



OAKLAND POLICE COMMISSION MEETING AGENDA

**January 14, 2021
5:30 PM**

Pursuant to the Governor's Executive Order N-29-20, members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will participate via phone/video conference, and no physical teleconference locations are required.



OAKLAND POLICE COMMISSION

MEETING AGENDA

January 14, 2021
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PUBLIC PARTICIPATION

The Oakland Police Commission encourages public participation in the online board meetings. The public may observe and/or participate in this meeting in several ways.

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/82393569395> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
Webinar ID: 823 9356 9395

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

PROVIDE PUBLIC COMMENT: There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Comment in advance. To send your comment directly to the Commission and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to clove@oaklandca.gov. Please note that e-Comment **submissions close at 4:30 pm**. All submitted public comment will be provided to the Commissioners prior to the meeting.
- By Video Conference. To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled “Raise Hand In Webinar.”
- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing STAR-NINE (“*9”) to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. Once it is your turn, you will be unmuted and allowed to make your comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail clove@oaklandca.gov.



OAKLAND POLICE COMMISSION MEETING AGENDA

January 14, 2021
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I. **Call to Order**
Chair Regina Jackson

II. **Roll Call and Determination of Quorum**
Chair Regina Jackson

III. **Public Comment on 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.

IV. **Closed Session**

PUBLIC EMPLOYEES DISCIPLINE/DISMISSAL/RELEASE - Gov't Code § 54957(b)

V. **Report out of Closed Session**
The Commission will report on any actions taken during Closed Session, as required by law.

VI. **Welcome, Purpose, and Open Forum** (1 minute per speaker)
Chair Regina Jackson will welcome public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

VII. **Update from Interim Police Chief**
OPD Interim Chief Manheimer will provide an update on the Department. Topics discussed in the update may include crime statistics; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item. (Attachment 7).***

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

VIII. Concurrence Process Presentation

The CPRA Executive Director will deliver a presentation on how the OPD-CPRA concurrence process works in discipline cases. ***This is a new item.*** ([Attachment 8](#)).

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

IX. Police Commission Statement About Police Misconduct

The Commission will discuss, and may vote to approve, a statement about police misconduct. ***This is a new item.*** ([Attachment 9](#)).

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

X. Resolution Urging District Attorney to Re-Open Oscar Grant Case

The Commission will discuss, and may vote to approve, a resolution urging District Attorney Nancy O'Malley to re-open the Oscar Grant case. ***This is a new item.*** ([Attachment 10](#)).

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

XI. Effects of Measure S1

The Commission will discuss the effects of Measure S1 which was overwhelmingly passed by Oakland voters on November 3, 2020. ***This is a new item.*** ([Attachment 11](#)).

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

XII. Budget Discussion

The Commission will discuss the City's recent budget projections and potential cuts due to projected deficit. ***This is a new item.*** ([Attachment 12](#)).

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

XIII. Meeting Minutes Approval

The Commission will vote to approve minutes from December 10 and 17, 2020. ***This is a recurring item.*** ([Attachment 13](#)).

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

XIV. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. *This is a recurring item.* ([Attachment 14](#)).

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

XV. Adjournment

CHIEF'S CRIME UPDATE 1/14/2021

2020 YEAR END STATS

- Homicides – showed a significant increase – 36%.
- Gunfire showed increases across all categories.
 - assault with a firearm –increased 72%
 - shooting at an occupied residence or vehicle –increased 72%
 - shooting at an unoccupied residence or vehicle –increased 78%
 - negligent gunfire –increased 95%
- ShotSpotter activations increased 76%.
- Officers recovered nearly 1,300 firearms in 2020, of which 1,020 were connected to crimes. That is a 48% increase of 2019.
- Overall, robbery numbers dropped, and showed a 16% decrease.
 - Within robbery, knife robberies showed a 21% increase.
 - Within robbery, carjackings showed a 46% increase.
- Vehicle theft increased 32%.
- Auto burglary reporting decreased 50%.
- We saw increases in commercial burglary – 51% – while residential burglary decreased 33%.



OAKLAND POLICE DEPARTMENT

455 7TH ST., OAKLAND, CA 94607 | OPDCRIMEANALYSIS@OAKLANDNET.COM

CRIME ANALYSIS

End of Year Crime Report — Citywide 01 Jan. – 31 Dec., 2020

Part 1 Crimes <i>All totals include attempts except homicides.</i>	2016	2017	2018	2019	2020	Percentage Change 2019 vs. 2020	5-Year Average	2020 vs. 5-Year Average
Violent Crime Index (homicide, aggravated assault, rape, robbery)	5,738	5,462	5,510	5,831	5,937	2%	5,696	4%
Homicide – 187(a)PC	85	71	67	75	102	36%	80	28%
Homicide – All Other *	2	4	8	3	7	133%	5	46%
Aggravated Assault	2,444	2,535	2,650	2,742	3,263	19%	2,727	20%
Assault with a firearm – 245(a)(2)PC	330	279	276	287	495	72%	333	48%
Subtotal - Homicides + Firearm Assault	417	354	351	365	604	65%	418	44%
Shooting occupied home or vehicle – 246PC	270	196	218	243	418	72%	269	55%
Shooting unoccupied home or vehicle – 247(b)PC	125	77	84	117	208	78%	122	70%
Non-firearm aggravated assaults	1,719	1,983	2,072	2,095	2,142	2%	2,002	7%
Rape	218	246	226	202	198	-2%	218	-9%
Robbery	2,991	2,610	2,567	2,812	2,374	-16%	2,671	-11%
Firearm	1,265	989	857	1,033	784	-24%	986	-20%
Knife	162	160	174	140	170	21%	161	5%
Strong-arm	1,126	1,076	1,201	1,251	961	-23%	1,123	-14%
Other dangerous weapon	96	89	87	88	76	-14%	87	-13%
Residential robbery – 212.5(a)PC	97	101	72	97	87	-10%	91	-4%
Carjacking – 215(a) PC	245	195	176	203	296	46%	223	33%
Burglary	10,426	12,932	10,610	14,977	8,586	-43%	11,506	-25%
Auto	7,603	10,379	8,228	12,357	6,181	-50%	8,950	-31%
Residential	2,130	1,929	1,614	1,806	1,215	-33%	1,739	-30%
Commercial	510	417	606	622	940	51%	619	52%
Other (includes boats, aircraft, and so on)	141	137	129	168	179	7%	151	19%
Unknown	42	70	33	24	71	196%	48	48%
Motor Vehicle Theft	7,980	6,938	6,207	6,479	8,550	32%	7,231	18%
Larceny	6,105	6,219	6,621	7,755	5,825	-25%	6,505	-10%
Arson	140	151	196	152	188	24%	165	14%
Total	30,391	31,706	29,152	35,197	29,093	-17%	31,108	-6%

THIS REPORT IS HIERARCHY BASED. CRIME TOTALS REFLECT ONE OFFENSE (THE MOST SEVERE) PER INCIDENT.

These statistics are drawn from the Oakland Police Dept. database. They are unaudited and not used to figure the crime numbers reported to the FBI's Uniform Crime Reporting (UCR) program. This report is run by the date the crimes occurred. Statistics can be affected by late reporting, the geocoding process, or the reclassification or unfounding of crimes. Because crime reporting and data entry can run behind, all crimes may not be recorded.

* Justified, accidental, foetal, or manslaughter by negligence. Traffic collision fatalities are not included in this report.

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All data extracted via Coplink Analytics.



OAKLAND POLICE DEPARTMENT

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CRIME ANALYSIS

End of Year Gunfire Summary 01 Jan. – 31 Dec., 2020

Citywide <i>All totals include attempts except homicides.</i>	2016	2017	2018	2019	2020	Percentage Change 2019 vs. 2020	5-Year Average	2020 vs. 5-Year Average
Homicide – 187(a)PC	85	71	67	75	102	36%	80	28%
Homicide – All Other *	2	4	8	3	7	133%	5	46%
Assault with a firearm – 245(a)(2)PC	330	279	276	287	495	72%	333	48%
Subtotal - Homicides + Firearm Assault	417	354	351	365	604	65%	418	44%
Shooting occupied home or vehicle – 246PC	270	196	218	243	418	72%	269	55%
Shooting unoccupied home or vehicle – 247(b)PC	125	77	84	117	208	78%	122	70%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	812	627	653	725	1,230	70%	809	52%
Negligent discharge of a firearm – 246.3PC	331	369	437	688	1,341	95%	633	112%
Grand Total	1,143	996	1,090	1,413	2,571	82%	1,443	78%

Area 1 <i>All totals include attempts except homicides.</i>	2016	2017	2018	2019	2020	Percentage Change 2019 vs. 2020	5-Year Average	2020 vs. 5-Year Average
Homicide – 187(a)PC	18	12	13	14	9	-36%	13	-32%
Homicide – All Other *	-	1	3	-	1	PNC	1	0%
Assault with a firearm – 245(a)(2)PC	47	34	54	48	64	33%	49	30%
Subtotal - Homicides + Firearm Assault	65	47	70	62	74	19%	64	16%
Shooting occupied home or vehicle – 246PC	51	28	38	49	54	10%	44	23%
Shooting unoccupied home or vehicle – 247(b)PC	23	9	7	13	27	108%	16	71%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	139	84	115	124	155	25%	123	26%
Negligent discharge of a firearm – 246.3PC	38	38	38	80	118	48%	62	89%
Grand Total	177	122	153	204	273	34%	186	47%

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CRIME ANALYSIS

End of Year Gunfire Summary 01 Jan. – 31 Dec., 2020

Area 2	2016	2017	2018	2019	2020	Percentage Change 2019 vs. 2020	5-Year Average	2020 vs. 5-Year Average
<i>All totals include attempts except homicides.</i>								
Homicide – 187(a)PC	8	6	6	3	3	0%	5	-42%
Homicide – All Other *	-	-	1	-	1	PNC	0	150%
Assault with a firearm – 245(a)(2)PC	21	18	8	11	26	136%	17	55%
Subtotal - Homicides + Firearm Assault	29	24	15	14	30	114%	22	34%
Shooting occupied home or vehicle – 246PC	22	11	10	8	16	100%	13	19%
Shooting unoccupied home or vehicle – 247(b)PC	11	5	4	8	2	-75%	6	-67%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	62	40	29	30	48	60%	42	15%
Negligent discharge of a firearm – 246.3PC	24	19	18	19	23	21%	21	12%
Grand Total	86	59	47	49	71	45%	62	14%

Area 3	2016	2017	2018	2019	2020	Percentage Change 2019 vs. 2020	5-Year Average	2020 vs. 5-Year Average
<i>All totals include attempts except homicides.</i>								
Homicide – 187(a)PC	8	10	10	14	22	57%	13	72%
Homicide – All Other *	1	-	3	1	1	0%	1	-17%
Assault with a firearm – 245(a)(2)PC	38	39	42	49	101	106%	54	88%
Subtotal - Homicides + Firearm Assault	47	49	55	64	124	94%	68	83%
Shooting occupied home or vehicle – 246PC	41	23	26	39	60	54%	38	59%
Shooting unoccupied home or vehicle – 247(b)PC	21	11	17	19	38	100%	21	79%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	109	83	98	122	222	82%	127	75%
Negligent discharge of a firearm – 246.3PC	61	70	78	126	255	102%	118	116%
Grand Total	170	153	176	248	477	92%	245	95%

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CRIME ANALYSIS

End of Year Gunfire Summary 01 Jan. – 31 Dec., 2020

Area 4 <i>All totals include attempts except homicides.</i>	2016	2017	2018	2019	2020	Percentage Change 2019 vs. 2020	5-Year Average	2020 vs. 5-Year Average
Homicide – 187(a)PC	17	13	17	13	25	92%	17	47%
Homicide – All Other *	-	1	1	2	-	-100%	1	PNC
Assault with a firearm – 245(a)(2)PC	75	62	46	59	99	68%	68	45%
Subtotal - Homicides + Firearm Assault	92	76	64	74	124	68%	86	44%
Shooting occupied home or vehicle – 246PC	56	45	54	53	105	98%	63	68%
Shooting unoccupied home or vehicle – 247(b)PC	27	22	22	23	42	83%	27	54%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	175	143	140	150	271	81%	176	54%
Negligent discharge of a firearm – 246.3PC	69	100	103	146	339	132%	151	124%
Grand Total	244	243	243	296	610	106%	327	86%

Area 5 <i>All totals include attempts except homicides.</i>	2016	2017	2018	2019	2020	Percentage Change 2019 vs. 2020	5-Year Average	2020 vs. 5-Year Average
Homicide – 187(a)PC	34	30	21	31	43	39%	32	35%
Homicide – All Other *	1	2	-	-	4	PNC	1	186%
Assault with a firearm – 245(a)(2)PC	140	120	118	114	189	66%	136	39%
Subtotal - Homicides + Firearm Assault	175	152	139	145	236	63%	169	39%
Shooting occupied home or vehicle – 246PC	98	89	89	92	176	91%	109	62%
Shooting unoccupied home or vehicle – 247(b)PC	43	29	33	51	98	92%	51	93%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	316	270	261	288	510	77%	329	55%
Negligent discharge of a firearm – 246.3PC	137	140	196	312	579	86%	273	112%
Grand Total	453	410	457	600	1,089	82%	602	81%

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CRIME ANALYSIS

End of Year Gunfire Summary 01 Jan. – 31 Dec., 2020

BFO 1 <i>All totals include attempts except homicides.</i>	2016	2017	2018	2019	2020	Percentage Change 2019 vs. 2020	5-Year Average	2020 vs. 5-Year Average
Homicide – 187(a)PC	34	28	29	31	34	10%	31	9%
Homicide – All Other *	1	1	7	1	3	200%	3	15%
Assault with a firearm – 245(a)(2)PC	106	91	104	108	191	77%	120	59%
Subtotal - Homicides + Firearm Assault	141	120	140	140	228	63%	154	48%
Shooting occupied home or vehicle – 246PC	114	62	74	96	130	35%	95	37%
Shooting unoccupied home or vehicle – 247(b)PC	55	25	28	40	67	68%	43	56%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	310	207	242	276	425	54%	292	46%
Negligent discharge of a firearm – 246.3PC	123	127	134	225	396	76%	201	97%
Grand Total	433	334	376	501	821	64%	493	67%

BFO 2 <i>All totals include attempts except homicides.</i>	2016	2017	2018	2019	2020	Percentage Change 2019 vs. 2020	5-Year Average	2020 vs. 5-Year Average
Homicide – 187(a)PC	51	43	38	44	68	55%	49	39%
Homicide – All Other *	1	3	1	2	4	100%	2	82%
Assault with a firearm – 245(a)(2)PC	215	182	164	173	288	66%	204	41%
Subtotal - Homicides + Firearm Assault	267	228	203	219	360	64%	255	41%
Shooting occupied home or vehicle – 246PC	154	134	143	145	281	94%	171	64%
Shooting unoccupied home or vehicle – 247(b)PC	70	51	55	74	140	89%	78	79%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	491	413	401	438	781	78%	505	55%
Negligent discharge of a firearm – 246.3PC	206	240	299	458	918	100%	424	116%
Grand Total	697	653	700	896	1,699	90%	929	83%

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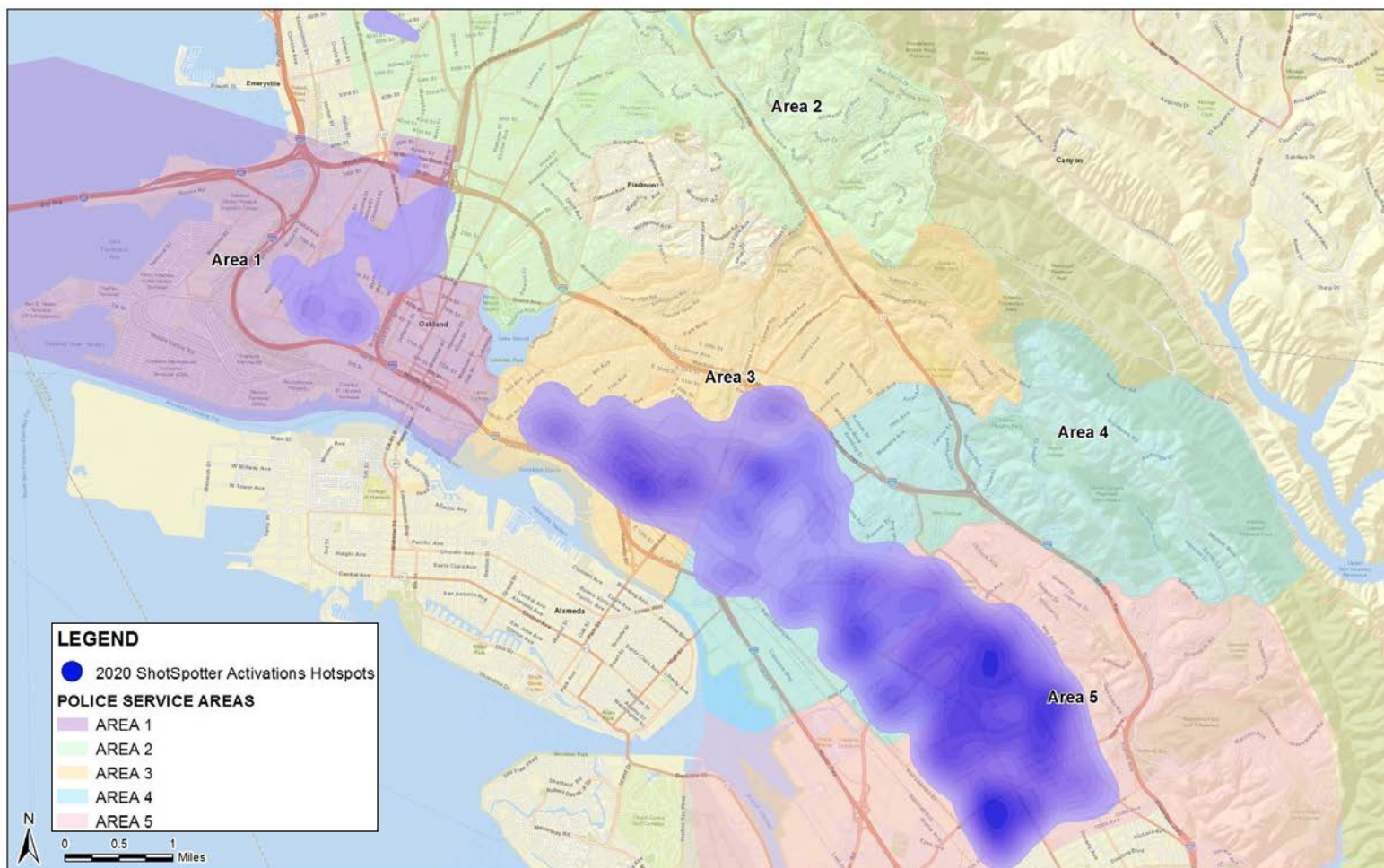
OAKLAND POLICE DEPARTMENT

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CRIME ANALYSIS

End of Year ShotSpotter Activations Report — Citywide 01 Jan. – 31 Dec., 2020

ShotSpotter Activations	YTD 2019	YTD 2020	YTD % Change 2019 vs. 2020
Citywide	3,817	6,728	76%
Area 1	399	612	53%
Area 2	147	257	75%
Area 3	736	1,254	70%
Area 4	959	1,701	77%
Area 5	1,576	2,904	84%



All data sourced via ShotSpotter Investigator.

Produced by the Oakland Police Dept. Crime Analysis Unit.



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CRIME ANALYSIS

2019 vs. 2020 — Year-End Recovered Guns

Recoveries between 01 Jan. to 31 Dec.

Gun Recoveries	2019	2020	Difference	YTD % Change 2019 vs. 2020
Grand Total	875	1,272	397	45%

Crime Recoveries	2019	2020	Difference	YTD % Change 2019 vs. 2020
Felony	483	689	206	43%
Felony - Violent	148	226	78	53%
Homicide	24	51	27	113%
Infraction	1	0	-1	-100%
Misdemeanor	35	54	19	54%
Total	691	1,020	329	48%

Non-Criminal Recoveries	2019	2020	Difference	YTD % Change 2019 vs. 2020
Death Investigation	13	26	13	100%
Found Property	100	104	4	4%
SafeKeeping	71	122	51	72%
Total	184	252	68	37%

PNC = Percentage not calculated

[Percentage cannot be calculated.](#)



For Immediate Release: January 7, 2021
OPD NEWS:

The Oakland Police Department Condemns Unlawful Actions at US Capitol

We were shocked by the violent acts that unfolded as an unlawful mob took over the US Capitol Building yesterday, while legislators were certifying the election. These actions were a disgraceful assault on our democracy and we condemn these violent acts.

It has come to our attention that a former employee made statements that he attended the events in Washington DC and defended the actions of the takeover at the Capitol. The statements made by the former employee were reprehensible and we wholly disavow his remarks. This former employee was separated from his employment with the City of Oakland nearly six years ago. We want to assure our community that those statements offend the morals and ethics of the women and men of our Department.

Additionally, the Oakland Police Department has overhauled our hiring and screening procedures to ensure that these values do not represent our current department employees. If these types of statements were made by a current employee, they would be grounds for immediate initiation of a disciplinary investigation and could lead to termination.

Our democracy is the very foundation of the rule of law and our law enforcement officers are on the front lines of defending and upholding these tenets. Anyone engaged in the unlawful behavior that occurred at the Capitol and injured officers and civilians alike should be prosecuted to the fullest extent of the law.



For Immediate Release: January 8, 2021

OPD NEWS:

OPD Denounces Hate Speech; Launches an Internal Investigation

The values of the Oakland Police Department are clear: We will not tolerate any form of hate speech, any expression that supports hate speech, or any acts of subversion, whether in-person or on online platforms.

It has come to the attention of the Oakland Police Department that there are allegations that current employees may have been involved on social media accounts that contain objectionable or offensive content. OPD will not allow any members to engage in or support this type of content and will root out this conduct anywhere within the Department.

Hate speech and offensive conduct will not be tolerated; there are clear policies and guidelines that govern this behavior.

Whether on or off duty, employees of OPD are prohibited from affiliating with subversive groups, and they are prohibited from doing anything that brings disrepute to the Department and erodes the public's trust. Our policies reflect the values of the Department and any employee found to violate these policies will be held accountable. Any employee that violates these rules is subject to discipline, including termination.

OPD has opened an immediate comprehensive investigation into allegations to determine whether any current employees have violated our Department policies, City code of conduct, or any applicable laws by making comments or expressions supporting objectionable speech.

The Department wants to reassure our community that a full breadth of our resources will go into this investigation to ensure that any members engaging in this behavior are held accountable. "The trust of our community is our highest priority. We will not tolerate any breach of that trust from any member of our Department," says Interim Police Chief Susan E. Manheimer.

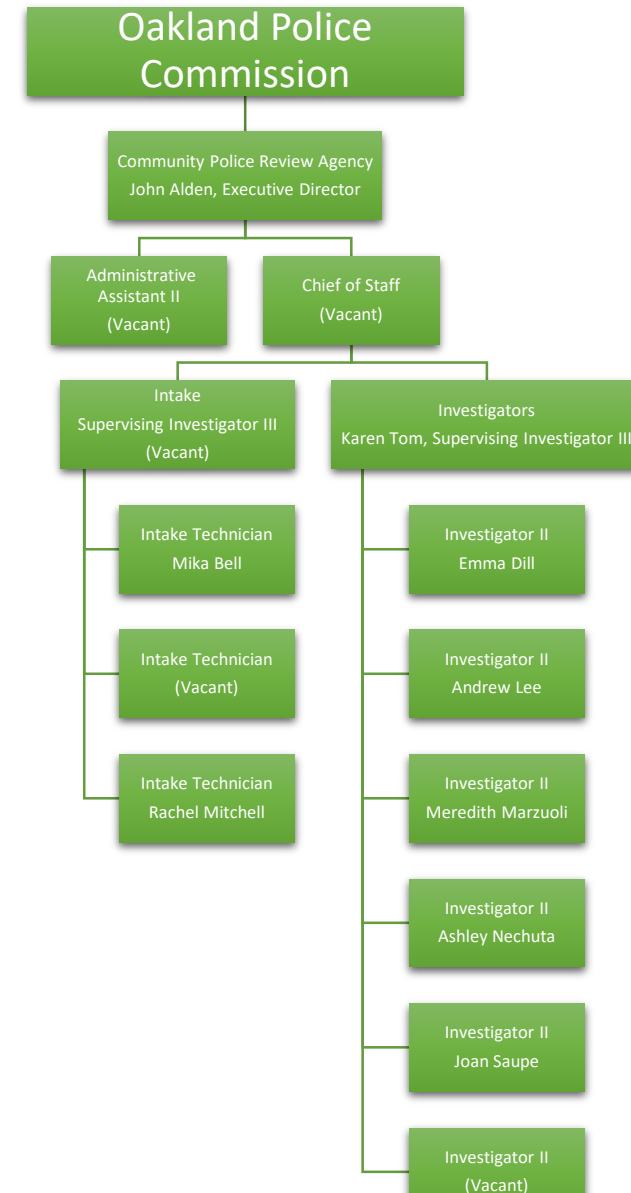


City of Oakland

CPRA-OPD Concurrence Process

The Community Police Review Agency (CPRA) is the civilian investigative arm for allegations against sworn members of the Oakland Police Department.

The Agency was created for this role by the passage of Measure LL in 2016, now encoded as Section 604 of the Oakland City Charter. The Concurrence process was also created by Measure LL.

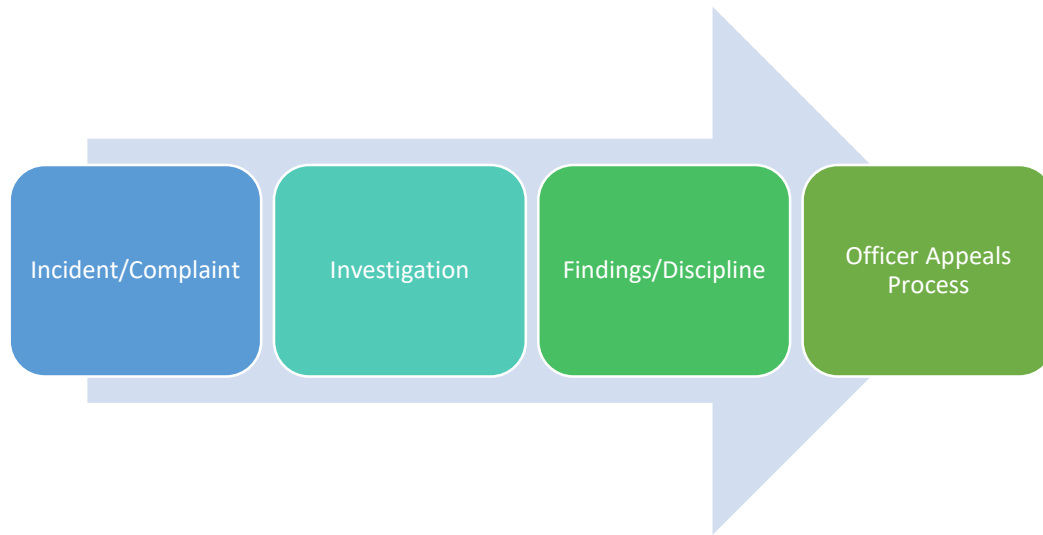


What is the Concurrence Process?

CONCURRENCE is a Charter-mandated process in which OPD and CPRA compare:
FINDINGS (whether an officer violated policy) and
DISCIPLINE (the penalty for violating policy)
in specific discipline cases against OPD officers.

IF CPRA and OPD agree on the **FINDINGS** and also **DISCIPLINE**, that agreement becomes the position of the City of Oakland.

IF CPRA and OPD disagree on either **FINDINGS** or **DISCIPLINE**, then the matter goes to a Discipline Committee at the Police Commission. The Commission's decision then becomes the decision of the City of Oakland in the matter.



Lifecycle of an Investigation

1) Incident/Complaint

The public can make a **complaint** about any **incident** in which a member of the public believes that a sworn member of the Oakland Police Department has engaged in misconduct. Each **incident** can have multiple **allegations** of misconduct.

2) Investigation

CPRA staff interview witnesses and review evidence about the complaint. They memorialize that work in an **investigation**.

3) Findings/Discipline

After the **investigation** is done, the Agency issues its **findings** as to every **allegation**. These findings are sent to the Chief of Police, and the Chief and Agency Director meet to agree on findings and proposed officer **Discipline**.

4) Officer Appeals Process

Once noticed that they are the subject to disciplinary action for a sustained finding of officer misconduct, a sworn member of the OPD may invoke their employee rights through the **Officer Appeals Process**, which may include a hearing by a Skelly Officer or an appeal to outside arbitration.

Investigation

Findings/Report
of Investigation
(ROI)

Findings

For a given allegation against a sworn member of the OPD, the Agency may come to one of the following findings:

- **Sustained:** The act(s) alleged by the complainant occurred and constituted misconduct.
- **Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.
- **Unfounded:** The act(s) alleged by the complainant did not occur.
- **Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Only Sustained allegations allow Discipline to be imposed.

How does the Charter Require CPRA and OPD to communicate about cases?

1. Exchanging complaints at intake.
2. IAD must notify CPRA when they have reached findings in a case, and before imposing discipline. IAD cannot close the case until CPRA concurs.
3. CPRA ED and Chief of Police are required to exchange their **Findings** and **Discipline** to see if they concur.

What do CPRA and OPD do to facilitate that communication?

- a) CPRA staff check IAD records to see what issues IAD flagged early.
- b) IAD, as a matter of policy and NSA compliance, will reach findings on every allegation CPRA investigates, including new allegations CPRA raises on its own.
- c) The *Santa Ana* decision sometimes requires joint interviews.
- d) When both IAD and CPRA are finished, they share each other's completed reports. Neither side normally changes its position at this stage, simply completes a ministerial comparison of positions.
- e) Discipline Conference between the CPRA ED and the OPD Chief of Police.

Findings/Discipline

OPD IAD Weekly Meeting / Discipline Conference

Prior to Measure LL, OPD Chiefs of Police met with Command Staff and also the staff of IAD to hear presentations from IAD about cases that IAD recommended be sustained. The Chief of Police would then reach his or her decision about whether to sustain that case at that meeting.

Since Measure LL created concurrence, the CPRA Executive Director and other staff have appeared at these same meetings to explain CPRA's position on the matter to the Chief of Police.

OPD IAD Weekly Meeting / Discipline Conference

ADVANTAGES

- Clear Communication
- Command Staff Training and Buy-In
- Candid Exchange of Views
- Consistent Legal Advice
- Investigator Training

DISADVANTAGES


- Sometimes Contentious
- CPRA ED Has to be Assertive
- Time Consuming –
 - 71 allegations Sustained by CPRA in 2019

Findings/Discipline

Progressive Discipline

Discipline Matrix sets ranges for discipline.

Aggravating and Mitigating factors set the discipline within those ranges.

TRAINING		BULLETIN
Effective Date: 14 Mar 14		Index Number: V-T Discipline Policy Appendix Alpha Index: Discipline Matrix
Evaluation Coordinator: IAD Commander Automatic Revision Cycle: 1 Year		
<i>"Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy."</i>		

DISCIPLINE POLICY APPENDIX

DISCIPLINE MATRIX

The Department discipline policy and this accompanying discipline matrix represent the Department's values and current industry standards. The matrix is designed to set the highest penalties on those actions most afoul of our values.

The objective of the Discipline Matrix is to ensure fair and consistent implementation of discipline within the Oakland Police Department. In addition, the Discipline Matrix, associated policies and resulting disciplinary decisions shall reflect contemporary industry standards for progressive discipline.

Findings/Discipline

Type of Misconduct	Offense 1 LL-MP-UL	Offense 2 LL-MP-UL	Offense 3 LL-MP-UL
OFFICERS - AUTHORITY AND RESPONSIBILITIES (in violation of duty) Sections 234.00 subsections	S5-T	S30-T	T
OFFICERS - AUTHORITY AND RESPONSIBILITIES (in violation of duty) Sections 234.00 subsections	C-S5	S2-D	S2-T
OFFICERS - AUTHORITY AND RESPONSIBILITIES (in violation of duty) Sections 285.00 subsections except 285.90	S5-T	S30-T	T
OFFICERS - AUTHORITY AND RESPONSIBILITIES (in violation of duty) Sections 285.00 subsections except 285.90	C-S5	S2-D	S2-T
UNPROFESSIONAL CONDUCT	C-S3	WR-S5	S5-S30
WARD OTHERS - HARASSMENT AND DISCRIMINATION	S30-T	T	
WARD OTHERS – UNPROFESSIONAL CONDUCT IN VIOLATION OF	C-S30	WR-S30	S30-T
WARD OTHERS - WORKPLACE VIOLENCE	S5-T	T	
WARD OTHERS – DEMEANOR	C-S3	WR-S5	S5-S30
WARD OTHERS-RELATIONSHIPS	S2-S5	S3-S10	S10-S30

Discipline

Discipline is imposed five ways:

Counselling/Training: Guidance on how to do better next time.

Written Reprimand: A letter in the personnel file. Can impair promotional and assignment opportunities.

Suspension: No pay for a period of 1-30 days.

Demotion: Reduction in Rank. Very significant career blow.

Termination: Separation from employment.

Findings/Discipline

Discipline Committee of the Oakland Police Commission

If CPRA and OPD disagree on **Findings** or **Discipline** in the **Concurrence** process, then the Commission resolves the dispute with a Discipline Committee. That requires:

- Commissioner Training
- Several Days of Closed Session Hearings
- Enough Time Before the 3304 Deadline

Officer Appeals

AFTER concurrence or the Discipline Committee, the officer can appeal. Steps Include:

1. Skelly Conference
2. Arbitration
(or Grievance for Reprimands)

Racism represents an acute public safety crisis in America. Bold action is long overdue to address the violent and hateful roots of white supremacy throughout our nation, and within all of our public institutions, including here in Oakland.

The Oakland Police Commission has repeatedly challenged Oakland Police Department leadership to adopt an aggressive, proactive approach to root out white supremacy among active sworn officers. We also have urged the Department to reiterate as often as possible its clear zero tolerance policy already on the books: the OPD will not tolerate any form of hate speech, any expression that supports hate speech, or any acts of subversion, whether in-person or on online platforms. These policies reflect core values of the Department, and any employee found to violate these policies is subject to discipline, including termination.

OPD disciplinary policies treat the perpetuation of racism as a Class I offense, the “most serious allegations of misconduct and, if sustained, shall result in disciplinary action up to and including termination and may serve as the basis for criminal prosecution.” We look forward to coordinating with the Department, and the new Chair of the City Council Public Safety Commission, to further strengthen existing Department policies and ensure that any officers engaging in this conduct are held accountable.

The Commission also just forwarded four Police Chief nominees to the Mayor. The next Chief’s number one priority must be to obviate the need for continued Court supervision of the Department (the “Negotiated Settlement Agreement” or “N.S.A.”). That means uprooting racism across the Department, wherever it spreads. Once the Police Chief appointment is complete, the Commission will establish performance criteria to properly align the Chief’s incentives with the City’s goals and core values.

Finally, in the coming months, the Commission will establish a new civilian Office of Inspector General (OIG), thanks to the overwhelming support of Oakland voters who recently passed measure S1 bolstering the Police Commission’s Charter authority. Once appointed, the new OIG will be tasked with auditing and addressing Department-wide cultural reform issues like this as they arise. We anticipate that the City will work hand-in-hand with the Commission to staff and budget this new oversight body with the urgency this moment in history demands of all of us.

As always, we urge the public to continue attending our meetings to share how these issues affect the daily lives of Oaklanders. We need everyone in this City to join our campaign to effect real, meaningful changes to policing in Oakland.

Thank you.

OAKLAND POLICE COMMISSION

RESOLUTION NO. 21-01

RESOLUTION TO URGE THAT THE DISTRICT ATTORNEYS' OFFICE REOPEN OFFICER-INVOLVED SHOOTING CASE OF OSCAR GRANT

WHEREAS, on January 1, 2009, Mr. Oscar Grant was shot and killed by former BART police officer Johannes Mehserle on the platform of the Fruitvale BART station, in Alameda County, CA;

WHEREAS, although Mehserle fired the fatal gunshot, several other BART police officers were present on the platform at that tragic moment;

WHEREAS, Mehserle resigned his employment with BART and was convicted of involuntary manslaughter for this shooting;

WHEREAS, one of the officers present on the platform, Anthony Pirone, participated in the detainment of Mr. Grant and his companions, and both struck and kneed Mr. Grant while detaining him, with the autopsy report revealing that Mr. Grant suffered trauma in his facial area and significant brain injury;

WHEREAS, Pirone also held Mr. Grant down on the platform by kneeling on him until just before Mr. Grant was shot by Mehserle;

WHEREAS, Pirone directed a racial slur at Mr. Grant during his detainment;

WHEREAS, when Mehserle fled the City of Oakland to avoid prosecution, the Oakland Police Department dispatched its officers to locate Mehserle and return him to Oakland to face charges;

WHEREAS, BART commissioned an independent investigation into this tragedy and a report was issued;

WHEREAS, that report, among other findings, determined that "Officer Pirone's overly aggressive and unreasonable actions and conduct in violation of policy and acceptable standards, contributed substantially to the escalation of the hostile and volatile atmosphere during the course of the incident";

WHEREAS, that report also stated that "Pirone was, in large part, responsible for setting the events in motion that created a chaotic and tense situation on the platform, setting the stage, even if inadvertent, for the shooting of Oscar Grant";

WHEREAS, Pirone was terminated from his employment at BART;

WHEREAS, Pirone has not yet been held criminally accountable for any of his actions that night;

WHEREAS, for more than a decade, the Justice for Oscar Grant Community Coalition, representing a broad array of community and religious organizations as well as legal and civil rights advocates, has organized rallies and peacefully protested the unjust killing of Oscar Grant;

WHEREAS, the steadfast action of the Justice for Oscar Grant Community Coalition movement has helped spawn movements throughout the country, such as Black Lives Matter, protesting police excessive use of force against people of color and demanding greater police accountability;

WHEREAS, the Justice for Oscar Grant Community Coalition is currently seeking action by the Alameda County District Attorney to file felony murder charges against Pirone to hold him accountable for behavior that led to the death of Oscar Grant;

WHEREAS, the Oakland Police Commission supports the efforts of the Justice for Oscar Grant Community Coalition;

RESOLVED, that the Oakland Police Commission calls on the Alameda County District Attorney Nancy O'Malley to expeditiously charge Pirone with felony murder, and any other criminal charges she finds applicable; and

FURTHER RESOLVED, District Attorney O'Malley is urged to seek the maximum penalty for such crimes upon conviction.

IN POLICE COMMISSION MEETING, January 14 , 2020, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

- AYES –
- NOES –
- ABSENT –
- ABSTENTION –

ATTEST: _____
 CHRISSIE LOVE
 Administrative Analyst, II
 Community Police Review Agency
 City of Oakland, California

TITLE AND SUMMARY

Title: A proposed amendment to Oakland’s City Charter creating an Office of Inspector General to review and report on the Police Department’s and the Community Police Review Agency’s (“CPRA’s”) practices regarding police misconduct, changing the Police Commission’s (“Commission’s”) and CPRA’s powers, duties and staffing, and allowing the Commission and the CPRA to hire their own attorneys independent of the City Attorney.

Summary:

Office of Inspector General

The Police Department (“OPD”) currently has an inspector general who provides the Chief of Police (“Chief”) with analysis of the OPD’s policies and procedures. The Chief and the City Administrator supervise and oversee this inspector general.

This measure would establish a new Office of Inspector General (“OIG”) outside of the OPD to investigate and review the City’s handling of police misconduct. The Police Commission (“Commission”) would hire the Inspector General and could remove the Inspector General for cause. The OIG would have the authority to review police misconduct-related claims, lawsuits, settlements, complaints, and investigations involving the OPD and the Community Police Review Agency (“CPRA”). Subject to limitations, this measure would allow the OIG to request and review OPD and CPRA records, including personnel and investigative records.

Under this measure, the OIG would also audit the OPD’s compliance with the tasks described in the settlement agreement in *Delphine Allen, et al., v. City of Oakland, et al.*, also known as the Riders case. This audit would address improvements in policing standards, the public’s access to the complaint process, reporting and investigations of police misconduct, training and supervision, and identifying at-risk behaviors by police officers.

The OIG would provide written reports regarding its reviews and audits to the Commission and the City Council.

Police Commission

Currently, the Commission reviews OPD policies and practices and oversees the CPRA’s investigations into police misconduct. The City Attorney currently selects and oversees the Commission’s attorneys.

This measure would allow the Commission to:

- require the Chief to respond to requests for information; and
- hire its own attorneys independent of the City Attorney’s Office.

This measure would also allow the City Council to suspend Commission members for cause.

Community Police Review Agency

The CPRA currently receives and reviews complaints of police misconduct. It must make reasonable efforts to complete its investigations within 180 days. The City Attorney currently selects and oversees the CPRA’s attorneys.

This measure would require the CPRA to complete its investigations within 250 days unless the CPRA Director finds that there are exceptional circumstances requiring more time. This measure would allow the CPRA Director to inform the Commission about OPD employees who have interfered with the CPRA’s investigations.

This measure would also require the CPRA Director to issue written findings and proposed discipline within 48 hours of the CPRA’s completion of investigations into severe uses of force, sexual misconduct, or untruthfulness.

This measure would provide the CPRA with a budget to hire its own attorneys independent of the City Attorney's Office.

IMPARTIAL ANALYSIS

Currently, the Chief of Police (“Chief”) is responsible for the Police Department’s (“OPD’s”) day-to-day operations, including investigations of police misconduct and potential discipline. The Police Commission (“Commission”) reviews OPD policies and practices and oversees the Community Police Review Agency’s (“CPRA’s”) investigations into police misconduct. In addition to the Chief, the CPRA receives and reviews complaints of police misconduct. After it completes its investigations, the CPRA submits its findings and proposed discipline to the Chief and the Commission. The City Attorney currently selects and oversees the Commission’s and the CPRA’s attorneys.

This measure would establish an Office of Inspector General (“OIG”) outside of the OPD to investigate and review the City’s handling of police misconduct. This measure would also change the Commission’s and CPRA’s powers, duties and staffing, and allow them to hire their own attorneys independent of the City Attorney.

Office of Inspector General

The OPD currently has an inspector general who provides the Chief with analysis of OPD’s policies and procedures. The Chief and the City Administrator supervise and oversee this inspector general.

This measure would establish a new OIG outside of the OPD to review police misconduct-related claims, lawsuits, settlements, complaints, and investigations involving the OPD and CPRA. The Commission would hire the Inspector General and could remove the Inspector General for cause. Subject to limitations, this measure would allow the OIG to request and review OPD and CPRA records, including personnel and investigative records.

The OIG would also audit the OPD’s compliance with tasks described in the settlement agreement in *Allen, et al., v. City of Oakland, et al.*, also known as the Riders case. This audit would address improvements in policing standards, the public’s access to the complaint process, reporting and investigations of police misconduct, training and supervision, and identifying at-risk behaviors by police officers.

The OIG would also provide written reports regarding its reviews and audits to the Commission and the City Council.

Police Commission

This measure would allow the Commission to require the Chief to respond to requests for information.

This measure would allow the Commission to hire its own attorneys independent of the City Attorney’s Office.

This measure would allow the City Council to suspend Commission members for cause.

Community Police Review Agency

The CPRA must currently make reasonable efforts to complete its investigations within 180 days. This measure would require the CPRA to complete its investigations within 250 days unless the CPRA Director finds that there are exceptional circumstances requiring more time. This measure would allow the CPRA Director to inform the Commission about OPD employees who have interfered with the CPRA’s investigations.

This measure would require the CPRA Director to issue written findings and proposed discipline within 48 hours after the CPRA completes investigations involving severe uses of force, sexual misconduct, or untruthfulness.

This measure would provide the CPRA with a budget to hire its own attorneys independent of the City Attorney’s Office.

Summary

This Measure, if passed by more than 50 percent of the voters, amends Section 604 of the City Charter, which established the Police Commission (Commission) and the Community Police Review Agency (Agency). The Measure will strengthen the independence of the Commission by modifying the powers, duties, and staffing of the Commission and the Agency. The Measure also amends the Charter to establish the Office of the Inspector General (OIG), which will be overseen by the Commission.

Fiscal Impact

The Measure requires the City to budget two attorneys and one administrative position for the Agency. It adds the OIG to the Charter and authorizes the Commission to hire legal counsel. The Measure also requires an audit of the Commission and the Agency, every three years.

Many of these costs are currently budgeted by the City as Exhibit 1 below shows, and some additional costs will be incurred.

One Agency attorney position has been budgeted at \$216,000 annually. We estimate a second attorney position will cost an additional \$216,000 annually. The City Council may suspend the budget for one attorney position in a fiscal year or a two-year budget cycle, in the event of a fiscal emergency.

The Measure also requires one administrative position to support the Commission. This position is currently budgeted at \$176,000 annually. Although the job description for this position has not been developed, we estimate the cost to remain consistent with the current budget.

The enabling ordinance, enacted in 2018, requires staffing the OIG with an Inspector General, an auditor, and a policy analyst. The City has budgeted \$927,000 for these positions, but the Inspector General and auditor positions have remained vacant since the enabling ordinance was passed.

The Measure authorizes the Commission to hire or contract for legal counsel. Although these costs are not budgeted, we estimate the Commission will incur \$50,000 to \$100,000 annually in legal costs.

The Measure requires an audit of the Commission and the Agency every three years, at an estimated cost of \$100,000 to \$150,000.

Exhibit 1 identifies the cost items, the estimated annual cost of each item, the budgeted costs, the additional annual costs associated with the Measure, and cost of the triennial audit.

Exhibit 1

Cost Item	Total Annual Cost	Current Budgeted Cost	Fiscal Impact of the Measure	
			Additional Annual Costs	Other Costs
Agency Attorney	\$432,000	\$216,000	\$216,000	
Commission Attorney	\$50,000 - \$100,000	-0-	\$50,000 - \$100,000	
OIG	\$927,000	\$927,000	-0-	
Agency Administrative Staff	\$176,000	\$176,000	-0-	
Audit (triennial)	-	-	-	\$100,000 - \$150,000
Total	\$1,585,000 - \$1,635,000	\$1,319,000	\$266,000 - \$316,000	\$100,000 - \$150,000

We estimate the Measure will add \$266,000 to \$316,000 in annual costs and an additional \$100,000 to \$150,000 every three years.

The OIG will require office space, but we are unable to estimate this cost because it is project-specific.

Future personnel costs may increase due to cost of living adjustments and future union negotiations.

Our analysis is based on the information available at the time our analysis was developed.

Argument in Favor of Measure Amending Police Commission

Oakland residents want effective and independent oversight of the Oakland Police Department, which is essential to accountability, community safety and public trust. Serious police misconduct impedes effective community safety. We need improved oversight and handling of misconduct cases, and effective policy-making in order to better protect our community for everyone.

OPD has been under federal oversight for way too long and needs to get its house in order and make more progress by enabling independent, effective oversight. A broad community coalition has worked together, with councilmembers and experts, to bring forward Measure ___ to help protect our community. It will ensure:

- Effective monitoring, analysis and implementation with an independent Inspector General;
- The ability to receive independent unbiased legal advice;
- A pathway away from federal oversight of the OPD, coupled with long-term authority to research and propose policies to ensure true constitutional policing;
- Necessary access to all relevant information related to misconduct.

The Police Commission has done important work, instituting vital policies regarding stops and searches and use of force; and thus, improving the safety and well-being of our community. And more is needed. The Inspector General cannot be effective if the position is put under the same chain of command as OPD. It is vital that the Commission have independent access to legal counsel and a well-respected civilian Inspector General.

For improvements and accountability at OPD, and effectiveness of the Police Commission, we respectfully ask for your YES vote on Measure ___.

When voting this year, please return your ballot early if mailing, and consider bringing it to an official ballot drop spot.

Reverend Dr. George Cummings
Director, Faith in Action East Bay

Rebecca Kaplan,
City Councilmember At-Large

Mariano Contreras
Latino Task Force

Dan Kalb
Oakland City Councilmember

Regina Jackson
Chair, Police Commission

Section 1. Amendments to Section 604 of the Charter of the City of Oakland.

SECTION 604 – POLICE COMMISSION

(a) Creation and Role.

1. 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. The Commission shall have the functions and duties enumerated in this Charter Section 604, as well as those assigned to the Commission by Ordinance.

2. There hereby ~~is~~ are established a Community Police Review Agency (hereinafter, Agency) and an Office of Inspector General (hereinafter, OIG), which shall have the functions and duties enumerated in this Charter Section 604, as well as those assigned to ~~the Agency~~ them by Ordinance.

3. Nothing herein shall prohibit the Chief of Police or a commanding officer from investigating the conduct of a Department sworn employee under his or her command, nor shall anything herein prohibit the Chief of Police from taking disciplinary or corrective action with respect to complaints investigated solely by the Department.

4. No later than two (2) years after the City Council has confirmed the first set of Regular Commissioners and Alternates Commissioners (collectively, Commissioners), the City Auditor shall conduct a performance audit and a financial audit of the Commission and the Agency. Performance audits shall be conducted at least once every three (3) years thereafter. Nothing herein shall limit the City Auditor's authority to conduct future performance and financial audits of the Commission and the Agency which may be conducted by an independent contractor selected by the Inspector General, in consultation with the City Auditor, in compliance with the City's contracting processes and procedures.

5. The City Administration shall not exercise any managerial authority over Commissioners, the Agency Director or the Inspector General, and shall not initiate an investigation for the purpose of removing a Commissioner. City employees maintain the right to file, and appropriate City officials and/or staff maintain authority to investigate, complaints alleging violations of applicable Civil Service Rules, City policies, including Administrative Instructions, Memoranda of Understandings (MOUs), and employment laws and regulations.

(b) Powers and Duties.

The powers and duties of the Commission are as follows:

1. Organize, reorganize and ~~e~~Oversee the work of the Agency and the OIG, and contract with professional service providers as authorized by Ordinance.
2. Conduct public hearings at least once a year on Department policies, rules, practices, customs, and General Orders. The Commission shall determine which Department policies, rules, practices, customs, or General Orders shall be the subject of the hearing.
3. Consistent with state law and in accordance with Section 1207 of the City Charter, entitled "Oaths and Subpoenas," issue subpoenas to compel the production of books, papers and documents and take testimony on any matter pending before it except that the Commission shall not have any authority to issue subpoenas for the purpose of investigating any City employee, including an Agency employee, who is not a police officer. If any person subpoenaed fails or refuses to appear or to produce required documents or to testify, the majority of the members of the Commission may find him in contempt, and shall have power to take proceedings in that behalf provided by the general law of the State.
4. Propose changes at its discretion or upon direction, by adoption of a resolution, of the City Council, including modifications to the Department's proposed changes, to any policy, procedure, custom, or General Order of the Department which governs use of force, use of force review boards, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements which pertain to the Department and are in effect at the time this Charter Section 604 takes effect ~~for so long as such federal court orders and settlements remain in effect.~~ All such proposed changes and modifications shall be submitted by the Commission Chair or her or his designee to the City Council for review, approval or rejection. ~~If t~~The City Council does not approve, modify and approve, or reject shall consider the Commission's proposed changes or modifications within one hundred and twenty (120) days of the Commission's vote on the proposed changes, and may approve, modify and approve, or reject the changes. If the Council does not approve, modify and approve, or reject the Commission's proposed changes or modifications, the changes or modifications will become final.
5. Approve or reject the Department's proposed changes to all policies, procedures, customs, and General Orders of the Department which govern use of force, use of force review boards, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements which pertain to the Department and are in effect at the time this Charter Section 604 takes effect ~~for so long as such federal court orders and settlement remain in effect.~~ If the Commission does not approve or reject the Department's proposed changes within one hundred and twenty (120) days of the Department's submission of the proposed changes to the Commission, the Department's proposed changes will become final. If the Commission rejects the

Department's proposed changes, notice of the Commission's rejection, together with the Department's proposed changes, shall be submitted by the Commission Chair or her or his designee to the City Council for review. ~~If the City Council does not approve or reject~~ shall consider the Commission's decision within one hundred and twenty (120) days of the Commission's vote on the Department's proposed changes, and may approve or reject the decision. ~~If the Council does not approve or reject the Commission's decision,~~ the Commission's decision will become final.

6. Review and comment on, at its discretion, ~~on all~~ any other policies, procedures, customs, and General Orders of the Department. All such comments shall be submitted to the Chief of Police, ~~who~~ The Chief of Police shall provide a written response to the Commission upon the Commission's request.

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 shall forward to the City Council any recommendations for change.

8. Require the Chief of Police or his or her designee to attend Commission meetings and require the Chief of Police to submit an annual report to the Commission regarding such matters as the Commission shall require, including but not limited to a description of Department expenditures on community priorities as identified by the Commission. The Chief of Police or her or his designee shall also respond to requests made by the Commission, through the Chairperson, by a majority vote of those present. The Chief of Police or her or his designee shall provide to the Commission Chair an estimate of the time required to respond to the Commission's requests.

9. Report at least once a year to the Mayor, the City Council, and to the public to the extent permissible by law, the information contained in the Chief's report in addition to such other matters as are relevant to the functions and duties of the Commission.

10. Acting Notwithstanding any other provision of this Charter or any provision of the Oakland Municipal Code, and acting separately or jointly with the Mayor, remove the Chief of Police by a vote of ~~not less~~ no fewer than five (5) affirmative votes. If acting separately, the Commission may remove the Chief of Police only after adopting a finding or findings of cause, which shall be defined by City ordinance. The Commission must make its finding of just cause by ~~not less~~ no fewer than five (5) affirmative votes and must follow a process for notification, substantiation and documentation which shall be defined by ordinance. Upon removal, by the Commission, by the Mayor, or by the Mayor and the Commission acting jointly, or upon the notice of vacancy of the position of Chief of Police, the Mayor, in consultation with the Chair of the Commission, shall immediately appoint an Interim Chief of Police. No person appointed to the position of Interim Chief of

Police shall simultaneously hold additional non-sworn employment with the City, or simultaneously serve as an elected official or officer of the City. Such appointment shall not exceed six (6) months in duration unless an extension to a date certain is approved by a majority vote of the Commission. The Commission, with the assistance of the City Administrator, shall prepare and distribute a job announcement, and prepare a list of at least four ~~four~~ three (3) candidates and transmit the names and relevant background materials to the Mayor. The Mayor shall appoint one person from this list, or reject the list in its entirety and request a new list from the Commission. ~~This provision shall not apply to any recruitment for the position of Chief of Police that is pending at the time of the Commission's first meeting.~~

11. ~~Send the Chairperson of the Commission or another Commissioner appointed by the Chairperson, the Agency Director, and/or the Inspector General or their designees to serve as a non-voting members of any level one Oakland Police Force Review Board, as permitted by law.~~

12. Hire and/or contract for, by an affirmative vote of at least five (5) members, one or more attorneys to provide legal advice to the Commission related to and within the scope of any of its powers or duties, in accordance with Section 604(i) of this Charter. When considering a candidate for an attorney position, the Commission shall consider the candidate's familiarity with laws applicable to public entities, public meetings, employee privacy, labor relations and law enforcement.

~~13.~~ Perform such other functions and duties as may be prescribed by this Charter or by City ordinance.

(c) Appointment, Terms, Vacancies, Removal.

1. The Commission shall consist of seven (7) regular members and two (2) alternate members, all of whom shall be Oakland residents of at least eighteen (18) years of age. Alternate Commissioners shall be eligible to serve on any Commission standing or ad hoc committee, including any Discipline Committee. To the extent practicable, appointments shall be broadly representative of Oakland's diversity and shall include members with knowledge and/or experience in the fields of human resources practices, management, policy development, auditing, law, investigations, law enforcement, youth representation, civil rights and civil liberties, as well as representation from communities experiencing the most frequent contact with the Department. The City Council may require, by ordinance, that some or all of the Commissioners have expertise in a specified subject matter. Background checks shall be required for all Commissioners. ~~members and alternates.~~ Such background checks shall not be performed by the Department. Commissioners shall be issued identification cards, but shall not be issued and shall not display, wear, or carry badges that so resemble a peace officer's badge that an ordinary reasonable person would believe that

Commissioners have the authority of a peace officer. The following shall not be eligible to serve as a Commissioner:

- a. current sworn police officer;
- b. current City employee;
- c. former Department sworn employee; or
- d. current or former employee, official or representative of an employee association representing sworn police officers.

2. Within two hundred and ten (210) days of the enactment of this Section, the Mayor shall appoint three (3) Oakland residents as Regular Commissioners, at least one of whom shall be a retired judge or lawyer with trial experience in criminal law or police misconduct, and one (1) Oakland resident as an Alternate Commissioner, and submit the names of these appointees to the Council for confirmation. The Council shall have sixty (60) days after the completion of the background checks and from the date of receipt of the Mayor's submission to accept or reject each of the Mayor's appointees as Commissioners. The Mayor shall appoint an Oakland resident to fill any Commission vacancies that were previously filled by a Mayor's appointee. If the City Council does not accept or reject the Mayor's appointee within sixty (60) days after the completion of the background check and receipt of the Mayor's submission, the appointee shall be deemed appointed.

3. All other Commissioners ~~and the other alternates~~ shall be appointed as follows:

a. There is hereby established a nine (9) member Selection Panel. Within ninety (90) days of the enactment of this Section, each City Council member shall appoint one (1) person, and the Mayor shall appoint one (1) person, to the Selection Panel. ~~No current Department employee is eligible to be a member of the Selection Panel.~~ The City Council shall, by ordinance, specify qualifications and/or disqualifying characteristics for Selection Panel members. The Selection Panel, with the assistance of the City Administrator, will solicit applications from those willing to serve on the Commission. The Selection Panel will review the applications, and interview applicants to serve as members of the Commission.

b. Within one hundred and twenty days (120) of its formation, the Selection Panel, by a two-thirds (2/3) vote, shall submit a slate of four (4) regular members and one (1) alternate member to the City Council. The City Council may require the nominees to appear before the Council or a Committee of the Council. If the City Council does not accept or reject the slate in its entirety within sixty (60) days after the completion of the background checks and submission by the Selection

Panel, the four (4) regular members and one (1) alternate member shall be deemed appointed.

c. Each year the Selection Panel shall re-convene, as needed, to designate replacements for the five (5) Commissioner (four (4) regular members and one (1) alternate) vacancies initially filled by the Selection Panel. and shall The Selection Panel shall, by a two-thirds (2/3) vote of the members present but by a vote of no fewer than five (5) members, submit a slate of names of such designated persons to the City Council for acceptance or rejection. If the City Council does not accept or reject the entire slate within sixty (60) days after the completion of the background checks and submission by the Selection Panel, all designated replacements shall be deemed appointed.

d. Each year the Mayor and each Councilmember may replace her or his assigned person on the Selection Panel. Selection Panel members may serve up to five (5) years. Upon a vacancy on the Selection Panel, the Councilmember who appointed the Selection Panel member (hereinafter referred to as the Appointing Authority) shall appoint a replacement. If the Appointing Authority does not appoint the replacement within one hundred and twenty (120) days of the date of resignation, removal or expiration of the Selection Panel member's term, the Selection Panel, by a two-thirds vote of those present but by a vote of no fewer than five (5) Selection Panel members, shall choose a replacement for the vacancy. All such replacements must be confirmed by the City Council.

4. With the exception of the first group of Commissioners which shall serve staggered terms, the term for each Regular and Alternate Commissioner shall be three (3) years.

5. Commissioners members are limited to no more than two (2) consecutive terms, except that a Commissioner serving a term of ~~no more~~ less than one (1) year shall be allowed to serve two (2) additional consecutive terms.

6. To effect a staggering of terms among the Commissioners, the duration of the first group of Commissioners shall be determined by the Selection Panel as follows: Three (3) regular members, including one (1) of the mayoral appointees, shall have an initial term of three (3) years; two (2) regular members, including one (1) of the mayoral appointees, shall have an initial term of two (2) years; two (2) regular members, including one (1) of the mayoral appointees, shall have an initial term of four (4) years. The alternate member appointed by the Selection Panel shall have an initial term of two (2) years and the alternate member appointed by the Mayor shall have an initial term of three (3) years.

7. A vacancy on the Commission shall exist whenever a member dies, resigns, ceases to be a resident of the City, is convicted of a felony, or is removed.

8. For vacancies occurring for reasons other than the expiration of a regular member's term, the Commission shall select one of the Alternates Commissioners to replace the regular member for that regular member's remaining term of office. If the Alternate Commissioner chosen to replace the regular member was appointed by the Selection Panel, the Selection Panel shall appoint another Alternate Commissioner. If the alternate chosen to replace the regular member was appointed by the Mayor, the Mayor shall appoint another Alternate Commissioner.

9. All Commissioners ~~members~~ shall receive orientation and training as required by ordinance, including but not limited to orientation and training in the areas of ~~regarding~~ Department operations, policies and procedures, including ~~but not limited to~~ discipline procedures for police officer misconduct and failure to act. ~~All Commission members shall receive training regarding~~ Procedural Justice, conflict resolution, national standards of constitutional policing, best practices for conducting investigations, and labor rights and laws, ~~and other subject matter areas which are specified by City ordinance.~~

10. The City Council may remove ~~members of the~~ any Commissioner for cause as provided in Section 601 of the Charter. After a hearing, the City Council may also suspend any Commissioner for cause by an affirmative vote of at least six (6) members of the Council, or rescind such a suspension by the affirmative vote of at least five (5) members of the Council. A Commissioner who is suspended shall be ineligible to conduct Commission business, and the Commission shall select one of the Alternates Commissioners to replace the suspended Commissioner for the duration of the suspension. ~~or members of the~~ Any Commissioner may also be removed by a majority vote of the Commission only for conviction of a felony, conviction of a misdemeanor involving moral turpitude, a material act of dishonesty, fraud, or other act of moral turpitude, substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, absence from three consecutive regular Commission meetings or five regular meetings in a calendar year except on account of illness or when absent by permission. The Public Ethics Commission shall have the authority to investigate all allegations which, if true, could be cause for removal of a Commissioner under Section 601 of the Charter and to refer the findings to the City Council.

(d) Meetings, Rules and Procedures.

1. The Commission shall meet at least twice each month unless it determines that one meeting is sufficient in a particular month. The Commission shall notify the public of the time and place of the meeting and provide time for public comment at each meeting. The Commission shall meet at least twice each year in locations other than City Hall.

2. The Commission shall establish rules and procedures for the conduct and operations of its business. Such rules shall be made available to the public.

3. Five (5) members shall constitute a quorum. If a quorum is not established by the regular members in attendance, the Chairperson of the Commission may designate one or more ~~Alternate members~~ Commissioners to establish a quorum and cast votes. Motions on all matters may be approved by a majority of those ~~Commissioners~~ members present unless otherwise specified in this Charter Section 604.

(e) Budget and Staffing.

1. The City shall allocate a sufficient budget for the Commission, including the Agency and the OIG, to perform its functions and duties as set forth in this Charter section 604, including budgeting ~~at least one full-time equivalent non-City Attorney legal advisor that is specifically charged with providing legal services to the Agency related to investigations and recommended discipline. The one full-time equivalent non-City Attorney legal advisor shall be assigned by the City Attorney after consultation with the Chair of the Commission. The non-City Attorney legal advisor shall not in the regular course of his or her legal practice defend law enforcement officers and shall not participate in, nor serve as counsel to the City or any of its Council members or employees in defense of any lawsuit arising from any incident involving an Oakland police officer, for no fewer than two full-time legal advisors for the Agency (hereinafter Agency Attorneys). The budget set-aside for one of the Agency Attorneys may be suspended for a fiscal year or two-year budget cycle upon a finding in the budget resolution that the City is facing an extreme fiscal necessity, as defined by City Council resolution. The Agency Director shall have authority to hire and/or contract with legal advisors subject to said budget. The Agency, including the Agency Staff Attorneys, may consult with the City Attorney on police-officer investigations and discipline, including related hearings, provided there is no conflict of interest.~~

2. Within sixty (60) days of the City Council's confirmation of the first group of Commissioners ~~and alternates~~, the Oakland Citizens' Police Review Board (hereinafter Board) shall be disbanded and its pending business transferred to the Commission and to the Agency. The Executive Director of the Board shall become the Interim Director of the Agency, and all other staff will be transferred to the Agency.

3. After the effective date of this Charter section 604, the ~~Commission~~ Agency Director and the Inspector General may identify special qualifications and experience that candidates for Agency and OIG staff positions, respectively, must have. Candidates for future vacancies may be selectively certified in accordance with the Civil Service Personnel Manual, as may be amended from time to time; said selective certification shall be subject to discretionary approval by the appointing authority and the Personnel Director ~~City Administrator or his or her designee.~~

4. The staff of the Agency shall consist of no fewer than one line investigator for every one hundred (100) sworn officers in the Department, rounded up or down to the nearest one hundred (100). The number of investigators shall be determined at the beginning of each budget cycle based on the number of sworn officers employed by the Department the previous June 1. At least one investigator shall be a licensed attorney. The budget set-aside for such minimum staffing may be suspended for a fiscal year or two-year budget cycle upon a finding in the budget resolution that the City is facing an extreme fiscal necessity, as defined by City Council resolution.

5. The City Administrator ~~shall~~ may assign a staff member to act as liaison to the Commission. The City shall allocate a sufficient budget for one full-time civil service employee who shall report to the Agency Director and whose duties shall include ~~and to provide~~ing administrative support to the Commission, and attending Commission meetings.

6. Upon a vacancy, the Agency Director of the Agency and the Inspector General shall be hired by the City Administrator from among two (2) or three (3) candidates submitted by the Commission. By an affirmative vote of at least five (5) members, or by an affirmative vote of four (4) members with the approval of the City Administrator, the Commission may terminate the Agency Director of the Agency or the Inspector General. The Commission may remove the Inspector General only after adopting a finding or findings of cause, which may be defined by City Ordinance. The Commission shall periodically conduct a performance review of the Agency Director and Inspector General. The Agency Director and Inspector General shall be classified as a Department heads, and shall have the authority to hire and fire Agency staff and OIG staff, respectively, including Agency Attorneys, in consultation with the City Administrator subject to section 604(e)(7) of the City Charter and consistent with state law, City Civil Service Rules and any applicable collective bargaining agreement. The Agency Director and Inspector General, in consultation with the City Administrator, shall have the authority to organize and reorganize the Agency and the OIG, respectively, subject to section 604(e)(7) of the City Charter.

7. The staff of the Agency, OIG and Commission staff, with the exception of the Agency Director and Inspector General themselves, shall be civil service employees in accordance with Article IX of the City Charter. Civil service staff of the Agency, OIG or Commission may not be separated from employment unless such separation is approved by the City Administrator. Background checks shall be required for all Agency investigator applicants before they are hired by the Agency. Such background checks shall not be performed by the Department. Staff of the Board who are transferred to the Agency as discussed in section (e)(2) above shall not be subject to background checks.

8. No current or former sworn employee of the Department, or current official, employee or representative of an employee association representing sworn police officers, is eligible for any staff position in the Agency, or the Commission.

(f) Investigations.

1. Beginning sixty (60) days after the City Council's confirmation of the first group of Commissioners ~~and alternates~~, the Agency shall receive, review and prioritize all public complaints concerning the alleged misconduct or failure to act of all Department sworn employees, including complaints from Department non-sworn employees. The Agency shall not be required to investigate each public complaint it receives, beyond the initial intake procedure, but shall investigate public complaints involving uses of force, in-custody deaths, profiling based on any of the protected characteristics identified by federal, state, or local law, untruthfulness, and First Amendment assemblies. The Agency shall also investigate any other possible misconduct or failure to act of a Department sworn employee, whether or not the subject of a public complaint, as directed by the Commission. The Agency shall forward a copy of each complaint received it receives to the Internal Affairs Division of the Oakland Police Department within one business day of receipt, and the Department shall forward a copy of each complaint it receives to the Agency within one business day of receipt. The Agency Director may report to the Commission on the status of written complaints filed with the Chief of Police asserting that Department employees have resisted attempts by the Agency to conduct reasonable investigative tasks. The Agency Director shall submit to the Commission each month a list of all investigations it is conducting and shall, as permitted by law, answer any questions raised by any Commissioner regarding such investigations at a Commission meeting.

2. Subject to applicable law and provisions of this Charter Section 604, the Commission, ~~OIG~~, and Agency shall have the same access to all Department files and records, including the Department's Internal Affairs Division (hereinafter, IAD) files and records, related to sworn employees of the Department with the exception of personnel records, in addition to all files and records of other City departments and agencies related to sworn employees of the Department, as ~~the Department's Internal Affairs Division (IAD)~~ IAD, including but not limited to the same access to electronic data bases as IAD as permitted by law. Requests for access to such files and records shall be made by a majority vote of the Commission, by the Agency Director, or by the Inspector General. By majority vote, the Commission shall have the authority to request information from the Department, and the Chief of Police or her or his designee shall respond to such requests, as permitted by law. Commission requests for personnel records shall have, and the Commission's vote shall articulate, a reasonable nexus to one or more of the Commission's powers and duties enumerated in subsection (b) of this Charter Section 604. Access to personnel records shall be limited to the Agency Director who All those who have access to confidential information shall maintain confidentiality as required by law. The Department and other City departments and agencies shall

make every reasonable effort to respond to the Commission's, OIG's, or Agency's requests for files and records within ten (10) days, including but not limited to: (1) records relevant to Police Department policies or practices, and (2) personnel and disciplinary records of Police Department sworn employees, as permitted by law.

3. The Agency shall make every reasonable effort to complete its investigations within one hundred and eighty (180) days of the filing of the complaint with the Agency. The Agency shall complete its investigations within two hundred and fifty (250) days of the filing of the complaint with the Agency unless the Agency Director, in his or her discretion, makes a written finding that exceptional circumstances exist in a particular case that are beyond the Agency's control. Within thirty (30) days of completion of the investigation, the Agency Director of the Agency shall issue written findings and proposed discipline regarding the allegations stated in the complaint to the Chair of the Commission and the Chief of Police. The Agency Director shall issue written findings and proposed discipline within forty-eight (48) hours of completion of any investigation of Level 1 use of force (as defined by Department policy), sexual misconduct or untruthfulness. The City Administrator shall not have the authority to reject or modify the Agency's findings and proposed discipline.

4. To the extent allowed by law and after consultation with the Commission, the Agency shall forward information to other enforcement agencies, including but not limited to the Alameda County District Attorney, when such information establishes a reasonable basis for believing that a crime may have been committed by a sworn Department employee.

5. The OIG shall audit the Department's compliance with the fifty-two (52) tasks described in the Settlement Agreement in United States District Court case number C00-4599, Delphine Allen, et al., v. City of Oakland, et al., and make recommendations to the Department, the Commission, and the City Council based on its audit(s), even after the Settlement Agreement expires. The OIG may review legal claims, lawsuits, settlements, complaints, and investigations, by, against, or involving the Department and the Agency, to ensure that all allegations of police officer misconduct are thoroughly investigated, and to identify any systemic issues regarding Department and Agency practices and policies. The OIG shall have access and authority to review Department data, investigative records, personnel records, and staffing information, as permitted by law, for the purpose of conducting audits of the Department. The OIG shall have access and authority to review Agency data, investigative records, personnel records, and staffing information for the purpose of conducting audits of the Agency. The OIG's access to personnel records for non-sworn employees shall be limited to training records. OIG shall provide written reports of the results of its audits to the Commission and the City Council, and, upon request, shall publicly report on the results of any audits to the Commission and/or the City Council in a manner consistent with all applicable confidentiality requirements. The Inspector General shall receive orientation and training as required by Ordinance, including but not limited to

orientation and training in the areas of Department operations, policies and procedures, including discipline procedures for police officer misconduct and failure to act, Procedural Justice, conflict resolution, national standards of constitutional policing, best practices for conducting investigations, and labor rights and laws.

6. Upon the occurrence of a Serious Incident, as defined by Ordinance, the Chief of Police or her or his designee shall immediately notify the Agency Director.

(g) Adjudication.

1. If the Chief of Police agrees with the Agency's findings and proposed discipline, he or she shall notify the Agency Director who shall notify the Chair of the Commission of the agreed-upon findings and proposed discipline. The Chief shall send to the subject officer notification of the agreed-upon findings and intent to impose discipline. The Chief of Police may send such notification to the subject officer before IAD has begun or completed its investigation.

2. If the Chief of Police disagrees with the Agency's findings and/or proposed discipline, the Chief of Police shall ~~prepare~~ notify the Agency Director of his or her own findings and/or proposed discipline which shall be submitted to. ~~The Agency Director shall submit the Chief's findings and proposed discipline in addition to the Agency's findings and proposed discipline to the Chair of the Commission. The Chair of the Commission shall appoint a Discipline Committee comprised of three Commissioners. The City Administrator shall not have authority to reject or modify the Chief of Police's findings and proposed discipline. The Agency's findings and proposed discipline shall also be submitted to the Discipline Committee which shall~~ After reviewing the Agency's submission and after consulting with the Agency Director about the time available under applicable statutory deadlines, the Discipline Committee may require the Agency to further investigate the complaint by notifying the Agency Director, in writing, of the specific issues that need further investigation. After reviewing both submissions, the Discipline Committee shall ~~and~~ resolve any dispute between the Agency and the Chief of Police. Based solely on the record presented by the Agency and the Chief of Police, the Discipline Committee shall submit its final decision regarding the appropriate findings and proposed discipline to the Chief of Police who shall notify the subject officer. The City Administrator shall not have the authority to reject or modify the Discipline Committee's final decision regarding the appropriate findings and level of discipline. The Discipline Committee shall not have the authority to conduct its own investigation.

3. If the Chief of Police prepares his or her own findings and proposed discipline and provides it to the Agency before the Agency's investigation is initiated or completed, the Agency may close its investigation or may choose not to conduct its own investigation in order to allow final discipline to proceed as proposed by the Chief, except that ~~if the Agency is required to conduct an investigation by subsection (f) above in investigations of Level 1 uses of force,~~

sexual misconduct or untruthfulness, the Commission must approve the Agency's decision by a majority vote. If the Agency chooses not to close its investigation, imposition of final discipline shall be delayed until the Agency's investigation is completed and the Agency makes its findings and recommendations for discipline. The Agency shall notify the Chief of its final decision regarding how and whether it will proceed within ~~five (5) business~~ seven (7) days of the Chief's notice of completion of his or her investigation.

4. All employees are afforded their due process and statutory rights including *Skelly* rights. After the findings and imposition of discipline have become final, the subject officer shall have the right to grieve/appeal the findings and imposition of discipline if such rights are prescribed in a collective bargaining agreement. Whenever the discipline determination of a Discipline Committee is the subject of a hearing before the Civil Service Board or a labor arbitrator, the Agency Director, in consultation with the City Attorney, shall decide whether an Agency Attorney or the Office of the City Attorney shall represent the City. The Agency Director shall notify the subject officer of the Agency Director's decision no more than fourteen (14) calendar days after the date that the subject officer invokes the right to a hearing.

5. On its own motion and by no fewer than five (5) affirmative votes, the Commission may convene a Discipline Committee for cases involving allegations of Level 1 use of force, sexual misconduct and untruthfulness when either the Agency or the Department have not completed an investigation within two hundred and fifty (250) days of the filing of a complaint or when the evidence upon which either the Department or the Agency bases its findings does not include available body-worn camera footage of the incident under investigation, or when body-worn camera footage of the incident was required under Department policy but such footage was not recorded or was otherwise unavailable. The Discipline Committee may require the Agency to further investigate the complaint by notifying the Agency Director, in writing, of the specific issues that need further investigation.

(h) Enabling Legislation.

The Commission may make recommendations to the City Council for enacting legislation or regulations that will further the goals and purposes of this Charter section 604. The City Council may, on its own initiative, enact legislation or regulations that will further the goals and purposes of this Charter section 604. Once the Commission is seated, subsequent legislation or regulations shall be submitted to the Commission for review and comment. The Commission shall have forty-five (45) days to submit its comments to the City Council, such time to be extended only by agreement of the City Council.

(i) Legal Counsel to the Commission

1. The dollar amount for all employees hired and/or contracts approved according to section 604(b)(12) of this Charter (hereinafter, Commission

Attorneys), in aggregate, in a single fiscal year shall not exceed the amount budgeted by the City Council for such fiscal year; and such contracts shall be in the form established by the City for professional legal services contracts. By an affirmative vote of at least five (5) members, the Commission may terminate such contracts or, subject to any applicable personnel rules or collective bargaining agreements, terminate such employment.

2. Commission Attorneys shall represent the City as an organization and shall not commence any claim or other legal proceeding against the City on behalf of the Commission. Commission Attorneys shall respond to any petition or application for a writ of mandate, restraining order or injunction brought against the Commission or against Commissioners in its or their official capacity unless the Commission votes to refer the matter to the City Attorney for response. The City Attorney shall act as legal counsel on behalf of the Commission and Commissioners in all other litigation involving it or them in their official capacity in accord with section 401(6) of this Charter.

3. In accord with their role, Commission Attorneys shall not disclose the confidences of the Commission on any legal matter to any other officer of the City unless:

a. The Commission, either as a body or through its Chair, or the Vice Chair if the Chair is unavailable and the matter is time sensitive, gives Commission Attorney informed consent in writing;

b. The Commission, either as a body or through its Chair, or Vice Chair if the Chair is unavailable and the matter is time sensitive, refers the same legal matter to the City Attorney pursuant to section 401(6) of this Charter:

c. Commission Attorney, in her/his professional discretion, determines it is in the best interests of the Commission to consult with the City Attorney;

d. Commission Attorney, in her/his professional discretion, determines that the Rules of Professional Conduct require referral of the matter to one of the following City officers: City Administrator, Mayor, City Attorney, Council president, Vice Mayor; or

e. The legal matter becomes, in whole or in part, the subject of litigation involving the City or any City officer, board, commission, including the Police Commission, or other agency in their official capacity.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Measure is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Measure. The voters hereby declare that they would have passed this Measure and each section, subsection, clause or phrase thereof

irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.



AGENDA REPORT

TO: Police Commission

FROM: John Alden
Executive Director, CPRA

SUBJECT: Overview of CPRA-IG-Commission
Budgeting FY '19-'21;
Reductions in December 2020;
Budget Challenges FY '21-'23.

DATE: January 12, 2021

Decision

The purpose of this memo is to secure the Commission's decision on which of two budget proposals to submit to the Finance Department for Fiscal Year (FY) '21-'23: a conservative approach cutting CPRA and Commission services, or a bolder proposal reducing the scope of IAD investigative work to save money and expand CPRA's investigative scope. Staff recommends the latter, bolder proposal.

Current Budget Overview

The funds allocated for the Police Commission, Inspector General, and CPRA are considered a single budget within the City of Oakland, totaling just over \$4 million dollars for each fiscal year in FY '19-'20 and '20-'21. The lion's share of expenses, over \$3 million, are for personnel, and are thus set by the City Council during the budget process. A portion has been allocated for miscellaneous contracting expenses, including contracts executed by the Police Commission, and thus the Commission has more flexibility as to how to spend these sums. The rest covers nearly fixed, ongoing costs such as office rental and utilities.

a. Personnel

CPRA personnel number eight Investigators (the mandatory minimum required by Charter at last count), three Intake Technicians, the Chief of Staff, and the Executive Director, for a total of 13 current positions. An additional vacant Administrative Assistant position will likely be deleted as part of a reorganization the Commission ordered in the summer of 2020.

The Inspector General is currently budgeted for two positions – the Inspector General and one staff member. The staff member is the former CPRB Policy analyst, Juanito Rus, and the Inspector General is vacant.

Finally, the Commission has one Administrative Analyst position, which is currently filled but slated for reorganization by the Commission to a Project Manager II.

Thus, the budgeted oversight personnel under the Commission number 17 staff. CPRA staff suggested, and the Police Commission approved, requesting more staff in the mid-cycle budget adjustment for FY '20-21, but those additions did not move forward because of COVID budget shortfalls.

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b. Discretionary Spending for Contracts

In the current budget cycle, the Commission and CPRA both had low-six figure sums for contract expenses. In part this was designed to pay for contractors the Commission might retain for a variety of projects, like special investigations, retreat facilitation, or other expert services.

About a year ago, the City Council generously allowed the Commission to move over \$600,000 in unspent salary savings from the unfilled Inspector General positions into a project fund for additional contracting.

Reductions in December 2020

In the summer of 2020, the City made a series of mid-cycle budget corrections to accommodate for lost revenues caused by COVID. In the last few months, these revenue losses have become even more severe. The City's General funds are now projected to be short over \$60 million this fiscal year and even more in the next budget cycle. These losses will certainly be greater than the net losses to the city's treasury in the Great Recession. Some estimates place the total losses to the City's treasury during the anticipated span of the COVID fiscal crisis to be greater than the total losses over the decade of the Great Depression, but concentrated into a two- to three-year span.

In December 2020, the City Administrator's Office froze all hiring, stopped the work of all contract employees, sought and received substantial pay cuts from unrepresented employees, and asked all Departments to develop projected 10% and 20% cuts for the remainder of the current fiscal year, '20-'21. Clearly reductions for the new fiscal cycle, '21-'23, will be even deeper to accommodate the projected revenue losses.

One savings tool the City Administrator possesses is to take back from Departments any unspent funds left over from prior fiscal years. Thus, in December 2020, the City Administrator was using this power to take back many Departments' savings from FY '19-'20, if any. Because the City council had allowed the Commission to move a substantial sum from unspent salary savings in FY '19-'20 into savings for contracting expenses, much of this sum was still available in December 2020. After discussions between the Commission Chair, the CPRA Executive Director, and the City Administrator, all three agreed to give back to the City that savings, but to count that as a credit against the 10% and 20% cuts that all agencies were to submit to the City Administrator. Between this sum and salary savings in FY '20-'21 from vacant positions, the Commission and CPRA have thus already met the 20% cut target without losing any permanent staff positions.

Today, CPRA and the Commission remain fully funded for our current staff positions. Contracts already in progress are also funded. But that said, the Commission and CPRA should not expect to have sufficient funds for any further contracting this fiscal year.

Budget Challenges for FY '21-'23: Staff Recommends Reimagining Investigations

a. City Departments Will All Shrink in FY '21-23

Budget submissions from Departments are due February 3, 2020. CPRA, the IG, and the Commission must submit a proposed budget on that same date, too. Initially, the Finance Department has asked for cuts of \$520,000 and \$454,000 in each of the next two fiscal years, respectively. These cuts exceed the total funds allocated for contracting; meeting them would require some cuts into staff salary costs.

The City has been negotiating with labor unions to agree to compensation reductions of some sort, since employee compensation is the vast majority of the City budget. To date, no agreements on compensation cuts have been reached. By law, in the absence of an agreement with labor, the City Council's only remaining option to reduce compensation costs would be layoffs of current employees. The same is true of CPRA and the Commission: absent an agreement between the City and labor groups, the only way to reduce employee costs is to layoff employees.

While CPRA staff are not the City's fiscal and budget experts, and ultimately the City Council will decide this issue, as of the date of this memo, layoffs seem likely citywide.

The CPRA Executive Director can and will submit a budget proposal to Finance for the Commission, IG, and CPRA. CPRA suggests two scenarios to the Commission for this purpose: a conservative proposal, and a bold proposal.

b. Conservative Budget Proposal

A conservative, traditional approach to this budget would be to simply submit reductions that match the amounts requested by Finance. In this case, that would be a combination of cuts to contracting funds and some staff positions in order to meet Finance's targets. Likely this would cut contracting funds down to the bare minimum needed for operational expenses (such as translation and transcription services for a few tens of thousands annually), and elimination of whichever staff positions the Commission deems the least essential, probably in the range of one to two positions. CPRA, IG, and Commission work would have to scale back accordingly.

c. Bold Budget Proposal

That said, this is no time for traditional approaches in police oversight. Voters in Oakland have yet to receive the oversight system described in Measure LL, simply because we are still building it. Voters doubled-down on their expectations when they passed Measure S1 and demanded even more from our oversight system despite the well-known fiscal ravages of COVID. The Oakland City Council has asked us to Reimagine Public Safety despite the well-known fiscal ravages of COVID. And the public took to the streets in 2020 to say that policing must be reformed now despite the well-known fiscal ravages of COVID. Now is the time for bold budgeting to match the bold demands of the public for greater police oversight.

To that end, a bold budget proposal would be to join with many in the Reimagining Public Safety Taskforce to reconfigure the investigation of public complaints of police misconduct. Simply put, the Internal Affairs Division of OPD and also CPRA investigate the same public complaints of

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police misconduct, but the Charter only requires CPRA to so investigate. Instead of these duplicative investigations, the City of Oakland could instead take the Internal Affairs Division out of the business of investigating such cases altogether. The cost savings from eliminating duplicative investigations would exceed the savings targets that the Finance Department has asked CPRA to meet.

Last week, the Finance Department asked Department Heads to submit memos identifying ways to eliminate duplicative work between City of Oakland Departments. A memo the CPRA Executive Director submitted to the Finance Department outlining in more detail the duplicative nature of the IAD – CPRA investigations is attached as an exhibit here. In sum, a portion of IAD staff could be eliminated, with others transferred to CPRA. Those transferred would be “civilianized,” meaning police officer positions would be converted to civilian employee positions. To some extent, the City Administrator has already advocated for such civilianization. IAD would still have some staff to investigate internal complaints of misconduct raised by supervisors against their subordinates.

Before moving forward on either the conservative or bold proposals, staff seeks Commission direction on which to pursue.

Attachments

Attached as Exhibit A is the originally approved FY '19-'21 budget, before the re-allocation of Inspector General funding to contract expenses during the budget cycle.

Attached as Exhibit B is the CPRA Executive Director's memo of January 8, 2021, detailing the duplication of effort between IAD and CPRA and an approach to eliminating that duplication.

EXHIBIT A

Police Commission FY 2019-21 Biennial Adopted Departmental Budget

Org & Account	FY19-20 Total	FY20-21 Total
66111 - Police Commission	552,412	664,277
Personnel	146,320	151,599
54011 - Contract Contingencies (Budgetary Only)	103,000	203,000
54511 - Legal Fees	281,136	287,393
55212 - Registration and Tuition		
Internal Service Funds	21,956	22,285
66211 - Community Police Review Agency	2,889,821	2,978,011
Personnel	2,399,550	2,485,924
52211 - Stationery and Office Supplies	20,000	20,000
52212 - Minor Furniture and Office Equipment (No Asset Number Not Capitalized)	3,000	3,000
52213 - Minor Computer Hardware and Software (No Asset Number Not Capitalized)	3,750	3,750
52614 - Books	1,200	1,200
52911 - Bottled Water and Food for Human Consumption	3,500	3,500
52919 - Supplies: Miscellaneous and Commodities		
53116 - Telephone	6,000	6,000
53219 - Rental: Miscellaneous		
53312 - Public Relations	10,000	10,000
53314 - Advertising and Promotion	3,500	3,500
53611 - Postage and Mailing	5,000	5,000
53719 - Miscellaneous Services	12,000	12,000
54011 - Contract Contingencies (Budgetary Only)	246,000	246,000
54511 - Legal Fees		
54722 - Advertising: Classified		
54919 - Services: Miscellaneous Contract		
55111 - Non-City Vehicle Rentals		
55112 - Commercial Transportation	9,000	9,000
55114 - Per Diem and Lodging	15,250	15,250
55119 - Miscellaneous Travel Expenditures (Tips Parking)		
55212 - Registration and Tuition	15,650	15,650
55219 - Miscellaneous Educational Expenditures	15,000	15,000
55312 - Memberships: City		
Internal Service Funds	121,421	123,237
66311 - Inspector General	659,765	677,774
Personnel	649,204	667,056
Internal Service Funds	10,561	10,718

Discretionary O&M	FY19-20 Total	FY20-21 Total
66111 - Police Commission	384,136	490,393
66211 - Community Police Review Agency	368,850	368,850

EXHIBIT B

**Community Police Review
Agency**

Memo

To: Bradley Johnson, Assistant Budget Administrator, Finance Department
From: John Alden, Executive Director, Community Police Review Agency
Date: 1/8/21
Re: Police Commission/CPRA/IG Interdepartmental Organization Analysis

As directed by the Finance Department's Budget Instructions for the 2021-2023 budget cycle, the below is our Interdepartmental Organization Analysis. Finance has asked for answers to the following three questions:

1. Are there services that your department is currently providing in conjunction with other departments? Should there be? Can interdepartmental operational efficiencies be achieved in collaborating with other departments? Please outline possible changes that can be implemented across all involved departments.
2. What ideas does your department have for reducing redundancies and/or enhancing services without increasing costs across the City? Please describe with as much as detail as possible.
3. What if any of your existing services/functions can be performed by another department? Please indicate what department and how.

All three are answered below in two specific proposals.

A. Eliminate IAD-CPRA Duplication

CPRA and OPD both investigate the same roughly 500 public complaints of police misconduct each year. This number of dual investigations are clearly inefficient, and not the norm in other California cities. The City Charter requires the CPRA investigation;

elimination of the OPD investigation would save substantial city resources by eliminating OPD positions that are doing that work, and civilianizing others.

That said, a small portion of the work conducted in IAD is also used by CPRA, so such a reorganization would require some transfer of resources from OPD IAD to CPRA. Some IAD staff would be left at IAD to handle internal Police Department complaints, such as supervisors complaining about their subordinates.

Specifically, I would alter the following positions at IAD in order to move the investigation of all public complaints to CPRA:

1. Delete one Lieutenant of Police. IAD currently has two.
2. Reduce, civilianize and transfer the entire existing IAD Intake Unit to CPRA, specifically:
 - a. Civilianize 3.0 Police Officers by replacing with 2.0 Intake Technicians and 1.0 Complaint Investigator II, and transfer those positions to CPRA;
 - b. Civilianize 1.0 Police Sergeant by replacing with 1.0 Complaint Investigator III, and transfer that position to CPRA;
 - c. Delete 1.0 Police Officer outright; no civilian backfill.
3. Civilianize and transfer half of the IAD Investigative Unit to CPRA, specifically:
 - a. Civilianize 2.0 Police Sergeants by replacing with 1.0 Complaint Investigator II and 1.0 Complaint Investigator III; transfer those positions to CPRA;
4. Transfer 2.0 Intake Technicians to CPRA;
5. Reclassify 2.0 Police Records Specialists to Administrative Assistant IIs and transfer to CPRA;
6. Delete 1.0 Police Records Supervisors at IAD;
7. End the DLI program, which is estimated to require the FTE of 2.0 Police Sergeants. This would free up Police Sergeants in Patrol to handle more patrol functions in the field. Or, alternatively, reduce the overall OPD number of Police Sergeants accordingly.

Net, this would delete one Lieutenant, two Police Sergeants, one Police Officer, and one Police Records Supervisor, and civilianize six other sworn positions. CPRA would need to take over a commensurate office space, which would require transferring operational and real estate budget from IAD to CPRA to match at no net cost.

B. Eliminate OPD Inspector General – New Civilian Inspector General Duplication

Once the new Inspector General is stood up under the Commission, as directed in Measure S1, those operations will eventually become duplicative to those in the OPD Inspector General. The Council, especially CM Kalb, have been clear in the past that the goal of the new Inspector General is to eventually replace the OPD Inspector General entirely. While the exact timing of this transition is not yet clear, the faster the

new Inspector General is running, the sooner parallel positions in OPD can be deleted or transferred.

Specifically, the Inspector General at OPD would eventually be deleted; that position is currently filled by a Lieutenant of Police. The sworn staff in the Inspector General's Office at OPD could be deleted or reassigned. And the civilian staff would reassigned to the new Inspector General and/or downsized. But until the new Inspector General is running, it is difficult to foresee with specificity how quickly these positions can transition, and whether any fiscal impact would be cost-neutral or create a savings.



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

December 10, 2020
6:30 PM

I. Call to Order

Chair Regina Jackson

The meeting began at 6:32 pm.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: José Dorado, Henry Gage, III, Sergio Garcia, Brenda Harbin-Forte, Regina Jackson, Tyfahra Singleton, and Thomas Lloyd Smith. Quorum was met.

Alternate Commissioners Present: David Jordan

Counsel for this meeting: Conor Kennedy

III. Welcome, Purpose, and Open Forum)

Comments were provided by the following public speakers:

Assata Olugbala
Michele Lazaneo
John Bey
Saleem Bey
Reisa Jaffe

IV. Update from Interim Police Chief

OPD Interim Chief Manheimer provided an update on Department activities including crime statistics.

Comments were provided by the following public speakers:

Lorelei Bosserman
Joseph Mentel
Rachel Beck
John Bey
Assata Olugbala
Reisa Jaffe
Jasmine Fallstich
Megan Steffen
Saleem Bey
Michele Lazaneo
Speaker did not identify themselves

No action was taken on this item.

V. Reimagining Public Safety Task Force Update

Former Commissioner Ginale Harris shared an update on the Reimagining Public Safety Task Force.

Comments were provided by the following public speakers:

Megan Steffen
Bruce Schmiechen
Joseph Mente
John Bey
Assata Olugbala
Tasha Mente
Jasmine Fallstich
Anne Janks
Saleem Bey

A motion was made by Thomas Lloyd Smith, seconded by Regina Jackson, to 1) put together a letter that communicates to the Reimagining Public Safety Task Force that the Police Commission wants access for the Commission's representative Ginale Harris to the decision making meetings that the Commission identifies so that she can actually be a full participant, and 2) that Chair Jackson deliver the message by e-mail and in person so that the Police Commission can get a full briefing of what's going on in order to be included in the decision making process. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Singleton, and Smith
No: 0

VI. Commission Retreat

The Commission discussed the proposals submitted by two potential facilitators and voted to proceed with Leadership Incorporated.

Comments were provided by the following public speakers:

Saleem Bey
Assata Olugbala

A motion was made by Tyfahra Singleton, seconded by Thomas Lloyd Smith, to select Blaze Consulting Group to facilitate the retreat. The motion failed to carry by the following vote:

Aye: Singleton
No: Dorado, Gage, Garcia, Harbin-Forte, and Jackson
Abstain: Smith

A second motion was made by Thomas Lloyd Smith, seconded by José Dorado, to proceed with Leadership Incorporated to conduct a retreat for the Commission with a not to exceed amount of \$10,500. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Singleton, and Smith

No: 0

A third motion was made by Henry Gage, III, seconded by Brenda Harbin-Forte, to approve Resolution 20-05 with edits to be provided by John Alden. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Singleton, and Smith

No: 0

A motion was made by José Dorado, seconded by Thomas Lloyd Smith, to extend the meeting by 30 minutes. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Singleton, and Smith

No: 0

VII. Review of OPD Policy 15-01 Community Resource Officer Deployment (*this item was tabled to a future agenda*)

Comments were provided by the following public speakers:

Assata Olugbala

Megan Steffen

John Bey

Saleem Bey

A motion was made by José Dorado, seconded by Brenda Harbin-Forte, to table this item to allow the Ad Hoc Committee to work on revisions to the policy. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Singleton, and Smith

No: 0

A motion was made by Brenda Harbin-Forte, seconded by José Dorado, to extend the meeting to 11:30 pm. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Singleton, and Smith

No: 0

VIII. Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing, and Recent Activities

Executive Director John Alden reported on the Agency's pending cases, completed investigations, staffing, and recent activities.

Comments were provided by the following public speakers:

Assata Olugbala

Saleem Bey

No action was taken on this item.

IX. Meeting Minutes Approval

The Commission voted to approve minutes from November 12, 2020.

Comments were provided by the following public speakers:

Saleem Bey

A motion was made by José Dorado, seconded by Sergio Garcia, to approve the minutes from November 12, 2020. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Singleton, and Smith

No: 0

X. Vote to Reschedule Meeting Scheduled for December 24, 2020 to December 17, 2020

The Commission voted to reschedule the second meeting of the month on December 24th as it is Christmas Eve to December 17, 2020.

Comments were provided by the following public speakers:

Saleem Bey

Assata Olugbala

A motion was made by José Dorado, seconded by Sergio Garcia, to reschedule the second meeting of the month from December 24th to December 17, 2020. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Singleton, and Smith

No: 0

XI. Agenda Setting and Prioritization of Upcoming Agenda Items (*this item was tabled to a future agenda*)

Comments were provided by the following public speakers:

Assata Olugbala

Saleem Bey

A motion was made by Sergio Garcia, seconded by José Dorado, to table this item to a future meeting. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Singleton, and Smith

No: 0

XII. Adjournment

A motion was made by Brenda Harbin-Forte, seconded by Sergio Garcia, to adjourn the meeting at 11:32 pm. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Singleton, and Smith

No: 0



OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

December 17, 2020
6:30 PM

I. Call to Order

Chair Regina Jackson

The meeting began at 6:33 pm.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: José Dorado, Henry Gage, III, Sergio Garcia, Brenda Harbin-Forte, Regina Jackson, and Thomas Lloyd Smith. Quorum was met.

Alternate Commissioners Present: David Jordan

Commissioners Excused: Tyfahra Singleton

Counsel for this meeting: Conor Kennedy

III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Assata Olugbala

Kevin Cantu

Megan Steffen

Michele Lazaneo

IV. Department of Race and Equity Presentation and Training

Department of Race and Equity Director Darlene Flynn presented an overview of the Department's goals and objectives. She also delivered a training on Racial Equity as required by OMC 2.45.190(M).

Comments were provided by the following public speakers:

Kevin Cantu

Rashidah Grinage

Assata Olugbala

Michele Lazaneo

Natasha Beeker

John Bey

No action was taken on this item.

V. Adjournment

A motion was made by Thomas Lloyd Smith, seconded by Brenda Harbin-Forte, to adjourn the meeting at 8:59 pm. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, and Smith

No: 0

DRAFT

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
2	Commissioner Trainings	1/1/2018	<p>Complete trainings mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190</p> <p>Some trainings have deadlines for when they should be completed (within 3 months, 6 months, etc.)</p> <p>Several trainings were delivered in open session and have been recorded for future use</p>	<p>The following trainings must be done in Open Session:</p> <ol style="list-style-type: none"> 1. California's Meyers Milias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (done 3.12.20) 2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (done 2.27.20) 3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (rescheduled due to COVID-19 health emergency - maybe reschedule for March 2021) 4. Police Officers Bill of Rights (done 12.12.19) 	High	Ongoing		

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
3	Confirming the Process to Hire Staff for the Office of Inspector General	5/17/2019	Per the Enabling Ordinance: The City shall allocate a sufficient budget for the OIG to perform its functions and duties as set forth in section 2.45.120, including budgeting one (1) full-time staff position comparable to the position of Police Program and Audit Supervisor. Within thirty (30) days after the first Inspector General is hired, the Policy Analyst position and funding then budgeted to the Agency shall be reallocated to the OIG. All OIG staff, including the Inspector General, shall be civil service employees in accordance with Article IX of the City Charter.	This will require information presented from the City Administrator's Office.	High			
4	Finalize Bylaws and Rules	1/24/2019			High			Gage
5	Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	Pending Measure LL revisions to be included in the November 2020 ballot. Recruitment and job posting in process.	High			Personnel Committee

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
6	Notification of OPD Chief Regarding Requirements of Annual Report	1/1/2018	Commission must notify the Chief regarding what information will be required in the Chief's annual report	<p>The Chief's report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. The number of complaints submitted to the Department's Internal Affairs Division (IAD) together with a brief description of the nature of the complaints; 2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated; 3. The number of investigations completed by IAD, and the results of the investigations; 4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions; 5. Revisions made to Department policies; 6. The number and location of Department sworn employee-involved shootings; 7. The number of Executive Force Review Board or Force Review Board hearings and the results; 8. A summary of the Department's monthly Use of Force Reports; 9. The number of Department sworn employees disciplined and the level of discipline imposed; and 10. The number of closed investigations which did not result in discipline of the Subject Officer. <p>The Chief's annual report shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7</p>	High	June 14, 2018 and June 14 of each subsequent year		Dorado
7	OPD to Provide a 30 Day Snapshot on the Effectiveness of SO 9202	2/27/2020		On 2.27.20, at the request of OPD the Commission considered and approved SO 9202 which amends the section in SO 9196 regarding Type 32 reportable force	High			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
8	Performance Reviews of CPRA Director and OPD Chief	1/1/2018	Conduct performance reviews of the Agency Director and the Chief	The Commission must determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Agency Director's or the Chiefs job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary.	High	Annually; Criteria for evaluation due 1 year prior to review		
9	Recommendations for Increasing Communication Between CPRA and IAD	10/6/2018		Review of existing communication practices and information sharing protocols between departments, need recommendations from stakeholders about whether a policy is needed. Ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing.	High			
10	Reports from OPD	10/6/2018	Commission to decide on what reports are needed prior to receiving them.	Receive reports from OPD on issues such as: response times; murder case closure rates; hiring and discipline status report (general number for public hearing); any comp stat data they are using; privacy issues; human trafficking work; use of force stats; homelessness issues; towing cars of people who sleep in their vehicles	High	Ongoing as appropriate		

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
11	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	<p>Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of:</p> <ol style="list-style-type: none"> 1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; 2. Arbitration decisions or other related results; 3. The ways in which it has supported the police discipline process; and 4. Significant recent developments in police discipline. <p>The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7</p>	High	Semi-annually First one done 10.22.20 Next one should be April, 2021		Smith
12	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado
13	CPAB Report			Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium			
14	Determine Outstanding Issues in Meet and Confer and the Status of M&C on Disciplinary Reports	10/6/2018		Need report from police chief and city attorney. Also need status report about collective bargaining process that is expected to begin soon.	Medium			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
15	Develop Plan for Quarterly Reports in Relation to Annual Report that is Due April 17th of Each Year	12/6/2019		The Commission is required to submit an annual report each year to the Mayor, City Council and the public. Preparing quarterly reports will help with the coordination and preparation of an annual report.	Medium			
16	Free Gun Trace Service	1/27/2020		This service was mentioned at a meeting in 2019.	Medium			Dorado
17	Modify Code of Conduct from Public Ethics Commission for Police Commission	10/2/2018		On code of conduct for Commissioners there is currently a code that was developed by the Public Ethics Commission.	Medium			
18	Offsite Meetings	1/1/2018	Meet in locations other than City Hall	The offsite meetings must include an agenda item titled "Community Roundtable" or something similar, and the Commission must consider inviting individuals and groups familiar with the issues involved in building and maintaining trust between the community and the Department.	Medium	Annually; at least twice each year		Dorado, Harris, Jackson
19	OPD Supervision Policies	10/2/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for supervisory accountability. Draft policy changes as needed. In addition, IG should conduct study of supervisor discipline practices. In other words, how often are supervisors held accountable for the misconduct of their subordinates.	Medium			
20	Public Hearing on OPD Budget	1/1/2018	Conduct at least one public hearing on the Police Department's budget	Tentative release date of Mayor's proposed budget is May 1st of each year.	Medium	Spring, 2021		
21	Receive a Report from the Ad Hoc Committee on CPRA Appellate Process	6/13/2019	Once the Commission has an outside counsel, work with them on determining an appellate process	When a draft process is determined, bring to the Commission for a vote.	Medium			Brown, Gage, Prather

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
22	Report from OPD Regarding Found/Confiscated Items	7/12/2019	OPD will report on the Department's policy for disposition of found/confiscated items.	This came about through a question from Nino Parker. The Chief offered to present a report at a future meeting.	Medium			
23	Report Regarding OPD Chief's Report	1/1/2018	Submit a report to the Mayor, City Council and the public regarding the Chief's report in addition to other matters relevant to the functions and duties of the Commission	The Chief's report needs to be completed first.	Medium	Annually; once per year		
24	Review Budget and Resources of IAD	10/10/2018		In Discipline Training it was noted that many "lower level" investigations are outsourced to direct supervisors and sergeants. Leaders in IAD have agreed that it would be helpful to double investigators and stop outsourcing to Supervisors/Sgts. Commissioners have also wondered about an increase civilian investigators. Does the Commission have jurisdiction over this?	Medium			
25	Review Commission's Agenda Setting Policy	4/25/2019			Medium			
26	Review Commission's Code of Conduct Policy	4/25/2019			Medium			Prather
27	Review Commission's Outreach Policy	4/25/2019			Medium			Dorado
28	Revise Contracts with CPRA and Commission Legal Counsels	10/10/2018		The contract posted on the Commission's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City Attorney's Office, not the Commission. The Commission has yet to see the CPRA attorney's contract, but it, too, may be problematic.	Medium			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
29	Amendment of DGO C-1 (Grooming & Appearance Policy)	10/10/2018		DGO C-1 is an OPD policy that outlines standards for personal appearance. This policy should be amended to use more inclusive language, and to avoid promoting appearance requirements that are merely aesthetic concerns, rather than defensible business needs of the police department.	Low			
30	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	Spring, 2021		Prather, Smith
31	Assessing Responsiveness Capabilities	10/6/2018		Review OPD policies or training regarding how to assess if an individual whom police encounter may have a disability that impairs the ability to respond to their commands.	Low			
32	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	Low			
33	Creation of Form Regarding Inspector General's Job Performance	1/1/2018	Create a form for Commissioners to use in providing annual comments, observations and assessments to the City Administrator regarding the Inspector General's job performance. Each Commissioner shall complete the form individually and submit his or her completed form to the City Administrator confidentially.	To be done once Inspector General position is filled.	Low			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
34	Discipline: Based on Review of MOU	10/6/2018		<p>How often is Civil Service used v. arbitration? How long does each process take? What are the contributing factors for the length of the process? How often are timelines not met at every level? How often is conflict resolution process used? How long is it taking to get through it? Is there a permanent arbitration list? What is contemplated if there's no permanent list? How often are settlement discussions held at step 5? How many cases settle? Is there a panel for Immediate dispute resolution? How many Caloca appeals? How many are granted? What happened to the recommendations in the Second Swanson report?</p>	Low			
35	Discipline: Second Swanson Report Recommendations – Have These Been Implemented?	10/6/2018		<p>Supervisor discipline Process for recommending improvements to policies, procedures and training, and to track and implement recommendations Tracking officer training and the content of training Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines IAD civilian oversight for continuity in IAD Improved discovery processes Permanent arbitration panel implemented from MOU OPD internal counsel Two attorneys in OCA that support OPD disciplines and arbitration Reports on how OCA is supporting OPD in discipline matters and reports on arbitration Public report on police discipline from Mayor's office OIG audit includes key metrics on standards of discipline</p>	Low			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
36	Feedback from Youth on CPRA App	10/10/2018		Get some feedback from youth as to what ideas, concerns, questions they have about its usability.	Low			
37	OPD Data and Reporting			Review and comment on the Department's police and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments to the Chief, and request the Chief to consider its recommendations and respond to the comments in writing.	Low			
38	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low			
39	Overtime Usage by OPD - Cost and Impact on Personal Health; Moonlighting for AC Transit	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			
40	Process to Review Allegations of Misconduct by a Commissioner	10/2/2018		Maureen Benson named concerns/allegations about a sitting Commissioner early in 2018, but no process exists which allows for transparency or a way to have those concerns reviewed. It was suggested to hold a hearing where anyone making allegations presents evidence, the person named has an opportunity to respond and then the Commission decides if there's sanctions or not. *Suggestion from Regina Jackson: we should design a form...check box for the allegation...provide narrative to explain..hearing within 4 weeks?	Low			Jackson

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
41	Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	1/1/2018	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress. (See Trauma Informed Policing Plan)	Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of posttraumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.	Low	4/15/2021		
42	Public Hearings on OPD Policies, Rules, Practices, Customs, General Orders	1/1/2018	Conduct public hearings on Department policies, rules, practices, customs, and General Orders; CPRA suggests reviewing Body Camera Policy		Low	Annually; at least once per year		Dorado
43	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019			Low			
44	Social Media Communication Responsibilities, Coordination, and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	Low			