires that discipline is imposed in a fair and consistent manner.
15 OPD was in compliance with this NSA Task at the outset of the Sustainability
16 Period. However, following the publication of the Clarence Dyer Report, the IMT
17 downgraded OPD's compliance status with Task 45 to "no compliance finding",
18 citing "systemic and other deficiencies cited by the outside investigators were
19 exacerbated by investigative and disciplinary decisions, which were premised on the
20 status and positional considerations of both violators and decision-makers. (Dkt.
21 1577, Third Sustainability Period Report, p. 32). OPD has remained out of
22 compliance with Task 45 ever since, including in the most recent Eighth
23 Sustainability Period Report.

24 Recent Sustainability Reports have highlighted the Department's work "to
25 address cultural issues which, when unaddressed, perpetuate actual or perceived
26 disparities" as a "work in progress." (Sixth Sustainability Period Report, p. 17). The
27 IMT has noted the Department's efforts to address disparities within the
28 Department "through both analysis and policy", but that disparities nevertheless

1 “continue within the Department.” (Sixth Sustainability Period Report, p. 17). The
 2 most recent Eighth, Sustainability Report lauds the Department’s “effort to assess
 3 the nature of systems and practices that have contributed to a disparate
 4 environment”, but cautions that these “efforts continue to be more in the form of
 5 studies and analyses instead of real cultural change.” (8th Sustainability Report, p.
 6 15),

7 Last year, OPD issued a report titled “*2022 Analyses of Race in Internal*
 8 *Investigations Outcomes and Discipline: Supplemental Report Examining Failure to*
 9 *Accept or Refer Complaints*” (“OIA FTARC Report”, incorporated as [Exhibit 4](#)).⁵
 10 This report follows an earlier investigation which discovered differences “in the
 11 discipline between white and Black officers for the allegation of a Manual of Rules
 12 Violation for Failure to Accept or Refer a Complaint (FTARC).” (Exhibit 4, p. 3).
 13 According to the supplemental report, there were 112 allegations for FTARC.

14 The below table, incorporated on page 6 of the OIA FTARC Report, provides a
 15 breakdown of FTARC allegations compared to the demographics of OPD:

16 Breakdown of FTARC Allegations Compared to the Demographics of the Department

17 2022	% of Members in the Dept	% Allegations Received	% Sustained Allegations
18 Asian/Filipino	19%	16% (18)	18% (8)
19 Black	20%	18% (20)	27% (12)
20 Hispanic	28%	29% (32)	31% (14)
21 Other/Unknown	3%	4% (4)	12% (1)
White	29%	34% (38)	22% (10)
Total	100%	100% (112)	100% (45)

22 Another table, also on page 6 of the OIA FTARC Report, shows the sustained
 23 rate for FTARC allegations within OPD:

24
 25
 26
 27
 28 ⁵ <https://cao-94612.s3.us-west-2.amazonaws.com/documents/2022-Internal-Investigation-Outcome-and-Discipline-Report-Follow-Up.pdf>

Sustained Rate of FTARC Allegations

2022	Sustained Rate
Asian/Filipino	44% (8/18)
Black	60% (12/20)
Hispanic	43% (14/32)
Other/Unknown	25% (1/4)
White	26% (10/38)
Total	40% (45/112)

The OIA FTARC Report itself noted that the wildly divergent sustained rates for white sworn members (26%) and Black sworn members (60%) represent “a statistically significant difference.” (Exhibit 4, p. 6).

Plaintiffs’ attorneys have noted that supervisors and command staff often receive lighter discipline than rank-and-file officers. It was therefore unsurprising that the OIA review of the FTARC data in 2022 revealed that Officers received more FTARC allegations than command-level personnel, and that those allegations were sustained at higher rates for officers than command-level personnel:

Allegation Findings by Rank and Race

Rank	Unfounded	Exonerated	Not Sustained	Sustained	Grand Total
Lieutenant of Police	0%	0%	100% (1)	0%	100% (1)
White	0%	0%	100% (1)	0%	100% (1)
Sergeant of Police	47%	6% (1)	18% (3)	29%	100% (17)
Black	0%	17% (1)	17% (1)	67% (4)	100% (6)
Hispanic	50% (1)	0%	0%	50% (1)	100% (2)
White	78% (7)	0%	22% (2)	0%	100% (9)
Police Officer	29% (27)	1% (1)	28% (26)	43% (40)	100% (94)
Asian	22% (4)	0%	33% (6)	44% (8)	100% (18)
Black	21% (3)	0%	21% (3)	57% (8)	100% (14)
Hispanic	33% (10)	0%	23% (7)	43% (13)	100% (30)
Other	50% (2)	0%	25% (1)	25% (1)	100% (4)
White	29% (8)	4% (1)	32% (9)	36% (10)	100% (28)
Grand Total (Allegations)	31% (35)	2% (2)	27% (30)	(45)	100% (112)

(OIA FTARC Report, p. 14)

As this graph shows, officers account for 84% of FTARC allegations, while Sergeants account for just 15% and Lieutenants account for less than one percent. Officers were also sustained at a much higher rate (43%) than Sergeants (29%), while Lieutenants were not sustained at all.

Given that black officers were more likely to be sustained than their colleagues, and that officers were more likely to be sustained than command-level personnel, it follows black officers were sustained at the highest rates and white commanders were sustained at the lowest rates. Specifically, the Sustained rate for Black officers was 57%, the highest of any officer race group. The Sustained rate for Black Sergeants was a whopping 67%, the highest of any Sergeant race group. And the Sustained rate for white Sergeants – zero percent – was the lowest for any Sergeant race group. (Exhibit 4, p. 14)

The disparities in OPD's internal discipline system described in the FTARC Report and noted by the IMT do not meet the standards mandated by Task 45 of the

1 NSA. OPD cannot be in compliance with Task 45 while it imposes inconsistent
2 discipline.

3 The IMT rightly emphasizes the importance of sustainable cultural change in
4 the 8th Sustainability Period Report: although policy and analyses are a necessary
5 prerequisite, they are not, by and of themselves, sufficient for compliance with Task
6 45. Task 45 requires that discipline is imposed in a fair and consistent manner, not
7 just that infrastructure and policies for achieving that goal at a future date are in
8 place. Plaintiffs' attorneys therefore agree with the IMT that OPD is not currently
9 in compliance with Task 45.

10 **Conclusion**

11 Although the City of Oakland continues to represent that it is on the cusp of
12 full compliance with the NSA, OPD has not yet achieved compliance with Task 45,
13 and it has once again fallen out of compliance with Task 5. The Department is, by
14 the numbers, farther away from full NSA compliance right now than it was earlier
15 this year.

16 The most recent Internal Affairs fiasco regarding Officer Tran is not unique.
17 Time and time again, the Department's ability to investigate itself and its officers
18 fails to meet the standards mandated by the NSA. Such massive failures go all the
19 way back to the Riders case itself, where hundreds of African Americans had drugs
20 planted on them and were jailed for an aggregate of 40 years for crimes they did not
21 commit. This was followed by a virtually unsupervised officer molesting dozens of
22 Asian women who were stopped by him for no reason; warrants based on false
23 information and perjury that sent dozens of people to jail; the widespread practice
24 of strip searching African American men in public; the travesty of Occupy Oakland
25 where innocent people were arrested shot and beaten; two cases of successful class
26 actions for violations of Oakland's crowd control policy where hundreds of people
27 were sent to jail for no reason; and significant Oakland police misconduct in
28 demonstrations over the murder of George Floyd. The significant feature of these

1 and many other cases is that **every one of them occurred during the NSA**
2 **where Oakland Police were allegedly trying to reform themselves and**
3 **change illegal practices.**

4 There is still more.

5 In 2017, The Swanson Report on the City of Oakland's Response to
6 Allegations of Officer Sexual Misconduct (Dkt. 1144, attached as [Exhibit 6](#)
7 determined that "OPD's initial investigation of [that] case – both as a criminal
8 matter and an internal affairs matter – was seriously deficient." (Dkt. 1144, p. 3).
9 Not only was the investigation deemed "inadequate" but the "deficiencies of the
10 investigation were shielded from review" and "the tone at the top [of OPD]... sent
11 an unmistakable signal that this case was not a priority." (Dkt. 1144, p. 4). The
12 draft Report of Investigation (ROI) circulated by Internal Affairs Investigators "did
13 not accurately reflect interviews" (Dkt. 1144, p. 20), and "IAD did not properly
14 investigate its investigator." Dkt. (1144, p. 23). Throughout the Swanson Report,
15 various OPD investigators, supervisors and commanders were singled out as having
16 conducted wholly inadequate investigations. ⁶

17 In August 2020, the IMT released "The March 11, 2018 Shooting of Joshua
18 Pawlik by Oakland Police Officers: A Report by the Monitor/Compliance Director."
19 This document detailed staggering "incompetence, deception, and indifference."
20 ([Exhibit 8](#), Dkt. 1388, page 50)) and listed a cascading series of leadership failure,
21 from the highest levels of elected City officials, including the Mayor, to the Chief of
22 Police and the Department itself. ⁷

23 According to this report, the then-Chief pre-judged the shooting of Mr. Pawlik
24 and concluded that it was justified even before investigations were complete. The
25 report found that the Chief "prematurely assessed the shooting on the evening of its
26 occurrence, when she told the Monitor that Mr. Pawlik had 'pointed' a firearm at

27 _____
28 ⁶ <https://ecf.cand.uscourts.gov/doc1/035115588002>

⁷ <https://ecf.cand.uscourts.gov/doc1/035119611500>

1 the officers, and that the shooting ‘looks good.’ Her expressed predispositions of that
2 evening never wavered, even as the investigations moved forward”. (Exhibit 8,
3 Summary finding #2, p. 49). Further, “the Department attempted to provide a
4 justification for the shooting through its initial press releases describing the
5 incident.” (Exhibit 8, Summary finding #3, p. 49), and “the Chief also sought early
6 opinions, prior to the completion of the investigations, from at least 15 others,
7 including sworn and nonsworn personnel, in order to quickly vindicate the officers
8 and avoid placing them on administrative leave.” (Exhibit 8, Summary finding #10,
9 p. 49)

10 The Monitor also determined that the then-Chief took affirmative steps to
11 manipulate the investigation process by discussing her views of the shooting with
12 prospective Executive Force Review Board candidates. Specifically, the Monitor
13 found that Chief Kirkpatrick “acted improperly” and “corrupted that very process.”
14 (Exhibit 8, Dkt. 1388, page 50)

15 On January 14, 2021, this Court issued an Order regarding Internal Affairs
16 Case No. 21-0028 involving “serious matters that go to the heart of this case – the
17 culture of the Oakland Police Department and the efficacy of internal oversight
18 mechanisms within the Department, which were the primary reason for the
19 imposition of the NSA in the first place.” (Dkt. 1419, page 1). This pertained to the
20 public disclosure that current and former OPD employees, as well as other members
21 of Bay Area law enforcement organizations, were active participants on a racist,
22 sexist Instagram page with the online handle “@crimereductionteam”.

23 Many of the “@crimereductionteam” posts mocked OPD policies regarding use
24 of force reporting and police brutality, while others were overtly racist and
25 misogynistic. Although there was a Department-wide email in September 2020
26 referencing this social media account, OPD did not initiate an Internal Affairs
27 investigation regarding the “@crimereductionteam” account until Plaintiffs’
28 attorneys contacted the then-Chief in January 2021. Plaintiffs’ attorneys noted, at

1 the time, that OPD’s Internal Affairs Department and command staff had once
2 again missed an opportunity to proactively police itself.

3 The Clarence Dyer Report, which was published at almost exactly the same
4 time that OPD was first notified about the allegations against Officer Tran by then-
5 District Attorney Nancy O’Malley, highlighted “procedural irregularities and
6 possible violations of OPD policy committed by OPD members who conducted the
7 initial criminal and administrative investigations” (Clarence Dyer, & Cohen Report,
8 p. 8), and concluded that:

9 During the course of the three confidential Internal Affairs Division
10 investigations referred to above – one for the vehicle collision incident,
11 the second for the elevator discharge incident, and the third for the
12 investigation into the Department’s handling of the elevator discharge
13 – outside investigators encountered multiple deficiencies in process
14 and policy that undermined the full and complete discovery of the
15 facts. While some of these deficiencies stem from gaps in Department
16 policies, other deficiencies flowed from the Department’s failure to
17 follow or implement existing Department policies. Most disturbingly,
18 some of the deficits appear to stem from a failure of leadership and a
19 lack of commitment to hold members of the Oakland Police
20 Department accountable for violations of its own rules... **These
21 investigations revealed issues and shortcomings that go
22 beyond the conduct of individual officers to the very question
23 of whether the Oakland Police Department is capable of
24 policing itself and effectively holding its own officers
25 accountable for misconduct.**

(Clarence Dyer, & Cohen Report, p. 9, emphasis NOT original)

21 The Clarence Dyer Report also noted that Internal Affairs Division
22 investigations “were dogged by a lack of forthrightness by multiple members, both
23 subjects and witnesses, that betrayed a lack of commitment to the pursuit of truth
24 by the Internal Affairs process.” (Clarence Dyer, & Cohen Report, p. 10). The
25 report also described “multiple failures, at every level, to hold this sergeant
26 responsible, [that] belie OPD’s stated position that it can police itself and hold its
27 members accountable for misconduct. Instead, investigators were left with the
28

1 impression that the system is designed not to uncover the truth and hold those who
2 commit misconduct to account, but instead to find ways to minimize misconduct
3 such that OPD members are able to avoid serious discipline.” (Dkt. 1564, p. 16).

4 The Clarence Dyer report also found that discipline was imposed without a
5 full and complete review of the facts uncovered by the Internal Affairs Division, a
6 breach of the terms of Task 45. The report concluded that the then-Chief of Police,
7 LeRonne Armstrong, did not read Reports of Investigation before signing them, and
8 detailed scenarios where Internal Affairs commanders could demand revisions to a
9 Report of Investigation (ROI) over the objections of subordinates without any
10 documentation about such a directive.

11 Following each of these Internal Affairs-related fiascos, the Department and
12 City leadership promised policy and procedure changes to ensure these failures
13 would not recur. However, we now know that – just as OPD and the City of
14 Oakland were touting the implementation of reforms suggested by the Court in the
15 wake of the Clarence Dyer Report, at least three OPD officers obstructed the
16 internal affairs process into the bribery investigation of an OPD homicide
17 investigator, and multiple Chiefs “failed to ensure OPD’s internal affairs division
18 rigorously and fairly examined the accusations against [Officer Phong Tran].”
19 (Exhibit 3, p. 1).

20 OPD’s handling of its internal affairs investigation of Officer Tran, as
21 detailed by the Oaklandside and other outlets, fits a pattern: pervasive systemic
22 failures, as well as individual failures by high ranking OPD personnel, that are
23 wholly incompatible with the robust Internal Affairs process required by Task 5 of
24 the NSA, as well as the goal of fair and transparent discipline within the
25 Department that is mandated by Task 45.

26 Tasks 5 and 45 are foundational to the NSA, and to constitutional policing.
27 OPD has repeatedly demonstrated that it cannot perform competent Internal
28 Affairs Investigations or discipline its own officers fairly. Plaintiffs’ attorneys will

1 never agree that the OPD has attained compliance if members of the Command
2 Staff attempt to hide misconduct from appropriate supervisors (including the Police
3 Commission), and/or impose inconsistent discipline based on who you know, your
4 race, or what rank you have. These are concrete, incontrovertible breaches of the
5 letter of NSA Tasks 5 and 45, respectively.

6 The recently appointed Chief of Police, Floyd Mitchell, has publicly
7 acknowledged that changes are necessary. According to an August 16, 2024 KQED
8 news article (attached hereto as Plaintiffs' [Exhibit 5](#)),⁸ Chief Mitchell says that
9 OPD is once again reviewing its Internal Affairs policies. The relevant portion of
10 this article is embedded, below:

11 **Chief acknowledges failures over officer misconduct**

12 Mitchell said Friday that the department is reviewing its internal affairs policies and training after a
13 federal monitor said its response to alleged officer misconduct remains inadequate.

14 The federal monitor said in a report last week that Oakland police mishandled cases involving
15 perjury and bribery allegations against a homicide detective and a sergeant who fired his gun inside a
16 city building.

17 Asked about progress on the issue, Mitchell said turnover of the entire executive command staff is
18 partly responsible for addressing failures within the internal affairs division, but he's addressing
19 those issues now.

20 "Yes, there are some issues out there, but from my lens or the seat that I sit in, I want to make sure
21 that we are continuing to educate our staff so we don't continue to have these failures that keep us
22 out of compliance," Mitchell said.

23 There is a line where civil rights violations, and their cover-up by many
24 members of the command staff, become too numerous to be acceptable. Such is the
25 case here, with the Oakland Police Department.

26 The NSA was supposed to last 5 years, with a maximum of 7 years. The OPD
27 is now in its 22nd year. When the OPD has totally failed to comply with the NSA
28 under a system where the Monitor only has the power to determine whether a task

⁸ <https://www.kqed.org/news/12000598/oakland-police-say-violent-crime-is-down-but-guns-are-an-issue-in-west-oakland>

1 was in compliance or not in compliance, Plaintiffs' attorney believed that the OPD
2 would never attain under compliance unless the Monitor position was greatly
3 strengthened. Accordingly, we filed a motion to place the OPD in Receivership.

4 That motion was resolved by the Court's order of December 12, 2012 which
5 created the position of Compliance Director. (Dkt. 885, Exhibit 7) The Compliance
6 Director was given greatly expanded powers including the right to create policies,
7 demote Deputy Chiefs and fire the Chief of Police. The OPD attained compliance in
8 multiple tasks and was briefly in total compliance which triggered the current
9 Sustainability Period.

10 The Sustainability Period has dragged on for many years. The Oakland
11 Police Department has not attained total compliance for many years. It is clear
12 that a drastic solution is needed.

13 Over the years, we have suggested a number of ways the OPD can attain
14 total compliance and sustain it for one year as required by the NSA. We believe
15 that constitutional policing is the best policing and the best way to fight crime.

16 The NSA was drafted by two members appointed by the City of Oakland.
17 Our two appointees included a retired San Jose Police Officer and an author of
18 numerous prison regulations.

19 When the NSA was approved by Judge Henderson, we appeared at a press
20 conference with city officials, including the Oakland Chief of Police. There was no
21 discussion that compliance was impossible to attain.

22 It is clear from the Tran incident that compliance is not an important enough
23 goal for the City of Oakland and the Oakland Police Department. If a single
24 member of the command staff had spoken out when the Tran incident was taking
25 place and the OPD has issued appropriate discipline and training, we might very
26 well have been celebrating the end of the NSA as opposed to harshly criticizing the
27 defendants which we have done here.

28 **The point is that the NSA must end successfully and must become a**

1 **greater priority for the City of Oakland and the Oakland Police**
2 **Department.**

3 It is clear that Court and IMT oversight is still required in this matter. But
4 something more than the current oversight is required in order for the NSA to ever
5 end. Having individual supervisors be in charge of the completion of a task should
6 be reinstated. In the case of Task 5, it is suggested that the Task be disaggregated
7 and a command staff member should be responsible for each delineated section of
8 Task 5 with the Chief being responsible for the whole task. And there should be
9 consequences if command staff cannot attain compliance. We have met a number of
10 highly qualified, competent members of this Department, and if the current
11 command staff cannot attain compliance, these other leaders should be given a
12 chance to make a difference.

13 **The OPD is not in compliance with the NSA.** Plaintiffs' attorneys
14 therefore urge the Court to modify the Sustainability Period until, **at the very**
15 **least,** OPD regains full compliance with each and every NSA Task and there be a
16 one year sustainability period where every task remains in compliance.

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THE CITY'S STATEMENT

OVERVIEW

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3 Although the City has experienced a setback, it is important to keep things in
4 perspective. We must not lose sight of the incredible progress the Department has
5 made and how its evolution has undeniably transformed policing in the City of
6 Oakland. The City has sustained compliance on 49 of the 51 NSA tasks for more
7 than two full years.⁹ The Department's culture has evolved since the inception of
8 the NSA. Its positive transformation is most evident in the Department's stop data,
9 risk management meetings, and use of force and force review. The Department's
10 embodiment of the spirit of the NSA is exhibited by the examples discussed herein.
11 The Department has meaningfully reduced racial disparity in policing. Officers use
12 appropriate force and accurately report force, and force review is consistently
13 thorough. The Department has identified and fixed observed disparity in internal
14 investigation outcomes. Diversity has increased among the Department's sworn
15 ranks. Internal investigations are timely completed. As the City previously
16 reported, other law enforcement agencies strive to follow the Department's example.
17 Dkt. 1467, *Joint Case Mgmt. Statement* 52 (Aug. 25, 2021).

18 The City understands, however, that it must show that it can similarly
19 sustain substantial compliance on tasks involving internal investigations. In order
20 to allow the parties, the Monitoring Team, and stakeholders to focus on Tasks 5 and
21 45, the City asks that the Court move Tasks 24 and 25 (force and force review), to
22 the inactive task list and discontinue affirmative ongoing assessment of these tasks
23 by the Monitoring Team.

24 The City does not disagree that there were failures in a Departmental
25 internal investigation in 2022 and early 2023 which led to the Monitor's recent Task
26 5 out-of-compliance assessment. But the City urges the Court to consider the timing
27 and context of the investigatory failures. The failures occurred before or shortly

28 ⁹ "Task 52" contains "Housekeeping Provisions."

1 after the January 2023 publication of the independent investigator's
2 recommendations to improve internal investigations. Dkt. 1564, *Order Re*
3 *Conclusions and Recommendations Re Vehicle Collision and Elevator Discharge*
4 *Incidents* (Jan. 18, 2023). The failures occurred *prior to* the City's April 2023
5 informal implementation of key reforms to immediately shore up internal
6 investigations processes. Dkt. 1622, *Joint Case Mgmt. Statement* 16-17 (Jan. 19,
7 2024). And the failures occurred *prior to* the City's November 2023 formal
8 implementation of new and revised policies. *Id.* at 17-20. The City's work in 2023
9 significantly improved the Department's internal investigations processes. The City,
10 including the Department's new Chief and leadership team, are focused on ensuring
11 that Department members follow policy and best practices to ensure consistent,
12 quality investigations. The City also understands it must address cultural aspects
13 of the Department's internal investigation system that have enabled or fostered
14 similar types of failures in the past several years. The City is hopeful that this
15 awareness and the improvements to Department policy and practice have resolved
16 the issues keeping it from sustaining compliance on the remaining tasks. The City
17 understands that because internal investigation failures have in many cases been
18 revealed many months after they occurred, more time is necessary before we can
19 assess the results of these improvements with confidence. The City requests,
20 however, that the Court remain open to considering giving the City credit for
21 compliance for at least some of the time after April 2023 assuming no additional
22 similar issues arise.

23 In May 2024 the City welcomed Chief of Police Floyd Mitchell. Chief Mitchell
24 is a veteran of the United States Air Force who began his law enforcement career as
25 a patrol officer with the Kansas City, Missouri Police Department. After 25 years
26 serving Kansas City, Chief Mitchell became the Chief of Police in Temple, Texas.
27 Chief Mitchell's most recent post prior to joining Oakland was as the Chief of Police
28 in Lubbock, Texas, where he served from 2019 to late 2023. Chief Mitchell's changes

1 to command staff and updated list of Department commanders responsible for task
2 compliance is attached. Ex. A, *Oakland Police Department NSA Task Compliance*
3 *Responsibility Chart* (Aug. 2024).

4 In this status report, the City provides an update on its most significant
5 accomplishments and acknowledges the important work that remains to be
6 completed.

7 **I. THE CITY'S SIGNIFICANT ACHIEVEMENTS DEMONSTRATE THE**
8 **DEPARTMENT HAS EMBRACED THE SPIRIT OF THE NSA**

9 At the last Court hearing, the Court asked for the City “to update the stop
10 data – historic stop data as well as other meaningful metrics that show how the
11 OPD has embraced the spirit as well as the letter of the NSA.” Dkt. 1630,
12 Jan. 23, 2024 Court Tr. 6:8-11. The Department’s achievements are
13 numerous, remarkable, and reflective of sustained cultural values consistent with
14 the spirit of the NSA.

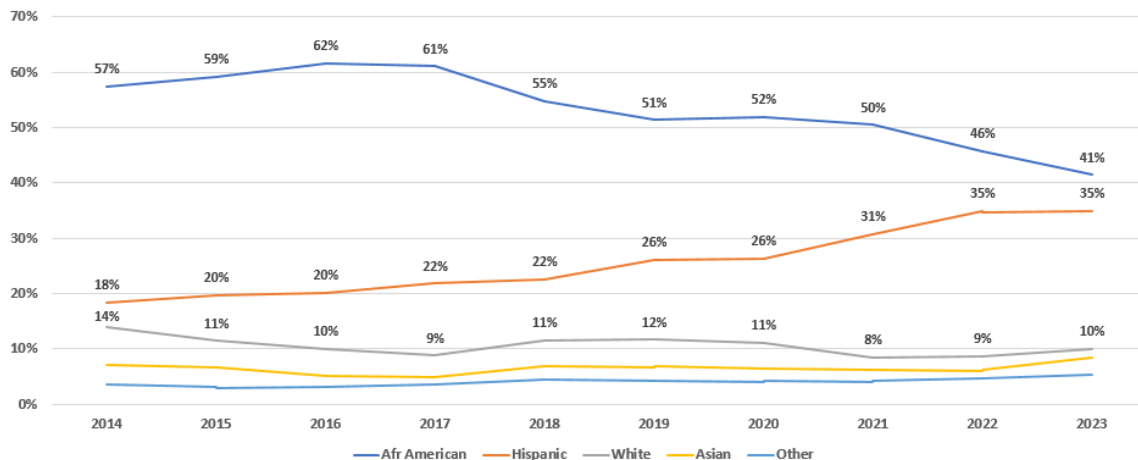
15 **A. The Department has meaningfully reduced racial disparity in stops.**

16 The City remains perpetually aware that “the nut of this case remains what
17 it was in the beginning, which is racial disparity.” Dkt. 1404, Sept. 22, 2020 Court
18 Tr. 3:22-23. The Department is and has been particularly concerned with
19 the historical overrepresentation of Black and African American individuals
20 detained in police stops. *See, e.g.*, [https://www.ppic.org/publication/racial](https://www.ppic.org/publication/racial-disparities-in-law-enforcement-stops/)
21 [disparities-in-law-enforcement-stops/](https://www.ppic.org/publication/racial-disparities-in-law-enforcement-stops/) (last visited Aug. 22, 2024). The Department’s
22 policy changes and command directives aimed to reduce the types of stops where
23 officers have a greater amount of discretion have yielded a significant and sustained
24 reduction in African American stops. In 2017, 61% of non-dispatch stops were stops
25 of African Americans. In 2023, 41% of non-dispatch stops were of African
26 Americans—a 20% rate reduction. *See Fig. 1*. When intelligence-led stops are
27 removed, the Department’s African American non-dispatch stop rate dropped to
28 38% in 2023. *See OPD 2023 Stop Data and Reports*,

1 <https://www.oaklandca.gov/resources/2023-stop-data-and-reports> (last visited Aug
 2 16, 2024).

4 Non-Dispatch Stops by Race 2014 - 2023

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Afr American	57%	59%	62%	61%	55%	51%	52%	50%	46%	41%
Hispanic	18%	20%	20%	22%	22%	26%	26%	31%	35%	35%
White	14%	11%	10%	9%	11%	12%	11%	8%	9%	10%
Asian	7%	7%	5%	5%	7%	7%	6%	6%	6%	8%
Other	4%	3%	3%	4%	5%	4%	4%	4%	5%	5%
Grand Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%



15 *Fig. 1*

16 The impact of these metrics on African American individuals living in or visiting
 17 Oakland is incredibly significant. The stop rate reduction translates into 15,000-
 18 17,000 fewer non-dispatch stops of African Americans each year. *See Fig. 2.*

19 While the Department has reduced its African American non-dispatch stop
 20 rate, its Hispanic non-dispatch stop rate has risen. *Fig 1.* The Department has
 21 continued to track Hispanic stop rates and routinely discusses racial disparities in
 22 its stop data as part of Area, Bureau, and Citywide risk management meetings.
 23 Although the Hispanic non-dispatch stop rate has risen, the Department's
 24 decreased footprint has resulted in 3,500-5,500 fewer non-dispatch stops of
 25 Hispanics annually. *Fig. 2.*

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Non-Dispatch Stops by Race 2014 - 2023

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Afr American	19,061	22,506	20,410	19,784	10,924	7,517	6,189	3,099	3,570	4,273
Hispanic	6,087	7,504	6,685	7,047	4,492	3,809	3,131	1,890	2,724	3,608
White	4,622	4,335	3,318	2,835	2,282	1,701	1,323	513	681	1,026
Asian	2,320	2,484	1,667	1,588	1,374	991	773	381	485	865
Other	1,168	1,190	1,061	1,152	899	627	507	259	365	552
Grand Total	33,258	38,019	33,141	32,406	19,971	14,645	11,923	6,142	7,825	10,324

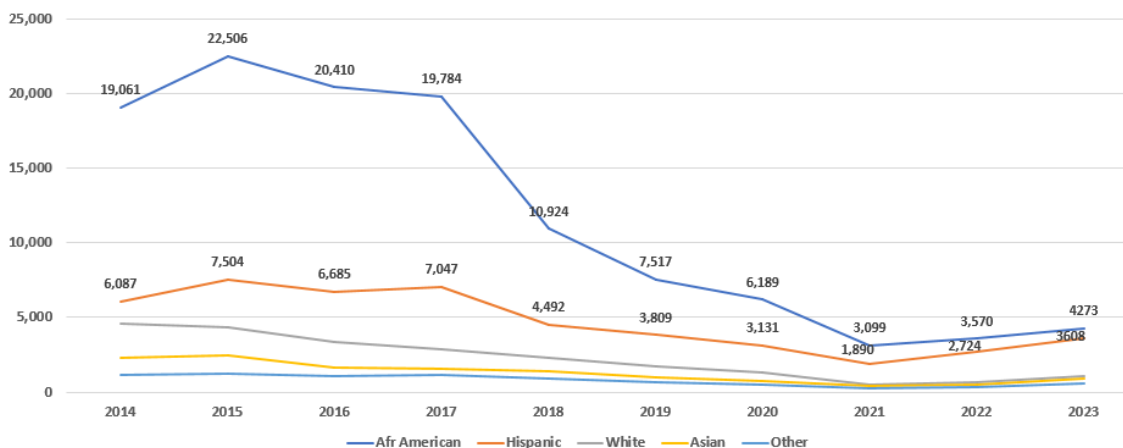
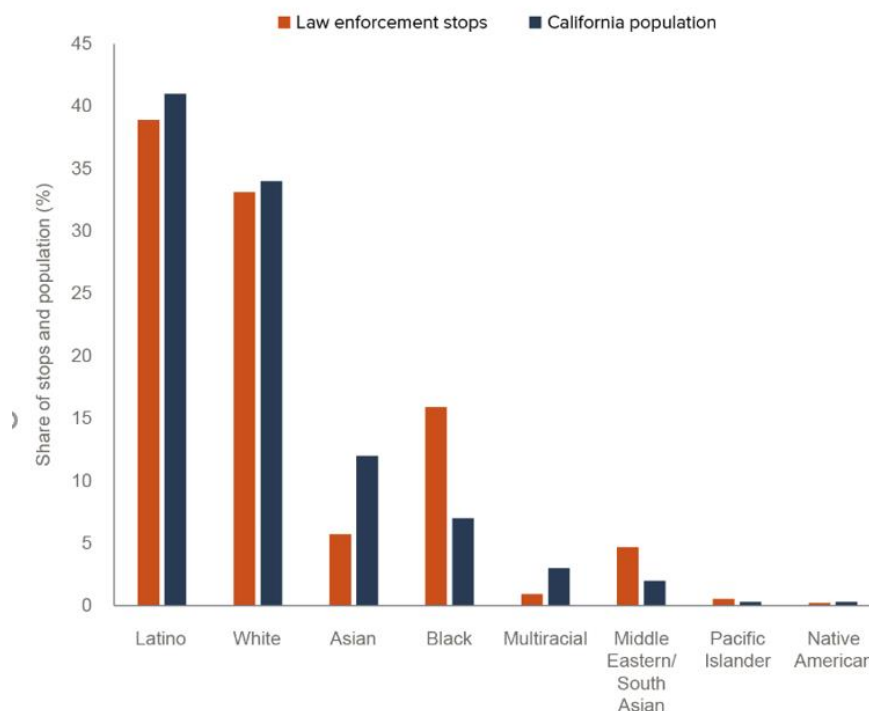


Fig. 2

The “stark racial inequities” between African American and white individuals in the criminal justice system, however, warrant a particular and enduring focus on African American stop disparities. According to a report published by the Public Policy Institute of California based on 2019 Racial and Identity Profiling Act (RIPA) data, African American or Black residents are considerably overrepresented in police stops statewide, while white and Hispanic residents are represented fairly proportionally in stops compared with their state population share. Magnus Lofstrom, et al., *Racial Disparities in Law Enforcement Stops*, 6-7 (2021), <https://www.ppic.org/publication/racial-disparities-in-law-enforcement-stops/> (last visited Jan. 9, 2023) (graphic reprinted below in *Fig. 3*).

///

Black residents are overrepresented in police stops

SOURCES: Author calculations using California Department of Justice, Racial and Identity Profiling Act (RIPA) Wave 2 data, 2019; RIPA Board Report 2021 population calculations using American Community Survey (2018).

Fig. 3.

B. The Department has meaningfully reduced racial disparity in handcuffing.

In the last decade, the Department has substantially reduced its overall handcuffing rate as well as the racial disparity in its handcuffing rates. *See* Table 1.

African Americans have historically been handcuffed at disproportionately higher rates compared to other racial groups. Stanford prepared a frequently referenced report on post-stop outcomes—handcuffing, search, and arrest—using the Department’s data for stops occurring between April 1, 2013 and April 30, 2014. *See Data for Change*, <https://sparq.stanford.edu/data-for-change> (2016) (last visited Aug. 14, 2024).

Between April 1, 2013 and April 30, 2014, the Department’s non-dispatch stop handcuffing rate was 34.6% for African Americans, 21.5% for Hispanics, and

1 12.5% for whites. *See id.* at 15 & 92. In 2023 the handcuffing rate was 28% for
 2 African Americans, 18% for Hispanics, and 17% for whites. *See 2023 OPD Stop*
 3 *Data and Reports, supra.* Thus, the disparity in handcuffing rates between African
 4 American and white individuals in all non-dispatch stops shrank from 22
 5 percentage points in 2013-2014 to 11 in 2023. *See Table 1.*

6 **Table 1: OPD Handcuffing Rates by Race**

	All Non-Dispatch Stops		Non-Dispatch Stops Excluding Arrests		Non-Dispatch, Non-Intel Led Stops, Excluding Arrests ¹⁰
	2013-2014 (Stanford) ¹¹	2023	2013-2014 (Stanford) ¹²	2023	2023
Race					
Black or African American	34.6%	28%	21%	13%	5%
Hispanic	21.5%	18%	12.1%	5%	2%
White	12.5%	17%	5.7%	7%	2%
Asian	14%	10%	6.7%	4%	2%
Other	15.1%	16%	7.5%	6%	2%

17
 18 In its report, Stanford also calculated the handcuffing rate in non-dispatch
 19 stops that did not result in arrest. Because arrest tends to trigger automatic
 20 handcuffing, arrest may provide a race-neutral reason for an officer's decision to
 21 handcuff. *See Data for Change, supra* at 92 & 94. Therefore, handcuffing rates
 22 excluding stops resulting in arrest provide a fairer comparison of handcuffing rates
 23 by race.

24 Stanford found that between April 1, 2013, and April 30, 2014, the
 25 Department's handcuffing rate in non-dispatch stops, excluding stops that resulted

26
 27 ¹⁰ At the time of Stanford's report the Department did not code stops as intelligence-
 led versus non-intelligence-led.

28 ¹¹ *Data for Change, supra* at 263.

¹² *Data for Change, supra* at 94.

1 in arrest, was 21% for African Americans, 12.1% for Hispanics, and 5.7% for whites.
2 See Table 1. By comparison, in 2023 the Department's rate was 13% for African
3 Americans, 5% for Hispanics, and 7% for whites.¹³ *Id.* Using this metric, the
4 disparity in handcuffing rates between African American and white individuals
5 shrank from 15.3 percentage points in 2013-2014 to 6 in 2023.

6 When intelligence-led stops and arrests are excluded, 2023 African American
7 and white handcuffing rates are within 3 percentage points: the rate is 5% for
8 African Americans, 2% for Hispanics, and 2% for whites (2023 non-dispatch, non-
9 intelligence-led stop handcuffing rate, excluding arrest).

10 Based on the foregoing data, the Department has significantly reduced the
11 racial disparity in handcuffing observed by Stanford in 2013-2014.

12 **C. The Department's consistent application of policies, including its**
13 **policy limiting parole and probation searches, contributes to the**
14 **reduction in disparity.**

15 In 2019, the Department enacted *Department General Order (DGO) R-02:*
16 *Searches of Individuals on Probation, Parole, Mandatory Supervision and Post-*
17 *Release Community Supervision (PRCS)*. In basic terms, pursuant to DGO R-02,
18 members may not inquire about supervision status at the beginning of a police
19 interaction unless there is an immediate threat to safety. *DGO R-02* at 2,
20 <https://public.powerdms.com/OAKLAND/documents/1800988> (last visited Aug. 24,
21 2024). Once officers know of and verify a search condition, officers may invoke the
22 search condition if a supervisee is on supervision for a "violent offense" as defined
23 by the policy. *Id.* at 4. Officers may only invoke the search condition on individuals
24 on supervision for a non-violent offense (an offense where violence or use of a
25 weapon was not a factor) when there are articulable facts that demonstrate that the
26 supervisee is an imminent threat to safety or connected to criminal activity. *Id.* at 3.
27 Officers may not invoke the search condition for a non-violent offender in any stop

28 ¹³ This calculation includes intelligence-led stops. The data set is the same as was
used for the February 2024 Citywide Risk Management Meeting.

1 for a traffic infraction unless there are articulable facts that demonstrate that the
 2 supervisee is an imminent threat to safety or connected to criminal activity. *Id.* at 4.
 3 If a cursory search is justified, however, officers may invoke a search condition to
 4 conduct a full search regardless of the nature of the underlying conviction. *Id.* at 4.
 5 Officers are required to document in police reports facts demonstrating adherence to
 6 the policy. *Id.*

7 Following implementation of DGO R-02 in October 2019, the number of
 8 searches justified solely based on a condition of supervision shrank drastically.

9 **Table 2: OPD Stop Data—Parole/Probation Searches¹⁴**

Year	Total # Searches	# Searches Where Only Documented Stop Data Basis is Search Condition	# Searches Where Only Documented Stop Data Basis is Search Condition				
			Black or African American	Hispanic	White	Asian	Other
2014	9309	3301* (35% of total)	2637	386	151	98	29
2015	11519	3857*	3101	512	121	82	41
2016	11668	3855*	3171	450	123	53	58
2017	11947	3936*	3151	525	134	71	55
2018	7254	1836*	1443	244	64	39	46
2019	5468	567 (10% of total)	431	81	20	31	4
2020	11501	218 (2% of total)	148	39	14	11	6
2021	8161	67	41	17	4	4	1
2022	8210	77	52	20	3	0	2
2023	6899	42 (0.6% of total)	29	9	2	0	2

19 In 2023, searches justified solely by conditions of supervision constituted just
 20 over one-half of one percent of searches. Of the 42 searches justified solely by a
 21 search condition to supervision, 29 involved dispatch and/or intelligence-led stops.
 22 This is significant because dispatch and intelligence-led stops involve less officer

23 _____
 24 ¹⁴ All source data available at <https://www.oaklandca.gov/resources/stop-data> (last visited Aug. 16, 2024).

25 *From 2014-2018 stop data entry only allowed officers to select a single justification
 26 for a search. Beginning in 2019, stop data allows officers to enter multiple
 27 justifications for a search. In addition, while this chart includes data from all
 28 searches reported in the stop data by corresponding year, from 2014-2018 stop data
 forms were only required for non-dispatch stops. Beginning in 2019 stop data forms
 were required for all stops—dispatch and non-dispatch.

1 discretion. The 2023 data stands in stark contrast to 2014 when more than one-
2 third of the Department's searches were justified by a search condition of
3 supervision. To be fair, prior to 2019 officers were permitted to enter only a single,
4 primary justification for a search, so it is likely that many of the parole and
5 probation searches between 2014 and 2018 had additional justifications not
6 observable based on the data alone. The 2019 and 2020 data contrast is probably
7 most meaningful because DGO R-02 was published in the last quarter of 2019. In
8 both years (2019 and 2020) officers were permitted to enter multiple reasons
9 justifying a search. Therefore, 2020 reflects the first full year of data after DGO R-
10 02 was implemented. The difference between these two years is dramatic. In 2019,
11 searches justified solely by conditions of supervision constituted 10% of searches.
12 This dropped to just 2% in 2020.

13 The majority of people officers search based *solely* on a condition of
14 supervision are African American. This is likely driven at least in part by the fact
15 that African Americans have a higher rate of parole, probation or similar
16 supervisory status. *See e.g.,* Horowitz, J. & Utada, C., *Community Supervision*
17 *Marked by Racial and Gender Disparities* (Dec. 6, 2018), available at
18 [https://www.pewtrusts.org/en/research-and-analysis/articles/2018/12/06/community-](https://www.pewtrusts.org/en/research-and-analysis/articles/2018/12/06/community-supervision-marked-by-racial-and-gender-disparities)
19 [supervision-marked-by-racial-and-gender-disparities](https://www.pewtrusts.org/en/research-and-analysis/articles/2018/12/06/community-supervision-marked-by-racial-and-gender-disparities) (last visited Aug. 16, 2024).
20 The racial gap resembles that in incarceration: Black adults are about 3.5 times as
21 likely as whites to be supervised, and although Black and African American
22 individuals make up 13 percent of the U.S. adult population, they account for 30
23 percent of those on probation, parole, or similar supervisory status. *Id.* Although the
24 data does not indicate disproportionate representation of Hispanics on supervision,
25 many states do not report ethnicity data so Hispanics under supervision are likely
26 undercounted. *Id.* For these reasons, this policy change has had the greatest impact
27 on the African American population and has likely contributed to the reduction in
28 racial disparity in searches and stop results, including handcuffing.

1 **D. Officers use and report force appropriately and Department review**
2 **is consistently thorough.**

3 Throughout all eight quarters of the NSA Sustainability Period, the
4 Department has demonstrated consistently excellent internal command oversight of
5 force and force reporting. The Department's dependability inspires confidence in the
6 Department's continued internal monitoring of force-related tasks independent of
7 the Monitoring Team's oversight. *See* Dkt. 1656, *Eighth NSA Sustainability Period*
8 *Report of the Independent Monitor* 14 (Aug. 2, 2024), Dkt. 1637, *Seventh NSA*
9 *Sustainability Period Report of the Independent Monitor* 15 (Apr. 16, 2024) ("We
10 have found that this additional oversight and review has continued to identify and
11 properly address concerns prior to our Team identifying them.") Based on the
12 Department's demonstrated ability over the last two-and-a-half years to effectively
13 monitor force and reporting on its own, the City asks that the Court end affirmative
14 monitoring of Tasks 24 and 25.

15 The Monitoring Team filed two reports since the last Court hearing. The
16 reports included assessments of force incidents that occurred between November
17 2023 and March 2024. Both reports reiterated positive observations noted in
18 previous reports. In addition to sergeants and the chain of command identifying and
19 appropriately addressing any force and force reporting issues (e.g., delayed body
20 camera activations or boilerplate language in reports), there were also fewer
21 deficiencies identified and "ongoing positive trends" including "improved planning
22 and communications, more detailed [use of force] reports, more positive
23 communications with the public, [and] improved de-escalation techniques." *Eighth*
24 *Period Report, supra* at 9; *Seventh Period Report, supra* at 10.

25 The Department's consistent, effective review has resulted in better force reporting
26 and reviews at every level of the organization as well as improvements in patrol
27 officers' compliance with body-camera policy, use of de-escalation techniques,
28 reporting writing, and community interactions.

1 The Department's most recent accomplishments involving force and force
2 reporting include the following:

- 3 • All uses of force reviewed were appropriately reported (*Eighth Period Report*,
4 *supra* at 10; *Seventh Period Report*, *supra* at 12);
- 5 • The few concerns with announcement of police and use of inappropriate
6 language or profanity were all identified and addressed by a reviewing
7 supervisor or the use of force command review team (*Eighth Period Report*,
8 *supra* at 8, *Seventh Period Report*, *supra* at 10);
- 9 • The use of force command team continues to not only review cases for use of
10 force compliance but addresses any other concerns identified with the
11 entirety of each incident (*id.*);
- 12 • There were only two delayed body-worn camera activations and four other
13 "concerns with [] activations." The delays and other concerns were all
14 appropriately addressed by the Department (*id.*);
- 15 • There were no instances of officers using boilerplate or "pat" language
16 (*Eighth Period Report*, *supra* at 13, *Seventh Period Report*, *supra* at 15);
- 17 • There were no instances where force was not deescalated or stopped
18 reasonably when resistance decreased (*Eighth Period Report*, *supra* at 14,
19 *Seventh Period Report*, *supra* at 15);
- 20 • There were no instances where officers could have made additional efforts to
21 explain to subjects being detained why the detention was occurring prior to
22 using force (*id.*);
- 23 • There were several instances where officers used commendable patience and
24 empathy when dealing with members of the public who were being detained
25 (*id.*);
- 26 • There have been no concerns identified with the use of Tasers on fleeing
27 suspects since September 2022 (*Eighth Period Report*, *supra* at 14, *Seventh*
28 *Period Report*, *supra* at 16).

The Department's successful quality control mechanism has improved force review,
reporting and, ultimately, officers' conduct. The City is confident that the
Department's command team review will continue to result in additional tangible
improvements.

///

E. The Department Uses Deadly Force Less Frequently than Other California Police Departments and Departments in Cities with Similar Violent Crime Rates.

The parties previously shared that from 2013 to 2019, the Department averaged the fewest officer-involved shootings per number of arrests among similarly sized cities. See Fig. 4, *Police Shooting Rates in Cities*, chart graphic reprinted from <https://policescorecard.org/findings#clear-pattern> (last visited Aug. 16, 2024).¹⁵

Police Shootings Rates in Cities

Rate of police shootings (fatal and nonfatal) per 10k arrests among police depts with jurisdictions of over 400k population.

	2013	2014	2015	2016	2017	2018	2019
DETROIT, MI	14.9	13.4	13.8	9.2	20.6	6.6	7.5
OKLAHOMA CIT..	4.7	7.2	5.1	3.8	4.6	7.6	7.0
HOUSTON, TX	4.3	5.2	5.7	4.5	3.2	4.2	5.6
FORT WORTH, ..	2.4	3.1	4.1	4.5	3.5	4.5	5.4
TULSA, OK	9.8	4.7	10.8	14.0	3.9	3.0	4.8
LOUISVILLE ME..	0.6	1.7	1.5	0.5	1.9	2.2	4.8
SEATTLE, WA	4.6	6.8	2.8	2.7	4.1	1.3	4.7
LOS ANGELES, ..	5.0	3.4	5.9	5.1	6.0	4.7	4.1
SAN ANTONIO, ..	2.2	2.3	2.6	3.1	2.3	2.1	4.0
WASHINGTON, ..	5.9	3.8	7.2	4.6	4.5	1.5	4.0
DENVER, CO	4.0	2.0	3.3	4.0	2.0	2.7	3.8
JACKSONVILLE, ..	2.7	3.5	4.2	4.8	4.1	2.3	3.7
ALBUQUERQUE,..	4.3	3.1	4.1	2.9	4.3	4.5	3.6
MILWAUKEE, WI	3.3	2.5	4.4	2.9	2.1	2.6	3.6
DALLAS, TX	4.7	6.0	4.1	3.8	2.2	1.3	3.4
EL PASO, TX	1.5	0.5	3.3	1.8	1.2	1.2	3.1
LOS ANGELES, ..	5.0	3.8	4.2	4.0	2.6	2.6	2.9
ARLINGTON, TX	2.3	1.2	2.9	0.9	7.1	2.1	2.9
CHARLOTTE-ME..	2.6	3.0	2.0	5.1	2.1	2.3	2.8
SAN JOSE, CA	3.3	2.3	7.4	3.8	5.7	3.9	2.7
PHOENIX, AZ	4.4	3.5	3.3	5.6	4.2	8.4	2.7
MEMPHIS, TN	2.7	2.3	3.2	2.8	1.3	2.6	2.6
BALTIMORE, MD	2.5	2.4	4.3	4.4	3.4	2.3	2.4
LONG BEACH, CA	8.2	3.1	5.8	5.4	6.6	3.0	2.4
SAN FRANCISCO..	4.6	5.4	5.4	2.0	4.3	3.6	2.1
AUSTIN, TX	2.4	1.1	2.1	2.6	3.2	4.5	2.1
CHICAGO, IL	6.0	7.3	5.9	7.6	5.9	3.9	2.0
SAN DIEGO, CA	2.2	2.2	3.3	1.7	2.0	1.8	2.0
INDIANAPOLIS, ..	2.0	5.3	5.0	4.3	2.0	1.2	2.0
TUCSON, AZ	2.8	1.9	1.9	2.4	0.7	3.5	1.9
LAS VEGAS ME..	1.7	2.3	2.4	1.5	3.2	2.9	1.8
VIRGINIA BEAC..	1.6	0.9	2.0	0.0	2.1	0.6	1.8
MINNEAPOLIS, ..	0.7	1.2	2.0	0.8	1.7	2.6	1.7
SACRAMENTO, ..	1.6	2.5	1.1	1.8	3.6	1.4	1.5
NEW YORK, NY	1.1	0.9	1.1	1.3	0.9	0.8	1.3
MESA, AZ	1.2	2.1	2.3	3.5	2.1	5.3	1.2
MIAMI, FL	1.6	0.3	1.2	1.2	0.5	1.0	0.5
OMAHA, NE	3.1	2.5		3.7		2.6	0.5
OAKLAND, CA	6.6	0.0	6.5	0.0	1.0	1.1	0.0

Fig. 4

A recent analysis of deadly force data in the 100 largest police departments in the

¹⁵ The Police Scorecard is the first nationwide public evaluation of policing in the United States. The Scorecard calculates levels of police violence, accountability, racial bias and other policing outcomes for over 16,000 municipal and county law enforcement agencies, covering nearly 100% of the U.S. population. The Police Scorecard integrates data on police arrests, personnel, funding, incarceration rates and homicide clearance rates from official federal and state databases such as the FBI Uniform Crime Report (UCR), the Bureau of Justice Statistics' Annual Survey of Jails, the U.S. Census Bureau's Survey of State and Local Government Finances and the California Department of Justice's OpenJustice database. See <https://policescorecard.org/about>.

country ranks Oakland 84th for the average number of annual police deadly force fatalities between 2013 and July 31, 2024—only 16 agencies had a lower annual average rate. See <https://mappingpoliceviolence.us/cities> (last visited Aug. 11, 2024).¹⁶ Eighty-three agencies had a higher rate. In California, only San Jose, Chula Vista, and Irvine departments had a lower rate than Oakland. See *id.* Most significantly, for the ten agencies with the highest violent crime rates Oakland ranked last with the lowest annual average rate. See *Fig. 5, Average Police Killings Rate per 1 million people, 2013-2024*, chart graphic reprinted from <https://mappingpoliceviolence.us/cities> (last visited Aug. 11, 2024).

Filter by City Violent Crime Rate (2013-22 Avg)

11.810 21.224

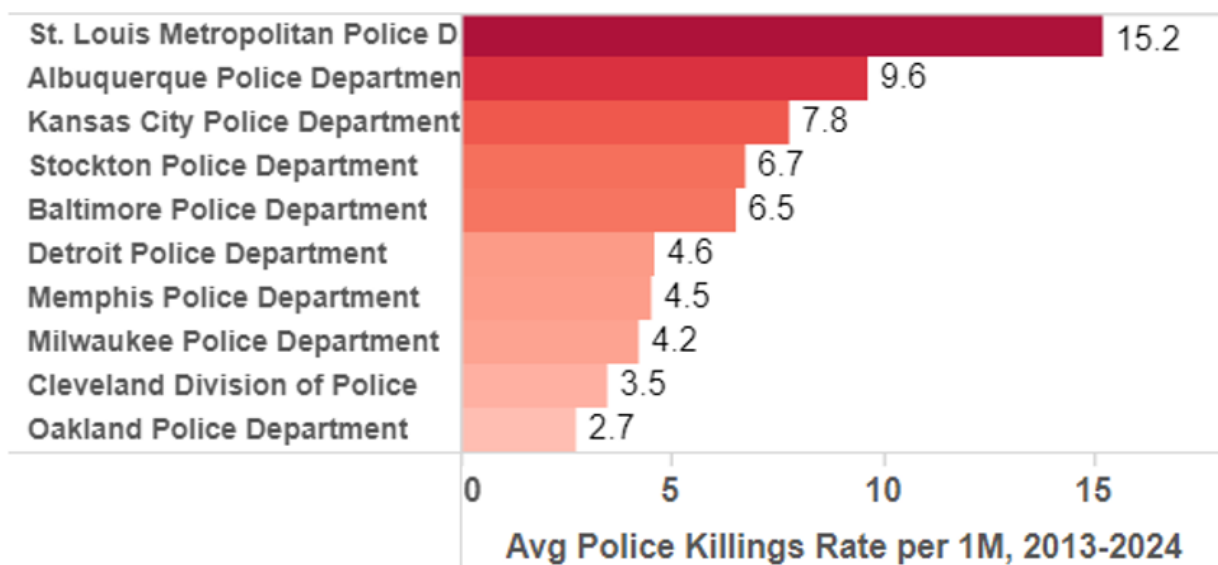


Fig. 5

¹⁶Rates calculated using data from Mapping Police Violence, along with US Census population data by race and crime data from the FBI Uniform Crime Reports. Police departments included in this analysis reflect the police forces of the 100 largest U.S. cities. See <https://mappingpoliceviolence.us/aboutthedata> (last visited Aug. 11, 2024).

F. The Department Has Increased Diversity in its Ranks.

The Department continues its strategic outreach efforts to attract and recruit officers who reflect the diversity of Oakland, racially and otherwise, and who live in or have meaningful ties to the City. *See Jan. 26, 2024 SUPPLEMENTAL-OPD Biannual Staffing Report*, available at <https://oakland.legistar.com/Legislation.aspx> (File # 23-0838) (last visited Aug. 11, 2024). The Department's efforts have resulted in greater diversity and an increase in officers who live in or have meaningful ties to Oakland.

1. Recent Academy Demographics.

In June 2024, the Department commenced its 194th Basic Academy. Thirty-six police officer trainees entered the 194th Academy. There are currently 28 trainees remaining in the academy class. Tables 3 and 3.1 reflect the demographics of the police officer trainees currently enrolled in the 194th Academy. Women make up 29% of the entering academy class. More than 80% of the entering class is non-white. Six of the trainees are Oakland residents (21%).

Table 3: OPD's 194th Basic Academy Demographics (Aug. 2024)

Gender		Race/Ethnicity		Residency		Language		Education	
Female	8	Asian	4	Oakland	6	Spanish	7	High School	5
Male	20	Black or African American	2	Other	22	Arabic	1	Some College	13
		Hispanic	11			Bosnian	1	AA/AS	4
		White or Caucasian	5			Korean	1	BA/BS	6
		Other	6			Hmong	1		
Total	28	Total	28	Total	28	Total	11	Total	28

Table 3.1: Race/Ethnicity & Gender in OPD's 194th Academy (Aug. 2024)

Race/Ethnicity	Female	Male
Asian	2	2
Black or African American	1	1
Hispanic	2	9
White or Caucasian	2	3
Other	1	5
Total	8	20

2. Department Demographics Over Time.

The Department has significantly increased non-white representation among its sworn ranks in the past decade. Between 2016 and 2020, the Department was losing approximately 0.5% of its Black officers each year. *See Figs. 6 & 7*, reprinted from *Quarterly Police Staffing Report* at 5 (Aug. 28, 2019), and *Jan. 26, 2024 SUPPLEMENTAL-OPD Biannual Staffing Report, supra* at 15. Since 2020, the Department has increased Black officers in its ranks by an average of more than 1.5% each year. The Department's current percentage of Black officers closely mirrors representation in Oakland's population. *See Fig. 7.*

Race* / Ethnicity* by Year – OPD Sworn Staff as of June 30, 2019

Race/Ethnicity	US 2010 Census-Oakland Pop.	OPD 2016	OPD 2017	OPD 2018	OPD 2019
White	34.5%	39.7%	38.8%	38.4%	37.0%
Black	28.0%	18.0%	17.3%	16.7%	16.8%
Asian	16.8%	15.1%	15.3%	16.9%	16.3%
Hispanic	25.4%	23.7%	24.6%	25.2%	27.1%
Other	--	3.5%	4.0%	2.7%	2.8%

* Note: "Asian" includes Filipino; "Other" includes Native American and Undeclared

Fig. 6

///

Race/Ethnicity* by Year – OPD Sworn Staff as of December 31, 2023

Race/ Ethnicity	US 2022 Census- Oakland Pop. ⁷	OPD 2020	OPD 2021	OPD 2022	OPD 2023
Asian	15.9%	18.1%	18.55%	19.23%	19.72%
Black or African-American	21.8%	16.7%	18.70%	20.52%	21.40%
Hispanic	26.6%	28.2%	27.97%	28.55%	28.95%
Other	3.40%	3.0%	3.33%	3.44%	3.92%
White	32.3%	34.0%	31.45%	28.26%	26.01%

*Note: "Asian" includes Filipino; "Other" includes Native American and Undeclared

Fig. 7

Additionally, as the national percentage of female sworn officers decreased slightly between 2007 and 2022, the Department's percentage of sworn women has increased. See Fig. 8, data from Nov. 7, 2018 *Monthly Police Staffing Report* 5, available at oakland.legistar.com, File No. 18-1164 (last visited Aug. 27, 2024), and Jan. 26, 2024 *Biannual Staffing Report*, *supra* at 15.

Gender	National Percentage 2007	National Percentage 2022	OPD 2015	OPD 2023
Female	14.3%	13.94%	11.9%	14.59%
Male	85.7%	86.06%	88.1%	85.41%

Fig. 8

G. The Department Has Met Internal Affairs Investigation Timelines for More than Two Full Years.

In each of the eight quarters of the NSA Sustainability Period the Department has met the timeliness standard imposed by its own internal policy. The Department accomplished this feat despite significant disruption caused by a ransomware attack, despite a voluminous and complex caseload.

H. The Department Resolved the Disparity Observed in 2022 Internal Affairs Case Outcomes.

The Department's annual policy-mandated Internal Affairs Investigation Outcome and Discipline Analyses Report revealed no statistical evidence of disparity in the treatment of non-white sworn members, or by rank or gender, when

1 looking at allegations per case, sustained findings, and discipline in 2023. *See 2023*
2 *Internal Investigation Outcome and Discipline Report*,
3 [https://www.oaklandca.gov/documents/2023-internal-investigation-outcome-and-](https://www.oaklandca.gov/documents/2023-internal-investigation-outcome-and-discipline-report-2)
4 [discipline-report-2](https://www.oaklandca.gov/documents/2023-internal-investigation-outcome-and-discipline-report-2) (last visited Aug. 11, 2024).

5 Significantly, the disparity observed in 2022—Black officers sustained at a
6 higher rate for Failure to Accept or Refer Complaints (Unintentional)—was not
7 observed in the 2023 data. The disparity observed in 2022 is resolved. Whether the
8 issue resolved because 2022 was an anomaly, the Department’s awareness of the
9 issue fixed the problem, the Department’s changes to policy fixed the problem, or
10 some combination of those factors, the requirement that the Department not only
11 identify and address the problem but “fix[] the problem” has been fulfilled.
12 *See* Dkt. 1630, Jan. 23, 2024 Court Tr. 5:3-4 (“But to be in compliance with task 45
13 means fixing the problem. That's what is required.”)

14 **II. THE DEPARTMENT’S INTERNAL INVESTIGATIONS HAVE** 15 **IMPROVED SINCE EARLY 2023**

16 The City does not disagree that the Department’s investigatory failures
17 through early 2023 raise concerns. In 2023 the City overhauled Department policy
18 to address internal investigation failures. As a result, the Department’s internal
19 investigation procedures throughout 2024 are significantly improved from early
20 2023. Therefore, the City asks that the Court take into account the timing of those
21 failures and the context in which they occurred and leave open the possibility that
22 the Department’s changes in practice may ultimately have the intended impact on
23 the integrity of internal investigations.

24 **A. The City Has Addressed the Failures that Occurred in 2022 and** 25 **Early 2023 (Task 5).**

26 The measures that the City implemented in 2023 have substantially
27 improved internal investigations. In April 2023 the Department employed practices
28 to immediately prevent investigatory deficiencies. Dkt. 1579, *Joint Case Mgmt.*
Statement 2-3 (Apr. 4, 2023). By November 2023, the City completed formal changes

1 to Department policy including IAD 23-01, Internal Affairs Policy and Procedure
2 Manual (rev. Nov. 2023); TB V-T.01, Internal Investigation Procedure Manual (rev.
3 Nov. 2023), Department General Order M-04.1, Criminal Investigation of
4 Department Members and Outside Sworn Law Enforcement Personnel (rev. Nov.
5 2023), and the Criminal Investigation Division Investigative Training Program 23-
6 01 (Sept. 2023). Dkt. 1622, *Joint Case Mgmt. Statement, supra* at 18-20.

7 Because of the chronological and substantive overlap between the
8 investigation referenced in the Monitor's *Eighth NSA Period Report* and the vehicle
9 collision and elevator discharge incidents, the 2023 policy revisions addressed
10 investigatory failures across all three cases. The revisions took a full year to finalize
11 and involved input from all stakeholders. The revisions were thoughtfully and
12 deliberately made to ensure rigor and accountability in both administrative and
13 criminal internal investigations. *See* Dkt. 1622, *Joint Case Mgmt. Statement, supra*
14 at 18-20.

15 The City's work in 2023 significantly improved the Department's internal
16 investigations processes. Because internal investigations often take months to
17 complete, however, investigatory failures may not be identified in real time. Thus,
18 the City appreciates that more time is necessary before the we can confidently
19 assess the results of the City's work to strengthen internal investigations.

20 **B. The City Embodies the Spirit of the NSA Even As it Struggles to**
21 **Sustain Long-Term Task 5 Compliance.**

22 **1. The City Cares About the Integrity of Internal**
23 **Investigations and Accountability.**

24 In the vehicle collision and elevator discharge incidents, the Monitor directed
25 the outside investigation. In the investigation referenced by the Monitor in its most
26 recent report, the City directed the investigation and engaged an independent
27 investigator. Additionally, the City's independent civilian internal investigation
28 team (CPRA), conducted its own parallel investigation. While this in no way excuses
the City's failures in the initial internal investigation, the fact that the City itself

1 (CPRA) investigated the failures as well as directed a parallel independent
2 investigation *without Monitor intervention or direction* is a step in the right
3 direction and demonstrates the City’s commitment to integrity in internal
4 investigations.

5 **2. The City Demonstrates its Commitment to Ensuring Police**
6 **Accountability by Empowering Civilian Oversight.**

7 In the past year, the City has followed new practices to improve
8 communication about internal investigations with the Commission and CPRA. *See*
9 *Dkt. 1579, Joint Case Mgmt. Statement, supra* at 20-21, 48. These practices include
10 advising the Commission and CPRA of any new proposals to hire outside
11 investigators to conduct internal investigations and providing status reports on
12 subjects and misconduct allegations under consideration in any outside
13 investigations already in progress. *Id.* at 21. In addition, any new third-party
14 investigation contract must include a term that allows the Commission and CPRA
15 to obtain status updates directly from the investigator (the content of updates may
16 be limited to ensure independence of any parallel ongoing or anticipated CPRA
17 investigation). *Id.* Having these new practices on place—and adhering to them—
18 facilitated CPRA’s ability to conduct an effective parallel investigation of the
19 Department’s initial deficient investigation.

20 The City is also continuing longer-term efforts to further empower CPRA as a
21 means of improving accountability in investigations of Department members. In
22 2021 the Oakland Reimagining Public Safety Task Force recommended transferring
23 most of IAD to CPRA. *Reimagining Public Safety Task Force Final Report and*
24 *Recommendations* (Apr. 2021) 13, 217-18,
25 [https://www.oaklandca.gov/documents/reimagining-public-safety-task-force-report-](https://www.oaklandca.gov/documents/reimagining-public-safety-task-force-report-and-recommendations-public-safety-committee-4-13-21)
26 [and-recommendations-public-safety-committee-4-13-21](https://www.oaklandca.gov/documents/reimagining-public-safety-task-force-report-and-recommendations-public-safety-committee-4-13-21) (last visited Aug. 25, 2024).
27 In May 2021, City Council ordered the City to “explore possible transfer” of most of
28 IAD to CPRA. *See Oakland City Council Resolution No. 88607* (Jul. 13, 2021),

1 available at <https://oakland.legistar.com>, File No. 21-0350. *See also* Dkt. 1604, *Joint*
2 *Case Mgmt. Statement* 48 (Sep. 19, 2023).

3 As previously shared with the Court, in 2023 the City Council approved a
4 proposal to hire a City Administrator employee to help plan for and assist with the
5 transition from IAD to CPRA and provide an additional layer of civilian review of
6 high-profile and serious IAD investigations. *Id.* at 26. Ultimately, the position was
7 not filled. Instead, in or about June 2024, the City hired consultants to assess the
8 practical aspects of transferring IAD responsibilities to civilian oversight (CPRA).
9 The consulting team is led by attorney Andrew Lah, Managing Partner at Moeel
10 Lah Fakhoury LLC, and police auditor Russell Bloom. The City understands that
11 there is much to discuss about the practical aspect of any transition, budgetary
12 requirements, and the impact on NSA compliance. The City will keep the Monitor
13 and the Court updated on its progress on this long-term project.

14 **3. The Department's Internal Introspection Demonstrates its**
15 **Commitment to Integrity and Consistency in Internal**
16 **Investigations.**

17 Chief Mitchell, Bureau of Risk Management Deputy Chief Angelica Mendoza,
18 and Office of Internal Accountability Captain Bryan Hubbard have read the reports
19 of investigation completed by CPRA and the City's independent investigator to
20 understand the Department's investigatory failures and prevent such failures from
21 recurring. The Department's review aims to determine lessons learned from these
22 particular investigations as well as taking a broader view to determine lessons
23 learned from the Department's repeated failures between 2021 and 2023 (also
24 encompassing the Instagram, vehicle collision, and elevator discharge
25 investigations). The Department is committed to rooting out the flaws in the system
26 that foster superficial or unprincipled investigations and ultimately enable the
27 recurring failures.

28 The City is forced to be circumspect in addressing the investigatory failures
referenced in the Monitor's *Eighth Period Report*. Pursuant to law the City cannot

1 discuss the factual details of these confidential internal investigations. Cal. Penal
2 Code §§ 832.7 & 832.8. While the City agrees that the online media reports cited by
3 plaintiffs' counsel are in the public domain, the investigation reports themselves are
4 not in the public domain. Media reports are not proof of the truth of the matters
5 asserted therein. If plaintiffs' counsel were to say that they know the details
6 reported to be true because they reviewed confidential reports, that would be a
7 violation of the protective order. As a technical matter, discussing and attaching
8 media reports may not violate the protective order. However, doing so opens the
9 door for plaintiffs' counsel to confirm facts reported by the media and thus
10 circumvent the protective order. Moreover, regardless of plaintiffs' counsels' intent,
11 including such discussion of media reports further confuses matters for the public
12 by making it appear that the facts reported by the media are true and taken within
13 the proper context simply because they appear in a court filing. In conclusion, the
14 media reports themselves are not relevant and the parties are otherwise legally
15 prohibited from disclosing confidential personnel information. Therefore, any
16 discussion of the facts in the confidential reports of investigation is inappropriate.

17 **C. The Department Maintains an Effective, Sustainable Process to**
18 **Monitor and Ensure Consistency of Discipline (Task 45).**

19 The City has worked with the Monitoring Team and Stanford researchers for
20 five years to build and effectively use a process to detect and eliminate discipline
21 disparity. The Department's mandatory data analysis program has proven
22 successful in allowing the Department to identify and eliminate disparity in
23 investigation outcomes and discipline. The Department's 2023 data did not reflect
24 any disparity in case outcomes or discipline.¹⁷

25 _____
26 ¹⁷ The City uses the term "disparity" interchangeably with "statistically significant
27 differences." Statistical significance is a measurement of how likely it is that the
28 difference between two groups (e.g., race, gender, rank) occurred by chance or
occurred because the two variables are actually related to each other. Put another
way, it measures whether the outcomes are linked to a variable (e.g., race), versus
whether the outcomes occurred randomly.⁴⁵

1 Despite working hand in hand with the Department and encouraging the
2 development of a sustainable analytical process to identify and address disparity,
3 the Monitoring Team now suggests that such efforts do not count toward real
4 cultural change. *Eighth Period Report, supra* at 15 (“[T]he Department’s efforts
5 continue to be more in the form of studies and analyses instead of real cultural
6 change.”) The City challenges that notion. Culture change is complex and
7 multifaceted and involves a range of strategies. Among those strategies is allowing
8 Department members access to objective facts and data across all investigation
9 outcomes and discipline to give them all the ability to make their own observations
10 about discipline equity beyond one-off anecdotes and the rumor mill. Moreover, the
11 Department’s analytical process has resulted in actual changes in Department
12 training, policy, and operations.

13 In 2023 as the result of the Department’s annual study of case outcomes and
14 discipline, the City revised DGO M-03, *Complaints Against Department Personnel*
15 *and Procedures* (revised by Special Order 9213 on Dec. 5, 2023). The Department
16 also identified inconsistency in how corrective action is documented in Supervisory
17 Notes Files (SNFs). Consistent SNFs foster more efficient reviews of corrective
18 action, facilitate identification of potential bias or disparity, and support the
19 appropriate assessment of behavioral patterns. SNFs are typically not warranted
20 for members who have exhibited patterns of misconduct. *See Dept. Response to*
21 *OIA’s 2023 Internal Investigation Outcome and Discipline Study 2* (Jun. 14, 2024),
22 [https://www.oaklandca.gov/documents/2023-internal-investigation-outcome-and-](https://www.oaklandca.gov/documents/2023-internal-investigation-outcome-and-discipline-report-2)
23 [discipline-report-2](https://www.oaklandca.gov/documents/2023-internal-investigation-outcome-and-discipline-report-2) (last visited Aug. 11, 2024).

24 Culture change is the process of changing or adopting values, beliefs, and
25 behaviors. Therefore, clarifying the behaviors and values the Department demands
26 pertaining to community complaints, appropriate use of SNFs to correct
27 misconduct, and consistent interpretation and application of policy is “real culture
28 change.”

1 The City previously contended that it was in substantial compliance with
2 Task 45. Dkt. 1622, *Joint Case Mgmt. Statement, supra* at 21-25. The City has not
3 changed its position. But to the extent that Task 45 is “completely intertwined” with
4 Task 5 (Dkt. 1630, Jan. 23, 2024 Court Tr. 5:5-7), the City understands that
5 compliance with these two tasks may rise and fall together.

6 The City is optimistic that based on its 2023 reforms, elimination of the
7 discipline disparity observed in 2022, and long-term compliance on all Task 5
8 subtasks, that it will regain an in-compliance assessment by the Monitor on Tasks 5
9 and 45 in due course. The City understands that because internal investigation
10 failures have in many cases been revealed many months after they occurred, more
11 time is necessary before we can assess the results of our 2023 reforms with
12 confidence.

13 CONCLUSION

14 The City’s accomplishments demonstrate that it is capable of and committed
15 to sustaining substantial compliance with all NSA tasks. The City appreciates the
16 Court’s time and guidance and looks forward to further discussing the foregoing
17 issues at the upcoming Court hearing.

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1 **THE OAKLAND POLICE COMMISSION'S STATEMENT**¹⁸

2 **I. Introduction**

3 The Oakland Police Commission (“Commission”) welcomes the opportunity to
4 share the community’s perspective on the status of the Oakland Police
5 Department’s (“OPD” or the “Department”) readiness to transition from court
6 oversight. Marked by its civilian leadership and its commitment to the community
7 it serves, the Commission stands as a distinctive oversight body that represents the
8 formal community voice in matters concerning OPD oversight.

9 During the Negotiated Settlement Agreement (“NSA”) Case Management
10 Conference (“CMC”) held on January 23, 2024, this Court asked all NSA
11 stakeholders to respond to the question of “whether [it is] appropriate to end the
12 monitorship ..., to change its form or to ... maintain the status quo.” (CMC
13 Transcript at 6:5-7). Some months later, the Court similarly asked the stakeholders
14 to “provide a more knowledgeable perspective about the need for or future of federal
15 court oversight (either continuing the monitorship, revising it, or dissolving it).”
16 Order Continuing Case Management Conference, Delphine Allen v. City of Oakland
17 (June 4, 2024).

18 The Commission has considered the Court’s question thoroughly. In 2012,
19 this Court appointed a Compliance Director tasked with addressing the deficiencies
20 that led to the Department’s noncompliance and developing a plan for facilitating
21 sustainable compliance with all outstanding tasks. The Commission requests that
22 the Court consider separating the Monitor and Compliance Director roles as
23 originally envisioned and executed. The community, through the *Reimagining*
24 *Public Safety Task Force*, also recommends that same model: separate Monitor and
25 Compliance Director roles. This recommendation highlights one of the many

26 ¹⁸ Counsel for the Oakland Police Commission provided the City’s counsel with this
27 statement from the Oakland Police Commission for inclusion in the court filing
28 pursuant to the Court’s January 24, 2023 request for the Commission’s perspective.
The Oakland Police Commission’s authority arises from Section 604 of the City’s
Charter.

1 proposals the Commission makes within this document.

2 While the Commission applauds the improvements and successes of OPD's
3 compliance to date, several obstacles must be overcome before an end to court
4 monitorship would be prudent. The Commission identified the following essential
5 areas for improvement which still need to be addressed before ending court
6 oversight:

- 7 • Stabilize Incoming OPD Leadership
- 8 • Strengthen Oakland Police Commission Capacity
- 9 • Improve Stakeholder Communication and Cooperation
- 10 • Change OPD Culture
- 11 • Sustain Compliance

12 Of these, the most important and most difficult is ongoing OPD resistance to
13 culture change. Recounting the City saying that it would be in compliance by
14 December 31, 2005, the distinguished jurist Thelton Henderson, overseeing the
15 NSA, said in 2010, "Today we have a new Chief, a new monitoring team and the
16 benefit of five years time... Yet I am unconvinced that the promise of change is any
17 more real today than it was then." ALI WINSTON AND DARWIN BONDGRAHAM, *THE*
18 *RIDERS COME OUT AT NIGHT* 272 (2023).

19 Ongoing and chronic cases of misconduct, scandals, and cover ups in the
20 ensuing years prompted current NSA Judge William Orrick to comment that "[i]t's
21 this lack of integrity, this culture that plays favorites, that undercuts constitutional
22 policing." Natalie Hanson, *Judge Narrows Federal Monitoring of Oakland Police*
23 *Department Despite Concerns*, COURTHOUSE NEWS (April 11, 2023)
24 ([https://www.courthousenews.com/judge-narrows-federal-monitoring-of-oakland-](https://www.courthousenews.com/judge-narrows-federal-monitoring-of-oakland-police-department-despite-concerns/)
25 [police-department-despite-concerns/](https://www.courthousenews.com/judge-narrows-federal-monitoring-of-oakland-police-department-despite-concerns/)).

26 Independent Monitor Robert Warshaw's most recent Report shows NSA Task
27 5, Complaint Procedures for IAD, is not in compliance. Following the investigative
28 findings of both the Community Policing Review Agency ("CPRA") and an outside

1 agency, Warshaw’s Report notes that “[b]oth investigations resulted in serious
2 sustained findings and discipline and revealed systemic deficiencies in the
3 Department. Deficiencies in internal investigations have unfortunately repeated
4 themselves and need to be rectified. We find this to be both serious and troubling.”
5 WARSHAW, EIGHTH NSA SUSTAINABILITY PERIOD REPORT OF THE INDEPENDENT
6 MONITOR FOR THE OAKLAND POLICE DEPARTMENT 16 (August 2, 2024).

7 The Commission’s judgment that there is room for improvement in OPD’s
8 compliance with the NSA does not signal that the Commission believes that the
9 OPD should remain under monitorship for the long-term. However, in the short-
10 term, the Department must address these challenges for an exit from court
11 monitorship into full civilian oversight to be feasible.

12 **II. Charting the Path**

13 **A. Stabilize Incoming OPD Leadership.**

14 At the time of the January 23, 2024 CMC, the City of Oakland (“City”) had
15 not chosen a new chief to lead the OPD. Since then, the Commission worked to pare
16 down potential candidates. The Commission hosted a public forum for community
17 members to hear from the candidates and share their opinions with the Mayor
18 about what they wished to see from a new chief. The Commission presented a slate
19 of four highly-qualified, diverse candidates on March 1, 2024, on time and as
20 promised. On March 22, 2024, the Mayor announced the selection of Floyd Mitchell
21 as the new Chief of the Oakland Police Department. The Commission is proud to
22 have brought only the most qualified candidates to the City’s attention and looks
23 forward to working with Chief Mitchell to achieve the constitutional policing and
24 reforms required to ensure fairness and justice for all the residents of Oakland.

25 With the appointment of a new chief, the OPD entered a transitional phase.
26 Most of the Chief’s high-level command staff retired soon after his appointment
27 and, like any new chief from outside of Oakland, he will need time to acclimate,
28 understand, and commit to the constitutional policing and civilian oversight

1 objectives overseen by the NSA and supported by independent authority of the
2 Oakland Police Commission. While the community is confident that Chief Mitchell
3 is up to the task, the Commission does not expect an immediate resolution to the
4 outstanding issues. Dissolving the monitorship right now would not benefit the
5 community as OPD transitions to new leadership.

6 B. Strengthen Oakland Police Commission Capacity.

7 Oakland's Police Commission is a more recent participant in OPD's
8 movement toward reform. Created by an overwhelming majority of Oakland voters
9 in 2016, the Commission is comprised of community members and operates
10 independently from the City of Oakland. As a volunteer, community-led body, the
11 Commission is authorized to resolve disputes regarding police misconduct
12 allegations. The Commission values and actively seeks community input and
13 champions community oversight priorities. Since the Court's January CMC, the
14 Commission had several significant successes, including:

- 15 • Collaborated with the Department to modify its policies to increase to 45 the
16 number of pre-disciplinary due process ("Skelly") hearing officers available to
17 address the backlog of 171 Skelly hearings in an effort to decrease the \$3
18 million per year spent on officers on paid administrative leave;
- 19 • Sustained the first-ever racial profiling allegation of police misconduct
20 through its Community Police Review Agency ("CPRA");
- 21 • Prepared a racial profiling cultural accountability statement;
- 22 • Created a reporting template to guide the OPD in tailoring its twice monthly
23 reports to the Commission toward matters of constitutional policing oversight
24 within the Commission's jurisdiction, rather than sharing general
25 information on local crime;
- 26 • Directed the OPD to redefine "pattern" for the purposes of identifying
27 repeated instances of police misconduct;
- 28 • Addressed the 192nd and 193rd Police Academies' graduations; and

- Attended the Orientation of the 194th Police Academy.

These accomplishments aside, the Commission found itself with a vacancy, with Inspector General Michelle N. Phillips announcing her resignation to lead Minneapolis' Department of Civil Rights. The Office of the Inspector General ("OIG") is responsible for program and performance-based audits, evaluations, inspections, and reviews of both the OPD and the Commission's CPRA to reduce instances of racial profiling and discriminatory policing practices. Inspector General Phillips takes with her a depth of experience about the OPD and the Commission's essential role in civilian oversight. While the Commission is far along in the hiring process, the fact remains that the next Inspector General ("IG") will have large shoes to fill. Once the NSA sunsets, the OIG will take responsibility for overseeing OPD's ongoing compliance with the NSA's 52 Tasks. The new IG will need time to acclimate, understand, and commit to the constitutional policing and civilian oversight objectives overseen by the NSA and supported by independent authority of the Oakland Police Commission.

Even once the new IG begins, the OIG will face an additional challenge: Oakland finances. Although the City of Oakland regularly experiences deficits, the current budget shortfall affects the Commission's ability to perform its duties. Recently, the Commission sought to request the IG to conduct a review audit of OPD's compliance with NSA Tasks 5 and 45 and provide any necessary policy recommendations specifically about OPD and CPRA's investigation process and procedures with regard to Internal Affairs Case No. 23-04. The IG responded that she could not coordinate the review audit because the City had not funded the OIG's audit function. As this Court is aware, the Monitor found the Department out of compliance with Task 5. The inability to audit the associated investigation (even its own CPRA investigation) stymies the OIG's – and therefore the Commission's – power to aid the OPD in reaching and sustaining NSA compliance.

1 The Commission's Community Police Review Agency ("CPRA") ensures
2 vigorous police oversight by providing independent investigations of community
3 members' allegations of misconduct against sworn OPD officers. Supervised by the
4 Commission, the CPRA will also serve as the body that investigates OPD officer
5 misconduct, should the Department's own Internal Affairs Division be abolished.
6 Due to City budget deficits, CPRA's allocated staff positions are frozen, threatening
7 the pace at which it can intervene as the impartial investigative body for OPD
8 misconduct when monitorship ends.

9 Despite these setbacks, the Commission is strengthening its processes to
10 perform its duties as effectively as possible as it prepares for the NSA's completion.
11 As always, the community's voice is vital to these efforts. The Commission's
12 Enabling Ordinance Ad Hoc Committee endeavored to resist the City Council's
13 proposed revisions to the Oakland Municipal Code that would strip fundamental
14 powers from the Commission. Along with the Commission, a small team of
15 dedicated community members on the Ad Hoc Committee has labored to preserve
16 the Commission's powers, remove outdated terms, and propose new, clarifying
17 language.

18 In recent months, the Commission has also been the target of additional
19 proposed changes. Several of its central functions (including the oversight of the
20 OIG and its authority to weigh in on the hiring and termination of the Chief of
21 Police) were marked for repeal by a City Council Charter amendment. In the wake
22 of substantial community outrage, the authoring Councilmember withdrew the
23 proposal. This result demonstrates the Oakland community's continued
24 commitment to strong civilian oversight of the OPD and its intention to guard the
25 authority granted the Commission.

26 The Commission routinely strives to peel back the layers of OPD culture. In a
27 recent report before the Commission, OPD advised that sworn officers had been on
28 paid administrative leave for one to two years while they awaited the assignment of

1 a Skelly Officer and/or an attorney of their choice to represent them. OPD reported
2 that, because Skelly hearings have no deadline, these officers could remain on
3 administrative leave indefinitely at an annual cost of \$2.9 million to the
4 Department. Until the Commission called attention to the wastefulness of allowing
5 officers to remain on open-ended paid leave rather than zealously pursuing Skelly
6 hearings, the Department appeared oblivious to the problematic nature of
7 squandering millions of dollars in OPD funds.

8 Despite (or due to) the Commission's successes, the Office of the City
9 Attorney continues to refuse the Commission access to essential investigative
10 documents necessary to assess the Monitor's conclusion that:

11 [T]he Department is out of compliance with Task 5, following the
12 findings of investigations conducted by both the Community Police
13 Review Agency (CPRA) and an outside investigator into the actions
14 of senior members of the Department with regard to an earlier IAD
15 investigation. Both investigations resulted in serious sustained
16 findings and discipline and revealed systemic deficiencies in the
17 Department. Deficiencies in internal investigations have unfortunately
18 repeated themselves and need to be rectified. We find this to be both
19 serious and troubling.”

17 WARSHAW, EIGHTH NSA SUSTAINABILITY PERIOD REPORT OF THE INDEPENDENT
18 MONITOR FOR THE OAKLAND POLICE DEPARTMENT 16 (August 2, 2024).

19 Charter Section 604 (f)(2) authorizes the Commission to access the following
20 documents: “[a]ll Department files and records, including the Department's Internal
21 Affairs Division files and records, related to sworn employees of the Department, in
22 addition to all files and records of other City departments and agencies related to
23 sworn employees of the Department, as IAD, including, but not limited to, the same
24 access to electronic data bases as IAD as permitted by law.”

25 The inability to access the IAD and CPRA investigative documents as
26 authorized by the aforementioned Charter section prevents the Commission from
27 executing its duty of due diligence to review and ensure that OPD has not engaged
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1 in disparate discipline under Task 45. In fact, the City Attorney's actions deny the
2 Commission the opportunity to review the adequacy of its own CPRA investigation
3 under Task 5. Finally, the Commission is prohibited from reviewing the work
4 product of its direct report, the CPRA Director.

5 Although it has accomplished much, the Commission could achieve even more
6 if it were fully staffed. Due to City budget constraints, the Commission faces an
7 uphill battle to receive the administrative staff positions necessary to support its
8 mission. Long-term Commission vacancies similarly undercut the Commission's
9 ability to achieve its objectives. To accomplish its goals, the Commission needs a full
10 slate of active Commissioners. Without the requisite seven Commissioners and two
11 alternates, the current Commissioners must labor twice as hard to discharge the
12 Commission's jurisdictional obligations. The Commission can function at full
13 capacity only when the selection authorities prioritize filling the existing
14 Commission vacancies.

15 This Court recognizes that, not only the OPD and the City, but also the
16 Commission (and its divisions: OIG and CPRA) are "integral to the success of the
17 NSA." (CMC Tr. 43:15-16). Despite great effort and progress, the Commission's OIG
18 and CPRA, along with the OPD, are currently in a state of flux. The Commission
19 expects each entity will continue to build on their foundations as the OPD turns
20 into the final stretch of NSA compliance.

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22 C. Change OPD Culture.

23 This Court observed the need for the City to demonstrate that "the OPD has
24 embraced the spirit as well as the letter of the NSA." (CMC Tr. 6:8-11). More than
25 any gauge, an internal transformation in culture will indicate that OPD is prepared
26 to move forward without backsliding once the Court terminates its oversight.
27 Although the NSA has been the greatest driving force for improvement in OPD's
28 standards, the Department continues to struggle with a culture that lacks

1 transparency, accountability, and integrity. Past incidents of racial profiling, an
2 absence of empathy, and lack of professionalism eroded public trust significantly,
3 and the repercussions linger within the community. To align the Department's
4 practices with the letter and spirit of NSA compliance, a substantial cultural shift
5 remains necessary.

6 The Commission recognizes that the cultural challenges embedded in NSA
7 Tasks 5 and 45 transcend policy adjustments and a "moment-in-time" compliance.
8 Rather, true compliance is rooted in "sustainability and organizational culture."
9 (Former Interim Chief Darren Allison, CMC Tr. 13:12-13). The Commission's
10 recommendations for cultural change within the Department stand as a testament
11 to our belief in the power of community-led change and our collective commitment
12 to achieving a future where the OPD's culture aligns with the values of the Oakland
13 community.

14 Viewing the OPD's culture from the public's perspective, the opportunity for
15 positive transformation is evident. The Court consistently emphasized the
16 importance of OPD's evolution to an entity that can self-regulate, hold itself and its
17 officers accountable, and uphold the principles of integrity and constitutional
18 policing. Specifically, in April 2023, the Court observed that there was "a cultural
19 inability of OPD to police itself, to hold itself and its officers accountable without
20 fear or favor; a culture that lacks integrity; a culture that plays favorites and
21 protects wrongdoers that undercuts the foundations of constitutional policing."
22 These observations highlighted several facets of the current culture that continue to
23 require attention:

- 24 1. **Addressing Historical Challenges:** Acknowledging a historical
25 backdrop of racial profiling and racial disparities, which regrettably
26 persist in certain aspects of the department's culture.

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1 2. **Fostering Empathy:** Encouraging the development of empathy
2 towards the community that OPD serves, recognizing that true
3 understanding and compassion are essential.

4 3. **Upholding Professionalism:** Elevating professionalism within the
5 ranks to ensure that officers represent the highest standards of law
6 enforcement.

7 4. **Rebuilding Trust:** Taking deliberate actions to rebuild trust within
8 the community, as past actions have, at times, contributed to a sense of
9 mistrust.

10 To promote ethical behavior within the OPD's culture, the integration of
11 comprehensive training programs that include the Department's historical context
12 and current ethical standards is mission critical. Such training should be
13 mandatory for all officers, including non-sworn personnel, and should be a
14 significant component of promotional exams and field training.

15 The underlying goal here is to transform OPD's culture by promoting
16 transparency and fairness in discipline procedures. By thoroughly examining and
17 addressing these concerns, OPD can ensure that instances of policy violations are
18 met, not with officers evading consequences through policy loopholes, but with
19 appropriate disciplinary actions that dispel any perceptions of leniency. The OPD
20 should not be distrustful of oversight – whether by the Monitor or the Commission –
21 and any corresponding discipline. Culture change is more difficult to achieve when
22 accountability is seen as punitive. Only when accountability and discipline are
23 viewed as restorative (providing recompense to the injured community after which
24 the offender is offered a second chance) will sworn officers welcome transparency
25 and a collective desire to improve behavior.

26 The enhancement of discipline policies and the discipline matrix is not about
27 punitive measures, but rather upholding the highest standards of conduct and
28 sending a clear message that officers will be held accountable for misconduct.

1 Structural disciplinary changes, rather than mere appeals to morality and ethics,
2 will ensure that officers modify their behavior. This approach fosters a culture of
3 accountability where commanding officers feel empowered to administer
4 appropriate discipline, and all members of OPD understand the importance of
5 adhering to policies and ethical guidelines. As discipline is consistently and fairly
6 applied, it acts as a deterrent against future policy violations. By eliminating
7 ambiguity and ensuring that consequences align with the severity of the
8 misconduct, OPD can pave the way for a culture defined by responsibility and
9 integrity.

10 The OPD should conduct department-wide training to all staff, sworn and
11 non-sworn, on every high-profile scandal and major failure since the NSA began.
12 This training should include the historical facts, the violations of policy, the ethical
13 problems underlying those violations, and the changes to policy and practice that
14 have resulted from officer misconduct.

15 Trainers should be:

- 16 • Qualified, credentialed, non-credentialed, and/or have lived experience with
17 the Department and/or from the community to teach the subject matter;
- 18 • Reputable with a demonstrated track record;
- 19 • Free of conflicts of interest;
- 20 • Intergenerationally representative;
- 21 • Gender representative; and
- 22 • Racially-inclusive.

23 While this list is non-exhaustive, the following non-OPD source experts are
24 qualified to develop an integrated and comprehensive training curriculum:

- 25 • Jennifer Eberhardt: author of previous studies and reports on the OPD and
26 Co-Director of the Stanford SPARQ program.
- 27 • Keith Ellison, Minnesota Attorney General and author of **BREAK THE WHEEL:
28 ENDING THE CYCLE OF POLICE VIOLENCE.**

- 1 • Jim Chanin and John Burris, Plaintiffs' Attorneys in the *Delphine Allen v.*
- 2 *Oakland* case.
- 3 • Ali Winston and Darwin BondGraham, authors of THE RIDERS COME OUT AT
- 4 NIGHT.
- 5 • Darlene Flynn, Executive Director of the Race and Equity Department in the
- 6 City of
- 7 Oakland.
- 8 • Department of Violence Prevention and Community-Based Violence
- 9 Interrupters.
- 10 • Kevin Grant, Department of Violence Prevention Coordinator.
- 11 • Reygan Cunningham, Co-Director at The California Partnership for Safe
- 12 Communities,
- 13 former City of Oakland Ceasefire Project Manager.
- 14 • Pastor Michael McBride, Live Free USA.
- 15 • Family Violence Law Center.
- 16 • Reimagining Public Safety Task Force Report recommendation #32 - MOR
- 17 and
- 18 Discipline Matrix both need to undergo a comprehensive update.
- 19 • Contact person: Christina Petersen (christina.r.petersen@hotmail.com), OPD
- 20 Organization and Culture, Accountability/Discipline WG.
- 21 • Equal Justice Society.
- 22 • Asian Law Caucus.
- 23 • El Centro Legal.

24 The Oakland community is a critical partner that the OPD must consider at
25 every point in training development. Community-designed and implemented
26 training modules, specifically focused on impressing upon incoming recruits the
27 need to reshape the department's culture, will ensure that the trainings are

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1 effective. To secure community engagement, OPD should implement some of these
2 courses out in the community where direct policing occurs.

3 The OPD possesses valuable training modules that can be adapted to
4 accommodate a new department-wide educational initiative for all staff. The
5 existing smaller module for police academy recruits, featuring insights from
6 respected figures like Jim Chanin, investigative reporters and authors Ali Winston
7 and Darwin BondGraham, is a solid starting point. Additionally, Project Reset, a
8 four-week course introduced in 2021 and aimed at empowering officers as culture
9 change agents, presents a promising framework.

10 D. Improve Stakeholder Communication and Cooperation.

11 Persistent obstacles exist to securing clear paths of communication and
12 cooperation among key stakeholders to ensure the OPD's smooth transition from
13 the NSA to civilian oversight. For instance, the Commission took the lead in
14 repeatedly reaching out to the NSA parties per the Court's January CMC directive
15 that all stakeholders "meet and discuss whether it is appropriate to end the
16 monitorship at that time to retain its form or to retain the status – maintain the
17 status quo." (CMC Tr. 6:4-7). Although disappointed that its efforts to meet about
18 and discuss this fundamental issue were rebuffed by some and ignored by others,
19 the Commission invited Senior Deputy City Attorney Brigid Martin to attend the
20 July 2, 2024 meeting of the NSA Ad Hoc committee to share the City's position on
21 whether the Department should exit the NSA. Senior Deputy City Attorney Martin
22 joined the meeting but would not disclose the City's position. The Commission Chair
23 has not been successful in scheduling regular meetings to discuss Commission
24 matters, in general, with Mayor Sheng Thao. Only after the newest member of the
25 NSA Ad Hoc committee brokered a meeting with the Mayor on behalf of the NSA Ad
26 Hoc, were Commission Chair Peterson and members of the NSA Ad Hoc able to
27 have their first meeting this calendar year with Mayor Thao.

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1 Such lack of coordination is evidence of troubling concerns. The failure to
2 collaborate hinders the Commission's ability to effectively monitor and be a partner
3 in guiding the OPD's progress toward the NSA goals. If indispensable stakeholders
4 to the OPD's transition to civilian oversight are unable to coordinate while under
5 the Court's watchful eye, it is unlikely that they will work together productively
6 when the OPD is no longer subject to court oversight. Until all stakeholders are
7 fully committed to cooperating with every partner in the goal of lasting reform, the
8 OPD will not be ready to exit court monitorship.

9 E. Sustain Compliance.

10 The Court inquired whether the OPD is doing what is necessary to ensure
11 that it can permanently sustain NSA compliance once court oversight ends. (CMC
12 Tr. 12: 20-25). The Court's inquiry strikes at the heart of the OPD's desire to
13 maintain compliance beyond a "moment-in-time" snapshot.

14 The NSA is responsible for the greatest improvements in OPD culture to
15 date. However, NSA compliance should not be mere box-checking or passively
16 moving through a specific calendar period. Instead, an enduring compliance
17 requires that the OPD integrate the NSA's 52 Tasks into its cultural identity and
18 practice them *every day*. To date, however, there has not been a defined compliance
19 metric or systemic data measurement to verify sustainability. The Department's
20 sustainability period should include an internal program that requires OPD to
21 remain proactive in fulfilling NSA mandates. The following measures would help to
22 create a culture of accountability and transparency to ensure the NSA reforms are
23 fully implemented and maintained indefinitely.

- 24
- 25 **1. Develop an educational campaign on the NSA and its history at**
26 **all department levels, including the Academies:** Every OPD
27 employee, sworn or not, should know about and understand the NSA.

28 Education and awareness promote accountability that endures.

1 Desired Outcome: Reduction in fear among officers of being chastised for
2 taking actions necessary to shift culture and move OPD towards NSA
3 compliance.

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5 **2. Address oversight resistance through training, education, and**
6 **discipline:** Oversight resistance is inherent in OPD culture and should
7 be approached with persistent classes, training, education, and discipline.

8 Desired Outcome: Reduction in fear among officers of being chastised for
9 taking actions necessary to shift culture and move OPD towards NSA
10 compliance.

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12 **3. Analyze public complaints to identify patterns:** Review all public
13 complaints (sustained or not) to identify and address any patterns in
14 alleged misconduct.

15 Desired Outcome: Continued understanding of concurrent community
16 needs, proactively identifying and remediating those issues.

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18 **4. Assess the effectiveness of disciplinary actions:** Measuring
19 accountability by reviewing cases of administered discipline and their
20 effectiveness.

21 Desired Outcome: Attention to trends and patterns around whether and
22 how disciplinary actions shift culture, deter misconduct, and model
23 accountability.

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25 **5. Establish an annual public assessment of police disciplinary**
26 **actions.**

27 Desired Outcome: Continued understanding of concurrent community
28 needs, proactively identifying and remediating those issues.

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6. Ensure a fully supported Office of Inspector General: A fully staffed and supported Police Commission Office of the Inspector General equipped to take over NSA monitoring responsibilities.

Desired Outcome: Places power structures within the City and moves toward civilian oversight.

7. Reduce Civil Monetary Awards Due to Police Misconduct: Set a goal to reduce civil monetary awards to settle or pay civil judgements due to police misconduct – an estimated \$57 million from 2001 to 2011 and \$35 million from January 2011 to December 2021.

Desired Outcome: Budget realignment; a metric that demonstrates a culture shift.

8. Establish a Sustainability Period with Robust Metrics

Gathering: An 18-month sustainability period (with quarterly CMC evaluations to include all stakeholders) will allow evaluation of OPD misconduct during two successive summers – the time period with the most citizen-police interaction.

Desired Outcome: Establishing data that can reveal whether a shift in culture has occurred.

9. Restructure Monitor Fee During the Sustainability Period:

Allow the Monitor to actively participate in the sustainability effort at a lower fee rate.

Desired Outcome: Places power structures within the City and moves closer to civilian oversight.

1 10. **Work Collaboratively with Stakeholders:** Ensure all entities'
2 essential perspectives are taken into account.

3 Desired Outcome: A shared vision of the problem(s) and solution(s).

4
5 **III. Conclusion**

6 In January 2024, the Court requested NSA stakeholders evaluate the current
7 and future role of federal court oversight in Oakland. After much consideration, the
8 Commission developed a statement guided by three overarching questions:

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10 1. Is it appropriate to end the monitorship, change its form, or maintain
11 the status quo?
12 2. Has the OPD achieved NSA task compliance for a sustained period of
13 time?
14 3. Has the OPD demonstrated the ability and desire to systematically
15 and structurally make the culture changes necessary to hold itself
16 accountable?
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19 Having grappled with these questions, we offer the following:

- 20 • The need for a clear and defined assessment metric;
21 • The need for an ascertainable period of sustainability;
22 • The need for a fully seated Police Commission, IG and CPRA, all
23 supported by a
24 complete staff;
25 • The need to fill the Inspector General position;
26 • The need to address continued and troubling misconduct
27 investigations; and
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- The need to assess the acclimation of the new chief of police.

For these reasons, this body recommends that the OPD enter a new and restructured 18-month sustainability period with the intent of documented, measurable cultural change. The Commission recommend maintaining the NSA until there is a sustainable change from within the rank and file of the Department.

It is our hope that with the strong civilian oversight of the Police Commission, this new period will result in permanent culture change that establishes transparency and that promotes truthfulness and accountability without fear or favor.

Respectfully Submitted,

Marsha Carpenter Peterson
Chair, Oakland Police Commission
Chair, NSA Ad Hoc Committee

NSA Ad Hoc Members:
Commissioner Regina Jackson
Commissioner Angela Jackson-Castain
José Dorado (former OPC Commissioner)
Karely Ordaz (former OPC Commissioner)
Mariano Contreras
Nikki Dinh
Deacon Reginald Lyles
Walter Riley
Rev. Dr. Jacqueline Thompson

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THE OPOA’S STATEMENT

Since the last Case Management Conference, Intervenor Oakland Police Officers Association (“OPOA”) has had ongoing and regular communications with members of the Oakland Police Department command staff, including Chief Mitchell regarding various operational matters which impact outstanding NSA related tasks. Those communications continue to be productive and directed toward assisting the Police Department achieve full compliance with the NSA. In addition, the OPOA has engaged in meet and confer on various policies as part of an effort to bring best practices to the Oakland Police Department.

The Police Department and OPOA members continue to confront the challenges associated with sworn staff reductions and the significant number of calls for service. The OPOA continues to work collaboratively to ensure proper staffing and advance the mission of the Police Department.

The OPOA continues to be available to all parties, including the Court, to assist in moving forward and achieving full compliance with the NSA.

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Respectfully submitted,

Dated: August 28, 2024

BARBARA J. PARKER, City Attorney
BRIGID S. MARTIN, Special Counsel

By: /s/ Brigid S. Martin*
Attorneys for Defendants
CITY OF OAKLAND

JOHN L. BURRIS
Law Offices of John L. Burris

By: /s/ John L. Burris
Attorney for Plaintiffs

JAMES B. CHANIN
Law Offices of James B. Chanin

By: /s/ James B. Chanin
Attorney for Plaintiffs

ROCKNE A. LUCIA, JR.
Rains Lucia Stern St. Phalle & Silver

By: /s/ Rockne A. Lucia, Jr.
Attorney for Intervenor
OAKLAND POLICE OFFICERS ASSOCIATION

*Per Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of the document has been obtained from each of the other Signatories

EXHIBIT A

**OAKLAND POLICE DEPARTMENT
NSA TASK COMPLIANCE RESPONSIBILITY CHART
AUGUST 28, 2024**

Task	Task Name	Compliance Accountability
1	IAD Staffing & Resources	Acting Captain Gordon Dorham
2	Timeliness Standards & Compliance w/IAD Investigations	Acting Captain Gordon Dorham
3	IAD Integrity Tests	Acting Captain Gordon Dorham
4	Complaint Control System for IAD	Acting Captain Gordon Dorham
5	Complaint Procedures for IAD	Acting Captain Gordon Dorham
6	Refusal to Accept or Refer Citizen Complaints	Acting Captain Gordon Dorham
7	Methods for Receiving Citizen Complaints	Acting Captain Gordon Dorham
8	Classification of Citizen Complaint	Acting Captain Gordon Dorham
9	Contact of Citizen Complaint	Acting Captain Gordon Dorham
10	IAD Manual	Acting Captain Gordon Dorham
11	Summary of Citizen Complaints Provided to OPD Personnel	Acting Captain Gordon Dorham
12	Disclosure of Possible Investigator Bias	Acting Captain Gordon Dorham
13	Documentation of Pitchess Responses	Acting Captain Gordon Dorham
14	Investigation of Allegations on MOR Violations	Acting Captain Gordon Dorham
15	Reviewing Findings & Disciplinary Responses	Acting Captain Gordon Dorham
16	Support IAD Process-Supervisor/Managerial Accountability	Acting Captain Gordon Dorham
17	Audit, Review, and Evaluation of IAD Functions	Acting Captain Gordon Dorham
18	Arrest Approval and Report Review	DC Casey Johnson
19	Unity of Command	DD Kiona Suttle
20	Span of Control for Supervisors	DC Casey Johnson
21	Members, Employees & Supervisors Performance Reviews	DD Kiona Suttle
22	Management Level Liaison	DC Frederick Shavies
23	Command Staff Rotation	DD Kiona Suttle
24	Use of Force Reporting Policy	AC James Beere/ DC Anthony Tedesco
25	Use of Force Investigation and Report Responsibilities	DC Anthony Tedesco
26	Force Review Board	DC Angelica Mendoza
27	OC Log and Check-out Procedures	DC Frederick Shavies
28	Use of Force – Investigation of Criminal Misconduct	DC Frederick Shavies
29	IAD Investigation Priority	Acting Captain Gordon Dorham
30	Executive Force Review Board	DC Angelica Mendoza
31	Officer-Involved Shooting Investigation	DC Frederick Shavies

32	Use of Camcorders	Not Applicable
33	Reporting Procedures for Misconduct	Acting Captain Gordon Dorham
34	Vehicle Stops, Field Investigation and Detentions	DC Casey Johnson
35	Use of Force Witness Identification	DC Anthony Tedesco
36	Transporting Detainees and Citizens	DC Anthony Tedesco
37	Internal Investigations Retaliation Against Witnesses	Acting Captain Gordon Dorham
38	Citizens Signing Statements	DC Anthony Tedesco
39	Personnel Arrested, Sued, or Served	Acting Captain Gordon Dorham
40	PAS Purpose	DC Angelica Mendoza
41	Use of PAS	DC Angelica Mendoza
42	Field Training Program	DC Angelica Mendoza
43	Academy Training Program	DC Angelica Mendoza
44	Personnel Practices	DD Kiona Suttle
45	Consistency of Discipline	Chief Floyd Mitchell/ AC James Beere
46	Promotional Consideration Review	DD Kiona Suttle
47	Community Policing	DC Anthony Tedesco
48	Departmental Annual Management Reports	AC James Beere
49	Monitor Selection/Compensation	Chief Floyd Mitchell
50	Compliance Unit Liaison Policy	Chief Floyd Mitchell/ AC James Beere
51	Compliance Audits and Integrity Tests	Chief Floyd Mitchell/ AC James Beere
Compliance Director (CD) 1 12/12/12 Order	Resolve/Reduce incidents that may involve unjustified force, OIS, pointing of firearms	DC Anthony Tedesco
CD2 12/12/12 Order	Resolve/Reduce incidents that may involve racial profiling and bias-based policing	DC Casey Johnson
CD3 12/12/12 Order	Resolve/Reduce Citizen Complaints	Acting Captain Gordon Dorham
CD4 12/12/12 Order	Resolve/Reduce high speed pursuits	DC Angelica Mendoza

Veteran Suicide in Alameda County

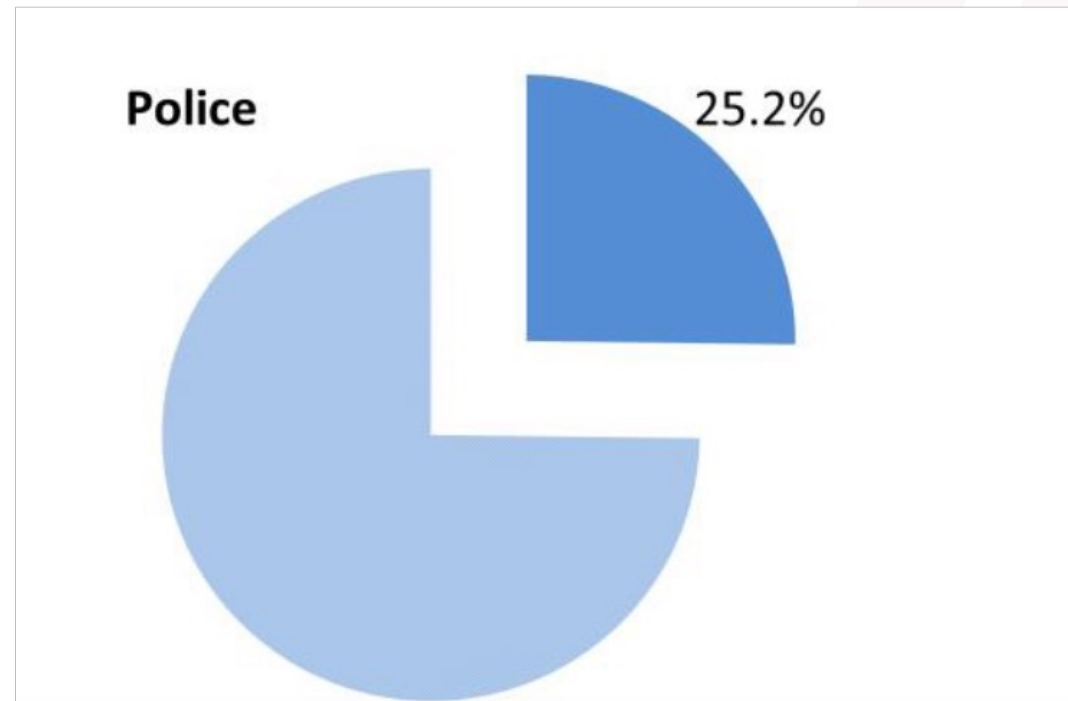
National Suicide Prevention Month
September 19, 2024

By: Omar Farmer, Alternate Police Commissioner

Overview of Veteran Suicide in Alameda County

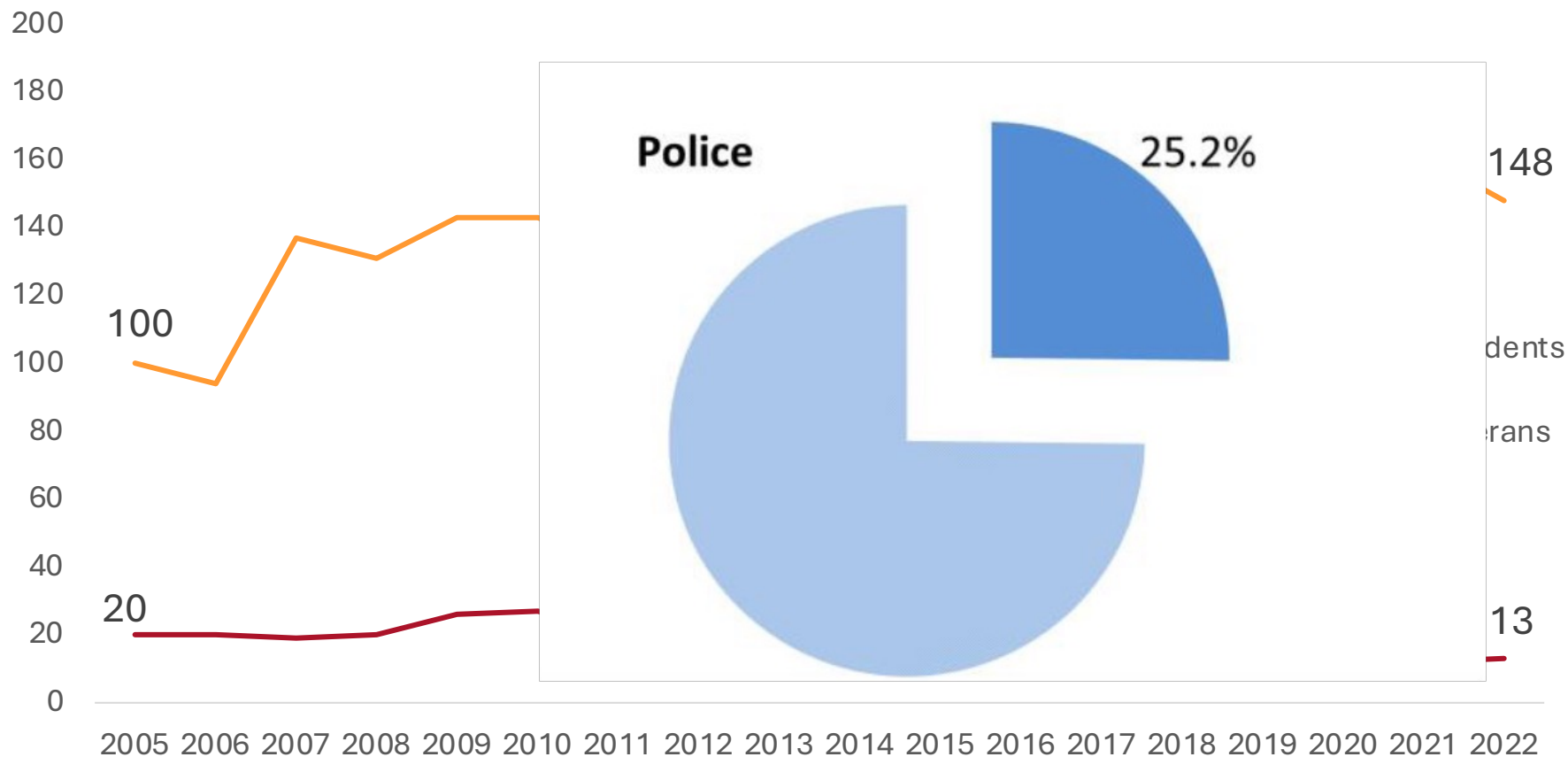
- Each year an average of **14 veterans** in Alameda County die by suicide
- Veterans in Alameda County are over **three times** as likely to die by suicide than the average resident
- Veterans are more likely to use firearms than the general population

Police Officer Veteran Status



Over Time

Suicide Deaths of Veterans and Alameda County Residents by Year, 2005-2022



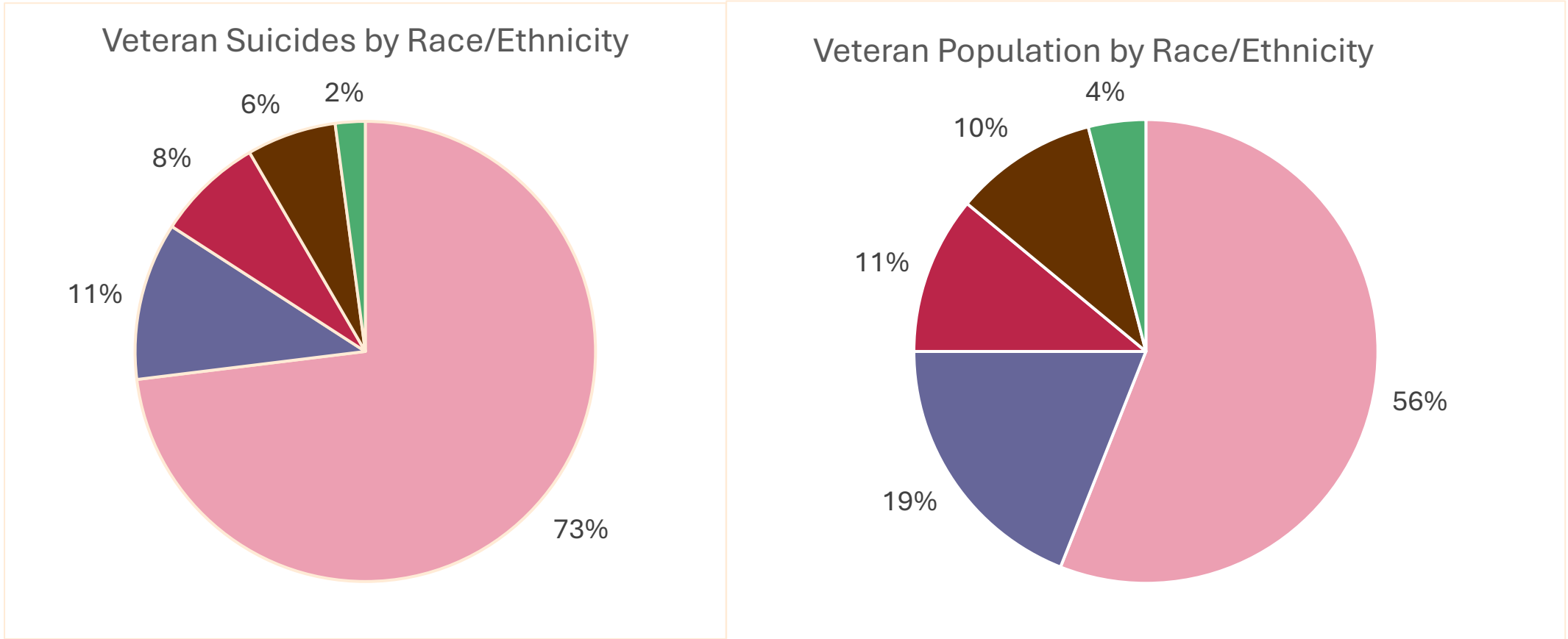
The number of veteran suicides dropped slightly since 2005, while the number among Alameda County residents has risen.

Decrease in the number of overall veterans living in the county

Veterans account for roughly 10% of all suicide deaths (2018-2022)

By Race/Ethnicity

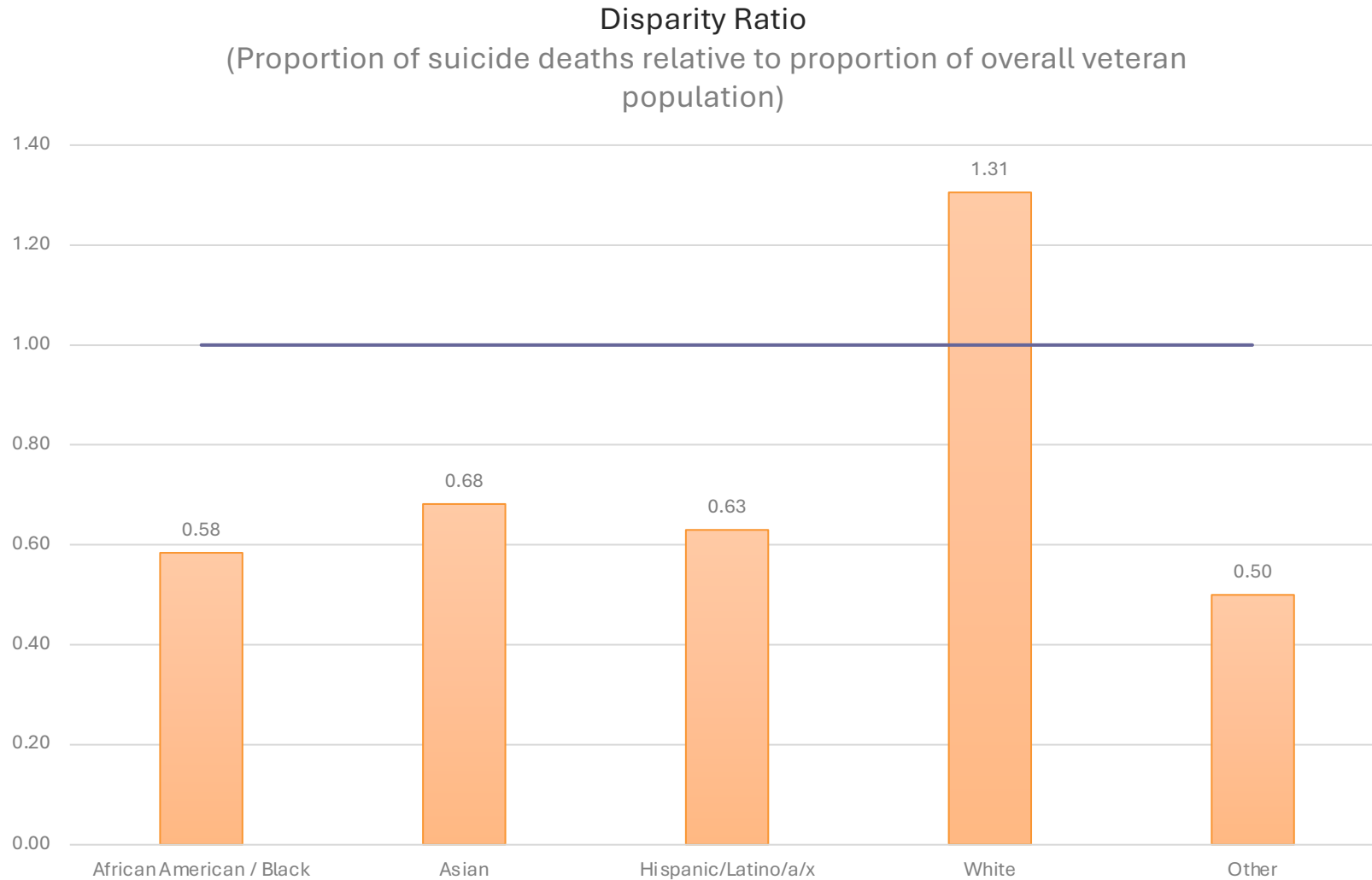
White veterans account for 73% veteran suicides but make up only 56% of the Alameda County veteran population



■ White ■ African American / Black ■ Asian ■ Hispanic/Latino/a/x ■ Other

Suicide deaths are from 2005-2022; population estimates are from 2010 5-year ACS, and 2022 5 year ACS.

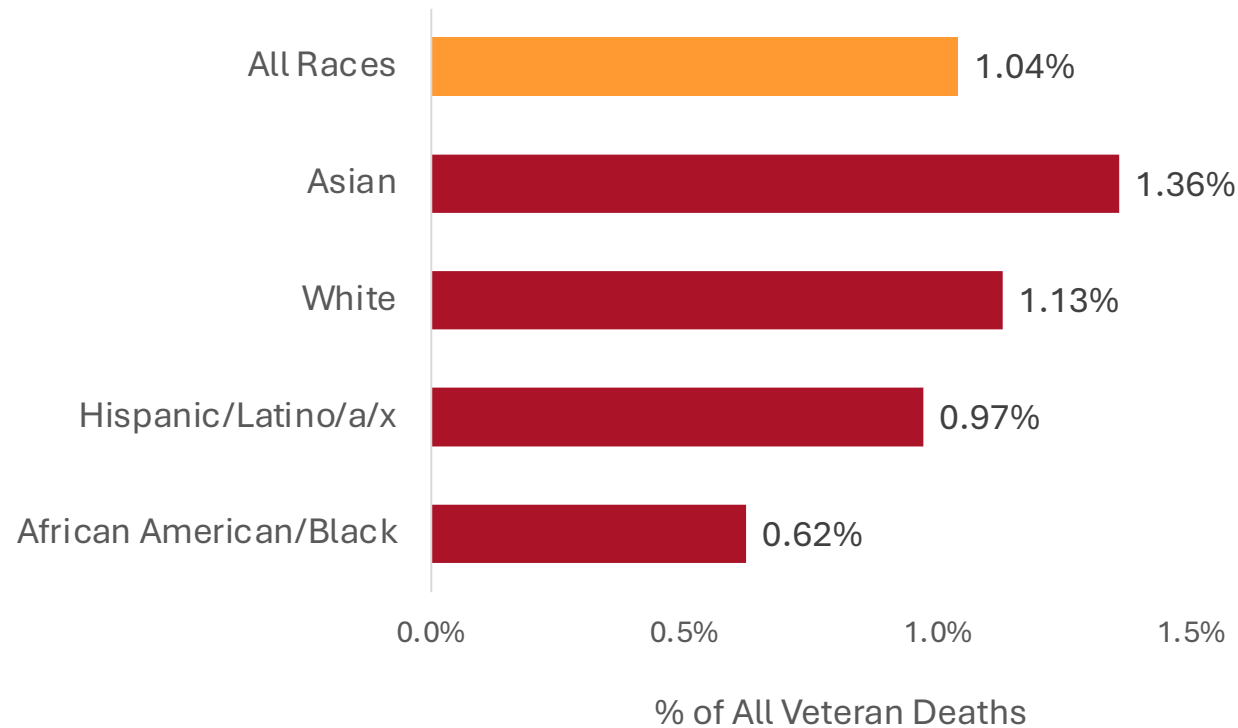
By Race/Ethnicity



White veterans are disproportionately represented among suicide decedents.

By Race/Ethnicity

Suicide Deaths of Veterans as % of All Deaths 2005 - 2022

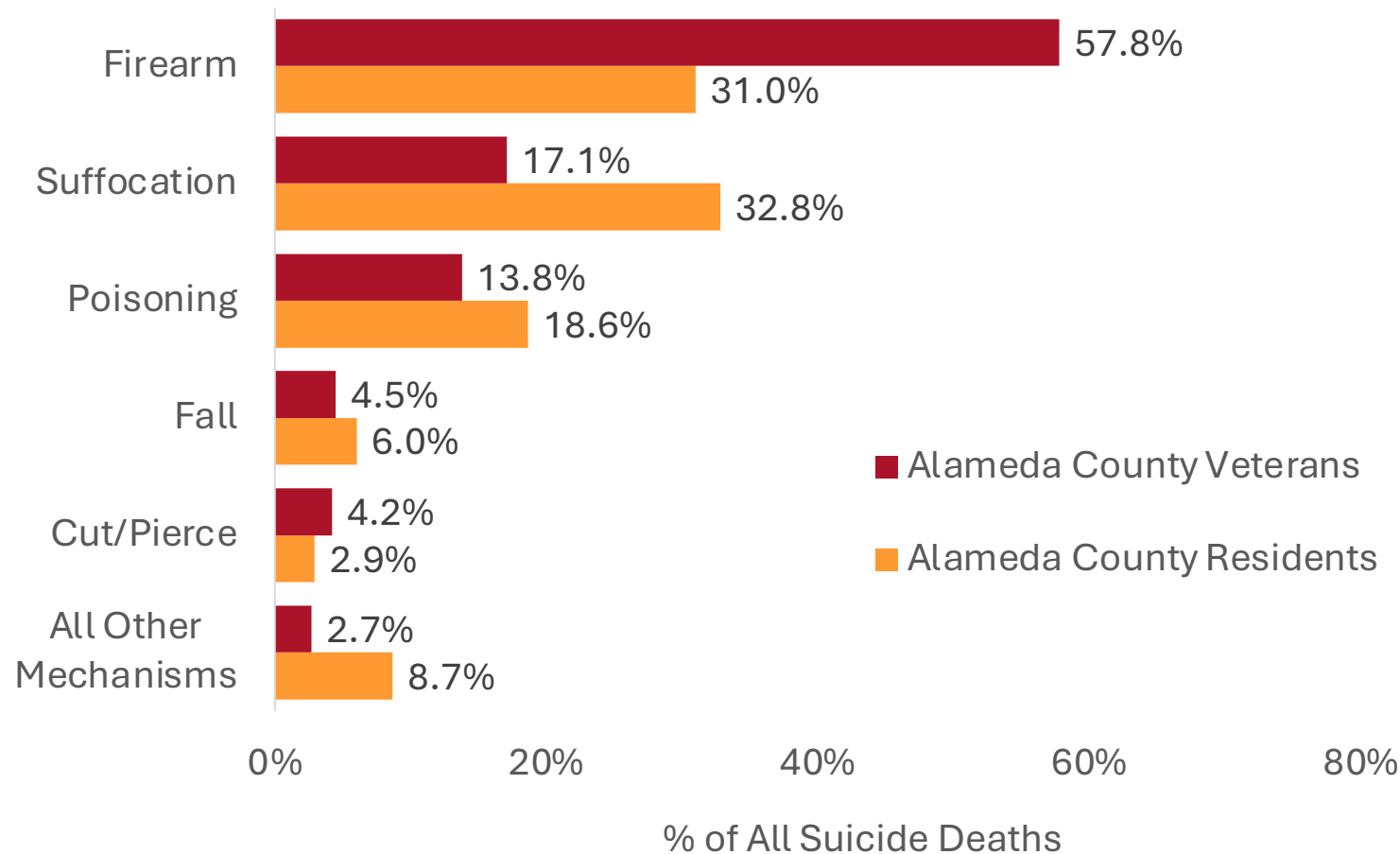


Suicides make up 1% of all deaths that occurred among veterans

Asian veterans have a slightly higher proportion of deaths that are suicides compared to veterans of other races/ethnicities

By Mechanism

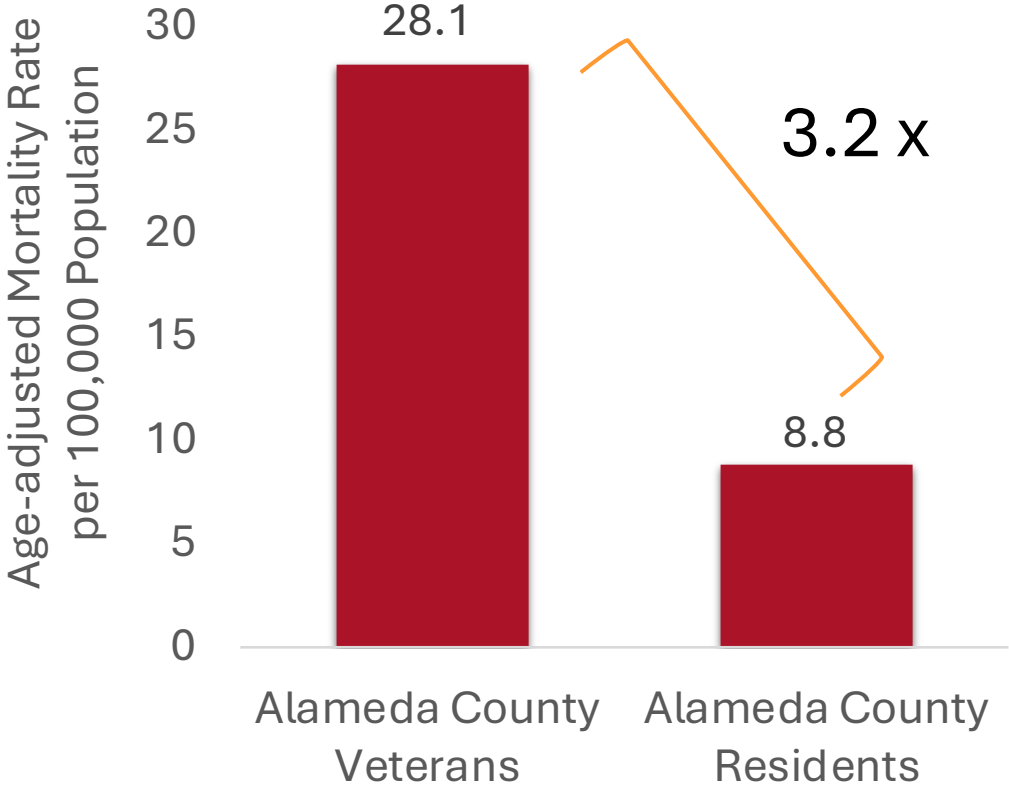
Suicide Deaths of Veterans and Residents of Alameda County by Mechanism, 2005-2022



Veteran suicides are more likely to be due to firearms than suicides among all Alameda County residents.

Suicide Rates

**Suicide Mortality Rate of Veterans and Residents of Alameda County
2018 - 2022**



Overall, veterans in Alameda County have a mortality rate 1.5 times higher than the general population. Suicides contribute to this disparity.

Veterans of Alameda County are **3.2 times** more likely to die by suicide than all residents of Alameda County

Vulnerable Veteran Populations

- Veterans experiencing homelessness
 - Homeless veterans are twice as likely to die by suicide than those with no history of homelessness.¹
- Formerly incarcerated veterans
 - Justice involved veterans are twice as likely to attempt suicide as veterans with no history of criminal justice involvement.²

Nine percent of veterans who died by suicide in Alameda County from 2018 to 2022 were experiencing or had recently experienced homelessness.

Source: 1) US Department of Veterans Affairs. Suicide among veterans experiencing homelessness.

2) Holliday, R., Forster, J. E., Desai, A., Miller, C., Monteith, L. L., Schneiderman, A. I., & Hoffmire, C. A. (2021). Association of lifetime homelessness and justice involvement with psychiatric symptoms, suicidal ideation, and suicide attempt among post-9/11 veterans. *Journal of psychiatric research*, 144, 455-461.

Firearm Access and Suicide Risk

- Suicidal crisis can often be impulsive, short-lived
 - Often little planning, and minutes between the decision and the attempt.
 - 93% of those who attempt suicide and survive do not go on to die by suicide.
- Firearms are the most lethal method
 - 90% of suicides by firearm are lethal, most other methods are far less lethal.
 - Can't reverse a suicide attempt by firearm
- **Putting time and distance between a suicidal person and a gun may save a life**

Firearms and Suicide Prevention

- Lock firearms and ammunition
- Be alert to signs of suicide in friends and family, keep guns away until they recover
 - Develop a plan to put time between someone in crisis and firearm
 - Store firearm with a friend or family outside of the home; lock firearms and give key to a friend
- Lethal means safety counseling
- Gun Violence Restraining Orders to temporarily remove a firearm from someone who is at high risk

Interventions that address firearm access are only part of the solution

Resources & Calls to Action

- Swords to Plowshares Suicide Prevention Training: Eric Wick - eric.wick@stp-sf.org
- Palo Alto VA Mobile Medical Unit Outreach: LaShelle Burch - lashelle.burch@va.gov
- American Legion “Be the One” Campaign: www.legion.org/betheone
- Alameda County Veterans Affairs Commission, Stand Down event Dec 20-21 at SVDP
- Sign the Alameda County Veterans Affairs Commission petition for a Stand Alone VSO: <https://www.jotform.com/form/241261256961153>
- [National Strategy: national-strategy-suicide-prevention.pdf\(hhs.gov\)](#)
- Law Enforcement Suicide Data Collection Act: <https://www.govinfo.gov/content/pkg/COMPS-15718/pdf/COMPS-15718.pdf>
- Check in on your buddies! Dial 988 for 24/7 assistance.

Contact and Notes

Ari Davis

Violence Prevention Epidemiologist
Office of Violence Prevention; Community Assessment, Planning, and Evaluation
Alameda County Public Health Department
ari.davis@acgov.org

Data analysis:

Matt Beyers and Yilak Fantaye

Community Assessment, Planning, and Evaluation
Alameda County Public Health Department

Data Source:

Deaths data from Alameda County vital statistics files. Veteran population derived from American Community Survey PUMS. Alameda County population derived from Esri demographic data.

Slides 3 and 13 by Omar Farmer

Reference for slide 3 / page 15: <https://www.researchgate.net/publication/281293262>

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:9/12/2024

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

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

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

	<ul style="list-style-type: none"> Tasks 24 and 25 will no longer be subject to active monitoring.
IMT Visit	Nov 24
Next CMC	8 Jan 2025, 3:30 p.m.

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

Policy	
J-04 Pursuit Policy	In OPC Community Policing Ad Hoc. Attended and presented at the Public Forum on 31 Jul 24.
BFO P&P 15-01 Community Policing	OPC approved Draft First Reading – 25 Jul 24 Police Commission Reviewing Policy outcome from Ad Hoc
Sexual Misconduct Policy	Under review with the City Attorney's Office.
Racial Profiling / Bias Policy (DGO M-19)	Under final review with the stakeholders and will soon be presented to the Commission.
K-4: Reporting and Investigating the Use of Force. (SO 9214)	OCA review complete. Executive Team review for final submission. Pending scheduling for Chief presentation and review.
SO 9216: Excited Delirium	Special order presented to OPC twice. Pending OPD approval.
Militarized Equipment Annual Report	Draft presented to the Police Commission on 11 Jul 24.

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

Topic																	
Staffing & resource management	<p><i>Sworn Staffing</i> Authorized: 678 Filled: 687</p> <p><i>Communications Dispatchers</i> Authorized: 78 Filled: 68 (25 in training)</p> <p><i>Professional Staffing</i> Authorized: 303.50 Filled: 260.5</p> <p><i>Vacancies of note:</i> Police Records Specialist (4) (6 Police Records Specialist positions are frozen) Police Communications Dispatcher (10)</p> <table border="1" data-bbox="414 1690 933 1911"> <thead> <tr> <th>As of Sept 6, 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>3</td> <td>4</td> <td></td> <td></td> </tr> </tbody> </table>	As of Sept 6, 2024 (Sworn only)	Admin Leave	Medical Leave On-Duty Illness/ Injury	Medical Leave Personal Illness/ Injury	Military Leave	2+ Years	3	4								
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2+ Years	3	4															
	<p><i>Long-term leave:</i> 76 sworn employees</p> <ul style="list-style-type: none"> 43 Medical Leave 33 Admin Leave <ul style="list-style-type: none"> 1 Lieutenant 4 Sergeants of Police 28 Police Officers 0 Military Leave <p>Of the 33 sworn personnel on admin leave, 11 have been off for 1-2 years. The annual cost associated with those 11 employees is \$2,996,244. The cost breakdown is below:</p> <table border="1" data-bbox="974 1680 1485 1879"> <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>	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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1-2 Years	12	8																									
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2-6 months	10	10	1																								
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Total	33	36	5	2																							
Academy Recruits	<p>Academy 193rd: 12 graduated on 10 May 24 – Currently in FTO 4th Phase.</p> <p>Academy 194th: Started June 2024. Chief Mitchell and Commissioner Jackson attended first day.</p> <ul style="list-style-type: none"> • 28 OPD and 1 outside agency (Alameda PD) - Now in 12th week. • Scheduled to Graduate 20 Dec 24 <p>Academy 195th: Scheduled to start on 9 Nov 24</p> <p>Academy 196th: TBD</p>																										
General Department functions (IAD)	<p>Skelly Data:</p> <ul style="list-style-type: none"> • All trained Commanders and Managers can conduct Skelly’s • Changed to digital format • Waiver for Officers <ul style="list-style-type: none"> ○ Working with City Attorney to formalize • Added personnel to assist 	<p>Number of pending Skelly’s - 164</p> <p>Number of Skelly Hearing Officers – 45</p> <p>Number of Skelly in “hearing” status - 30</p> <p>Wait time for each Skelly – Varies</p> <p>How are Skelly Officers selected (training, recusals. Etc.) - Must attend Skelly Hearing Officer Training</p> <p>A Skelly Unit dashboard is currently being created for tracking</p>																									
IAD Cases	<p>2023</p> <p>2040 total cases</p> <p>114 Sustained cases</p> <p>348 sustained allegations</p>		<p>2024</p> <p>Total cases this year closed – 757 (as of 31 Jul 24)</p> <p>Total cases open – 1162 (as of 15 Aug 24)</p> <p>Total cases in IA – 74 (as of 15 Aug 24)</p> <p>Total cases in DLI – 125 (as of 15 Aug 24)</p>																								
SB 2	<p>https://post.ca.gov/Peace-Officer-Certification-Actions</p>		<p>SB 2 List: 2024 (Year-To-Date)</p> <p>3 total Oakland PD</p>																								
General Department functions (CID)	<p>SVS Juvenile Cases: 2024 (Year-To-Date)</p> <ul style="list-style-type: none"> • Juvenile Arrests: 266 total juvenile arrests • Referrals to restorative justice programs (i.e. NOAB): 3 • YTD Restorative Justice Referrals: 42 <p>Missing Persons: 2024 (Year-To-Date)</p> <ul style="list-style-type: none"> • YTD MPU Cases: 836 • YTD Closed MPU Cases: 700 <p>DVU Cases: 2024 (Year-To-Date)</p> <ul style="list-style-type: none"> • Total cases: 2,489 • Clearance rate on DV cases is near 100%: These are named suspect cases. All I/C and Out of Custody 		<p>Hate Crimes: 2024 (Year-To-Date)</p> <ul style="list-style-type: none"> • Total Cases: 21 • New cases: 1 • Hate Crime Investigators <ul style="list-style-type: none"> ○ Ofc. Mae Phu ○ Ofc. W. Earl Seay 																								

	<p>cases get reviewed by an investigator.</p> <ul style="list-style-type: none"> • Domestic Dispute - 668 • 243(e)(1) - 639 • 273.5 - 699 	
Education and training regarding job-related stress, PTSD, wellness	<p>September is Suicide Prevention Awareness Month</p> <ul style="list-style-type: none"> • Posted information/resources • Peer Support and the Professional Development and Wellness Unit emailed information/resources to everyone at OPD <p><u>Wellness Center Activities:</u></p> <ul style="list-style-type: none"> • Lexipol Webinar on Strengthening Resiliency: 5 Actionable Solutions to Improve Wellness • OPD Chaplin's Meeting • Promoted National Police Women Day 	
Budget QUARTERLY	Last: Next:	
Citywide Risk Management QUARTERLY	Last: 27 Aug 24 Next: 19 Nov 24	

V. Collaboration with OIG

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

VI. Collaboration with CPRA

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

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

VIII. Collaboration with Community

Project	
OPOA Women's Committee Mixer	Chief Mitchell attended on Aug. 22 nd
Clean & Safe City	Aug. 23, 26, 27, 29, and 30th – 5:30 to 7:30 p.m.

National Night Out	Tuesday, 6 Aug 24 4:00pm - 8:00pm
Blood Drive – Red Cross	Completed 23 Jul 24
Community Mentorship	Two officers and our Wellness Coordinator attended an event in the community to mentor young girls along with PAL (Oakland Police Activities League) and Merritt College - July 26th.
Job Fair	<p>On April 25, 2024, Communications Division staff participated in the Oakland Coliseum Job Fair alongside the R&B Unit. This event allowed them to engage face-to-face with individuals interested in working with the OPD dispatch team. They extended personal invitations to the attendees to attend the Virtual Dispatcher Information Session scheduled for later that evening. It was encouraging to see that several people who connected with the dispatchers at the job fair joined the virtual session, allowing them to maintain their enthusiasm and continue the dialogue about the critical role of dispatchers in our community.</p> <p>On May 1, 2024, Communications Division staff attended the Merritt College Job Fair, where they interacted with numerous individuals expressing interest in joining the Oakland Police Department. Notably, one attendee shared that she had recently met a dispatcher at the City of Oakland Job Fair on March 22, 2024. She felt this repeated encounter was a sign that she should pursue a dispatcher job with the Oakland Police Department. This reaffirmed the importance of the Communications Division staff's consistent presence at community events, demonstrating that their ongoing engagement is impactful and essential for building lasting connections and inspiring future applicants.</p>

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

File	Status
None	

X. New Laws Affecting OPD

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

XI. Required Reporting to the California Department of Justice / Attorney General

XII. Policy/Practice on Publishing Department Data Sets, OMC 2.45.070(P)

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

XIII. Any Commission Requests Made by Majority Vote of Commission – Status Update, Charter 604(b)(8)

XIV. Report from Department via City Administrator or designee, on Issues Identified by Commission through Commission’s Chair, OMC 2.45.070(R)

Request	

30x30 - OPOA Women's Committee	<ul style="list-style-type: none"> • Lt. Alexis Nash to present: <ul style="list-style-type: none"> ○ 30x30 ○ OPOA Women's Committee ○ Women Leaders in Law Enforcement Symposium (WLLE)
Patterns Definition	<ul style="list-style-type: none"> • Presented 22 Aug 24 - "Patterns" Definition – Lt. Hubbard
Skelly	<ul style="list-style-type: none"> • Presented 22 Aug 24 - Update on Skelly – Act. Capt. Dorham
Wellness Unit	<ul style="list-style-type: none"> • Presented 22 Aug 24 - Wellness Unit Update – Dr. Nettles
J-04 Pursuit Policy	<ul style="list-style-type: none"> • Presented on 31 Jul 24 at the Community Policing Ad Hoc Public Forum - Capt. Ausmus, A/Captain E. Perez-Angeles, and Sgt. Urquiza-Leibin
SB 2	<ul style="list-style-type: none"> • Presented on 25 July 24 – Lt. Dorham
911 System Grand Jury Report Presentation	<ul style="list-style-type: none"> • Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng
MACRO Strategy Development	<ul style="list-style-type: none"> • Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng
MACRO Data	<ul style="list-style-type: none"> • Temporarily unable to extract data due to new CAD System
Paid Admin Leave Budget	<ul style="list-style-type: none"> • Presented on 13 Jun 24 Manager Marshall and Chief Mitchell
MACRO Presentation	<ul style="list-style-type: none"> • Presented on 23 May 24 Communications Manager – Mgr. Cheng
Ceasefire	<ul style="list-style-type: none"> • Presented on 8 May 24 – A/C Valle
IAD/Skelly	<ul style="list-style-type: none"> • Presented on 8 May 24 and 13 Jun 24 - Lt. Dorham
CHP	<ul style="list-style-type: none"> • Governor Newsom deployed CHP to Oakland to help "fight crime." (https://www.sfgate.com/bayarea/article/newsom-deploys-chp-officers-to-oakland-18656944.php) • OPD is working on a draft resolution for city council to request to enter an MOU with CHP. This initiative is similar to one that occurred in 2013: https://oakland.legistar.com/LegislationDetail.aspx?ID=1287123&GUID=303EB8E7-C23D-4A83-8012-D6BA29C03940

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



OAKLAND POLICE COMMISSION

REGULAR MEETING MINUTES

June 13, 2024

City Hall Council Chamber (1 Frank Ogawa Plaza, Oakland)

1. Call to Order, Welcome, Roll Call, Determination of Quorum

(5:44 P.M.)

- **Chair:** Marsha Carpenter Peterson
- **Commissioners Present:** Vice Chair Karely Ordaz, Regina Jackson, Wilson Riles, Ricardo Garcia-Acosta, Angela Jackson-Castian

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

2. Closed Session (5:45 P.M. to 6:41 P.M.)

Topics:

- **Existing Litigation:** Delphine Allen et al., v. City of Oakland, et al. N.D. Cal No, 00-cv-4599-WHO
- **Public Employee Discipline/Dismissal/Release**
- **Public Employee Appointment/Employment: Title:** Inspector General

No Public Comments

3. Redetermination of Quorum and Read-Out from Closed Session

- **Chair:** Marsha Peterson
- **Roll Call:** Same as initial roll call.

Public Comment: (*Grinage*)

4. Open Forum Part 1

Public Comments: (*Mandal; Haleem; Grinage*)

- Various public speakers addressed topics outside the agenda but related to the Commission's work.

5. PUBLIC FORUM HEARING: Discussion of the Mayor's Budget for the Oakland Police Department

The Commission invited public feedback and discussion of the Mayor's budget for OPD to inform the Commission's recommendations to the Mayor and City Council.

Oakland Charter §604(b)7

Review the Mayor's proposed budget to determine whether budgetary allocations for the Department are aligned with the Department's policies, procedures, customs, and General Orders. The Commission shall conduct at least one public hearing on the Department budget per budget cycle and forward any recommendations for change to the City Council.

Topics:

- **Skelly Hearings and Staffing:** Discussion on the need to increase the number of officers available to conduct Skelly hearings, streamline the process, and reduce administrative leave times.
- **Mental Health Budget:** Motion to increase the mental health budget by 20% due to increased stress on officers.
- **Public Comments:** Community members voiced concerns about the Mayor's budget proposal, particularly regarding staffing shortages and its impact on public safety and response times.

Next Steps:

- **Reporting:** The Oakland Police Department is expected to provide details on pending Skelly cases, including the number of cases, the duration they've been pending, and the reasons for delays.
- **Follow-up Meetings:** Continue discussions on improving the efficiency of the Skelly hearing process, with potential exploration of contracting outside Skelly officers.
- **Mental Health Budget Implementation:** The increased budget proposal will be further discussed and implemented as needed.

Commissioner Comments for Public Forum Hearing:

- **Support for Mental Health Budget Increase:** Commissioners unanimously supported increasing the mental health budget by 20%, recognizing the growing stress and pressure on officers.
- **Concerns About Skelly Hearing Process:** Commissioners expressed concerns about the delays in Skelly hearings, urging for more streamlined processes and better utilization of available officers.
- **Cultural Shift and Community Engagement:** Several commissioners emphasized the need for ongoing cultural changes within the Oakland Police Department, particularly in addressing systemic issues and ensuring constitutional policing.
- **Future Focus:** The commission highlighted the importance of continuing to monitor and improve internal processes, ensuring that the department's operations align with community expectations and legal requirements.

Public Comments for Public Forum Hearing: (Mandal; Grinage; Singleton)

- **Concern Over Budget Cuts:** Multiple community members expressed concerns about potential budget cuts to the Oakland Police Department, particularly regarding civilian positions like evidence technicians and criminalists, emphasizing the negative impact on public safety and crime scene processing.
 - **Call for Efficient Resource Use:** Commenters suggested reallocating resources, such as moving internal investigations to civilian oversight bodies, to free up officers for public safety duties.
 - **Support for Increased Mental Health Resources:** There was public support for the proposed increase in the mental health budget, highlighting the importance of addressing officer wellness and its impact on job performance.
 - **Accountability and Cultural Change:** Some speakers highlighted the need for ongoing accountability and cultural shifts within the department, noting past issues and the importance of adhering to constitutional policing standards.
-

6. Update from Oakland Police Department (OPD)

Topics:

- **Staffing and Resource Allocation:** Discussions on increasing the number of officers and investigators to address backlogs in Skelly hearings and reduce administrative leave durations.
- **Budget Concerns:** Consideration of the financial impact of maintaining officers on administrative leave and the potential reallocation of resources.
- **Cultural and Procedural Changes:** Emphasis on addressing the internal culture and improving processes related to discipline and due process.

Next Steps:

- **Increase Skelly Hearing Officers:** Actively recruit and assign more officers as Skelly hearing officers to reduce case backlogs.
- **Evaluate and Adjust Procedures:** Review and potentially revise procedures related to Skelly hearings, particularly in determining whether officers wish to appeal disciplinary actions.
- **Expand Administrative Roles for Officers on Leave:** Explore opportunities for officers on administrative leave to take on light or modified duty assignments.
- **Engage in Ongoing Cultural and Structural Reviews:** Continue efforts to address and evolve the internal culture of the department, especially in alignment with constitutional policing standards.

Public Comments: *(Grinage)*

7. Ad Hoc Committee Reports

Negotiated Settlement Agreement (NSA) Ad Hoc: (Commissioners Peterson (Chair), Jackson, Ordaz)

Topics:

- **Meeting Judge's Order:** The Ad Hoc Committee is focused on complying with the judge's order to discuss the future of the NSA, including whether the monitors should stay, be eliminated, or have their duties modified.
- **Cultural Accountability:** Continued focus on addressing cultural issues within the Oakland Police Department, including racial profiling and broader implications on constitutional policing.
- **Sustainability of Reforms:** Discussion on the sustainability of reforms implemented under the NSA and how they can be maintained after the monitors' potential departure.

Next Steps:

- **Develop NSA Statement:** Finalize the Commission's statement to the Federal Monitor, incorporating community feedback and concerns about cultural accountability.
- **Organize Key Stakeholder Meeting:** Work towards organizing the meeting as directed by the judge, involving all relevant parties to discuss the future of the NSA and its monitoring processes.
- **Continue Community Engagement:** Keep engaging community members in discussions about the NSA and its impact, ensuring their input is reflected in the Commission's actions and recommendations.

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

- **Review of City Council Edits:** The Ad Hoc Committee is focused on reviewing the recent edits made by City Council members to the enabling ordinance that governs the Commission's work.
- **Feedback and Recommendations:** The committee is working on providing feedback, comments, and recommendations to City Councilmembers Kalb and Jenkins regarding these edits.
- **Meetings with Council Members:** Planning to meet with City Councilmembers Kalb and Jenkins, who endorsed these edits, to discuss potential revisions and improvements.

Next Steps:

- **Finalize Comments:** Continue reviewing the ordinance edits and finalize the committee's comments and questions.
- **Engage with Council Members:** Set up meetings with City Councilmembers Kalb and Jenkins to discuss the committee's feedback and reach a consensus on any necessary revisions.
- **Draft Final Recommendations:** Prepare and submit the committee's final recommendations to City Councilmembers Kalb and Jenkins for consideration.

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

Topics:

- **Update of Racial Profiling Policy (M-19):** The committee is focused on updating the existing racial profiling policy to include stronger accountability measures.
- **Cultural Accountability Statement:** Development of a cultural accountability statement to address historical and systemic issues related to racial profiling.
- **Discipline Recommendations:** Establishing clear discipline protocols for violations of the racial profiling policy.
- **Training Document:** Creating a comprehensive training document in collaboration with Dr. Eberhardt to support the updated policy.

Next Steps:

- **Complete Training Document:** Finalize the training document with Dr. Eberhardt's guidance.
- **Consult Stakeholders:** Engage with community members and stakeholders for additional input.
- **Review and Approval:** Submit the final policy, accountability statement, and training document for approval by the Commission and OPD leadership.
- **Implementation:** Plan the implementation and monitoring of the updated policy and training across the department.

Community Policing Ad Hoc: (Commissioners Riles (Chair), Jackson, Garcia-Acosta)

Topics:

- **Review of Pursuit Policy:** The ad hoc will review the existing pursuit policy, particularly in response to concerns from retail shops and community members about aggressive pursuits.
- **Community Involvement in Pursuit Tracking:** Exploring alternative methods for community involvement in tracking suspects that do not involve vehicle pursuits.
- **Potential Role in Reviewing AB 2773:** Assessing the relevance of AB 2773 regarding police stops and whether this should be included in their scope of work.

Next Steps:

1. **Schedule and Conduct Review:** The ad hoc committee is set to begin its work with a meeting scheduled for June 19th.
2. **Engage with Community:** Involve community groups and neighborhood associations in discussions about non-vehicle pursuit tracking methods.
3. **Prepare Report for City Council:** Draft and submit a report to the City Council by early September with recommendations based on their findings and community input.

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

Topics:

- **Recruitment for Inspector General (IG):** Focused on filling the IG position following the current IG's departure to Minneapolis.
- **Administrative Analyst and Project Manager Positions:** Recruitment and hiring processes for these roles are ongoing.
- **Utilizing Subject Matter Experts:** Involvement of experts in oversight and accountability to assist in the IG recruitment process.

Next Steps:

- **Finalize IG Recruitment:** Complete the recruitment process by the end of June, with a goal to have interviews and possibly a hire by the time of the September CMC.
- **Hire Administrative Analyst:** Begin reviewing resumes and proceed with hiring within the next month or six weeks.
- **Select Project Manager:** Continue the selection process with the aim to have the project manager onboard by mid to late September.

Annual Report Ad Hoc: (Commissioner Peterson(Chair), Ordaz, Jackson)

Topics:

- **Drafting the 2023 Annual Report:** Review and revision of the draft report, which outlines the Commission's work and accomplishments.
- **Collaboration:** Input from Commissioner Ordaz, Commissioner Jackson, and the Chair, supported by the Chief of Staff, Mykah Montgomery.
- **Finalization:** Preparation of the report for presentation to the full Commission before it is finalized and sent to print.

Next Steps:

- **Complete Review:** Finalize the draft and incorporate any necessary changes.
- **Commission Review:** Present the final draft to the full Commission for approval.
- **Publication:** Prepare the report for printing and public distribution.

Public Comments: (*Grinage*)

8. Cancellation of Commission Meetings on [September 12, 2024](#); [November 28, 2024](#); [December 26, 2024](#)

- **Motion Made by:** Commissioner Jackson
 - **Motion:** To cancel Commission meetings scheduled for September 12, 2024, November 28, 2024, and December 26, 2024.
- **Seconded by** Commissioner Garcia-Acosta

No Public Comments

Vote:

- **Ayes:** All Commissioners present
- **Nays:** None

Result: The motion passed unanimously; the specified meetings were canceled.

9. Upcoming / Future Agenda Items

- **Rules and Procedures Ad Hoc:**
 - Transition from Enabling Ordinance Ad Hoc to Rules and Procedures after current tasks are completed.
- **Discipline Matrix Ad Hoc:**
 - Transition from the Racial Profiling Ad Hoc to focus on the Discipline Matrix.
- **Senate Bill 2 (SB 2):**
 - Continued discussion and monitoring of SB 2 implementation.
- **Paid Leave Policy:**
 - Ongoing discussions regarding the OPD's paid leave policy.
- **Police Chief Evaluation:**
 - Formation of an ad hoc committee for the upcoming police chief evaluation.
- **Retreat Planning:**
 - Scheduling and planning for the Commission retreat.
- **Staff Searches Updates:**
 - Continuous updates on the Inspector General search and related staffing matters.

Public Comments: *(Janks)*

10. Open Forum Part 2

No Public Comments

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

No additional closed session was required.

12. Adjournment

- The meeting adjourned at 8:47 P.M.

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OAKLAND POLICE COMMISSION

REGULAR MEETING MINUTES

June 27, 2024

City Hall Council Chamber (1 Frank Ogawa Plaza, Oakland)

1. Call to Order, Welcome, Roll Call, Determination of Quorum

(5:41 PM)

- **Chair:** Marsha Carpenter Peterson
- **Commissioners Present:** Vice Chair Karely Ordaz, Regina Jackson, Wilson Riles, Ricardo Garcia-Acosta, Angela Jackson-Castina; Alternate Commissioner Omar Farmer (Elevated to Commissioner)

Commissioner Ordaz arrived after the roll call.

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

2. Closed Session (5:41 P.M. to 6:55 P.M.)

Topics:

- **Existing Litigation:** Delphine Allen et al., v. City of Oakland, et al. N.D. Cal No, 00-cv-4599-WHO
- **Public Employee Discipline/Dismissal/Release**
- **Public Employee Appointment/Employment: Title:** Inspector General

No Public Comments

3. Redetermination of Quorum and Read-Out from Closed Session

- **Chair:** Marsha Carpenter Peterson
- **Roll Call:** Same as initial roll call.

Vice Chair Ordaz present and Alternate Commissioner Farmer (de-elevated to Alternate Commissioner)

4. Open Forum Part 1

Public Comments: *(Olugbala; Grinage; Leonard)*

- Various public speakers addressed topics outside the agenda but related to the Commission's work.

5. Welcome Alternate Commissioner Farmer

Public Comments: *(Leonard; Olugbala; Grinage; Kramer)*

6. Thank You and Farewell to Vice Chair Ordaz for Service on the Oakland Police Commission from Oct 2022 - June 2024.

Public Comments: *(Leonard; Contreras; Grinage; Singleton)*

7. Oakland Police Department Update

Topics:

- **Use-of-Force Trends & Data Transparency:**
 - Concerns were raised about the frequency and transparency of use-of-force incidents, specifically regarding racial data tracking.
- **Budget Cuts:**
 - The OPD and CPRA face a 37% budget cut, leading to concerns about staffing and the ability to maintain essential services, including community policing and mentorship programs.
- **Transition of Internal Affairs (IA) to CPRA:**
 - Ongoing efforts to transition IA responsibilities to CPRA, including the hiring of consultants for strategic planning and workload assessment.

Suggestions:

- **Data Transparency:**
 - Implement a new database system to track better and report use-of-force incidents by race and other demographics.
- **Consultation on Budget Impact:**
 - Engage with community stakeholders to explore alternative funding models or program adjustments in light of budget cuts.

Next Steps:

- **Future Agenda Items:**
 - Include discussions on juvenile arrests, the impact of budget cuts on community policing, and a review of the police chief's evaluation process.

Public Comments: *(Olugbala; Kramer; Grinage; Cleveland; Janks; Contreras; Singleton)*

8. Community Police Review Agency (CPRA) Update**Topics:**

- 1. Pending Cases and Caseload Management:**
 - Discussion on reducing average case closure time.
 - Improvement in investigative efficiency.
- 2. Budget and Staffing Concerns:**
 - Impact of budget cuts on CPRA's ability to expand.
 - Delay in hiring due to budget constraints.
- 3. CPRA Manual:**
 - Progress on drafting the manual.
 - Importance of community outreach and easy-to-understand materials.
- 4. Mediation Program:**
 - Implementation of best practices.
 - Collaboration with community boards.

Suggestions:

- Focus on streamlining the investigation process to maintain or further reduce case closure times.
- Continue advocacy for budget and staffing needs to avoid operational disruptions.
- Ensure community involvement in finalizing the CPRA Manual.
- Strengthen the mediation program by incorporating lessons from other jurisdictions.
- **Community Engagement:**
 - Consider a "CPRA Roadshow" to increase community awareness of police oversight activities.

Next Steps:

- Finalize and present the CPRA Manual by August 1st.
- Monitor the budget situation and its impact on CPRA operations.
- Launch the mediation program after final discussions with stakeholders.
- Continue tracking pending cases and aim for consistent case management improvements.

- **Data Reporting:**
 - Director Muir to consult with legal counsel on the feasibility of reporting racial data for complainants in use-of-force cases.
- **Consultant Reports:**
 - The hired consultants will conduct a workload assessment for IA and CPRA, with findings expected to guide future staffing and operational strategies.

Public Comments: (*Grinage; Olugbala*)

9. Ad Hoc Committee Reports

Negotiated Settlement Agreement (NSA) Ad Hoc: (Commissioners Peterson (Chair), Jackson, Ordaz)

Topics:

1. **Weekly Meetings:**
 - Regular meetings are needed to develop the Compliance Management Court (CMC) addendum.
 - Collaboration with Brigid Martin from the Office of the City Attorney.
2. **Addendum to CMC:**
 - Focus on refining and finalizing the content for the NSA addendum.
 - Addressing outstanding questions related to the addendum.

Next Steps:

1. Continue weekly meetings to finalize the addendum to the CMC.
2. Work with Brigid Martin to resolve outstanding legal questions and refine the content.
3. Present the finalized NSA addendum to the Commission for approval before submitting it to the City Council.

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

Topics:

- **Weekly Meetings:**
 - Ongoing weekly meetings to review and refine revisions to the enabling ordinance.
 - Focus on ensuring that all necessary changes and comments are incorporated before submission.
- **Final Review:**
 - Currently in the final review phase of revisions and comments to be sent back to Councilmembers Kalb and Jenkins.

Next Steps:

- Finalize the review of revisions and comments.
- Prepare the final document for submission to Councilmembers Kalb and Jenkins.
- Schedule a Commission vote on the revised ordinance before sending it.

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

- **Policy Updates:**
 - Continued review of the Monitoring Report (MOR) and updates to policies related to racial profiling.
- **Cultural Accountability Statement:**
 - Development and finalization of a statement designed to enhance cultural accountability within the police department.
- **Collaboration with Experts:**
 - Ongoing collaboration with Dr. Jennifer Eberhardt and other experts to design and implement a comprehensive training curriculum on racial profiling.

Next Steps:

- **Review and Finalize Training Curriculum:**
 - Finalize and review the training curriculum with input from external experts.
- **Review Discipline Matrix:**
 - Begin the process of reviewing the discipline matrix for cases related to racial profiling.
- **Recommendations to POST and DOJ:**
 - After completing the internal processes, racial profiling training should be recommended to POST (Peace Officer Standards and Training) for statewide implementation, and findings should be shared with the Department of Justice (DOJ) for potential national consideration.
- **Next Meeting:**
 - The next meeting is scheduled for July 10th. The focus will be reviewing the training curriculum and preparing for subsequent tasks related to the discipline matrix and external recommendations.

Community Policing Ad Hoc: (Commissioners Riles (Chair), Jackson, Garcia-Acosta)

Topics:

- **Upcoming Community Forum on Police Pursuit Policy:**
 - Discussions on organizing a community meeting focused on police pursuit policy, including the history, statistics, and community perspectives.
 - Collaboration with the Police Department and Inspector General's Office to provide comparative analysis during the forum.
- **Review of Community Resource Officers' General Orders:**
 - Examination of new general orders related to Community Resource Officers (CROs) and may include differences between the community's preferences and the department's current practices.

Next Steps:

- **Schedule Community Forum:**
 - Work with the Chief of Staff to organize the community forum, potentially scheduled for July 17th or 31st.
- **Prepare for Community Policing General Orders Discussion:**
 - Obtain and review the new general orders report from the former Commissioner, Jesse Hsieh, and address any points of contention between the department and community expectations.
- **Collaboration and Outreach:**
 - Continue working with the Coalition and other community partners to ensure comprehensive representation of community voices in discussions regarding policing policies.

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

Topics:

- **Inspector General Position:**
 - The Inspector General job description was posted successfully, and six applicants received it shortly after posting.
 - Discussion on the selection process and timeline, including interviews and public forums.
- **Administrative Analyst and Project Manager Positions:**
 - Updates on the requisitions for these positions are currently pending due to budget approval and other administrative delays.

Next Steps:

- **Continue the Hiring Process for Inspector General:**
 - Review applicants and conduct interviews to present final candidates in a public forum by August 4th.
- **Monitor and Expedite Other Position Requisitions:**
 - Follow up on the requisitions for the Administrative Analyst and Project Manager positions, with an aim to proceed with interviews and hiring by September.
- **Adapt to Budgetary Constraints:**
 - Continue to work within the limitations imposed by the budget while pushing forward with critical staffing needs.

Retreat Ad Hoc: (Commissioners Jackson-Castain (Chair), Ordaz, Jackson)**Topics:**

- **Consultant Selection for Second Phase of Retreat:**
 - Discussion on the RFP process, which has been open for nearly a month. One bid received with another expected.
 - Consideration of presentations on the IAD and Skelly process as part of the retreat.

Next Steps:

- **Review and Select a Consultant:**
 - Evaluate received proposals and select a consultant within the next two weeks.
- **Finalize Retreat Agenda:**
 - Include presentations on the IAD and Skelly process to enhance understanding during the second phase of the retreat.
- **Proceed with Retreat Planning:**
 - Once a consultant is selected, finalize plans and schedule the second phase of the retreat, ensuring alignment with the Commission's goals.

CPRA Ad Hoc: (Commissioners Ordaz (Chair), Garcia-Acosta, Jackson-Castain)

Topics:

- **Review and Establishment of Policies and Procedures:**
 - Focus on reviewing the proposed outline of the CPRA Manual, which includes investigations, due process, community values, and outreach.
 - Emphasis on creating a community-targeted document with FAQs and visuals.
- **Impact of Budget Cuts:**
 - Discussion on how the proposed 37% budget cut might affect the IAD transition to CPRA.

Next Steps:

- **Finalize CPRA Manual:**
 - Target completion by August 1st, including a review by the Director of Race and Equity.
- **Continue Monitoring Budget Impact:**
 - Assess how the budget cuts may influence the CPRA's operations and the IAD transition.
- **Community Outreach Document:**
 - Develop a separate, simplified version of the manual for public distribution.

Public Comments: *(Contreras)*

10. Upcoming / Future Agenda Items

- **Tracking Ad Hoc and Ongoing Initiatives:**
 - Continue to monitor and report on the progress of various ad hoc committees, including Negotiated Settlement Agreement, Enabling Ordinance, and Racial Profiling.
- **Senate Bill 2 Presentation:**
 - Prepare for the Senate Bill 2 presentation, scheduled for July 25th.
- **Community Policing and Policy Discussions:**
 - Plan discussions on the community policing and police pursuit policy updates.
- **Inspector General Search:**
 - Continue tracking and facilitating the search for the new Inspector General.
- **Annual Report Draft:**
 - Aim to have the draft of the annual report ready for review by the July 11th meeting.
- **Handcuffing Ad Hoc Discussion:**
 - Address the proposal for a handcuffing ad hoc committee at the next meeting.
- **Community Resource Officers General Orders:**
 - Review and discuss new general orders for community resource officers.
- **Juvenile Arrests and Diversion Programs:**

- Consider inviting NOAB to present on juvenile arrests and diversion programs, exploring ways to improve referrals to community-based programs.

Public Comments: *(Olugbala)*

11. Open Forum Part 2

Public Comments: *(Cleveland)*

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

- No additional closed session was required.

16. Adjournment

- The meeting adjourned at 9:32 P.M.

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OAKLAND POLICE COMMISSION

SPECIAL MEETING MINUTES

July 11, 2024

Allen Temple Baptist Church (8501 International Blvd, Oakland)

1. Call to Order, Welcome, Roll Call, Determination of Quorum, and Read-Out from Prior Meeting

(5:37 PM)

- **Chair:** Marsha Carpenter Peterson
- **Commissioners Present:** Regina Jackson, Wilson Riles, Ricardo Garcia-Acosta, Alternate Commissioner Omar Farmer (Elevated to Commissioner)

Commissioner Angela Jackson-Castain (absent)

2. Closed Session (5:37 p.m. - 6:30 p.m.)

Topics:

- **Existing Litigation:** Delphine Allen et al., v. City of Oakland, et al. N.D. Cal No, 00-cv-4599-WHO
- **Public Employee Discipline/Dismissal/Release**
- **Public Employee Appointment/Employment: Title:** Inspector General

3. Redetermination of Quorum and Read-Out from Closed Session

- **Chair:** Marsha Carpenter Peterson
- **Roll Call:** Same as initial roll call.

4. Introduction to the Oakland Police Commission

Comments:

- Overview of the Commission's role and responsibilities.

Public Comments: *(Hester)*

5. Welcome Chief Mitchell – Welcome Reception

Comments:

- Community members and commissioners welcomed Chief Mitchell and discussed future collaboration and community engagement.

6. Community Roundtable

Panel Speakers: (Commissioners Peterson, Garcia-Acosta, Jackson, Riles, and Farmer; Attorney Jim Chanin (NSA Update); CPRA Executive Director Mac Muir; Interim IG Charlotte Jones)

- Discussed NSA/Community Policing, Pursuit Policy, Racial Profiling, CPRA, and OIG.

Main Topics:

- Community policing strategies
- Building trust between the community and the Department

Public Comments: (*Forte; Olugbala; Cleveland; Sandford*)

- Various community members shared their experiences and suggestions for improving community-police relations.

7. Oakland Police Department Update Presenter: Oakland Police Department Representatives

Main Topics:

- NSA Updates
- Risk analysis
- Crime response
- Preview of future agenda topics
- Responses to community member questions

Public Comments: (*Nelson; Lindsay-Poland; Cleveland; Janks; Olugbala; Singleton; Walls-Brown; Contreras*)

- Community members asked questions and provided feedback on the updates.

There was a vote to move items 8, 9, and 12 to the next meeting on July 25th.

Motion

- **Made by:** Commissioner Jackson
 - **Agenda Item # 8 Approval of the Community Policing Policy (First Reading):**
 - This was moved to allow for further review and incorporation of feedback.
- Public Comment: *(Dorado)*
- **Agenda Item # 9 Annual Report Draft Approval:**
 - This item was postponed to finalize and include the most recent data and analysis.
 - **Agenda Item # 12 Ad Hoc Committee Updates:**
 - Moved due to time constraints to ensure thorough discussion and updates at the next meeting.
- **Seconded by:** Commissioner Garcia-Acosta
 - **Vote:** Unanimous in favor.
 - **Result:** Items 8, 9, and 12 were moved to the next meeting.

8. Open Forum Part 1

Public Comments: *(Leonard; Preteet; Janks; Sanford; Peterson; Johnson Sr.; Hall; Rivera; Breaux; Thompson; Taylor; Nelson; Lockhart-Nero)*

- Various public speakers addressed topics outside the agenda but related to the Commission's work.

9. Election of Oakland Police Commission Vice Chair

Motion: Nominate Commissioner Ricardo Garcia-Acosta as the next Vice Chair.

- **Made by:** Commissioner Jackson-Castain
- **Seconded by:** Commissioner Wilson Riles
- **In Favor:** Unanimous in favor
- **Result:** Commissioner Ricardo Garcia-Acosta expressed his gratitude, saying, "Thank you all for believing in me. I'm here to serve."

10. Upcoming/Future Agenda Items

- **Discussion:** Future agenda items were proposed, including community engagement strategies and updates on ongoing projects.
 -
- **Community Policing Policy:**
 - Further review and final approval of the Community Policing Policy.
 - Addressing the feedback and suggestions provided by the community and Commissioners.
- **Annual Report Finalization:**
 - Final review and approval of the updated Annual Report.
- **Presentation by Lieutenant Durham on Senate Bill 2:**
 - Detailed presentation and discussion on the implications and implementation of Senate Bill 2.
- **Retreat Planning:**
 - Updates and planning for the upcoming Commission retreat.
- **Meeting Minutes Approval:**
 - Approval of the meeting minutes from previous regular meetings.
- **Staffing Study Presentation:**
 - Presentation by the Office of Inspector General on the findings of the staffing study.
 - Discussion on staffing needs and strategies for the Oakland Police Department.
- **Introduction to IID to CPRA Transition Consultant:**
 - Presentation and discussion on the transition from IID to CPRA.
 - Introduction of the consultant facilitating the transition.
- **Macro Program Updates:**
 - Updates and discussion on the implementation and effectiveness of the Macro Program.
 - Review of resource allocation and impact on community policing.
- **Homelessness and Encampment Management Policy:**
 - Discussion on the new policy and its implementation.
 - Coordination with city administration and the unhoused unit at OPD.

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

- No additional closed session was required.

12. Adjournment

- The meeting adjourned at 9:30 P.M.



OAKLAND POLICE COMMISSION

REGULAR MEETING MINUTES

July 25, 2024

City Hall Council Chambers (1 Frank H. Ogawa Plaza, Oakland)

1. Call to Order, Welcome, Roll Call, Determination of Quorum, and Read-Out from Prior Meeting

(5:36 PM)

Chair: Marsha Carpenter Peterson

Commissioners Present: Vice Chair Ricardo Garcia-Acosta; Commissioner Regina Jackson; Commissioner Wilson Riles; Commissioner Angela Jackson-Castain; Alternate Commissioner Omar Farmer

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

2. Closed Session (approximately 5:36 p.m. - 6:35 p.m.)

Topics:

- **Existing Litigation:** Delphine Allen et al., v. City of Oakland, et al. N.D. Cal No, 00-cv-4599-WHO
- **Public Employee Discipline/Dismissal/Release**
- **Public Employee Appointment/Employment: Title:** Inspector General

3. Redetermination of Quorum and Read-Out from Closed Session

Chair: Marsha Carpenter Peterson

Roll Call: Same as initial roll call.

Closed Session Readout:

- **Motion:** Commissioner Riles moved, and Commissioner Jackson seconded, to appoint Charlotte Jones as the interim Inspector General (IG).
- **Roll Call Vote:**

- **In Favor:** Commissioners Riles, Jackson-Castain, Farmer, Garcia Acosta, and Peterson (5 votes).
- **Against:** Commissioner Jackson (1 vote).
- **Abstentions:** None.

Outcome: Congratulations to Charlotte Jones, appointed as the interim Inspector General.

4. Open Forum Part 1

- Open forum for public comments on non-agenda items related to the Commission's work.

Public Comments: *(Olugbala; Sanford)*

5. Community Police Review Agency (CPRA) Update Presenter: Executive Director Mac Muir

Topics Discussed:

- CPRA pending cases
- Completed investigations
- Staffing updates
- Recent activities
- Introduction of consultants for IAD to CPRA transition

Public Comments: *(Olugbala; Grinage)*

6. Update from Office of the Inspector General Presenter: Interim Inspector General Charlotte Jones

Topics Discussed:

- Project priorities under the City Charter
- Staffing updates
- Community engagement and outreach

Public Comments: *(Olugbala)*

7. Oakland Police Department Update Presenter: Oakland Police Department Representatives

Topics Discussed:

- NSA updates
- Risk analysis
- Crime response
- Preview of future agenda topics
- Responses to community member questions

Public Comments: *(Olugbala; Janks; Grinage; Kramer)*

Action Items:

- Consideration of feedback for future policy adjustments.

8. Senate Bill 2 (SB2) Presentation Presenter: Lt. Gordon Dorham

Topics Discussed:

- Implementation and impact of SB2 on police decertification due to misconduct
- Training on stops for police officers

Public Comments: *(Janks; Olugbala; Grinage)*

9. 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

Discussion:

- The Commission directed the Inspector General to conduct a review audit of OPD's compliance with Task 5 and Task 45 of the Negotiated Settlement Agreement regarding Internal Affairs Case No. 23-0459. Requested policy recommendations before the Commission's statement to the Court (September 4, 2024, Case Management Conference).

Motion:

- **Made by:** Commissioner Ricardo Garcia-Acosta
- **Seconded by:** Commissioner Wilson Riles
- **Public Comment:** *(Grinage)*
- **Vote:**
 - **In Favor:** Unanimous
 - **Result:** Motion passed

- **Action Items:** Conduct a review audit and provide policy recommendations regarding OPD and CPRA's Internal Affairs Case No. 23-0459 .

10. Approval of the Community Policing Policy First Reading

Discussion:

- Reviewed the first reading of the Community Policing Policy.

Motion:

- **Made by:** Commissioner Regina Jackson
- **Seconded by:** Commissioner Wilson Riles

Public Comment: *(Grinage)*

Vote:

- **In Favor:** Unanimous
- **Result:** Motion passed

Action Items:

- Proceed to second reading and further discussion in a future meeting.

11. Approve Annual Report Draft

Discussion:

- Reviewed and discussed the draft of the annual report.

Motion:

- **Made by:** Commissioner Ricardo Garcia-Acosta
- **Seconded by:** Commissioner Angela Jackson-Castain

Vote:

- **In Favor:** Unanimous
- **Result:** Motion passed
- **Action Items:** Finalize and publish the annual report incorporating Commissioner Jackson-Castain's recommendations.

12. Ad Hoc Committee Reports

Staff Searches Ad Hoc: Inspector General:

- **Chair:** Commissioner Jackson
- **Members:** Commissioners Garcia-Acosta, Peterson
- **Updates:** Recruitment and hiring of staff vacancies, including but not limited to the Inspector General.

Enabling Ordinance Ad Hoc:

- **Chair:** Commissioner Marsha Peterson
- **Members:** Commissioners Garcia-Acosta, Jackson
- **Updates:** Progress on reviewing City Council's revisions and staff searches.
- The Enabling Ordinance Ad Hoc committee has been working on reviewing and incorporating revisions suggested by the City Council. They have been meeting regularly to finalize the language and ensure the ordinance aligns with the Commission's objectives and legal requirements.

Motion: To approve Enabling Ordinance Draft for submission to Councilmen Kalb and Jenkins

- **Made by:** Commissioner Ricardo Garcia-Acosta
- **Seconded by:** Commissioner Regina Jackson

Discussion / Proposal by Commissioner Jackson-Castain: Allow the selection panel to fill vacancies if the Mayor's office does not act within a specified time.

Decision: The Commission acknowledged but will not be incorporated into the enabling ordinance due to jurisdictional constraints.

Vote:

- **In Favor:** Unanimous
- **Result:** Motion passed
- **Next Steps:** The finalized ordinance will be reviewed one last time by the ad hoc committee and then presented to Councilmen Kalb and Jenkins for approval.

13. Upcoming/Future Agenda Items

Discussion:

- Future agenda items proposed, including community engagement strategies and updates on ongoing projects.
- Review of NSA compliance and updates.
- Community engagement strategies.
- Update on CPRA's ongoing investigations and activities.
- Progress report on the Inspector General's audits and reviews.
- Implementation and training updates on SB2.
- Annual report review and feedback integration.
- Policy recommendations based on audit findings.

Public Comments: *(Janks)*

14. Open Forum Part 2

- No Public Comments

15. Re-adourn to Closed Session (if needed) and Read-Out of Closed Session (if any)

- No additional closed session was required.

16. Adjournment

- The meeting adjourned at 9:30 P.M.



OAKLAND POLICE COMMISSION

REGULAR MEETING MINUTES

August 22, 2024

City Hall Council Chambers (1 Frank H. Ogawa Plaza, Oakland)

1. Call to Order, Welcome, Roll Call, Determination of Quorum, and Read-Out from Prior Meeting

(5:44 PM)

Chair: Marsha Carpenter Peterson

Commissioners Present: Vice Chair Ricardo Garcia-Acosta; Commissioner Regina Jackson; Commissioner Wilson Riles; Commissioner Angela Jackson-Castain; Alternate Commissioner Omar Farmer

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

2. Closed Session (approximately 5:46 p.m. - 6:38 p.m.)

Topics:

- **Existing Litigation:** Delphine Allen et al., v. City of Oakland, et al. N.D. Cal No, 00-cv-4599-WHO
- **Public Employee Discipline/Dismissal/Release**

Readout from Closed Session

Chair Marsha Carpenter Peterson: As we consider our addendum statement to be submitted along with the city's statement to the CMC, we have added a pre-introduction paragraph based on advice from counsel. The paragraph reads as follows: "This court inquired about the Oakland Police Commission's viewpoint regarding continuing, revising, or dissolving the monitorship. In 2012, this court appointed a compliance director tasked with addressing the deficiencies that led to the Oakland Police Department's noncompliance and developing a plan for facilitating sustainable compliance with all outstanding tasks." The commission requests that the court consider separating the Monitor and Compliance Director roles as originally envisioned and executed. The community, through the Reimagining Public Safety Task Force, also recommends this same model, calling for separate Monitor and Compliance Director roles. Additionally, we

changed the addendum statement, which has robust support from community stakeholders. On page 9, the last bullet point, we are substituting "CURE J violence interrupters" for "Department of Violence Prevention and community-based violence interrupters." These are the two changes recommended by the Commission. Later in the meeting, we will receive the report of the full ad hoc committee's actions and take a vote on the full document, with any comments from commissioners or members of the public. We will now proceed from the closed session readout.

- The Chief of Staff is ill and unable to join in person but will provide remote support.
 - Her voice will be heard during the meeting.
 - She is handling technical support, while Director Mr. Mac Muir provides on-site support.
- Agenda update: The original agenda posted on August 19 was revised.
 - Item 8 (Ad Hoc Reports) initially mentioned a search for the "first" Civilian Inspector General (IG).
 - Revision: "First" was removed, as this is not the first IG search; it is the second.
 - No vote is required for the minor correction.

3. Redetermination of Quorum and Read-Out from Closed Session

Chair: Marsha Carpenter Peterson

Roll Call: Same as initial roll call.

4. Open Forum Part 1

- Open forum for public comments on non-agenda items related to the Commission's work.

Public Comments: *(Grinage)*

- Concerns were raised about the Commission's responsiveness to public inquiries, explicitly highlighting that emails from community members often go unanswered. It was emphasized that timely responses are essential for fostering transparency and building trust between the Commission and the public. A call was made for the Commission to improve diligence in returning emails to ensure effective communication with the community.

5. Commission Vote for Resolution Determining Outcome of Second Meeting in August

- The Commission held a vote regarding the scheduling of a second meeting in August (8/29). After deliberation, the members voted to cancel the second August meeting due to scheduling conflicts and agenda considerations—the decision aimed to ensure that the Commission could prioritize upcoming critical agenda items in subsequent meetings. The August 29th meeting was canceled, and a Special meeting will be held on September 19th instead.
- This resolution was passed unanimously, streamlining the Commission's focus on future priorities.

No Public Comments

6. Oakland Police Department Update

- **Staffing Updates:** The Oakland Police Department provided an update on current staffing levels, noting vacancies in several key positions, including investigator roles and administrative staff. Efforts are ongoing to address these gaps through recruitment and hiring initiatives.
- **Policy Revisions:** The department is working on revisions to various policies, including those related to the use of force and community policing. These updates are being driven by both internal reviews and community feedback.
- **Community Engagement Initiatives:** OPD highlighted its ongoing efforts to enhance community engagement, mentioning programs like the expansion of the MACRO (Mobile Assistance Community Responders of Oakland) initiative and regular outreach in local neighborhoods.
- **Technology Integration:** The department is exploring new technologies, such as AI tools for reviewing body-worn camera footage, to improve the efficiency of investigations and ensure accountability. Concerns around privacy and labor implications were noted, and discussions are ongoing with relevant stakeholders.
- **Pending Reports:** OPD is preparing reports for the upcoming Commission meetings, which will include updates on juvenile arrest and diversion programs, homelessness and encampment policies, and the status of ceasefire initiatives.

Public Comments: *(Contreras; Janks; Grinage; Cleveland)*

- **Transparency and Accountability:** Several commenters expressed concerns about the level of transparency in OPD's reporting, particularly around the use of force incidents and internal investigations. There was a call for more detailed public updates on these matters to foster trust between the community and the department.
- **Community Policing Concerns:** Some members of the public raised issues related to the effectiveness of OPD's community policing strategies. They stressed the need for OPD to be more responsive to community needs and recommended stronger partnerships with local organizations to improve outcomes.

- **Use of Force and Officer Conduct:** A few individuals raised concerns about excessive force by officers in certain incidents and questioned the department's policies on de-escalation. They urged OPD to focus on further training for officers to prevent such occurrences and requested more detailed public reporting on use-of-force investigations.
- **Staffing and Recruitment Challenges:** Commenters acknowledged the staffing shortages but emphasized the importance of hiring officers who are committed to community engagement and de-escalation. They recommended prioritizing candidates who reflect the diversity and values of Oakland's communities.
- **Technology Integration:** Some public commenters expressed apprehension about OPD's use of AI and other technologies for body-worn camera footage analysis. They raised concerns about privacy risks, especially regarding complainants' sensitive information, and called for more oversight and careful implementation.

7. Community Police Review Agency (CPRA) Update

- **Staffing and Recruitment Progress:** CPRA reported ongoing efforts to fill critical vacancies, including investigators and an administrative analyst. Progress has been made in hiring two new positions, with further steps underway to fill the remaining roles. The CPRA leadership emphasized the importance of having a fully staffed team to address the increasing caseloads effectively.
- **Expansion of Investigative Capacity:** The agency shared updates on the onboarding of a new supervisor for investigators, which will help streamline case management. The new supervisor will be responsible for overseeing intake staff and investigative teams, allowing for better operational efficiency and timely case handling.
- **Community Outreach Efforts:** The CPRA highlighted its ongoing outreach activities, including establishing a presence at Fruitvale Plaza every Monday. These efforts aim to increase public accessibility to the agency and foster better community relations. Signage and regular office hours have been set up to make it easier for residents to file complaints and engage with the agency.
- **Annual Report Development:** The CPRA has submitted a draft of its annual report, summarizing its work over the past year. The report is expected to showcase significant progress in police accountability, with a focus on the agency's contributions to the community and recommendations for further improvements.
- **Contract and Infrastructure Updates:** The agency provided updates on pending contracts, including the development of a database workflow system and the continued work of consultants involved in transitioning certain responsibilities from internal affairs to the CPRA. These infrastructure improvements are designed to enhance the agency's efficiency and effectiveness.
- **Mediation Program Progress:** The CPRA shared advancements in its mediation program, including the involvement of local mediators from Oakland. The program will ensure that mediators receive specialized training on the history of the Oakland Police Department to better understand the community dynamics they will be working with.

Public Comments: *(Grinage, Cleveland)*

- **Increased Public Awareness Efforts:** Several comments emphasized the need for the CPRA to increase its visibility within the community. Suggestions were made for more outreach, particularly through free public service announcements on local radio stations. The public expressed that many residents are still unaware of the CPRA's existence or its role, and efforts to raise awareness, especially among diverse linguistic communities, were strongly encouraged.
- **Concerns about Timeliness and Staffing:** Community members raised concerns about the length of time it takes to fill key positions, particularly investigators. The slow pace of recruitment was highlighted as a potential barrier to effectively addressing police misconduct cases. There was a strong desire to see the CPRA fully staffed as soon as possible to ensure timely investigations and justice.
- **Accessibility and Outreach:** While the establishment of a CPRA presence at Fruitvale Plaza was appreciated, some public commenters requested broader outreach efforts across different neighborhoods. Suggestions were made for setting up similar outreach locations in other community hubs to ensure that all residents have easy access to CPRA services, particularly in underserved areas.
- **Mediation Program Inclusivity:** Some commenters praised the inclusion of local Oakland mediators in the CPRA's mediation program but stressed the importance of ensuring that mediators truly reflect the city's diverse population. There were also calls for the program to be more publicized so that the community can understand how it works and how it contributes to police accountability.
- **Annual Report Expectations:** Public commenters expressed interest in the upcoming annual report, particularly how it would highlight the CPRA's impact on police accountability and whether it would offer concrete data on the outcomes of its investigations. There was a desire for more transparency in how the report would be communicated to the community and whether it would include actionable recommendations for the future.

8. Ad Hoc Committee Reports

Inspector General (IG) Search Update

- Review of applicants.
- First round of interviews completed.
- Announcement of second-round interviews and community forum.

Hiring Processes and Staffing Updates

- Updates on Admin Analyst and Program Manager positions.
- Motion passed to rename the Program Manager position to Director of Operations to expand the applicant pool.

Community Policing and Pursuit Policy

- Scheduled ad hoc committee meeting on the 28th.
- Presentation by Professor Alpert.

Racial Profiling Policy

- Updates on completing the training lesson plan.
- Collaboration with Lt. Hubbard and Deacon Reginald Lyles.
- Approval expected on September 19th.

Retreat Ad Hoc Updates

- Presentation of a proposal from Leadership Incorporated to facilitate the community retreat and strategic plan development.

Motion: Move forward with accepting the proposal and planning the retreat.

- **Made by:** Commissioner Regina Jackson
- **Seconded by:** Vice Chair Ricardo Garcia Acosta
- **Result:** The motion passed unanimously.

NSA Addendum Review

Motion: Approve the revisions and proceed with submitting the updated addendum.

- **Made by:** Commissioner Regina Jackson
- **Seconded by:** Commissioner Omar Farmer

Public Comments: *(Kramer; Grinage; Janks; Contreras)*

- Multiple commenters praised the thoroughness and inclusiveness of the NSA ad hoc's work.
- There were concerns raised about clarity in certain sections of the addendum, particularly regarding access to information and the role of the City Attorney in preventing the Commission from accessing critical documents. It was recommended that these concerns be framed in clearer language for better understanding by the court.
- One commenter appreciated the shift in the NSA ad hoc's approach, noting it was more inclusive and transparent compared to past iterations.
- **Result:** The motion passed unanimously.

9. Approval of Meeting Minutes

Motion: Move the approval of the minutes to the next meeting.

- **Made by:** Commissioner Regina Jackson
- **Seconded by:** Vice Chair Ricardo Garcia Acosta
- **Result:** The motion passed unanimously, and the approval of the minutes was postponed to the next meeting.

No Public Comment

11. Upcoming/Future Agenda Items

- **Special Meeting on September 19th, 2024:**
 - Pursuit Policy Review
 - Second and Final Reading of the Community Policing General Orders
 - Racial Profiling Policy Documentation Review and Approval
- **September 26th, 2024 Meeting:**
 - The CPRA to IAD Progress Report
- **Macro Program Update:**
 - Potential collaboration with the Fire Department and Police Department for an update on the program.
 - Consideration of a potential Macro Oversight Board or Commission, as discussed in prior meetings.
- **Juvenile Arrest and Diversion Programs:**
 - Possible presentation from NOAAP regarding juvenile arrest programs and their diversion strategies.
- **Homelessness and Encampment Management Policy:**
 - Discussion around policies on managing homelessness and encampments.
- **Ceasefire Program Presentation:**
 - Scheduling a presentation on the current status of the Ceasefire program.
- **Inspector General (IG) Search Process:**
 - Possible scheduling of a community forum for the IG candidates before the September 19th meeting.

No Public Comments

12. Open Forum Part 2

Public Comments: *(Kramer; Cleveland)*

- **Meeting Schedule and Communication:**
 - A commenter expressed frustration about the difficulty in tracking meeting schedule changes, particularly due to medical reasons preventing frequent internet access. They requested clearer communication about meeting changes and suggested alternative ways to confirm meeting times, such as a direct phone inquiry before meetings.
- **Use of Public Service Announcements:**
 - A suggestion was made to increase public awareness about the Police Commission and its meetings by utilizing free public service announcements (PSAs) on local radio stations. The commenter emphasized the need for outreach in multiple languages to ensure broader community engagement and awareness about police misconduct reporting and Commission activities.
 - **Praise for Commission's Work:** A public speaker expressed appreciation for the hard work and dedication of the Police Commission. They acknowledged the Commission's efforts in holding meetings during traditionally slow periods like August and thanked them for continuing to tackle important issues.

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

- No additional closed session was required.

14. Adjournment

- The meeting adjourned at 10:01 P.M.



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