



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING AGENDA

February 27, 2020

5:30 PM

City Council Chamber, 3<sup>rd</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland, CA 94612

**I. Call to Order**

Chair Regina Jackson

**II. Roll Call and Determination of Quorum**

Chair Regina Jackson

**III. Welcome, Purpose, and Open Forum (2 minutes per speaker)**

Chair Regina Jackson will welcome and call 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.

**IV. Public Comment on Closed Session Items**

**THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION IN CITY HALL BUILDING BRIDGES ROOM, 3RD FLOOR AND WILL REPORT ON ANY FINAL DECISIONS DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.**

**V. Closed Session**

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

**VI. Determinations of Closed Session**

- a. The Commission will report on any actions taken during Closed Session, as required by law.

**VII. Committee Reports**

Representatives from the following Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.*** ([Attachment 7](#))

- i. Personnel
- ii. Outreach
- iii. Mental Health Model
- iv. Use of Force
- v. Equipment
- vi. Rules of Procedure

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

**VIII. Outreach Services for CPRA**

The Commission will discuss seeking a provider of outreach services for CPRA. Executive Director John Alden and Alternate Commissioner David Jordan will provide details on a proposed scope of services and estimated cost. The Commission may vote to issue an RFP or to select a sole-source provider. ***This was discussed on 1.23.20 and is continued from 2.13.20. (Attachment 8).***

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

**IX. OPD Overtime Report**

The Department will present the overtime report that was delivered at the Finance and Management Committee meeting on February 25, 2020. ***This is a new item. (Attachment 9).***

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

**X. Civil Service Board and Other Relevant City Personnel Policies and Procedures**

City of Oakland Human Resources Director Ian Appleyard will deliver a training on Civil Service Board and Other Relevant City Personnel Policies and Procedures as mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190. ***This is a new item. (Attachment 10)***

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

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

To the extent permitted by state and local law, Executive Director John Alden will report on the Agency's pending cases, completed investigations, staffing, and recent activities. ***This is a recurring item. (Attachment 11).***

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

**XII. Review of Current Police Commission Standing and Ad Hoc Committee Assignments**

The Commission will review the current Standing and Ad Hoc Committee Assignments and may choose to make changes and establish new committees. ***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 January 9, 23, and February 13, 20, 2020. ***This is a recurring item.*** ([Attachment 13](#)).

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

**XIV. Liaison/Other Commissioner Reports**

This time is set aside to allow Commissioners to present a brief report on their own activities, including service on committees or as liaisons to other public bodies. No action may be taken as a result of a report under this section other than to place a matter for consideration at a future meeting. ***This is a recurring item.***

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

**XV. 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 15](#)).

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

**XVI. Adjournment**



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Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantones, Mandarín, o de lenguaje de señas (ASL) por favor envíe un correo electrónico a [clove@oaklandca.gov](mailto:clove@oaklandca.gov) o llame al 510-238-7785 o 711 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

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**DRAFT ORDINANCE ON ACQUISITION AND USE OF MILITARIZED EQUIPMENT**

WHEREAS, the City Council finds that the acquisition of military and militaristic equipment and its deployment in Oakland can adversely impact the public's safety and welfare, including introducing significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurring significant financial costs; and

WHEREAS, the Law Enforcement Equipment Acquisition Working Group created by President Barack Obama in Executive Order 13688 (later rescinded by President Donald Trump) recommended requiring "local civilian government (non-police) review of and authorization for law enforcement agencies' request for or acquisition of controlled equipment," and that such review included detailed justification for the acquisition and collecting information on and reporting on its use; and

WHEREAS, the City Council finds that the public has a right to know about any funding, acquisition, or use of military or militaristic equipment by the City of Oakland, as well as a right to participate in any City decision to fund, acquire, or use such equipment; and

WHEREAS, the City Council finds that decisions regarding whether and how military or militaristic equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input; and

WHEREAS, several studies indicate that police departments in the United States that acquire military-grade equipment are more likely to use violence and are no more successful in reducing crime than those that acquire less such equipment;<sup>1</sup> and

WHEREAS, the City Council finds that legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military or militaristic equipment is funded, acquired, or used; and

WHEREAS, the City Council finds that the lack of a public forum to discuss the acquisition of military or militaristic equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service; and

WHEREAS, the City Council finds that if military or militaristic equipment is acquired, reporting measures must be adopted that empower the City Council and public to verify that mandated civil rights safeguards have been strictly adhere to.

<sup>1</sup> Jonathan Mummolo, "Militarization fails to enhance police safety or reduce crime but may harm police reputation," *Proceedings of the National Academy of Sciences*, September 11, 2018 (37) 9181-9186; Casey Delehanty, Jack Mewhirter, Ryan Welch and Jason Wilks, "Militarization and police violence: The case of the 1033 program," *Research and Politics*, April-June 2017, 1-7; and Edward Lawson Jr., "Police Militarization and the Use of Lethal Force," *Political Research Quarterly*, 2018, 1-13.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

**SECTION 1. Name of Ordinance.**

(A) This Ordinance shall be known as the Police Equipment and Community Safety Ordinance.

**SECTION 2. Definitions.**

(A) **“Controlled Equipment”** means equipment that is military or militaristic in nature, or is likely to be perceived as military or militaristic in nature, and includes, but is not limited to, all of the following:

- (1) Special-purpose wheeled vehicles that are built or modified to provide ballistic protection to their occupants, such as mine-resistant ambush protected (MRAP) vehicles or armored personnel carriers.
  - (a) Standard patrol vehicles, such as Crown Victorias and Chargers are specifically excluded from this section.
- (2) Multi-purpose wheeled vehicles that are built to operate both on-road and off-road, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, or a five-ton truck, or vehicles built or modified to use a breaching or entry apparatus as an attachment.
  - (a) Unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this section.
- (3) Tracked vehicles that are built or modified to provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- ~~(4) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.~~
- (4) Weapon-bearing aircraft, vessels, or vehicles of any kind, whether manned or unmanned.
- (5) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, equipment that is ballistic, such as a slug, or equipment that is explosive in nature.
- (6) Firearms of .50 caliber or greater.
- (7) Ammunition of .50 caliber or greater.
- (8) Specialized firearms and associated ammunition of less than .50 caliber, as defined in Sections 30510 and 30515 of the California Penal Code.
- (9) Projectile launch platforms, such as 40mm projectile launchers, “bean bag” or specialty impact munition weapon, and “riot guns” used to disperse chemical agents.
- (10) Any knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.
- (12) Explosives, pyrotechnics, and chemical weapons such as “flashbang” grenades explosive breaching tools, and “teargas”.
- ~~(13) Riot batons, riot helmets, and riot shields, but excluding service issued telescopic or fixed length straight batons.~~
- ~~(13) Sonic weapons, such as the Long Range Acoustic Device sound cannon.~~

- (15) Active area denial weapons, such as the Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
- (a) Only LRAD use in crowd control situations shall trigger the reporting requirements of this ordinance.
- (16) Any other equipment as determined by the City Council to require additional oversight.
- (B) "**City**" means any department, agency, bureau, and/or subordinate division of the City of Oakland as provided by Chapter 2.29 of the Oakland Municipal Code.
- (C) "**City Staff**" means City personnel authorized by the City Administrator or designee to seek City Council approval of the acquisition of Controlled Equipment in conformance with this Ordinance.
- (D) "**Controlled Equipment Impact Statement**" means a publicly released, written document that includes, at a minimum, all of the following:
- (1) Description: A description of each type of Controlled Equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the Controlled Equipment.
  - (2) Purpose: The purposes and reasons for which the Oakland Police Department (hereinafter, "Police Department") proposes to use each type of Controlled Equipment.
  - (3) Fiscal Cost: The fiscal cost of each type of Controlled Equipment, including the initial costs of obtaining the equipment, the estimated or anticipated costs of each proposed use, the estimated or anticipated costs of potential adverse impacts, and the estimated or anticipated annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.
  - (4) Impact: An assessment specifically identifying any potential impacts that the use of Controlled Equipment might have on the welfare, safety, civil rights, and civil liberties of the public, and what specific affirmative measures will be implemented to safeguard the public from potential adverse impacts.
  - (5) Mitigations: Specific, affirmative technical and procedural measures that will be implemented to safeguard the public from such impacts.
  - (6) Alternatives: Alternative method or methods by which the Police Department can accomplish the purposes for which the Controlled Equipment is proposed to be used, the annual costs of alternative method or methods, and the potential impacts of alternative method or methods on the welfare, safety, civil rights, and civil liberties of the public.
  - (7) Location: The location(s) it may be used, using general descriptive terms.
  - (8) Third Party Dependence: Whether use or maintenance of the Controlled Equipment will require the engagement of third-party service providers.
  - (9) Track Record: A summary of the experience (if any) other entities, especially government entities have had with the proposed Controlled Equipment, including, if available, quantitative information about the effectiveness of the Controlled Equipment in achieving its stated purpose in other jurisdictions, and any known

adverse information about the Controlled Equipment (such as unanticipated costs, failures, or civil rights and civil liberties abuses).

- (E) **“Controlled Equipment Use Policy”** means a publicly released, legally enforceable written document governing the use of Controlled Equipment by the Oakland Police Department that addresses, at a minimum, all of the following:
- (1) Purpose: The specific purpose or purposes that each type of Controlled Equipment is intended to achieve.
  - (2) Authorized Use: The specific uses of Controlled Equipment that are authorized, and rules and processes required prior to such use.
  - (3) Prohibited Uses: A non-exclusive list of uses that are not authorized.
  - (4) Training: The course of training that must be completed before any officer, agent, or employee of the Police Department is allowed to use each specific type of Controlled Equipment.
  - (5) Auditing and Oversight: The mechanisms to ensure compliance with the Controlled Equipment Use Policy, including which independent persons or entities have oversight authority, and what legally enforceable sanctions are put in place for violations of the policy.
  - (6) Transparency: The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Controlled Equipment, and how the Police Department will ensure that each complaint, concern, or question receives a response in a timely manner.
- (F) **“Police Area”** refers to each of the geographic districts assigned to a police commander and as such districts are amended from time to time.
- (G) **“Exigent Circumstances”** means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person requires the use of unapproved Controlled Equipment.

### **SECTION 3. Acquisition and Use of Controlled Equipment.**

- (A) Restrictions Prior to Submission and Approval
- (1) The Oakland Police Department shall submit to the Oakland Police Commission (hereinafter “Police Commission”) a Controlled Equipment Impact Report and a Controlled Equipment Use Policy prior to engaging in any of the following:
    - (a) Requesting the transfer of Controlled Equipment pursuant to Section 2576a of Title 10 of the United States Code.
    - (b) Seeking funds for Controlled Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
    - (c) Acquiring Controlled Equipment either permanently or temporarily, including by borrowing or leasing.
    - (d) Collaborating with another law enforcement agency, such as commanding, controlling, or otherwise directing that agency or its personnel, in the deployment or other use of Controlled Equipment within Oakland.

- (e) Using any new or existing Controlled Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this Ordinance.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Controlled Equipment.

(B) Submission to Police Commission

- (1) When seeking the review and recommendation of the Police Commission, the Police Department shall submit to the Police Commission a Controlled Equipment Impact Report and a Controlled Equipment Use Policy.
- (2) At least 15 days prior to any public hearing concerning the Controlled Equipment at issue, the Department shall publish the Controlled Equipment Impact Report and Controlled Equipment Use Policy for public review. Publishing to the Department's website shall satisfy the requirements of this subsection.
- (3) In order to facilitate public participation, Controlled Equipment Impact Reports and Controlled Equipment Use Policies shall be made publicly available on the Department's website for as long as the Controlled Equipment is proposed or approved for use.
- (4) ~~The Police Commission shall consider Controlled Equipment Impact Reports and Controlled Equipment Use Policies as an agenda item for review at an open session of a regularly noticed meeting.~~

(C) Criteria for Police Commission Recommendations

- (1) The Police Commission shall only recommend approval of a request to fund, acquire, or use Controlled Equipment pursuant to this chapter if it determines all of the following:
  - (a) The Controlled Equipment is needed despite available alternatives.
  - (b) The Controlled Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
  - (c) The use of Controlled Equipment will not be used based on race, national origin, religion, sexual orientation, gender, gender identity, political viewpoint, or disability, or disproportionately impact any community or group.
  - (d) The use of Controlled Equipment is the most cost-effective option among all available alternatives.
- (2) If the submitted Controlled Equipment Impact Report identifies a risk of potential adverse effects on the public's welfare, safety, civil rights, or civil liberties, a recommendation for approval for the funding, acquisition, or use of Controlled Equipment by the Police Commission pursuant to this Ordinance shall not be deemed an acquiescence to those effects, but instead an acknowledgment of the risk of those effects and the need to avoid them proactively.

(E) Police Commission Review Required Before City Council Consideration of Approval.



- (1) The funding, acquisition, or use of Controlled Equipment by the Police Department shall not be permitted without the review and recommendation, by the Police Commission, and approval, by City Council, of a Controlled Equipment Impact Report and a Controlled Equipment Use Policy submitted pursuant to this Ordinance.
  - (a) The Chair of the Police Commission, in consultation with the Vice Chair, may provide limited approval, in writing, for the Department to solicit funding for Controlled Equipment prior to the submission of a Controlled Equipment Impact Report and a Controlled Equipment Use Policy.
  - (b) Controlled Equipment purchased under the exception provided by this subsection shall not be used unless a Controlled Equipment Impact Report and Controlled Equipment Use Policy is subsequently submitted to the Police Commission for review and subsequently approved by City Council, pursuant to the general requirements of this section.
- (2) The Police Commission shall recommend that the City Council adopt, modify, or reject the proposed Controlled Equipment Use Policy.
  - (a) If the Police Commission proposes that the Controlled Equipment Use Policy be modified, the Police Commission shall propose such modifications to City Staff. City Staff shall present such modifications or notice of rejection to City Council when subsequently seeking City Council approval pursuant to this Ordinance.
  - (b) Failure by the Police Commission to make its recommendation on a proposal within ninety (90) days of submission shall enable City Staff to proceed to the City Council for approval of the proposal.

(F) Police Commission Review of Prior Recommendations

- (1) The Police Commission shall review any recommendation that it has adopted pursuant to this Ordinance approving the funding, acquisition, or use of Controlled Equipment at least annually and vote on whether to recommend renewal of the approval.
- (2) A Police Commission recommendation to City Council that a prior approval be revoked shall be presented to Council for immediate consideration. If City Council has not reviewed and taken action on a Police Commission recommendation that a prior approval be revoked within four (4) City Council meetings from when the item was initially scheduled for City Council consideration, the City shall cease its use of the Controlled Equipment.

(G) Review Process for Previously-Acquired Equipment

- (1) The Police Department shall have three years from the date of passage of this Ordinance to submit Controlled Equipment Use Policies and Controlled Equipment Impact Statements for approval pursuant to this Ordinance if the Department wishes to continue the use of Controlled Equipment acquired prior to the passage of this Ordinance. The Department shall cease the use of Controlled Equipment acquired prior to the date of passage of this ordinance if, after three years, no approval, pursuant to the requirements of this Ordinance, has been granted.
- (2) In order to ensure that the review of previously-acquired Controlled Equipment is appropriately prioritized, the Police Department shall provide a prioritized ranking of

Controlled Equipment possessed and/or used by the City, and the Police Commission shall consider this ranking in determining order in which previously-acquired Controlled Equipment is agendized for review. Upon receipt of this ranked list from the Police Commission, City Staff shall begin the submission of proposals, beginning with the highest-ranking items and continuing until a Controlled Equipment Impact Report and a Controlled Equipment Use Policy has been submitted for each item on the list.

**(H) City Council Review Process**

- (1) After the Police Commission Notification and Review requirements have been met, City Staff seeking City Council approval shall schedule for City Council consideration an package containing the Controlled Equipment Impact Report, Controlled Equipment Use Policy, and Police Commission recommendations, at least fifteen (15) days prior to a public meeting.
- (2) The City Council shall only approve a proposed Controlled Equipment Impact Report and proposed Controlled Equipment Use Policy after first considering the recommendation of the Police Commission, and subsequently making a determination that the City's interest in community safety outweighs the potential adverse affects of using Controlled Equipment.
- (3) For approval of existing Controlled Equipment for which the Police Commission has failed to make a recommendation within ninety (90) days as provided by this Section, if the City Council has not reviewed and approved such item within four (4) City Council meetings from when the item was initially scheduled for City Council consideration, the City shall cease its use of the Controlled Equipment until such review and approval occurs.

**(I) Use of Unapproved Controlled Equipment during Exigent Circumstances**

- (1) City Staff may temporarily use, or allow use by other entities, of Controlled Equipment without following the notification and review requirements of this Ordinance only when Exigent Circumstances exist.
- (2) If City Staff uses, or allows use by other entities, of Controlled Equipment pursuant to the above-mentioned circumstances, City Staff shall:
  - (a) Use the Controlled Equipment solely to respond to the Exigent Circumstances.
  - (b) Cease using the Controlled Equipment when the Exigent Circumstances end.
  - (c) Only keep and maintain Controlled Equipment that is directly relevant to an active, ongoing investigation, and discharge such Controlled Equipment once investigation has concluded, absent an intervening approval for retention pursuant to this section.
  - (d) Following the end of the Exigent Circumstances, report the use of Controlled Equipment to the Police Commission at their next meeting for discussion and possible action.

**SECTION 4. Reports on the Use of Controlled Equipment.**

**(A) Annual Report on Controlled Equipment**

- (1) The Oakland Police Department shall submit to the Police Commission an annual report on Controlled Equipment to the Police Commission within one year of approval, and annually thereafter for as long as the Controlled Equipment is available for use. The annual report shall be provided no later than March 15th of each year, unless the Police Commission advises the Police Department that an alternate date is preferred. The Police Department shall also make each annual report required by this section publicly available on its website for as long as the Controlled Equipment is available for use. The annual report shall, at a minimum, include the following information for the immediately preceding calendar year:
  - (a) Production descriptions and specifications for Controlled Equipment and inventory numbers of each type of Controlled Equipment in the Police Department's possession.
  - (b) A summary of how Controlled Equipment was used.
  - (c) If applicable, a breakdown of where Controlled Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
  - (d) A summary of any complaints or concerns received concerning Controlled Equipment.
  - (e) The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.
  - ~~(6) An analysis of any discriminatory, disparate, any other adverse impacts that the use of Controlled Equipment may have had on the public's safety, welfare, civil rights, and civil liberties and on any community or group, including, but not limited to, those protected by the First, Fourth, and Fourteenth Amendments to the United States Constitution.~~
  - (f) The total annual cost for each type of Controlled Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for Controlled Equipment in the calendar year following submission of the annual report.
- (2) Within 60 days of the Police Department submitting and publicly releasing an annual report pursuant to this section, the Police Commission shall place the report as an agenda item for an open session of a regular meeting. After review and approval by the Police Commission, City Staff shall submit the annual report to City Council.

(C) Compliance & Revocation of Approval

- (1) The Police Commission shall determine, based on the annual report submitted pursuant to Section 4, whether each type of Controlled Equipment identified in that report has complied with the standards for approval set forth in Section 3. If the Police Commission determines that any Controlled Equipment identified in the annual report has not complied with the standards for approval set forth in Section 3, the Police Commission shall either recommend revocation of the authorization for that piece of Controlled Equipment or modify the Controlled Equipment Use Policy in a manner that will resolve the lack of compliance. Recommendations for

revocations pursuant to this section shall be forwarded to City Council in accordance with the approval process in Section 3.

**SECTION 5. Enforcement.**

**(A) Remedies for Violations of this Ordinance**

- (1) Any violation of this Ordinance, or of a Controlled Equipment Use Policy promulgated under this Ordinance, constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in the Superior Court of the State of California to enforce this Ordinance. An action instituted under this paragraph shall be brought against the respective city department, and the City of Oakland, and, if necessary to effectuate compliance with this Ordinance or a Controlled Equipment acquisition or Use Policy, any other governmental agency with possession, custody, or control of Controlled Equipment subject to this Ordinance, to the extent permitted by law.
- (2) Any person who has been subjected to the use of Controlled Equipment in violation of this Ordinance may institute proceedings in the Superior Court of the State of California against the City of Oakland and shall be entitled to recover actual damages (but not less than liquidated damages of one thousand dollars (\$1,000.00) or one hundred dollars (\$100.00) per day for each day of violation, whichever is greater).
- (3) A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought under subpart (1) or (2) above.
- (4) Violations of this Ordinance by a city employee may result in consequences that may include retraining, suspension, or termination, subject to due process requirements.

**SECTION 6. Transparency.**

**(A) Disclosure Requirements**

- (1) It shall be unlawful for the City to enter into any Controlled Equipment-related contract or other agreement that conflicts with the provisions of this Ordinance, and any conflicting provisions in such future contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.
- (2) To the extent permitted by law, the City shall publicly disclose all of its Controlled Equipment-related contracts, including any and all related non-disclosure agreements, if any, regardless of any contract terms to the contrary.

**SECTION 7. Whistleblower Protections.**

**(A) Protections Against Retaliation**

- (1) Neither the City nor anyone acting on behalf of the City may take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment, including but not limited to discriminating with respect to compensation, terms and conditions of employment, access to information, restrictions on due process rights, or civil or criminal liability, because:
  - (a) The employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of

Controlled Equipment based upon a good faith belief that the disclosure evidenced a violation of this Ordinance; or

- (b) The employee or applicant was perceived to, about to, or assisted or participated in any proceeding or action to carry out the purposes of this Ordinance.
- (c) It shall be grounds for disciplinary action for a city employee or anyone else acting on behalf of the city to retaliate against another city employee or applicant who makes a good-faith complaint that there has been a failure to comply with any Controlled Equipment Use Policy or administrative instruction promulgated under this Ordinance.
- (d) Any employee or applicant who is injured by a violation of this Section may institute a proceeding for monetary damages and injunctive relief against the city in any court of competent jurisdiction.

DRAFT

## SCOPE OF WORK

### Enhancing Reach and Accessibility for The Oakland Community Police Review Agency 2020

Submitted by: Gianina Irlando

Project Name: CPRA Stakeholder Outreach and Engagement

Project Manager/Proposer: Gianina Irlando

Project Duration: March 1, 2020 through June 30, 2020, not to exceed a period of 6 months

Date: February 5, 2020

#### **Project Background and Description**

The need for greater public accessibility to the Community Police Review Agency's (CPRA) complaint, investigation and discipline processes are rooted in the need for greater public safety and greater public trust of the Oakland Police Department (OPD). Procedural justice research clearly demonstrates that when the public does not trust law enforcement, they do not report crime or cooperate with criminal investigations. Most issues related to lack of trust in law enforcement are approachable with extensive public education and the accessibility and support of a strong complaint, investigation and discipline process for law enforcement misconduct issues. Enhanced outreach and engagement to the public by the CPRA will result in greater credibility of discipline findings, perceptions related to Oakland police conduct, and accountability and trust by the public for Oakland's public safety leadership.

The individual strategies listed below are examples of outreach and engagement measures which can increase accessibility and reach for the CPRA. They include data and information gathering, educational programming, research, material development and community, law enforcement and legislative engagement, that have been tested and are productive at increasing the awareness of independent oversight existence, services and effectiveness across the country.

#### **Strategies**

Each strategy identified below is listed for the purpose of discussion and evaluation between the proposer and the CPRA. Many strategies below will necessitate funding beyond the scope of this proposal and therefore will need to be prioritized by CPRA based on resources.

Strategies in bold below are addressed and included in this proposal. Strategies #7, #8 and #9 are examples of work that can be done later should resources become available.

- 1. Branding of CPRA Public Materials:**
  - A. Development of a New Logo**
  - B. Design of Brochure for Public Dissemination**
- 2. Social Media Development and Short-Term Maintenance**
  - A. Creation of Educational Facebook Page**
  - B. Development of Mailchimp or Other Contact Management Service**
- 3. Media and Communication Plan**
  - A. Earned Media**
  - B. Monthly or Quarterly Public Communications**
  - C. Advertising**
- 4. Community Leader and Partner Organization Outreach and Events**
- 5. Elected and Appointed Official Outreach**
- 6. Oakland Police Department Outreach and Partnership Opportunities**
7. 2020 Visibility Survey
8. Storefront Opportunities/Community Feedback and Complaints in the Community
9. Broad Reaching Outreach Projects

#### Branding/Rebranding of CPRA Public Materials

Current CPRA materials and accessibility of the complaint process are limited for those without access to technology or the ability to visit the CPRA office. There is no separate CPRA logo or branding and this could be a deterrent to complainants who are not inclined to trust a government entity under the same umbrella as the Oakland Police Department. Many oversight agencies nationally use their own branding in order to express their independence and make a statement about transparency and lack of influence from city administrations. A distinguishing logo is also necessary for any sort of social media outreach that differentiates the oversight agency from the larger government entity.

Proposer will research, oversee options for a new logo and evaluate and rework public materials used for outreach to reflect not only the new logo but also current and best practice regarding the complaint process and accessibility. This proposal covers the design and updating of the CPRA brochure and other public materials. The Executive Director of the Community Police Review Agency will closely oversee this work.

#### Social Media Development and Short-Term Maintenance

This proposal covers the development of social media platforms, specifically a Facebook page with full descriptions, logos and contact information. The development of a Twitter account is not included and is not recommended at this time due to the need for CPRA personnel to respond quickly and allocate resources to the maintenance of this platform.

Included in the development of the Facebook page is the non-paid initial reach, defined as “likes” and “followers,” as well as monthly analysis of analytics once the page has reached the necessary metrics and analytics are available. A proposed goal is to collect 100 initial followers within thirty days of launch, and a minimum of 10% per month thereafter. Also included would be a minimum of five posts per week of appropriate articles, education regarding law enforcement oversight best practices, and CPRA work and progress. Ideally, this would grow to two posts per day and analytics would drive the popularity of much of the content after the first quarter of page operation. Additional resources would allow for videos, live interviews and some public meeting coverage not currently covered in this proposal.

Mailchimp or another contact management or marketing service is vital to connecting with all targeted engagement groups including community members and advocacy organizations, law enforcement, and government partners. Proposer would use existing CPRA contacts to initiate this list and develop the list monthly with CPRA and appropriate partners. Goal would be to increase the list by a minimum of 10% monthly.

#### Media and Communication Plan

The development of a media and communication plan is essential to a concentrated effort to reach all aspects of diverse Oakland communities, especially those most impacted by police contact. Proposal includes the development of a media and communication plan with initial focus on non-monetary media opportunities including earned media and monthly or quarterly email communications with contacts. Proposal also includes building a media contact list for the all Bay Area media outlets interested in CPRA services, law enforcement, police accountability and crime. Press releases will be disseminated through this list and media drafts are included in this proposal for the term of this contract. The Executive Director will guide and approve all content of email blasts to contacts. Current proposal will not cover paid media or advertising related to communications production, but discussion of impact and planning is important for long term communications plan.

#### Community Leader and Partner Organization Outreach and Events

During the initial phase of the proposal, community leaders and organizations will be identified, contact information will be gathered and communications will begin with an introduction to CPRA, a complete guide to CPRA services and invitations to review CPRA reports and progress. Follow up phases will include invitations to CPRA events, public meetings and select one-on-one meetings with CPRA staff and proposer if appropriate to discuss partnership opportunities. This information gathering, sharing and select scheduling is included in proposal and will be decided by the Executive Director of the CRPA and staff based on available resources and schedules.

#### Elected and Appointed Official Outreach

Elected and appointed officials regularly communicate with their constituencies and provide a free or low-cost mechanism for mass outreach through their constituent communications.



Proposal includes identifying municipal and state elected and appointed officials, contacting their offices and staff and developing a database of possible communication corridors for CPRA announcements and brief communications to be disseminated. Proposal does not include ongoing development of announcements and communications without discussion with the Executive Director of the CPRA regarding priority and availability. Proposal does include initial blast to gauge effectiveness of this strategy.

2020 Outreach Survey (Not included in this proposal.)

There is a clear need to survey the public in 2020 and to receive feedback on the existence of the CPRA, the understanding of respondent knowledge of CPRA's independence from the Oakland Police Department and its reach to those most likely to need CPRA's services. This survey should be repeated yearly in order to be used as a metric for effective community outreach. While proposer does not claim to have expertise in this area, they are able to research, make recommendations and help the CPRA to contract for this work. If there is another mechanism within the City of Oakland to include the CPRA in a public survey and the correct targeted audience are participants, proposer will work with CPRA staff to craft questions and analyze data gathered.

Storefront/Community Feedback and Complaints in the Community (Not included in this proposal.)

The mandate by the Oakland Police Commission is clear with respect to the need for Oakland residents to be able to walk into the CPRA office and file a complaint in a non-threatening, trusting and community friendly environment. While this proposal does not cover the cost or research for a permanent location for the CRPA office, other community accessibility options are possible in 2020. Pop up office hours in community owned locations are an intermediate option that can be developed and used until the "Storefront" issue can be resolved and adequate resources allotted to the CPRA. Proposal includes a plan and map of possible locations and outreach events for individual communities within Oakland.

Broad Reaching Outreach Projects (Not included in this proposal.)

Proposer has developed, received federal grant funding and had an outside evaluation resulting in an evidence-based program to improve relationships between youth and law enforcement. While this strategy is not being proposed in this document, it is an effective approach to engage community proactively and increase officer awareness of community impact and difficult community trust issues.

There are many other strategies that an independent oversight agency can utilize to reach community leaders and partners in positive ways that build relationships proactively, but all include upfront resources ranging from an increased food and educational budget to art and cultural projects. Proactive relationship building enhances the opportunities for authentic

discussions around police accountability in advance of sometimes reactive responses to critical incidents.

This proposal does not include a plan for this in-depth community-building work, as submitted. Should resources become available for additional outreach strategies, proposer would be pleased to discuss researching and developing appropriate proactive outreach and engagement efforts for the CPRA to reach more of the Oakland community. Earned media and greater visibility for the CPRA would be the goals of enhanced outreach as described above.

### **Proposer/CPRA Responsibilities**

Proposer will be available to the Executive Director for the Community Police Review Agency as needed for discussion of priorities and timing of initializing above strategies. It is estimated that proposer would need to be in the CPRA office for in-person meetings a minimum of four times during the period of this contract to include a minimum of three days each in March, April, May and June of 2020. The cost of this travel would be billed to CPRA. It is the responsibility of proposer and CPRA to select the dates for these in-person meetings and set the priorities for external meetings, research and strategy sessions to execute the plans agreed upon in this proposal.

Weekly or bi-weekly check-ins are also necessary via phone to meet objectives and discuss progress. Proposer will submit monthly updates in the form of progress reports. CPRA is responsible for feedback and direction regarding progress and challenges presented in reports, and it will be important that this is done in a timely and effective written manner in order to complete this contract by the end date of June 30, 2020.

### **Proposed Financial Agreement**

Proposal for above named services will be billed monthly at \$6500, not to exceed 4 months or \$26,000. The monthly retainer is based on 60 to 70 hours of work per month for CPRA. Proposer does not intend to bill by the hour to allow maximum time for the work in lieu of billing and administration. Total of agreement not to exceed \$30,000, including expenses, estimated at approximately \$4000.

Prioritization and focus of work will be decided at the beginning of contract and billing will be itemized per above strategy areas. Detailed progress reports will accompany monthly billing as will any travel expenses. Correspondence, payment and communications can be sent to:

Gianina Irlando  
1 South Osceola Street  
Denver, CO 80219  
(303) 502-7742  
[gmirlando@gmail.com](mailto:gmirlando@gmail.com)

**Project Approval and Signature**

By signing below, I verify that I am a representative of the below identified entity and that I have the authority to bind such entity.

Project Name: CPRA Outreach and Engagement

Project Manager/Proposer Gianina Irlando

Contracting Entity Representative: John Alden, Executive Director  
Community Police Review Agency

I have reviewed the information contained in the Project Scope and agree to the terms and cost:

Gianina Irlando

John Alden  
Executive Director  
Community Police Review Agency

\_\_\_\_\_

\_\_\_\_\_

Signature

Date

Signature

Date

**TO:** Regina Jackson  
Chair, Oakland Police Commission

**FROM:** Andy Best  
Manger of Research and Planning

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Chair Jackson,

The Oakland Police Department's FY 2019-20 Qtr. 2 Overtime Report is attached. This report will also be presented to the Public Safety Committee on Tuesday, February 25, 2020.

Sincerely,

Andy Best  
Police Services Manager  
Oakland Police Department  
Research and Planning



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# AGENDA REPORT

2020 FEB 13 PM 2:48

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Anne E. Kirkpatrick  
Chief of Police

**SUBJECT:** OPD Overtime Report – 2<sup>nd</sup> Quarter FY  
2019-20

**DATE:** February 6, 2020

City Administrator  
Approval

Date

2/13/2020

## RECOMMENDATION

**Staff Recommends That The City Council Receive An Informational Report From The Oakland Police Department (OPD) On The Use Of Overtime During the Second Quarter Of Fiscal Year (FY) 2019-20.**

## EXECUTIVE SUMMARY

This quarterly report on police overtime covers the following categories:

- Overtime Expenditures That Are Reimbursed;
- Historical Overtime;
- Overtime hours;
- Salary Increases;
- Department's Internal Overtime Budget
- Pre-Approved Overtime;
- Advance Approval for Overtime per Policy;
- Managing Overtime;
- Professional Staff for Special Events;
- Members Assignments at Community Events;
- Special Enforcement Staffing; and
- Minimum Overtime Per the *Oakland* Police Management Association (OPOA) Memorandum of Understanding (MOU)

## BACKGROUND AND LEGISLATIVE HISTORY

On October 24, 2017, staff presented a report titled "Fiscal Year (FY) 2016-17 Fourth Quarter Revenue and Expenditure Results and Year-End Summaries for the General Purpose Fund (GPF, 1010) and Eight Selected Funds; and General Purpose Fund (GPF, 1010) Carryforward for FY 2017-18; and Overtime Analysis for the General Purpose Fund (GPF, 1010) and All Funds" to the Finance and Management Committee.

Finance and Management Committee  
February 25, 2020

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In response, the Finance and Management Committee requested a supplemental report with the following additional information:

- What are the policies, procedures, and processes in place in each Department for Authorizing and Controlling Overtime?
- If backfill overtime is authorized, who is responsible, for what purposes is it authorized, and which personnel are used to cover for others?
- Who is in charge of decision making and accountability for overtime? What rank / level?

The Finance and Management Committee requested that each department articulate how the department will control overtime expenditures with real actionable changes to policies, procedures, and processes, and corresponding accountability mechanisms.

On January 9, 2018, staff presented the first supplemental report to the Finance and Management Committee as well as the Public Safety Committee. Members of both committees stated that they were unable to locate the information they were seeking in the report. One of the concerns expressed by committee members was that it was difficult to distinguish information concerning OPD from information concerning OFD. In response, OPD and OFD each drafted independent comprehensive overtime reports that were responsive to the initial questions posed by Finance and Management Committee members on October 24, 2017, as well as the concerns expressed by Finance and Management Committee members and Public Safety Committee members on January 9, 2018. On February 27, 2018, staff presented the second supplemental report to the Finance and Management Committee and the Public Safety Committees. In response, the Public Safety Committee requested a monthly report from both OPD and OFD, additional information from OPD.

On April 24, 2018, staff presented a monthly overtime report to the Public Safety Committee. In response, the Public Safety Committee requested information concerning the effectiveness of OPD's overtime reduction strategies as well as clarification concerning OPD Special Events and Special Enforcement as well as reimbursable overtime. On May 22, 2018, OPD presented an overtime report that included information on overtime reduction strategies and clarification about OPD Special Events and Special Enforcement as well as reimbursable overtime. On June 26, 2018, OPD presented information about the impact on patrol of filling overtime positions for special events on overtime as well as negative impacts on the performance and conduct of individual officers who work large amounts of overtime.

At the April 9, 2019 Public Safety Committee meeting, staff was asked to provide a supplemental report with the following information:

1. Additional information for which expenditures are reimbursed within the budget, including the net overtime spent;
2. Additional information related to the number of hours worked per year and the salary increases each year;
3. Additional information related to the Department's internal budget;
4. Additional information on the amount of overtime pre-approved by the Chief or supervisor and the amount of overtime that does not require advance approval;
5. Analysis of how much overtime by category can be managed in advance;
6. Analysis on how professional staff can be utilized more for special events;

Finance and Management Committee  
February 25, 2019

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7. Analysis of how police officers are assigned to Council meetings, community events, Neighborhood Crime Prevention Council meetings, etc;
8. Analysis of how special enforcement can be performed on regular time versus overtime (e.g. Ceasefire);
9. Additional information related to the minimum overtime amounts approved in the Oakland Police Officers Association Memorandum of Understanding (MOU) versus the actual number of hours worked; and
10. Explanation from the City Administrator's Office on why police overtime is budgeted at levels consistently lower than historical actual expenditures.

In January 2018, both Finance Committee and Public Safety Committee requested quarterly reports on OPD and OFD overtime policies, use, and accountability. Staff presented a "Quarterly Report on Police Overtime," dated August 21, 2019 at the September 24, 2019 Public Safety Committee.

## **ANALYSIS / POLICY ALTERNATIVES**

### ***Overtime Expenditures That Are Reimbursed***

As of December 27, 2019, OPD spent \$20,398,246 in General Purpose Fund overtime (\$16,600,977 excluding reimbursable overtime). Table 1 below provides a snapshot of the overtime spent by category.

**Table 1: GPF from July 1, 2019 – December 27, 2019**

Row Labels	⊕Jul	⊕Aug	⊕Sep	⊕Oct	⊕Nov	⊕Dec	Grand Total
Acting Higher Rank	61,789	64,921	57,723	88,176	46,628	43,364	362,602
Administrative Investigation	139,374	134,582	156,266	143,417	142,709	149,971	866,319
Backfill	719,109	653,312	684,245	674,482	658,006	676,446	4,065,600
Callback	105,075	74,356	87,490	103,951	78,877	83,834	533,584
Canine	3,257	2,994	2,862	3,182	2,768	2,448	17,510
Community Meetings		248	663		1,160	2,202	4,273
Comp Time Earned	38,020	41,628	31,311	37,079	31,051	28,972	208,060
Court	31,591	30,342	40,505	39,841	41,401	27,135	210,814
Extension of Shift	467,614	379,481	439,736	616,122	399,224	429,712	2,731,888
FLSA	220,036	222,406	217,497	239,406	230,916	165,389	1,295,651
Holiday	291,206	168	318,612	2,464	690,787	218,873	1,522,111
Recruiting/Background	49,687	42,054	32,316	23,348	63,030	28,926	239,361
Special Events/Enforcement	1,050,685	1,232,709	1,428,467	1,328,178	1,278,681	988,305	7,307,025
Training	216,528	166,165	218,759	158,595	154,173	119,228	1,033,448
<b>Grand Total</b>	<b>3,393,972</b>	<b>3,045,366</b>	<b>3,716,452</b>	<b>3,458,241</b>	<b>3,819,412</b>	<b>2,964,803</b>	<b>20,398,246</b>

OPD spent \$7,307,025 in the Special Events / Enforcement category. This category includes overtime expenditures associated with special actions. The total amount associated with reimbursable overtime, as of December 27, 2019, is \$3,797,269.

Finance and Management Committee  
 February 25, 2019

The language below concerning the definition of special enforcement and special event overtime is from the supplemental agenda report on overtime policies, procedures, and controls presented to the January 9, 2018 Public Safety Committee:

*Special Enforcement* overtime allows OPD to plan and participate in special actions such as violence suppression projects (such as those related to Ceasefire), special task forces, human trafficking operations, and crowd management events that are not covered by Special Events overtime.

*Special Events* overtime allows OPD to provide police services at sporting events, concerts, or other events, including overtime for planning, traffic control and enforcement activities.

**Attachment A** provides a list of all reimbursable overtime for the period of July 1, 2019 to December 27, 2019 that includes amount spent on overtime, number of hours claimed and the number of OPD employees assigned.

### **Historical Overtime**

As mentioned in previous reports, past annual expenditures have not resulted in corresponding initial approved budget amounts. OPD has consistently spent over \$20 million every year on overtime since FY 2013-14 (see *Table 2*, below). Rather than receiving an overtime budget based on this consistent expenditure pattern (with increases based on employee raises), OPD continues to receive between \$12 million and \$16 million every fiscal year.

**Table 2: OPD Overtime Adopted Budget, Actual Expenditures and Amount Invoiced**

Fiscal Year	Adopted Budget	Actual	Amount Invoiced	Non-Reimbursed Overtime	(Over) / Under Adopted Budget*
2013-14	\$13,435,548	\$26,112,356	\$2,884,679	\$23,227,677	(9,792,129)
2014-15	\$15,571,768	\$31,690,464	\$3,927,914	\$27,762,550	(12,190,782)
2015-16	\$12,935,458	\$27,779,646	\$4,449,479	\$23,330,167	(10,394,709)
2016-17	\$12,935,458	\$28,265,038	\$4,976,304	\$23,288,734	(10,353,276)
2017-18	\$12,435,458	\$28,515,402	\$7,373,866	\$21,141,536	(8,706,078)
2018-19	\$12,335,458	\$36,363,290	\$9,365,374	\$26,997,916	(14,662,458)
2019-20**	\$15,135,178	\$40,796,492	\$8,724,010	\$32,072,482	(16,937,304)

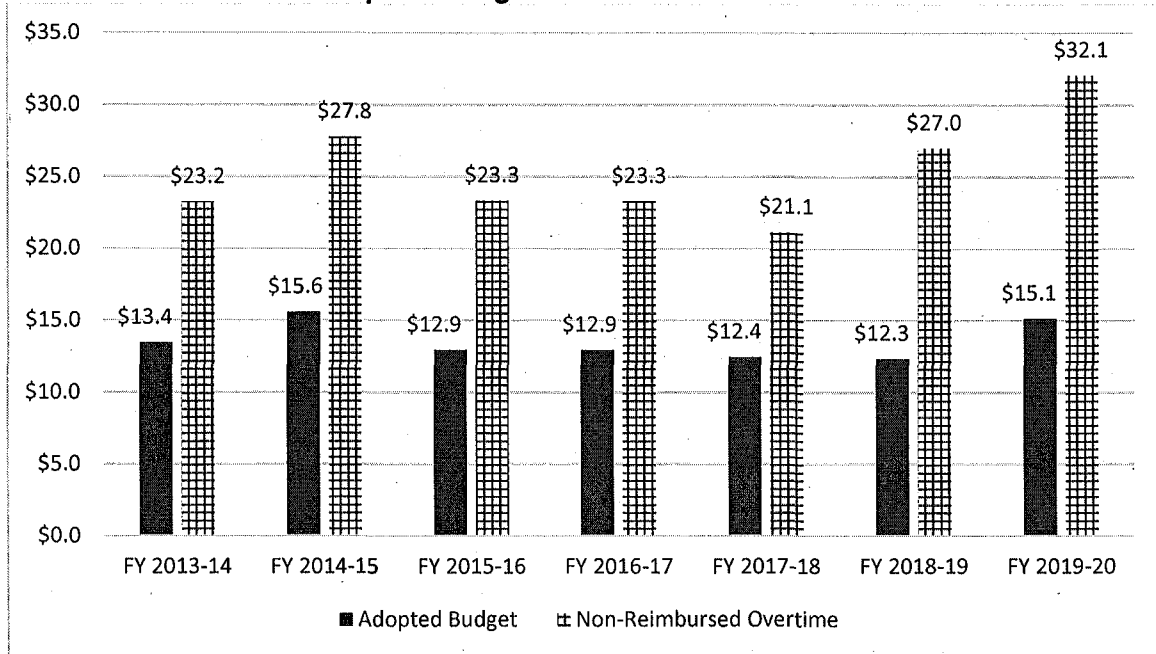
\*Does not include the adjusted overtime budget

\*\*Projected as of 27 DEC 19

The chart below illustrates the initial adopted overtime budget versus the non-reimbursable overtime spent from FY2013-14 through FY2019-20.



**Chart 1: GPF Overtime – Adopted Budget vs. Actual Non-Reimbursed Overtime\***



\*Amounts in millions of dollars

OPD has increased its overtime spending nearly every year since FY 2013-14 due to the performance of critical police operations. Despite these increases, the City has budgeted less than 50 percent of the annual expenditure.

**Overtime Hours**

During the April 9, 2019 Public Safety Committee meeting, it was requested that the overtime hours for each of the past 10 years be included in this supplemental report. Unfortunately, the Department does not have readily available data associated with historical overtime hours prior to FY2012-13. Therefore, the Department provided, in Table 3 below, the actual overtime hours for the past seven years.

**Table 3: Overtime Hours Worked**

Fiscal Year	GPF	All Funds
FY 2012-13	351,247	362,044
FY 2013-14	382,930	399,917
FY 2014-15	457,905	459,228
FY 2015-16	388,810	395,849
FY 2016-17	373,977	382,410
FY 2017-18	350,432	376,271
FY 2018-19	407,076	417,754
FY 2019-20	442,406	455,415

\*Projected as of 27 DEC 19

The increases in overtime hours for FY2019-20 is associated with increased service level demands and enforcement (crime reduction strategies, downtown club detail, sideshow operations, PG&E power outages, homeless outreach, etc.).

### **Salary Increases**

As mentioned in past reports OPD has not received increases in overtime funding even though hourly overtime rates have substantially increased. The City of Oakland has provided a number of raises to members of OPD over the last several years. This has resulted in a higher per-hour overtime cost, but there has been no corresponding increase in the OPD overtime budget to match cost increases.

**Table 4: Average Annual Overtime Rate for Police Officer to Lieutenant of Police**

Classification	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Police Officer Step 1	\$50.51	\$52.04	\$55.34	\$56.68	\$59.88	\$62.92	\$62.92
Police Officer Step 2	\$58.94	\$60.73	\$64.58	\$66.14	\$69.88	\$73.42	\$73.42
Police Officer Step 3	\$61.20	\$63.05	\$67.05	\$68.67	\$72.55	\$76.23	\$76.23
Police Officer Step 4	\$63.22	\$65.13	\$69.26	\$70.94	\$74.95	\$78.75	\$78.75
Police Officer Step 5	\$65.48	\$67.45	\$71.74	\$73.47	\$77.63	\$81.56	\$81.56
Police Officer Step 6	\$70.74	\$72.88	\$77.50	\$79.38	\$83.86	\$88.11	\$88.11
Sergeant of Police	\$81.62	\$84.08	\$89.42	\$91.58	\$96.76	\$101.66	\$101.66
Lieutenant of Police	\$94.40	\$97.26	\$103.42	\$105.93	\$111.92	\$117.58	\$117.58

### **Department's Internal Overtime Budget**

The Department created an internal overtime budget of \$27.1 million which is \$12,002,979 higher than the Council approved overtime budget of \$15,135,178.

The adjusted overtime budget includes budget change requests (BCRs) to move funds to the proper accounts after the budget was released. For example, if funds were placed in a contingency operations and maintenance account (54011) for a special project (e.g. an academy), the Department could move some of the funds to an overtime account after the budget was released. The BCR would modify the adopted budget allocations.

The \$27.1 million internal budget also incorporates reimbursable Special Events. The adjusted overtime budget and the projected reimbursable overtime is how the Department arrived at an internal overtime budget of \$27.1 million.

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### ***Pre-approved Overtime***

The language below concerning internal OPD approval for overtime spent is from ***Attachment A*** of the supplemental agenda report on overtime policies, procedures, and controls presented to the February 27, 2018 Public Safety Committee:

#### Overtime Approval

Overtime in OPD can be approved by any commander or manager. This practice is in place due to the dynamic nature of police work. For example, a patrol officer may be in the process of obtaining a victim's statement when the officer's shift is nearing completion. Interrupting this process to obtain approval for the officer to obtain approval from a high-ranking member of the organization would be time-consuming and very insensitive to the victim's needs. Similarly, requiring high-level overtime approval for homicide investigators who are working an unfolding investigation could hinder their progress in identifying or apprehending a violent individual.

When a watch commander is faced with a last-minute unexpected vacancy, the watch commander must act very quickly to ensure that minimum staffing levels are met. To seek higher-level approval (often outside of business hours) would be time-consuming and impractical to the point of endangering public and officer safety.

### ***Advance Approval for Overtime per Policy***

The language below is from the draft OPD policy on overtime (Department General Order (DGO) D-01, provided as **Attachment C** to the agenda report to the February 26, 2019 Finance and Management Committee:

## **B. OVERTIME PROCEDURES**

### **B – 1. Overtime Authorization**

#### 1. Approval Process

Members shall obtain advance approval from a commander or manager before working overtime except when overtime is necessary to:

- a. Complete a radio-dispatched assignment.
- b. Complete an assignment provided by a supervisor (e.g. follow up to an incident that cannot wait until the next shift).
- c. Self-dispatch to a required emergency response (e.g. an officer in need of immediate assistance).
- d. Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.)
- e. Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.
- f. Fill unplanned vacancies in the Patrol, Communications, or Records Divisions that would bring the division under minimum staffing levels.

The above list does not apply to callback overtime. Callback overtime is addressed by Memoranda of Understanding.

The above is intended to be a comprehensive list of reasons why advance approval from a commander or manager is not required for an individual employee to work overtime. The above list is intended to address the realities of police staffing and the impracticality of requiring approval before overtime is used.

Given current systems and data, it is not possible to provide the exact amount of overtime pre-approved and the amount that does not require advance approval. The member enters his/her hours, task, organization and payroll element into the City's Oracle time and attendance system. The system does not provide a designated space for additional information such as whether the overtime was pre-approved. However, based on the element used, staff will have an estimate

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as to how much overtime is associated with pre-approved overtime and overtime that does not require advance approval.

Acting Higher Rank, Court, Extension of Shift, Fair Labor Standard Act (FLSA), Holiday and half of Backfill overtime is most likely related to overtime that does not require advance approval. The total amount for these categories, as of December 27, 2019, is \$8,155,867. Administrative Investigation, Callback, Canine, Community Meetings, Comp Time Earned, Recruiting / Background, Special Events / Enforcement, Training and half of Backfill overtime is most likely related to overtime that is pre-approved by a supervisor. The total amount for these categories, as of December 27, 2019, is \$12,242,380.

### ***Managing Overtime***

All overtime categories can be managed to some extent. The only categories that would be difficult to fully manage is Acting Higher Rank, Extension of Shift, Holiday and FLSA-related overtime. It is difficult to associate a dollar amount, by category, that can be managed. However, the Department is working on updating Telestaff to better manage and track overtime.

### ***Professional Staff for Special Events***

OPD provides security services for special events at the request of event organizers. Professional staff cannot provide security services for most of the special events requests, however, there are some events that can have additional professional staff and less sworn personnel. The cost to provide the service with additional professional staff depends on the event. Generally, the cost would be the number of hours worked at top step for that classification.

The Department finds great value in staffing events with sworn personnel. The presence of sworn OPD personnel at an event – ranging from a small party to a large sporting event – provides an opportunity for OPD to prevent problems from occurring. If a problem at a special event develops, OPD personnel assigned to the event can address the problem immediately and effectively, without draining extremely limited patrol resources.

### ***Members Assignments at Community Events***

OPD Policy DGO B-7 states that “personnel shall receive all appearance requests that address a specific concern regarding police personnel or police practices, when made by representatives of established organizations that are active in the City of Oakland, community groups, and church groups.” OPD attempts to meet these requests within 60 days. The Negotiated Settlement Agreement (NSA) Task 47 requires that OPD host at least one (1) community meeting per quarter in each Patrol Service Area; OPD requires field personnel to attend one community meeting a quarter. In addition, CROs endeavor to attend every NCPC meeting. Attempts are made to not have multiple officers at the same meeting. However, meeting schedules and availability sometimes result in multiple officers at meetings.

On-duty foot patrol officers provide coverage at council meetings for additional security. Generally, there are no open beats created or overtime costs incurred with this assignment.

### ***Special Enforcement Staffing***

Some Ceasefire operations require work well beyond an officer's assigned shift, particularly for long-term investigations. The Ceasefire Commander monitors overtime and adjusts minimize expenditures. To increase capacity in Ceasefire, the department would need to increase staff which would result in open patrol beats and additional backfill overtime.

Other special enforcement operations include weekend downtown details. The entertainment venue detail is an overtime expense created because of several shootings and homicides in the downtown club area. With the increased downtown night life, Friday and Saturday nights have increased tremendously with people enjoying restaurants and clubs. Unfortunately, this activity has increased chance contacts with gang and groups which have resulted in violent crimes. The downtown detail is essential in maintaining public safety. The detail has established and maintained good communication with the security and management at the different venues. We have monthly meetings to continuously explore ways to maintain public safety.

### ***Minimum Overtime Per the Oakland Police Management Association (OPOA) Memorandum of Understanding (MOU)***

The Oakland Police Officers Association (OPOA) MOU with the City stipulates required rules for officer overtime compensation:

- an employee who is called back to work after completion of a regular shift and has left the place of employment, or who is required to make a job-related court appearance on off-duty hours shall be compensated for a minimum of two and one-half hours of overtime worked.
- An employee who is required to make a job-related court appearance on a scheduled day off shall be compensated for a minimum of four hours of overtime worked.
- An employee who is required to work on a scheduled day off shall be compensated for a minimum of five hours of overtime worked.

There is no official tracking mechanism for actual hours worked versus the minimum hours claimed, as the member would only enter at least the minimum hours of overtime allowed in Oracle. However, Command staff members anecdotally monitors the actual hours worked to ensure the Department is utilizing the officers' time in the most effective and efficient way.

**PUBLIC OUTREACH / INTEREST**

No public outreach was required in the production of this report.

**FISCAL IMPACT**

There is no fiscal impact associated with this report; the information presented in this report is for informational purposes.

**COORDINATION**

OPD consulted with the Budget Bureau in the preparation of this informational report.

**SUSTAINABLE OPPORTUNITIES**

***Economic:*** There are no economic opportunities associated with this report.

***Environmental:*** There are no environmental opportunities associated with this report.

***Race and Equity:*** OPD strives to devote resources, including the use of overtime, to promote public safety, especially in areas of the city that disproportionately face exposure to violent crime.

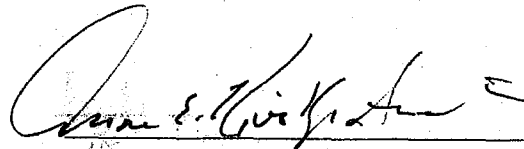
Sabrina B. Landreth, City Administrator  
Title: OPD Overtime Report – 2<sup>nd</sup> Quarter FY 2019-20  
Date: February 6, 2020

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Receive An Informational Report From The Oakland Police Department (OPD) On The Use Of Overtime During the Second Quarter Of Fiscal Year 2019-20.

For questions regarding this report, please contact Shamika Shavies, Acting Police Services Manager I, at (510) 238-3288.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Reviewed by:  
Phillip Best, Police Services Manager I  
OPD, Training Division, Research and Planning

Bruce Stoffmacher, Management Assistant  
OPD, Training Division, Research and Planning

Prepared by:  
Shamika Shavies, Acting Police Services Manager I  
OPD, Bureau of Services, Fiscal Section

**Attachments (1):**

- A:** List of reimbursable Special Events/Special Operations overtime spent in the Oakland Police Department for FY 2018-19



FILED  
OFFICE OF THE CITY CLERK  
OPD Special Events Overtime July 1, 2018 - June 30, 2019

2020 FEB 13 PM 2:48	Event	Amount	# of Hours	# of Employees	Event	Amount	# of Hours	# of Employees
AC Transit Project		857,086	10,133.25	57	Oakland Triathlon	26,821	332.00	65
PORT-JLS OT SECURITY		286,650	3,297.50	34	PG&E Construction	26,244	335.00	17
Home Depot		260,508	3,178.25	87	Warriors Watch Party	26,228	288.50	47
Rolling Loud Music		191,668	2,233.50	135	Snoop Dogg's	25,718	291.25	33
Kamala Harris Event		156,950	1,813.00	193	A's vs. Dodgers 8/07	24,613	293.00	34
Raiders vs. Steelers		134,264	1,608.00	147	Warriors vs. Clipper	24,495	270.65	36
Raiders vs. Browns		127,989	1,546.50	137	First Friday	24,043	297.25	35
Raiders vs. Broncos		127,769	1,531.75	155	Warriors vs. Timber	23,368	261.75	35
Raiders vs. Chiefs		121,763	1,454.75	137	A's vs. Indians	22,581	263.00	29
Raiders vs. Colts		121,609	1,452.50	139	Warriors vs. Rockets	22,557	248.25	36
Raiders vs. Chargers		114,431	1,369.00	138	Warriors vs. Clipper	22,487	258.25	36
Raiders vs. Rams		109,147	1,309.75	135	Warriors vs. Thunder	22,294	254.25	35
Raiders vs. Pakcers		105,946	1,278.00	129	Warriors vs. Pelican	22,252	247.00	35
All Day & A Night		105,808	1,310.00	66	Warriors vs. Thunder	22,125	248.75	35
Raiders vs. Lions		105,741	1,266.75	127	Warriors vs. Jazz	22,104	241.25	35
Oakland Running Fest		85,640	1,000.00	133	Warriors vs. Rockets	22,003	246.25	34
BANK OF AMERICA		79,862	1,023.00	20	Warriors vs. Maveric	21,975	252.00	35
Warriors vs. Raptors		78,869	879.75	107	Warriors vs. Suns	21,556	237.75	35
Warriors vs. Raptors		73,286	815.00	101	Warriors vs. Kings	21,523	237.50	35
Aubrey & 3 Amigos		69,495	800.50	61	TBS World Tour	21,500	249.25	28
Warriors vs. Raptors		68,587	783.50	109	Warriors vs. Nuggets	21,460	240.50	36
Monster Supercross		65,913	748.50	63	Warriors vs. Heat	21,448	238.50	35
PG&E San Leandro St		64,422	822.00	11	Warriors vs. Lakers	21,383	240.00	34
LANEY SWAP MEET		62,834	738.00	28	A's vs. Mariners	21,351	256.25	31
Second Sky Music Fes		61,275	697.50	43	Warriors vs. Raptors	21,265	240.50	35
Oakland Zoo Traffic		60,534	760.00	49	Warriors vs. Trail B	21,241	240.75	34
Marriott Hotel Strik		54,366	639.00	43	Warriors vs. Nuggets	21,219	236.00	35
Bed Bath & Beyond		52,801	646.00	6	Warriors vs. Trail	21,210	242.25	35
A's vs. Giants 7/21		46,123	561.00	54	Warriors vs. Kings	21,193	241.00	35
Monster Jam		45,560	525.00	59	Warriors vs. Hornets	21,168	235.25	35
A's vs. Angels		43,498	523.50	56	A's vs. Dodgers 8/08	21,106	250.40	34
Monster Jam		42,201	476.50	60	Warriors vs. Lakers	21,075	245.00	35
A's vs. Giants 7/20		41,309	503.50	54	Warriors vs. Magic	21,029	240.75	34
Treasure Island Musi		40,453	489.25	27	Warriors vs. Pelican	20,977	245.50	34
A's vs. Giants 7/22		39,454	468.50	52	Warriors vs. Grizzli	20,973	242.50	35
Levy Restaurants		36,967	444.25	32	B2K Concert	20,912	233.00	29
Warriors vs. Rockets		36,556	413.50	51	Warriors vs. Grizzli	20,871	234.00	35
Warriors vs. Clipper		36,370	400.50	51	Warriors vs. Celtics	20,841	230.00	36
Warriors vs. Clipper		36,282	406.45	51	Warriors vs. Hawks	20,767	234.50	35
A's vs. Yankees 9/03		35,737	416.25	51	Warriors vs. Wolves	20,662	234.00	32
Warriors vs. Trail B		35,536	394.25	55	Warriors vs. Spurs	20,620	227.50	35
A's vs. Yankees 9/04		35,260	426.10	52	Warriors vs. 76ers	20,592	227.00	35
Warriors vs. Trail B		34,632	394.00	64	Warriors vs. Timberw	20,584	233.00	35
Warriors vs. Rokcets		34,582	386.50	52	Warriors vs. Suns	20,532	237.00	35
Warriors vs. Rockets		33,760	373.25	51	A's vs. Twins 9/22	20,518	238.75	28
Oaktown 5K and Half		32,974	410.50	61	Warriors vs. Nets	20,511	236.25	33
Warriors vs. Clippers		31,455	351.50	50	Warriors vs. Bulls	20,479	226.25	31
Dia De Los Muertos		29,607	376.50	36	Wonder Woman Run	20,458	257.50	50
Disney on Ice		29,316	325.25	26	Warriors vs. Pistons	20,426	228.00	35
State of Trance		28,952	320.50	32	PG&E Construction	20,331	251.00	10

Event	Amount	# of Hours	# of Employees	Event	Amount	# of Hours	# of Employees
A's vs. Twins 9/23	20,320	248.00	30	Sam Smith Concert	13,713	155.75	24
Warriors vs. Cav's	20,313	223.00	33	A's vs. Rangers 9/07	13,711	155.25	21
Twenty One Pilots	20,293	236.25	28	A's vs. Indians 7/01	13,650	159.50	22
Warriors vs. Pacers	20,272	224.25	36	Oakland Pride	13,564	170.50	17
Warriors vs. Wizards	20,173	229.25	34	AR Rahman	13,520	156.50	20
Warriors vs. Knicks	19,977	220.50	34	Warriors Open Pract	13,505	163.00	32
Warriors vs. Suns	19,876	226.00	34	A's vs. Reds	13,481	152.25	20
Travis Scott	19,699	228.50	31	A's vs. Tigers	13,481	161.75	21
A's vs. Padres 7/3	19,333	229.50	31	Hillsong United	13,397	149.50	21
Warriors vs. Bucks	19,188	222.00	33	A's vs. Astros 8/17	13,310	153.50	19
Warriors Watch Party	19,166	212.00	36	A's vs. Angels	13,172	145.75	21
A's vs. Angels	18,986	216.40	30	Phil Collins	13,120	145.75	21
Warriors vs. Maveric	18,865	215.50	34	A's vs. Angels	13,075	155.25	21
First Friday	18,718	246.00	36	NA LCS 9/08	13,030	148.50	15
A's vs. Angels	18,477	220.25	29	A's vs. Mariners	12,944	146.00	20
Disney on Ice	18,372	209.50	17	A's vs. Angels	12,767	154.90	19
A's vs. Blue Jays	18,073	204.75	24	A's vs. Angels 9/18	12,747	145.25	18
Santa Cruz Warriors	17,991	199.00	32	Kevin Hart	12,697	144.00	21
A's vs. Tigers	17,865	215.00	29	A's vs. Mariners	12,661	141.25	20
Warriors Watch Party	17,686	191.75	35	A's vs. Astros	12,615	142.00	20
A's vs. Astros 8/18	17,388	205.50	27	A's vs. Rangers	12,609	140.75	21
A's vs. Giants	17,311	196.00	32	A's vs. RAYS	12,574	141.50	20
First Friday	17,258	226.50	27	A's vs. Indians	12,196	143.25	19
A's vs. Red Sox	17,213	206.50	29	A's vs. RAYS	12,142	134.75	20
A's vs. Angels	17,140	194.00	28	A's vs. Mariners	11,943	134.50	19
Elton John	17,063	187.25	26	Art & Soul Fest	11,937	137.25	12
Justin Timberlake	17,056	186.50	24	A's vs. Red Sox	11,911	136.50	23
A's vs. Mariners	16,960	196.75	25	Trans Siberian Orche	11,893	132.25	21
A's vs. Red Sox	16,826	197.00	32	A's vs. Blue Jays	11,868	134.00	18
Panic at the Disco	16,594	179.75	24	A's vs. Mariners	11,831	141.50	18
A's vs. Yankees 9/05	16,482	194.25	29	A's vs. Orioles	11,690	133.00	21
Muse	16,428	183.25	24	J. Balvin Concert	11,586	136.25	18
Michael Buble	16,382	181.00	26	Hall & Oates and Tra	11,482	130.50	17
A's vs. Red Sox	16,114	184.50	25	A's vs. Mariners	11,391	129.75	18
Arijit Singh	16,109	181.00	23	A's vs. Tigers 8/05	11,360	133.50	19
J. Cole Concert	16,092	181.75	23	A's vs. Padres 7/4	11,241	140.00	20
Childish Gambino	15,810	183.00	27	A's vs. Astros	11,212	128.00	19
Nick Cannon	15,490	174.50	24	A's vs. RAYS	11,187	128.25	17
Pentatonix	14,885	168.25	23	A's vs. Rangers	11,154	128.75	19
385 14th St	14,677	182.00	16	A's vs. Indians 6/29	11,097	130.00	20
Hiero Day	14,595	178.00	17	A's vs. Astros 4/16	11,082	124.50	21
A's vs. RAYS	14,131	159.00	20	First Friday 10/05	11,041	172.50	15
A's vs. Twins 9/21	14,073	166.00	21	A's vs. Rangers 9/09	11,010	126.00	16
A's vs. Blue Jays	14,073	162.25	25	A's vs. Rangers	10,994	121.25	21
A's vs. Indians	14,006	159.50	21	NA LCS 9/09	10,927	120.75	15
A's vs. Astros 8/19	13,999	162.00	20	Oakland A's FanFest	10,917	120.00	18
ESPN First Take	13,967	154.00	14	A's vs. Astros 4/17	10,899	122.00	21
A's vs. Mariners	13,912	164.50	22	First Friday	10,861	158.25	15
A's vs. Astros	13,882	164.50	21	A's vs. Orioles	10,734	123.00	21
Jeff Lynne's ELO	13,830	156.00	22	A's vs. Rangers	10,994	121.25	21
Fleetwood Mac	13,738	155.00	23	NA LCS 9/09	10,927	120.75	15

Event	Amount	# of Hours	# of Employees	Event	Amount	# of Hours	# of Employees
Oakland A's FanFest	10,917	120.00	18	Lunar New Year Bazaar	6,499	71.00	6
A's vs. Astros 4/17	10,899	122.00	21	5110 Telegraph Ave	6,240	76.50	9
First Friday	10,861	158.25	15	2820 Broadway	6,122	77.50	5
A's vs. Orioles	10,734	123.00	21	Harlem Globetrotters	5,965	66.00	6
A's vs. Blue Jays	10,704	119.75	15	Oakland A's Watch Pa	5,956	67.25	9
Weezer	10,612	118.00	16	COPA FESTIVAL	5,795	68.50	7
A's vs. Rangers 8/21	10,608	119.75	18	447 17th St	5,713	68.25	6
A's vs. Rangers 9/08	10,595	124.25	16	Harlem Globetrotters	5,594	62.00	6
A's vs. Blue Jays	10,493	118.50	18	Oakland Turkey Trot	5,132	60.00	12
First Friday	10,492	147.50	17	My Culture	5,104	68.50	6
First Friday	10,363	141.00	16	447 17th St	4,990	57.00	6
A's vs. Angels 9/20	10,324	126.25	18	PG&E (66th Ave @ Oak	4,958	61.00	4
Latter-day Saints	10,291	118.50	7	BIG 3	4,942	56.75	7
A's vs. Mariners	10,254	127.50	19	Family Bridges	4,861	57.00	8
A's vs. Mariners	10,222	117.25	19	Tyler Perry	4,834	55.00	6
Kelly Clarkson	10,209	113.00	15	College Football Pla	4,712	51.25	5
Smashing Pumpkins	10,167	115.00	15	Our Lady of Guadalupe	4,685	54.00	9
MTC Comm. Parking	10,156	128.00	11	24th St @ Harrison S	4,604	52.50	5
First Friday	10,121	140.50	19	Honda Commercial	4,515	49.00	4
The Phone	10,107	115.00	7	WWE Live Holiday Tou	4,315	49.50	8
Raiderville	10,102	124.75	7	Bay Bridge Half Mara	4,275	47.00	8
A's vs. Reds	10,054	120.00	19	Supercross Futures	4,261	46.00	5
A's vs. Mariners	10,014	115.50	18	PG&E (Fruitvale Ave	4,132	50.75	3
Eat Real Festival	9,994	111.00	9	Joe Biden	3,936	50.00	5
Black Joy Parade	9,931	115.25	20	Nissan Commercial	3,774	41.00	5
Carrie Underwood	9,896	112.25	14	Grand Theft Auto	3,664	39.00	3
A's vs. Angels 9/19	9,885	111.75	18	COPA FESTIVAL	3,556	40.00	8
Chinatown Street Fes	9,649	120.00	11	Warriors Practice	3,481	39.00	6
Championship Boxing	9,649	114.25	13	All Day I Dream Fest	3,435	42.50	6
A's vs. Orioles	9,589	113.00	15	Raider Escort	3,400	38.00	7
A's vs. Blue Jays	9,497	121.50	17	Burger Boogaloo	3,354	40.50	6
Steph Curry UA Event	9,471	106.25	14	Pixar	3,328	36.00	4
A's vs. Reds	9,470	118.25	19	Butler Amusement	3,324	36.00	6
A's vs. Rangers 8/20	9,429	107.00	18	PBR Oakland Classic	3,293	36.00	6
Alameda Point Antiqu	9,392	104.50	10	1100 Broadway	3,150	36.00	4
Hilton Hotel	9,321	105.50	9	Slam Magazine	3,139	35.00	5
Pepe Aguilar	9,277	110.75	16	Genesis 6	3,014	32.50	2
A's vs. Mariners	9,137	104.00	15	Apple TV Show	2,949	33.00	4
Anuel	8,670	100.25	14	1100 Broadway	2,931	37.00	4
Sonu Nigam	8,301	93.50	13	Alan Walker	2,873	30.50	3
Oakland Black Cowboy	8,185	105.00	20	John Legend	2,811	30.00	4
A's vs. Rangers 8/22	8,141	96.25	14	Brownies & Lemonade	2,768	30.50	4
Oaktoberfest	7,978	100.25	12	2126 MLK Jr. Way	2,719	33.50	4
Mike Epps	7,883	92.50	13	Warriors STH Event	2,669	29.00	5
5110 Broadway	7,718	98.00	11	Oakland Grand Prix	2,604	29.00	4
Midnight Basketball	7,714	83.75	7	2820 Broadway	2,540	33.00	4
532 39th St	7,442	91.00	10	First Friday	2,532	27.00	4
La Arrolladora	7,216	83.75	9	Modera JLS Apt's	2,402	28.75	3
COPA FESTIVAL	7,125	87.00	8	UCSF Fundraiser	2,391	25.50	3
Bad Bunny	6,985	83.50	14	Breakin Bread MC	2,338	26.50	4
Raider Image	6,770	82.50	14	Tenacious D	2,239	25.50	4

Event	Amount	# of Hours	# of Employees	Event	Amount	# of Hours	# of Employees
Raiderettes Practice	2,183	25.00	3	Saweetie Fan Event	870	10.00	2
Cinco De Mayo	2,110	22.50	3	Bishop O'Dowd HS	870	10.00	2
Oakland Fam Bam	2,058	24.50	3	COPA FESTIVAL	856	11.00	1
Vincetn Cohran	2,052	23.00	2	A's vs. Mariners	823	8.00	1
Boogie Comedy	1,969	21.00	3	2126 MLK Jr. Way	803	9.00	1
Holy Names Uni	1,917	22.00	4	Nina Cried Power	798	11.00	1
2820 Broadway	1,886	23.25	2	Levi's	785	11.00	2
Myittar	1,881	25.00	2	Fitbit	754	9.50	2
CJ Group	1,784	19.50	3	226 13th St	743	9.00	1
3093 Broadway	1,784	22.00	2	A's vs. Indians 6/30	735	8.50	3
Comcast	1,775	21.50	1	WARRIORS VS BULLS	720	7.00	1
C.H Wines	1,756	23.00	2	385 14th St	717	9.00	1
GSW Event @ Lake Cha	1,688	18.00	3	W VS. ROCKETS	714	8.00	1
Niantic Labs Video	1,661	21.00	2	W VS. ROCKETS	696	8.00	1
Oakhella	1,633	17.00	2	W VS. PELICANS	674	7.75	1
A's Rally	1,607	17.50	4	B Roll	661	8.00	1
Lake Fest	1,541	18.50	2	Sorry To Bother You	622	8.00	1
FESTAC	1,499	16.00	2	PG&E Construction	609	7.00	1
ESPN MNF	1,450	16.50	3	Ridge Communications	520	7.00	1
Khalid Concert	1,441	14.00	2	WebXR	502	6.50	1
Lil Baby	1,441	16.50	2	True Buddha Vijaya	479	5.50	1
W. vs. Cav's	1,432	15.75	2	Warriors Watch Party	452	4.50	1
3093 Broadway	1,427	16.00	2	Feed Oakland	452	6.00	1
Oakland Natives Give	1,356	17.00	2	KD Fantasy Exp	435	5.00	1
TriNet	1,338	15.00	2	Uber Driver Ambition	435	5.00	1
Subaru	1,318	16.00	2	Oversize Load	435	5.00	1
Money Mondays	1,314	15.00	3	SC30	399	5.00	1
Atlas Photography	1,293	14.50	2	The Connected Car	389	5.00	1
American HS Prom	1,249	14.00	2	Raider Image	376	5.00	1
And1 Paint in the Pa	1,154	15.00	3	A's vs. Angels 6/15	247	1.75	2
Comcast	1,153	13.25	1	A's vs. RAYS	115	1.50	3
Ella Mai	1,153	12.00	2	W. vs. Cav's	87	1.00	1
Alameda Point Antiqu	1,128	15.00	3	AEG 602L Ops	75	1.00	1
Monte Vista HS Prom	1,115	12.50	2	DIRTYBIRD BBQ	28	0.00	2
Brothers Osbourne	1,113	12.00	2	Warriors vs. Spurs	25	0.25	1
Town Hall Meeting	1,108	11.50	2	A's vs. Astros 6/13	22	0.25	1
1032 Full Throttle	1,088	15.00	2	Black Cowboy Parade	5	0.00	1
Mills College	1,081	13.00	2	PINK Concert	(19)	(0.25)	1
Near Future	1,071	14.00	2	BLURRY VISION MUSIC	(44)	(0.50)	1
San Ramon Valley HS	1,070	12.00	2	Warriors Watch Party	(87)	(1.00)	2
Clayton Valley HS	1,070	12.00	2	A's vs. Royals 6/08	(87)	(1.00)	1
EBRHA	1,069	12.00	2	WARRIORS W. PARTY	(87)	(1.00)	1
First Friday	1,054	10.50	1	Warrriors vs. Grizzl	(103)	(1.00)	1
Blindspotting	1,044	12.00	2	Oakland Zoo Traffic	(339)	(4.50)	1
Tracy HS	981	11.00	2	Oakland Zoo Traffic	(464)	(6.00)	2
PINK Concert	958	8.25	1	First Friday	(502)	(5.00)	1
Miramonte HS Prom	892	10.00	2	W VS. PELICANS	(827)	(9.50)	1
Harvest	892	12.00	1	AC Transit Project	(847)	(9.50)	1
SantaCon	890	10.00	2	First Friday	(954)	(9.50)	1
				<b>Total</b>		<b>7,959,917</b>	



City of Oakland

# Overview of Civil Service and Workplace Policies

## Police Commission

February 27, 2020

Human Resources Management Department



## Agenda

- I. Civil Service Overview
- II. At-will vs. Permanent status
- III. Skelly Rights
- IV. Skelly Hearing
- V. Post-Disciplinary Appeals Process
- VI. Just Cause Standards
- VII. Administrative Instructions



## Origins of Civil Service

- President Garfield 1881
- **Charter Section 900**
- **Personnel Manual of the Civil Service Board**
- **Exempt from Civil Service:**
  - Offices required by this Charter to be filled by election or to be appointed by the Mayor and City Council
  - Admin Assistants to City Administrator, Mayor, City Council, City Attorney and City Auditor
  - Department Heads and Assistants
  - Part-time employees
  - Additional positions recommended by City Council and approved by the CSB



## At-Will Positions

- Serve at the pleasure of the Appointing Authority
- Can not be released for illegal reasons
  - Examples: Discrimination, retaliation, immigration status, whistleblowing and protected leave
- Limited Duration
- Provisional
- Contract Employees





## At-Will Positions

- OPD:
  - Sworn – Chief, Assistant Chief and Deputy Chief
  - Non-Sworn – Police Services Manager II, Police Communications Manager, Project Manager III, Crime Laboratory Manager, Trainee and Cadet
- Police Commission:
  - Executive Director, CPRA



## Permanent Positions

- Civil Service positions
  - Complete probation
    - Police Officer – 12 months, may extend 3 months
    - SEIU, Local 1021 represented employees – 9 months, may extend 3 months
    - IFPTE, Local 21 – 12 months, may extend 3 months
    - Promotional probation – 6 months
  - Captain, Lieutenant, Sergeant and Officer
  - Complaint Investigator II and III



## Rule 4 – Applications, Recruitment, Examinations, Selection and Eligible Lists

- Job Announcements
- Type and Scope of Selection Process
- Administration of Exams
- Scoring of Exams
- Points – Veterans, Resident and Seniority
- Establishment of the Eligible List
- Appeal process

## Skelly Rights

- John Skelly, MD -- seven years as a permanent civil service state employee
- History of misconduct
- Dismissed from his position without “Due Process”
- 5th Amendment to the US Constitution
  - No person shall be deprived of life, liberty, or property, without due process of law
- Due Process needs to be Procedural and Substantive and occur **prior to** being effective
- Just Cause required



## Skelly Rights

- Administrative Process
- If wages affected, Due Process required:
  - Discharge
  - Suspensions without Pay
  - Demotions



## Skelly Notice

- Clearly state the recommended action
- Cite Rules and/or Policies violated
- Describe the incident(s) the action is based on
- Recount previous relevant discipline
- Attach all documentation relied on in the decision
- Notice goes through multiple reviews
- Hearing date and Skelly officer
- Notice provided to Employee and Union



## Skelly Hearing

- Administrative meeting
- Skelly Officer is typically high-level manager
- No cross-examination
- Opportunity for the employee to respond to the allegations orally, in writing or both
- Representation allowed
- Skelly Officer provides RECOMMENDATION

## Post Disciplinary Appeals Process

- Grievance Procedure **OR** Civil Service Board
  - Grievance Procedure:
    - Step 1 – Initial discussion
    - Step 2- Department Head
    - Step 3 – Employee Relations
    - Step 4 – Arbitration or Civil Service Board
  - Civil Service Board
    - Board or Hearing Officer
- Just cause standards





## Just Cause Standards

Judges/arbitrators use the following 7-part test to determine whether the employer has met its burden:

1. Did the employee violate a reasonable rule/policy?
2. Was the reasonable rule applied consistently?
3. Was the reasonable rule applied in a nondiscriminatory manner?
4. Was the employee aware that his/her actions amounted to a violation/misconduct for which he/she could receive discipline?
5. Was there a complete and fair investigation?
6. Did the investigation produce substantial evidence of the violation/misconduct?
7. Was the discipline issued reasonable, considering the nature of the violation and the employee's work history?



## Just Cause Standards

- Just cause relates to fundamental fairness in employment
- City carries burden of proof
- All 7 tests need to be met
- Arbitrator or Civil Service Board can rescind/reduce the discipline



## Progressive Discipline

- Ensures just cause is met by the City
- Provides employee with knowledge of the rule
- Rules are consistently applied
- Reasonableness of discipline
- Provides the employee with an opportunity to correct poor performance/behavior

Discipline is corrective action, not a punitive measure



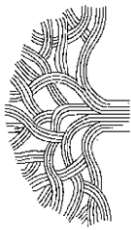
## Administrative Instructions

- 596 – Code of Conduct
  - Courtesy
  - Customer Service
  - Confidentiality
  - Disruptive behavior – AI544: Violence in the Workplace
  - Alcohol and Drug use – AI577: Drug-Free Workplace
  - Dress Code
  - Conflict of Interest – CSRule 12: Conflict of Interests
  - Non-interference – Charter Section 218
  - Political Activities – AI590: Political Activity Restrictions
  - Discrimination – AI71: Equal Employment Opportunity/ Anti-Discrimination/ Non-Harassment Policy and Complaint Procedure
- 140 – Electronic Media



City of Oakland

# Questions and Discussion

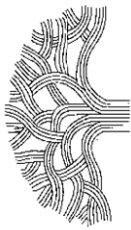


**CITY OF OAKLAND  
COMMUNITY POLICE REVIEW AGENCY  
Pending Cases (Sorted by 1-year Completion Goal)**

**2/21/2020  
Page 1 of 4  
(Total Pending = 87)**

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-0283	3/3/19	3/15/19	3/3/19	Investigator	AL	9/11/19	3/1/20	Use of Force	1	3	3	Excessive force.
19-0336	2/27/19	4/11/19	3/27/19	Investigator	MM	10/8/19	3/25/20	Use of Force	1	3	8	Excessive force; performance of duty; failure to accept complaint.
19-0416	4/17/19	4/19/19	4/17/19	Investigator	AN	10/16/19	4/15/20	Use of Force	1	7	10	Excessive force (K-9 bite); Authority and responsibilities (Commanding officers); Authority and responsibilities (Supervisors); PDRD.
19-0422	4/20/19	5/7/19	4/20/19	Investigator	JS	11/3/19	4/18/20	Use of Force	1	5	4	PDRD; Excessive force
19-0775	7/31/19	8/5/19	8/5/19	Investigator	CS	2/1/20	5/3/20	Other	2	3	3	Service Complaint, No MOR, Demeanor
19-1053	5/5/19	12/26/19	9/27/19	Investigator	CS	3/25/20	5/3/20	Other	1	1	1	Truthfulness
19-0497	5/14/19	5/15/19	5/14/19	Investigator	ED	11/11/19	5/12/20	Profiling	1	3	8	Harassment/discrimination (race), performance of duty.
19-0515	5/20/19	5/20/19	5/20/19	Investigator	AL	11/16/19	5/18/20	Use of Force	1	2	3	Use of Force, Performance of Duty
19-0558	5/30/19	6/7/19	6/7/19	Investigator	JS	12/4/19	6/1/20	Other	2	2	7	Improper detention; arrest; search; handcuffing; demeanor
20-0045	1/29/19	2/8/19	1/29/19	Investigator	AN	8/7/19	6/2/20	Other	1	1	4	Performance of Duty, Truthfulness
19-0585	6/11/19	6/20/19	6/12/19	Investigator	JS	12/17/19	6/10/20	Use of Force	1	3	8	Demeanor; improper search; use of force; pointing of weapon
19-0590	6/13/19	6/20/19	6/13/19	Investigator	AN	12/17/19	6/11/20	Other	1	1	3	Discrimination, Failure to Take a Report, Failure to Act
19-0597	6/12/19	6/15/19	6/15/19	Investigator	CS	12/17/19	6/13/20	Use of Force	1	1	2	Improper Search, Excessive Force
19-0593	6/15/19	6/20/19	6/15/19	Investigator	ED	12/17/19	6/13/20	Use of Force	1	3	11	Excessive Force
19-0601	6/17/19	6/20/19	6/17/19	Investigator	MM	12/17/19	6/15/20	Use of Force	1	3	5	Excessive force; demeanor
19-0628	6/20/19	6/21/19	6/20/19	Investigator	JS	12/18/19	6/19/20	Other	2	1	1	Performance of duty
19-1005	N/A	9/17/19	9/17/19	Investigator	MM	3/15/20	6/19/20	Other	1	2	2	Improper Investigation
19-0619	6/24/19	7/18/19	7/18/19	Investigator	MM	1/14/20	6/22/20	Use of Force	1	2	11	Improper Search, Excessive Force, Sexual Misconduct
19-0878	6/27/19	8/21/19	8/20/19	Investigator	ED	2/17/20	6/26/20	Use of Force	1	5	21	Use of force, false arrest, performance of duty, demeanor, Miranda violation, custody of prisoners, failure to take a complaint
19-0651	7/1/19	7/8/19	7/1/19	Investigator	CS	1/4/20	6/29/20	Other	1	1	6	Improper Stop, Failure to Provide Serial Number
19-0685	6/26/19	7/12/19	7/9/19	Investigator	AN	1/9/20	7/7/20	Other	2	2	2	Performance of Duty, Improper Search/Seizure
19-0693	6/24/19	11/6/19	7/11/19	Investigator	AN	5/4/20	7/9/20	Use of Force	1	4	7	Use of Force, Unlawful arrest
19-0753	7/28/19	8/6/19	7/26/19	Investigator	AL	2/2/20	7/24/20	Use of Force	1	1	2	Excessive force; performance of duty.
20-0098	1/29/20	1/29/20	1/29/20	Intake	CD	7/27/20	7/27/20	General	2	2	2	Performance of Duty
19-0827	N/A	8/14/19	8/10/19	Intake	CD	2/10/20	8/8/20	Use of Force	1	5	5	Improper Arrest, Excessive Force, Discrimination, Service Complaint

\* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other.

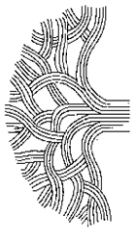


**CITY OF OAKLAND  
COMMUNITY POLICE REVIEW AGENCY  
Pending Cases (Sorted by 1-year Completion Goal)**

**2/21/2020  
Page 2 of 4  
(Total Pending = 87)**

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-0869	8/18/19	8/21/19	8/21/19	Investigator	MM	2/17/20	8/16/20	Use of Force	1	2	2	Use of Force
19-0877	8/19/19	8/21/19	8/19/19	Investigator	AN	2/17/20	8/17/20	Use of Force	1	3	1	Harassment and Discrimination/Race, Unlawful arrest, Use of Force,
19-0906	8/26/19	8/28/19	8/26/19	Investigator	JS	2/24/20	8/24/20	Use of Force	1	1	3	Excessive force; handcuffing; demeanor
19-0911	8/27/19	8/29/19	8/27/19	Investigator	AL	2/25/20	8/25/20	Use of Force	1	2	3	Excessive Force, Performance of Duty
19-1068	9/30/19	10/2/19	10/2/19	Investigator	CS	3/30/20	9/28/20	Other	1	1	2	Performance of Duty
19-1091	10/4/19	10/9/19	10/4/19	Investigator	ED	4/6/20	10/2/20	Use of Force	1	3	5	Use of Force
19-1093	10/5/19	10/9/19	10/5/19	Investigator	AL	4/6/20	10/3/20	Use of Force	1	4	8	Use of Force, Performance of Duty
19-1114	10/9/19	10/11/19	10/10/19	Intake	MB	4/8/20	10/8/20	Other	2	1	1	Demeanor
19-1141	10/9/19	10/15/19	10/15/19	Intake	CD	4/12/20	10/9/20	Other	1	1	3	Conduct Toward Others, Failure to Accept or Refer a Complaint, Truthfulness
19-1123	10/10/19	10/15/19	10/11/19	Intake	RM	4/12/20	10/9/20	Use of Force	1	2	2	Use of Force
19-1150	10/15/19	10/15/19	10/15/19	Intake	RM	4/12/20	10/13/20	Use of Force	1	2	6	Demeanor, Improper Arrest, Use of Force
19-1153	10/17/19	10/17/19	10/18/19	Intake	CD	4/15/20	10/15/20	Profiling	1	2	10	Identity Profiling by Race or Ethnicity, Unintentional/Improper Search or seizure, or arrest,
19-1169	10/17/19	10/22/19	10/17/19	Investigator	ED	4/19/20	10/15/20	Use of Force, Profiling	1	3	11	Excessive force, false arrest, discrimination, Miranda violation
19-1159	10/17/19	10/22/19	10/17/19	Intake	RM	4/19/20	10/15/20	Use of Force	1	3	4	Performance of Duty, Use of Force
19-1226	11/2/19	11/2/19	11/5/19	Intake	CD	4/30/20	10/31/20	Other	2	1	1	No MOR Violation
19-1241	11/6/19	11/5/19	11/5/19	Intake	RM	5/3/20	11/3/20	Other	1	1	1	Harassment
19-1225	5/6/16	11/6/19	11/5/19	Intake	CD	5/4/20	11/3/20	Use of Force	1	1	1	Use of Force
19-1234	11/6/19	11/8/19	11/6/19	Intake	RM	5/6/20	11/4/20	Profiling	1	1	1	Profiling
19-1345	11/5/19	12/3/19	11/6/19	Intake	MB	5/31/20	11/4/20	Other	2	1	1	Performance of Duty
19-1264	11/10/19	11/14/19	11/10/19	Intake	CD	5/12/20	11/8/20	Profiling	2	1	1	Harassment and discrimination, profiling,
19-1263	11/14/19	11/14/19	11/12/19	Intake	CD	5/12/20	11/10/20	Profiling	1	3	1	Profiling, Performance of Duty,
19-1272	n/a	11/14/19	11/12/19	Intake	RM	5/12/20	11/10/20	Other	2	1	1	Performance of Duty - Reporting
19-1311	11/14/19	11/26/19	11/14/19	Intake	CD	5/24/20	11/12/20	Other	2	1	1	Performance of Duty
19-1295	8/23/19	11/19/19	11/19/19	Intake	CD	5/17/20	11/17/20	Use of Force	1	2	8	No MOR, Demeanor, Performance of Duty, Use of Force,
19-1296	11/19/19	11/21/19	11/20/19	Intake	CD	5/19/20	11/18/20	Profiling	1	2	2	Harassment and Discrimination,
19-1304	11/20/19	11/22/19	11/21/19	Intake	RM	5/20/20	11/19/20	Other	2	2	2	Performance of Duty

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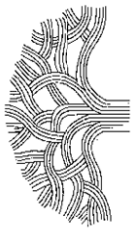


**CITY OF OAKLAND  
COMMUNITY POLICE REVIEW AGENCY  
Pending Cases (Sorted by 1-year Completion Goal)**

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19-1320	11/24/19	11/26/19	11/24/19	Intake	CD	5/24/19	11/22/20	Use of Force	1	2	4	Harassment and Discrimination, Use of Force,
19-1315	11/24/19	11/26/19	11/24/19	Intake	RM	5/24/20	11/22/20	Other	2	2	4	Performance of Duty, Rudeness
19-1316	11/22/19	12/3/19	11/26/19	Intake	MB	5/31/20	11/24/20	Use of Force	1	3	1	Use of Force
19-1328	5/31/19	12/3/19	11/27/19	Intake	CD	5/31/19	11/25/20	Profiling	1	1	2	Harassment and Discrimination, Performance of Duty,
19-1331	11/1/19	12/3/19	11/27/19	Intake	MB	5/31/20	11/25/20	Profiling	1	3	5	Profiling
19-1337	11/30/19	12/3/19	11/30/19	Intake	CD	5/31/20	11/28/20	Use of Force	1	2	2	Use of Force
19-1334	11/29/19	12/4/19	11/30/19	Intake	MB	6/1/20	11/28/20	Use of Force	1	2	2	Use of Force
19-1362	12/5/19	12/5/19	12/9/19	Intake	RM	6/6/20	12/3/20	Use of Force	1	1	1	Use of Force
19-1366	12/5/19	12/9/19	12/6/19	Intake	CD	6/6/20	12/4/20	Use of Force	1	2	7	No MOR, Performance of Duty, Use of Force,
19-1379	12/7/19	12/7/19	12/7/19	Intake	MB	6/4/20	12/5/20	Other	1	1	1	Performance of Duty
19-1372	12/10/19	12/10/19	12/8/19	Intake	MB	6/7/20	12/6/20	Use of Force	1	2	4	Use of Force
19-1390	12/8/19	12/13/19	12/12/19	Intake	CD	6/10/20	12/10/20	Use of Force	1	1	3	Performance of Duty, Use of Force,
19-1391	12/13/19	12/19/19	12/13/19	Intake	MB	6/14/20	12/11/20	Use of Force	1	2	4	Use of Force
19-1398	12/15/19	12/17/19	12/15/19	Intake	CD	6/14/20	12/13/20	Use of Force	1	1	1	Use of Force
19-1446	12/17/19	12/18/19	12/17/19	Intake	CD	6/15/20	12/15/20	Other	1	2	2	Performance of Duty
19-1420	12/19/19	12/26/19	12/19/19	Intake	MB	6/23/20	12/18/20	Profiling	1	2	4	Profiling, Demeanor
19-1423	12/20/19	12/26/19	12/21/19	Intake	CD	6/23/20	12/19/20	Use of Force	1	1	1	Use of Force
19-1440	12/24/19	12/27/19	12/24/19	Intake	CD	6/24/20	12/22/20	Use of Force	1	1	1	Use of Force
19-1447	12/26/19	12/31/19	12/26/19	Intake	MB	6/28/20	12/24/20	Use of Force	1	1	2	Use of Force
20-0016	1/5/20	01/07/20	1/5/20	Intake	MB	7/5/20	1/3/21	Use of Force	1	1	2	Use of Force; Performance of Duty
20-0014	1/5/20	1/7/20	1/5/20	Intake	MB	7/5/20	1/5/21	Profiling	1	1	2	Profiling
20-0018	7/22/19	1/7/20	1/6/20	Intake	MB	7/5/20	1/6/21	Profiling	1	1	2	Profiling
20--0035	1/9/20	1/10/20	1/9/20	Intake	CD	7/8/20	1/7/21	Use of Force	1	1	2	Use of Force
20-0042	1/10/20	1/15/20	1/10/20	Intake	CD	7/13/20	1/8/21	General	2	1	1	Performance of Duty
20-0044	1/10/20	1/15/20	1/10/20	Intake	CD	7/13/20	1/8/21	Harassment	1	3	3	Conduct towards others (Harassment and discrimination / Race).
20-0051	11/20/19	1/6/20	1/14/20	Investigator	JS	7/14/20	1/11/21	Other	1	1	1	Inaccurate report
20-0050	1/14/20	1/16/20	1/14/20	Intake	MB	7/14/20	1/14/21	Use of Force	1	2	6	Use of Force

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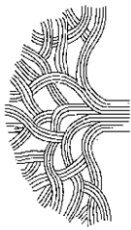


**CITY OF OAKLAND**  
**COMMUNITY POLICE REVIEW AGENCY**  
**Pending Cases (Sorted by 1-year Completion Goal)**

2/21/2020  
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 (Total Pending = 87)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
20-0065	12/15/19	1/22/20	1/19/20	Intake	MB	7/20/20	1/19/21	Use of Force	1	1	1	Use of Force
20-0116	1/22/20	2/4/20	1/20/20	Intake	CD	8/2/20	1/20/21	Harassment	1	2	2	Conduct Towards Others / Performance of Duty
20-0085	1/10/20	1/28/20	1/24/20	Intake	MB	7/26/20	1/24/21	Use of Force	1	1	3	Use of Force
20-0088	1/28/20	1/28/20	1/1/20	Intake	CD	7/26/20	1/27/21	Harassment	1	1	1	Conduct towards others (Harassment and discrimination / Race)
20-0104	1/29/20	1/31/20	1/30/20	Intake	CD	7/29/20	1/28/21	Harassment	1	1	1	Conduct towards others (Harassment and discrimination / Race)
20-0106	1/29/20	1/31/20	1/30/20	Intake	MB	7/29/20	1/30/21	Use of Force	1	1	1	Use of Force
20-0125	2/1/20	2/4/20	1/30/20	Intake	CD	8/2/20	1/30/21	Harassment	1	1	3	Conduct Towards Others/Performance of Duty
20-0119	1/31/20	2/4/20	1/31/20	Intake	MB	8/2/20	1/30/21	Use of Force	1	1	1	Use of Force
18-0335	4/4/18	4/12/18	4/4/18	Investigator	JS	10/4/18	Tolled	Use of Force	1	1	1	Use of Taser; PDRD violation.

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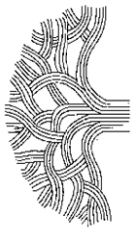


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases (Sorted by Assigned Staff)*

2/21/2020  
 Page 1 of 4  
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Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type* (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-0283	3/3/19	3/15/19	3/3/19	Investigator	AL	9/11/19	3/1/20	Use of Force	1	3	3	Excessive force.
19-0515	5/20/19	5/20/19	5/20/19	Investigator	AL	11/16/19	5/18/20	Use of Force	1	2	3	Use of Force, Performance of Duty
19-0753	7/26/19	8/6/19	7/26/19	Investigator	AL	2/2/20	7/24/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0911	8/27/19	8/29/19	8/27/19	Investigator	AL	2/25/20	8/25/20	Use of Force	1	2	3	Excessive Force, Performance of Duty
19-1093	10/5/19	10/9/19	10/5/19	Investigator	AL	4/6/20	10/3/20	Use of Force	1	4	8	Use of Force, Performance of Duty
19-0416	4/17/19	4/19/19	4/17/19	Investigator	AN	10/16/19	4/15/20	Use of Force	1	7	10	Excessive force (K-9 bite); Authority and responsibilities (Commanding officers); Authority and responsibilities (Supervisors); PDRD.
19-0590	6/13/19	6/20/19	6/13/19	Investigator	AN	12/17/19	6/11/20	Other	1	1	3	Discrimination, Failure to Take a Report, Failure to Act
19-0685	6/26/19	7/12/19	7/9/19	Investigator	AN	1/9/20	7/7/20	Other	2	2	2	Performance of Duty, Improper Search/Seizure
19-0693	6/24/19	11/6/19	7/11/19	Investigator	AN	5/4/20	7/9/20	Use of Force	1	4	7	Use of Force, Unlawful arrest
19-0877	8/19/19	8/21/19	8/19/19	Investigator	AN	2/17/20	8/17/20	Use of Force	1	3	1	Harassment and Discrimination/Race, Unlawful arrest, Use of Force,
20-0045	1/29/19	2/8/19	1/29/19	Investigator	AN	8/7/19	6/2/20	Other	1	1	4	Performance of Duty, Truthfulness
19-0597	6/12/19	6/15/19	6/15/19	Investigator	CS	12/17/19	6/13/20	Use of Force	1	1	2	Improper Search, Excessive Force
19-0651	7/1/19	7/8/19	7/1/19	Investigator	CS	1/4/20	6/29/20	Other	1	1	6	Improper Stop, Failure to Provide Serial Number
19-0775	7/31/19	8/5/19	8/5/19	Investigator	CS	2/1/20	5/3/20	Other	2	3	3	Service Complaint, No MOR, Demeanor
19-1053	5/5/19	12/26/19	9/27/19	Investigator	CS	3/25/20	5/3/20	Other	1	1	1	Truthfulness
19-1088	9/30/19	10/2/19	10/2/19	Investigator	CS	3/30/20	9/28/20	Other	1	1	2	Performance of Duty
19-0497	5/14/19	5/15/19	5/14/19	Investigator	ED	11/11/19	5/12/20	Profiling	1	3	8	Harassment/discrimination (race), performance of duty.
19-0593	6/15/19	6/20/19	6/15/19	Investigator	ED	12/17/19	6/13/20	Use of Force	1	3	11	Excessive Force
19-0878	6/27/19	8/21/19	8/20/19	Investigator	ED	2/17/20	6/26/20	Use of Force	1	5	21	Use of force, false arrest, performance of duty, demeanor, Miranda violation, custody of prisoners, failure to take a complaint
19-1091	10/4/19	10/9/19	10/4/19	Investigator	ED	4/6/20	10/2/20	Use of Force	1	3	5	Use of Force
19-1169	10/17/19	10/22/19	10/17/19	Investigator	ED	4/19/20	10/15/20	Use of Force, Profiling	1	3	11	Excessive force, false arrest, discrimination, Miranda violation
18-0335	4/4/18	4/12/18	4/4/18	Investigator	JS	10/4/18	Tolled	Use of Force	1	1	1	Use of Taser; PDRD violation.
19-0422	4/20/19	5/7/19	4/20/19	Investigator	JS	11/3/19	4/18/20	Use of Force	1	5	4	PDRD; Excessive force
19-0558	5/30/19	6/7/19	6/7/19	Investigator	JS	12/4/19	6/1/20	Other	2	2	7	Improper detention; arrest search; handcuffing; demeanor
19-0585	6/11/19	6/20/19	6/12/19	Investigator	JS	12/17/19	6/10/20	Use of Force	1	3	8	Demeanor; improper search; use of force; pointing of weapon

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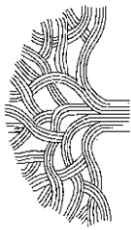


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases (Sorted by Assigned Staff)*

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 (Total Pending = 87)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type * (604(f)(1) or Other)	Class	Subject Officers	Allegation(s)	
19-0628	6/20/19	6/21/19	6/20/19	Investigator	JS	12/18/19	6/19/20	Other	2	1	1	Performance of duty
19-0906	8/28/19	8/28/19	8/26/19	Investigator	JS	2/24/20	8/24/20	Use of Force	1	1	3	Excessive force; handcuffing; demeanor
20-0051	11/20/19	1/6/20	1/14/20	Investigator	JS	7/14/20	1/11/21	Other	1	1	1	Inaccurate report
19-0336	2/27/19	4/11/19	3/27/19	Investigator	MM	10/8/19	3/25/20	Use of Force	1	3	8	Excessive force; performance of duty; failure to accept complaint.
19-0601	6/17/19	6/20/19	6/17/19	Investigator	MM	12/17/19	6/15/20	Use of Force	1	3	5	Excessive force; demeanor
19-0619	6/24/19	7/18/19	7/18/19	Investigator	MM	1/14/20	6/22/20	Use of Force	1	2	11	Improper Search, Excessive Force, Sexual Misconduct
19-0869	8/18/19	8/21/19	8/21/19	Investigator	MM	2/17/20	8/16/20	Use of Force	1	2	2	Use of Force
19-1005	N/A	9/17/19	9/17/19	Investigator	MM	3/15/20	6/19/20	Other	1	2	2	Improper Investigation
19-0827	N/A	8/14/19	8/10/19	Intake	CD	2/10/20	8/8/20	Use of Force	1	5	5	Improper Arrest, Excessive Force, Discrimination, Service Complaint
19-1141	10/9/19	10/15/19	10/15/19	Intake	CD	4/12/20	10/9/20	Other	1	1	3	Conduct Toward Others, Failure to Accept or Refer a Complaint, Truthfulness
19-1153	10/17/19	10/17/19	10/18/19	Intake	CD	4/15/20	10/15/20	Profiling	1	2	10	Identity Profiling by Race or Ethnicity, Unintentional/Improper Search or seizure, or arrest.
19-1225	5/6/16	11/6/19	11/5/19	Intake	CD	5/4/20	11/3/20	Use of Force	1	1	1	Use of Force
19-1226	11/2/19	11/2/19	11/5/19	Intake	CD	4/30/20	10/31/20	Other	2	1	1	No MOR Violation
19-1263	11/14/19	11/14/19	11/12/19	Intake	CD	5/12/20	11/10/20	Profiling	1	3	1	Profiling, Performance of Duty,
19-1264	11/10/19	11/14/19	11/10/19	Intake	CD	5/12/20	11/8/20	Profiling	2	1	1	Harassment and discrimination, profiling,
19-1295	8/23/19	11/19/19	11/19/19	Intake	CD	5/17/20	11/17/20	Use of Force	1	2	8	No MOR, Demeanor, Performance of Duty, Use of Force,
19-1296	11/19/19	11/21/19	11/20/19	Intake	CD	5/19/20	11/18/20	Profiling	1	2	2	Harassment and Discrimination,
19-1311	11/14/19	11/26/19	11/14/19	Intake	CD	5/24/20	11/12/20	Other	2	1	1	Performance of Duty
19-1320	11/24/19	11/26/19	11/24/19	Intake	CD	5/24/19	11/22/20	Use of Force	1	2	4	Harassment and Discrimination, Use of Force,
19-1328	5/31/19	12/3/19	11/27/19	Intake	CD	5/31/19	11/25/20	Profiling	1	1	2	Harassment and Discrimination, Performance of Duty,
19-1337	11/30/19	12/3/19	11/30/19	Intake	CD	5/31/20	11/28/20	Use of Force	1	2	2	Use of Force
19-1366	12/5/19	12/9/19	12/6/19	Intake	CD	6/6/20	12/4/20	Use of Force	1	2	7	No MOR, Performance of Duty, Use of Force,
19-1390	12/8/19	12/13/19	12/12/19	Intake	CD	6/10/20	12/10/20	Use of Force	1	1	3	Performance of Duty, Use of Force,
19-1398	12/15/19	12/17/19	12/15/19	Intake	CD	6/14/20	12/13/20	Use of Force	1	1	1	Use of Force
19-1423	12/20/19	12/26/19	12/21/19	Intake	CD	6/23/20	12/19/20	Use of Force	1	1	1	Use of Force
19-1440	12/24/19	12/27/19	12/24/19	Intake	CD	6/24/20	12/22/20	Use of Force	1	1	1	Use of Force

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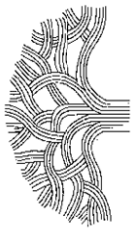


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases (Sorted by Assigned Staff)*

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 (Total Pending = 87)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type * (604(f) or Other)	Class	Subject Officers	Allegation(s)
19-1446	12/17/19	12/18/19	12/17/19	Intake	CD	6/15/20	12/15/20	Other	1	2	Performance of Duty
20-0035	1/9/20	1/10/20	1/9/20	Intake	CD	7/8/20	1/7/21	Use of Force	1	1	Use of Force
20-0042	1/10/20	1/15/20	1/10/20	Intake	CD	7/13/20	1/8/21	General	2	1	Performance of Duty
20-0044	1/10/20	1/15/20	1/10/20	Intake	CD	7/13/20	1/8/21	Harassment	1	3	Conduct towards others (Harassment and discrimination / Race).
20-0088	1/28/20	1/28/20	1/1/20	Intake	CD	7/26/20	1/27/21	Harassment	1	1	Conduct towards others (Harassment and discrimination / Race)
20-0098	1/29/20	1/29/20	1/29/20	Intake	CD	7/27/20	7/27/20	General	2	2	Performance of Duty
20-0104	1/29/20	1/31/20	1/30/20	Intake	CD	7/29/20	1/28/21	Harassment	1	1	Conduct towards others (Harassment and discrimination / Race)
20-0116	1/22/20	2/4/20	1/20/20	Intake	CD	8/2/20	1/20/21	Harassment	1	2	Conduct Towards Others / Performance of Duty
20-0125	2/1/20	2/4/20	1/30/20	Intake	CD	8/2/20	1/30/21	Harassment	1	1	Conduct Towards Others/Performance of Duty
19-1114	10/9/19	10/11/19	10/10/19	Intake	MB	4/8/20	10/8/20	Other	2	1	Demeanor
19-1316	11/22/19	12/3/19	11/26/19	Intake	MB	5/31/20	11/24/20	Use of Force	1	3	Use of Force
19-1331	11/1/19	12/3/19	11/27/19	Intake	MB	5/31/20	11/25/20	Profiling	1	3	Profiling
19-1334	11/29/19	12/4/19	11/30/19	Intake	MB	6/1/20	11/28/20	Use of Force	1	2	Use of Force
19-1345	11/5/19	12/3/19	11/6/19	Intake	MB	5/31/20	11/4/20	Other	2	1	Performance of Duty
19-1372	12/10/19	12/10/19	12/8/19	Intake	MB	6/7/20	12/6/20	Use of Force	1	2	Use of Force
19-1379	12/7/19	12/7/19	12/7/19	Intake	MB	6/4/20	12/5/20	Other	1	1	Performance of Duty
19-1391	12/13/19	12/19/19	12/13/19	Intake	MB	6/14/20	12/11/20	Use of Force	1	2	Use of Force
19-1420	12/19/19	12/26/19	12/19/19	Intake	MB	6/23/20	12/18/20	Profiling	1	2	Profiling; Demeanor
19-1447	12/26/19	12/31/19	12/26/19	Intake	MB	6/28/20	12/24/20	Use of Force	1	1	Use of Force
20-0014	1/5/20	1/7/20	1/5/20	Intake	MB	7/5/20	1/5/21	Profiling	1	1	Profiling
20-0016	1/5/20	01/07/20	1/5/20	Intake	MB	7/5/20	1/3/21	Use of Force	1	1	Use of Force; Performance of Duty
20-0018	7/22/19	1/7/20	1/6/20	Intake	MB	7/5/20	1/6/21	Profiling	1	1	Profiling
20-0050	1/14/20	1/16/20	1/14/20	Intake	MB	7/14/20	1/14/21	Use of Force	1	2	Use of Force
20-0085	12/15/19	1/22/20	1/19/20	Intake	MB	7/20/20	1/19/21	Use of Force	1	1	Use of Force
20-0085	1/10/20	1/28/20	1/24/20	Intake	MB	7/26/20	1/24/21	Use of Force	1	1	Use of Force
20-0106	1/29/20	1/31/20	1/30/20	Intake	MB	7/29/20	1/30/21	Use of Force	1	1	Use of Force
20-0119	1/31/20	2/4/20	1/31/20	Intake	MB	8/2/20	1/30/21	Use of Force	1	1	Use of Force

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**CITY OF OAKLAND**  
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**Pending Cases (Sorted by Assigned Staff)**

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 (Total Pending = 87)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-1123	10/10/19	10/15/19	10/11/19	Intake	RM	4/12/20	10/9/20	Use of Force	1	2	2	Use of Force
19-1150	10/15/19	10/15/19	10/15/19	Intake	RM	4/12/20	10/13/20	Use of Force	1	2	6	Demeanor, Improper Arrest, Use of Force
19-1159	10/17/19	10/22/19	10/17/19	Intake	RM	4/19/20	10/15/20	Use of Force	1	3	4	Performance of Duty, Use of Force
19-1234	11/6/19	11/8/19	11/6/19	Intake	RM	5/6/20	11/4/20	Profiling	1	1	1	Profiling
19-1241	11/6/19	11/5/19	11/5/19	Intake	RM	5/3/20	11/3/20	Other	1	1	1	Harassment
19-1272	n/a	11/14/19	11/12/19	Intake	RM	5/12/20	11/10/20	Other	2	1	1	Performance of Duty - Reporting
19-1304	11/20/19	11/22/19	11/21/19	Intake	RM	5/20/20	11/19/20	Other	2	2	2	Performance eof Duty
19-1315	11/24/19	11/26/19	11/24/19	Intake	RM	5/24/20	11/22/20	Other	2	2	4	Performance of Duty, Rudeness
19-1362	12/5/19	12/5/19	12/9/19	Intake	RM	6/6/20	12/3/20	Use of Force	1	1	1	Use of Force

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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**

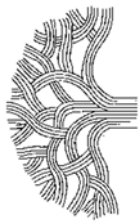
*Recently Completed Investigations*  
*(Allegations in bold were discovered by CPRA investigators)*

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(Total Completed = 29)

Assigned Inv.	Case #	Incident Date	Completion Date	3304 Date	Officer	Allegation	Finding
AL	19-0123	1/27/19	1/15/20	1/27/20	Subject Officer 1	1. Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
						2. Performance of Duty – Care of Property	<i>Unfounded</i>
						3. Conduct Toward Others – Demeanor	<i>Unfounded</i>
						4. Obstructing the Internal Affairs Process	<i>Unfounded</i>
						5. Use of Force – Level 1	<i>Unfounded</i>
					Subject Officer 2	1. Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
						2. Performance of Duty – Care of Property	<i>Unfounded</i>
						3. Use of Force – Level 1	<i>Unfounded</i>
						4. Failure to Accept or Refer a Complaint (Unintentional)	<i>Not Sustained</i>
					Subject Officer 3	1. Performance of Duty – Care of Property	<i>Unfounded</i>
						2. Use of Force – Level 1	<i>Unfounded</i>
						3. Failure to Accept or Refer a Complaint (Unintentional)	<i>Unfounded</i>
					Subject Officer 4	1. Performance of Duty – Care of Property	<i>Unfounded</i>



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**COMMUNITY POLICE REVIEW AGENCY**

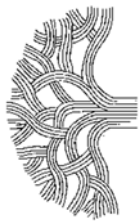
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(Total Completed = 29)

Assigned Inv.	Case #	Incident Date	Completion Date	3304 Date	Officer	Allegation	Finding
						2. Conduct Toward Others – Demeanor	<i>Unfounded</i>
						3. Failure to Accept or Refer a Complaint (Unintentional)	<i>Not Sustained</i>
AL	19-0206	2/16/19	1/15/20	2/15/20	Subject Officer 1	1. Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
						2. Use of Force – Level 4	<i>Unfounded</i>
					Subject Officer 2	3. Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
						4. Use of Force – Level 4	<i>Unfounded</i>
AN	19-0220	2/20/19	2/3/20	2/19/20	Subject Officer 1	1. Use of Force	<i>Exonerated</i>
CS	19-0207	2/18/19	2/6/20	2/17/20	Subject Officer 1	1. Performance of Duty – PDRD	<i>Sustained</i>
						2. Performance of Duty – PDRD	<i>Sustained</i>
						3. Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Unfounded</i>
						4. Performance of Duty – Report Writing	<i>Unfounded</i>



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**COMMUNITY POLICE REVIEW AGENCY**

*Recently Completed Investigations*  
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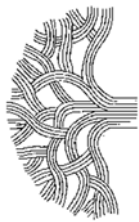
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(Total Completed = 29)

Assigned Inv.	Case #	Incident Date	Completion Date	3304 Date	Officer	Allegation	Finding
					Subject Officer 2	5. Use of Force	None – No Longer with Department
						6. Conduct Toward Others - Demeanor	None – No Longer with Department
					Subject Officer 3	7. Use of Force	Unfounded
						8. Use of Force	Exonerated
						9. Use of Force	Exonerated
						10. Use of Force	Unfounded
						11. Conduct Toward Others – Demeanor	Unfounded
CS	19-0235	2/24/19	2/21/20	2/23/20	Subject Officer 1	1. Performance of Duty – General	Sustained
						<b>2. Performance of Duty – Unintentional/Improper Search Seizure or Arrest</b>	<b>Exonerated</b>
						<b>3. Performance of Duty – Unintentional/Improper Search Seizure or Arrest</b>	<b>Not Sustained</b>
						4. Performance of Duty – Care of Property	Unfounded





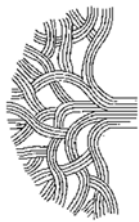
CITY OF OAKLAND  
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*Recently Completed Investigations*  
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 (Total Completed = 29)

Assigned Inv.	Case #	Incident Date	Completion Date	3304 Date	Officer	Allegation	Finding
						5. Use of Force	<i>Not Sustained</i>
					Subject Officer 2	6. Performance of Duty – Care of Property	<i>Sustained</i>
						7. Use of Force	<i>Unfounded</i>
						8. Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
						9. Use of Force	<i>Unfounded</i>
						10. Use of Force	<i>Unfounded</i>
					Subject Officer 3	11. Use of Force	<i>Unfounded</i>
					Subject Officer 4	12. Use of Force	<i>Unfounded</i>
					Subject Officer 5	13. Use of Force	<i>Unfounded</i>
					Subject Officer 6	14. Use of Force	<i>Unfounded</i>
					Subject Officer 7	15. Use of Force	<i>Unfounded</i>
JS	18-0214	2/24/18	2/21/20	2/28/20	Subject Officer 1	1. Conduct Toward Others – Demeanor	<i>Sustained</i>



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*Recently Completed Investigations*  
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Assigned Inv.	Case #	Incident Date	Completion Date	3304 Date	Officer	Allegation	Finding
						<b>2. Performance of Duty – Unintentional/Improper Search Seizure or Arrest</b>	<b>Sustained</b>
						<b>3. Performance of Duty – Unintentional/Improper Search Seizure or Arrest</b>	<b>Not Sustained</b>
					Subject Officer 2	<b>4. Performance of Duty – Reports</b>	<b>Sustained</b>
						5. Performance of Duty – Unintentional/Improper Search Seizure or Arrest	Exonerated
						6. Performance of Duty – Unintentional/Improper Search Seizure or Arrest	Exonerated
RM	19-0993	9/14/19	1/18/20	9/13/20	Subject Officer 1	1. Performance of Duty – General	Unfounded
					Subject Officer 2	2. Performance of Duty – General	Unfounded
MB	19-1161	10/17/19	1/18/20	10/16/20	Subject Officer 1	1. Use of Force	Exonerated
MB	19-1190	10/25/19	1/18/20	10/23/20	Subject Officer 1	1. Performance of Duty – General	Unfounded
					Subject Officer 2	2. Use of Force	Unfounded
						3. Performance of Duty – General	Unfounded



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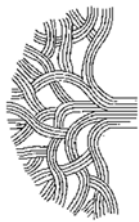
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(Total Completed = 29)

Assigned Inv.	Case #	Incident Date	Completion Date	3304 Date	Officer	Allegation	Finding
MB	19-1224	11/4/19	1/18/20	11/2/20	Subject Officer 1	1. Use of Force	<i>Unfounded</i>
KT	19-0276	4/8/18	1/25/20	3/3/20	Subject Officer 1	1. Conduct Toward Others – Demeanor	<i>Sustained</i>
					Subject Officer 2	2. Performance of Duty – General	<i>Not Sustained</i>
						3. Use of Force	<i>Not Sustained</i>
MB	19-1254	11/10/19	1/23/20	11/8/20	Officer Unknown	1. Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
MB	19-1044	9/25/19	1/23/20	9/23/20	Subject Officer 1	1. Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
MB	19-1218	11/2/19	2/5/20	10/31/20	Subject Officer 1	1. Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Unfounded</i>
						2. Use of Force	<i>Unfounded</i>
CD	19-0922	8/29/19	1/23/20	8/27/20	Subject Officer 1	1. Service Complaint	<i>Unfounded</i>
						2. Use of Force	<i>Unfounded</i>
MB	19-1245	11/9/19	1/30/20	11/7/20	Officer Unknown	1. Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
						2. Performance of duty – Intentional Search Seizure or Arrest	<i>Exonerated</i>



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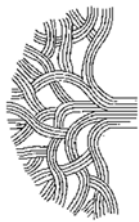
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(Total Completed = 29)

Assigned Inv.	Case #	Incident Date	Completion Date	3304 Date	Officer	Allegation	Finding
RM	19-0839	8/8/19	1/31/20	8/10/20	Unknown Officer	1. Conduct Toward Others – Harassment and Discrimination	Complaint Withdrawn
CD	19-0978	9/13/19	2/1/20	9/11/20	Subject Officer 1	1. Performance of Duty – Unintentional/Improper Search Seizure or Arrest  2. Use of Force  3. Use of Force	Complaint Withdrawn  Unfounded  Unfounded
MB	19-0987	9/14/19	2/1/20	9/14/20	No Officer/Service Complaint	1. Custody of Prisoners – Treatment and Maintaining Control  2. No MOR Violation  3. Conduct Toward Others – Demeanor	Unfounded  No MOR  Unfounded
MB	19-1143	10/14/19	2/1/20	10/20/20	Subject Officer 1	1. Use of Force	Unfounded  Exonerated



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**

*Recently Completed Investigations*  
*(Allegations in bold were discovered by CPRA investigators)*

2/21/20

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(Total Completed = 29)

Assigned Inv.	Case #	Incident Date	Completion Date	3304 Date	Officer	Allegation	Finding
MB	19-1228	11/3/19	2/1/20	11/2/20	Unknown Officer	1. Conduct Toward Others – Demeanor	<i>Unfounded</i>
MB	19-1261	11/12/19	2/1/20	11/11/20	Subject Officer 1	1. Use of Force  2. Use of Force	<i>Exonerated</i>  <i>Unfounded</i>
RM	19-0849	8/14/19	2/5/20	8/12/20	Subject Officer 1	1. Conduct Toward Others – Harassment and Discrimination  2. Use of Force  3. Performance of Duty – General  4. Use of Force  5. Conduct Toward Others – Harassment and Discrimination  6. Performance of Duty – Unintentional/Improper Search Seizure or Arrest  7. Performance of Duty – Care of Property  8. Use of Force	<i>Exonerated</i>  <i>Exonerated</i>  <i>Exonerated</i>  <i>Exonerated</i>  <i>Exonerated</i>  <i>Exonerated</i>
KT	19-0261	6/2/18	1/25/20	2/26/20	Subject Officer 1	1. Performance of Duty – General  2. Use of Force	<i>Not Sustained</i>  <i>Not Sustained</i>



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**

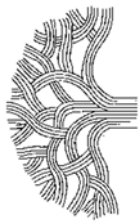
*Recently Completed Investigations*  
*(Allegations in bold were discovered by CPRA investigators)*

2/21/20

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(Total Completed = 29)

Assigned Inv.	Case #	Incident Date	Completion Date	3304 Date	Officer	Allegation	Finding
CD	19-1032	9/24/19	2/6/20	9/22/20	Subject Officer 1	1. Performance of Duty – General	Exonerated
						2. Conduct Toward Others – Harassment and Discrimination	Unfounded
MB	19-1276	11/17/19	2/13/20	11/15/20	Subject Officer 1	1. Use of Force	Unfounded
						2. Use of Force	Unfounded
					Subject Officer 2	3. Use of Force	Unfounded
						4. Use of Force	Unfounded
MB	19-1277	11/16/19	2/13/20	11/15/20	Subject Officer 1	1. Conduct Toward Others – Harassment and Discrimination	Unfounded
						2. Conduct Toward Others – Demeanor	Unfounded
RM	19-1039	9/24/19	2/14/20	9/23/20	Unknown Officer	1. Performance of Duty – Care of Property	Complaint Withdrawn
						2. Performance of Duty – Care of Property	Complaint Withdrawn
CD	19-1156	10/17/19	2/18/20	10/15/20	Unknown Officer	1. Obedience to Laws – Felony/Serious Misdemeanor	Unable to Identify Officer



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Recently Completed Investigations*  
*(Allegations in bold were discovered by CPRA investigators)*

2/21/20  
**Page 10 of 10**  
 (Total Completed = 29)

<b>CPRA Made the following Training Recommendations with Respect to Investigations in this Report</b>	
<b>Training Recommendation(s)</b>	Officers should be reminded during training that they need to be cognizant of the positioning of their firearms. Officers should adjust the angle of firearms in the “low ready” position such that when a person is on the ground or on his/her knees, the firearm is not pointed in the general direction of that person

**Oakland Police Commission**

<u>Standing Committees</u>
<b>Community Outreach</b> Dorado
<b>Personnel</b> Anderson Harris Jackson

<u>Ad Hoc Committees</u>	
<b>Annual Report</b> Jackson Smith	<b>Military Police Equipment</b> Brown Gage Jordan
<b>Appellate Process</b> Brown Harris	<b>Missing Persons Policy</b> Harris Jackson Jordan
<b>Bey Case</b> Harris	<b>OBOA Allegations Investigation</b> Dorado Harris Jackson
<b>Budget</b> Dorado Harris	<b>Rules, Bylaws</b> Gage Harris Smith
<b>Mental Health Model</b> Brown Dorado Harris	<b>Use of Force Policy</b> Anderson Gage Harris





# OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

January 9, 2020

5:30 PM

City Council Chamber, 3<sup>rd</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland, CA 94612

**I. Call to Order**

Vice Chair Ginale Harris

The meeting started at 5:37 pm.

**II. Roll Call and Determination of Quorum**

Vice Chair Ginale Harris

Commissioners Present: Tara Anderson, José Dorado, Henry Gage, III, Ginale Harris, and Edwin Prather.

Alternate Commissioners Present: David Jordan

Commissioners Excused: Regina Jackson and Thomas Lloyd Smith

Alternate Commissioners Absent: Chris Brown (*arrived during item VI*)

Counsel for this meeting: Conor Kennedy

**III. Public Comment on Closed Session Items**

No public comments were provided on this item.

**The Commission adjourned to closed session in City Hall Building Bridges room. The open session section of the meeting commenced at 6:52 pm.**

**IV. Closed Session**

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

**V. Determinations of Closed Session**

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

There were no reportable actions on this item.

**VI. Welcome, Purpose, and Open Forum**

Comments were provided by the following public speakers:

Michele Lazaneo  
Paula Hawthorne  
Saleem Bey  
John Bey  
Assata Olugbala

**The Commission took a five minute recess during Open Forum. The meeting resumed at 7:40 pm.**

**VII. Vote to Approve Release of RFP for Closed Captioning Services**

The Commission reviewed a draft Request for Proposals (RFP) for closed captioning services.

Comments were provided by the following public speakers:

Elise Bernstein

Assata Olugbala

A motion was made by José Dorado, seconded by Tara Anderson, to table this item and conduct more research on the issue. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

**VIII. OPD Update on Oakland Black Officers Association (OBOA) Internal Affairs (IA) Investigation**

Deputy Chief LeRonne Armstrong provided an update on the status of the IA investigation into the claims of the OBOA.

Comments were provided by the following public speakers:

Saleem Bey

John Bey

Lorelei Bosserman

Assata Olugbala

No action was taken on this item.

**IX. Vote to Approve Release of RFP for an Investigator for the OBOA Case**

The Commission discussed issuing an RFP for investigation services regarding the OBOA allegations and voted to release an RFP.

No public comments were provided on this item.

A motion was made by José Dorado, seconded by Henry Gage, III, to approve the release of an RFP. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

**X. Use of Force Working Group**

The Use of Force Working Group presented its revised draft report and a draft of the Oakland Police Department Use of Force Policy, Department General Order (DGO) K-03. The Commission voted to approve the revised DGO K-03 policy.

Comments were provided by the following public speakers:

Rashidah Grinage  
Cat Brooks  
Pamela Price  
Saleem Bey  
John Bey  
Assata Olugbala

A motion was made by Henry Gage, III, seconded by José Dorado, to insert the following sentence between the second and third sentences of section I(A): “Members shall attempt to control an incident through sound tactics, including the use of time, distance, communications, tactical repositioning, and available resources, in an effort to reduce or avoid the need to use force whenever it is safe, feasible, and reasonable to do so.” The insertion of this sentence between the second and third sentences of section I(A) would require striking out the current section III. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather  
No: 0

A second motion was made by Henry Gage, III, seconded by José Dorado, to approve DGO K-03 with the amendment listed in the prior motion. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather  
No: 0

**XI. Presentation by National Institute for Criminal Justice Reform (NICJR) of Proposed Pilot Juvenile Diversion Program**

David Muhammad of NICJR delivered a presentation on the Neighborhood Opportunity and Accountability Board (NOAB) which will be a community based, restorative, youth diversion initiative in Oakland.

Comments were provided by the following public speakers:

Oscar Fuentes  
John Bey  
Saleem Bey  
Lorelei Bosserman  
Assata Olugbala  
Elise Bernstein

A motion was made by Edwin Prather, seconded by Henry Gage, III, to write a letter on behalf of the Commission in support of the NOAB program. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

**XII. Edits to Resolution 19-01**

On October 24, 2019 the Commission approved Resolution 19-01 to engage the services of Knox & Ross Law Group to investigate if there is enough evidence to reopen the CPRA cases 07-0538, 13-1062, and 16-0147, for an amount not-to-exceed \$49,999, with all work to be conducted by licensed investigators. Knox & Ross Law Group requested edits to the resolution. The Commission reviewed the suggested edits and voted to approve the inclusion of those edits in an amended resolution.

No public comments were provided on this item.

A motion was made by Edwin Prather, seconded by José Dorado, to adopt resolution 19-01 as drafted by Mr. Alden. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

**XIII. Meeting Minutes Approval**

The Commission voted to approve minutes from July 25, August 22, and September 12, 2019.

A motion was made by Edwin Prather, seconded by Henry Gage, III to approve the minutes of July 25, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

A second motion was made by José Dorado, seconded by Henry Gage, III to approve the minutes of August 22, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

A third motion was made by Edwin Prather, seconded by Henry Gage, III to approve the minutes of September 12, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, and Prather

No: 0

Abstain: Harris

**XIV. Committee/Liaison/Other Commissioner Reports**

José Dorado noted that he is working on securing United for Success as a location for a community meeting in the Spring. Ginale Harris reported that in her role as the

Commission's liaison for the Jonathan Bandabaila case she participated in recent outreach efforts.

No public comments were provided on this item.

No action was taken on this item.

**XV. Agenda Setting and Prioritization of Upcoming Agenda Items**

The Commission engaged in a working session to discuss and determine agenda items for the upcoming Commission meeting: a closed session; strategic plan update from off-site retreat; an update on the City Auditor's report; the Independent Monitor's 65<sup>th</sup> report; CPRA outreach options; and a letter of support for the NOAB program..

No public comments were provided on this item.

No action was taken on this item.

**XVI. Adjournment**

A motion was made by Edwin Prather, seconded by Henry Gage, III, to adjourn the meeting at 10:47pm. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0



# OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

January 23, 2020

5:30 PM

City Council Chamber, 3<sup>rd</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland, CA 94612

**I. Call to Order**

Chair Regina Jackson

The meeting started at 5:34 pm.

**II. Roll Call and Determination of Quorum**

Chair Regina Jackson

Commissioners Present: José Dorado, Henry Gage, III, Ginale Harris, Regina Jackson, and Thomas Lloyd Smith. Quorum was met.

Commissioners Excused: Edwin Prather

Commissioners Absent: Tara Anderson (*arrived during item IV*)

Alternate Commissioners Absent: Chris Brown and David Jordan (*both arrived during item IV*)

Counsel for this meeting: Conor Kennedy

**III. Public Comment on Closed Session Items**

No public comments were provided on this item.

**The Commission adjourned to closed session in City Hall Building Bridges room. The open session section of the meeting commenced at 7:03 pm.**

**IV. Closed Session**

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

**V. Determinations of Closed Session**

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

There were no reportable actions on this item.

**Chair Regina Jackson took another Roll Call**

**Commissioners Present: Tara Anderson, José Dorado, Ginale Harris, Regina Jackson, and Thomas Smith. Quorum was met.**

**Commissioners Excused: Henry Gage, III (*left during item IV*) and Edwin Prather**

**Alternate Commissioners Present: Chris Brown and David Jordan**

**Counsel for this meeting: Conor Kennedy**

**VI. Welcome, Purpose, and Open Forum**

Comments were provided by the following public speakers:

Gene Hazard  
Mary Vail  
Saleem Bey  
Michele Lazaneo  
Assata Olugbala  
Johnnisha Perry

**VII. Jonathan Bandabaila Investigation Update and OPD Social Media Policy**

OPD Bureau of Investigations Acting Deputy Chief Drennon Lindsey provided a status report on the investigation into the disappearance of Jonathan Bandabaila in May of 2019. OPD Deputy Chief LeRonne Armstrong discussed the status of creating a department-specific social media policy.

Comments were provided by the following public speakers:

Gene Hazard  
Saleem Bey  
Rashidah Grinage  
Michele Lazaneo  
Assata Olugbala  
Johnnisha Perry

No action was taken on this item.

**VIII. Update on City Auditor's Report**

Chair Regina Jackson noted that the City Auditor will have draft reports of the Police Commission and CPRA audits in mid-to-late February.

Comments were provided by the following public speakers:

Assata Olugbala

No action was taken on this item.

**IX. Letter of Support from Commission for National Institute for Criminal Justice Reform's Proposed Pilot Juvenile Diversion Program**

The Commission discussed a letter of support which was prepared by Commissioner Prather.

Comments were provided by the following public speakers:

Jane Kramer  
Rashidah Grinage  
Assata Olugbala

Maureen Benson

No action was taken on this item.

**X. 65<sup>th</sup> Independent Monitor's Report dated December 19, 2019**

The Commission discussed the 65<sup>th</sup> Independent Monitor's Report dated December 19, 2019.

Comments were provided by the following public speakers:

Saleem Bey

Mary Vail

Bruce Schmiechen

Lorelei Bosserman

Anne Janks

Oscar Fuentes

Rashidah Grinage

Gene Hazard

Assata Olugbala

Jane Kramer

Maureen Benson

No action was taken on this item.

**XI. 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:

Gene Hazard

Assata Olugbala

No action was taken on this item.

**XII. Outreach Services for CPRA**

The Commission discussed seeking a provider of outreach services for CPRA.

Comments were provided by the following public speakers:

Lorelei Bosserman

No action was taken on this item.

**XIII. Discussion and Vote to Authorize CPRA Director to Enter into Contracts for Services for Outreach Meetings, and Set Budget for Same**



The Commission discussed and voted to authorize the CPRA Director to enter into contracts secure Audio/Visual (A/V) services, room rentals, and the like for outreach meetings for the Use of Force revision process.

Comments were provided by the following public speakers:

Jane Kramer

A motion was made by Regina Jackson, seconded by José Dorado, to approve a budget of \$20,000 and to authorize the CPRA Director to enter into contracts, secure A/V services, room rentals, and the like for outreach meetings for the Use of Force revision process, and for a second Commission Retreat. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith

No: 0

**A motion was made by José Dorado, seconded by Regina Jackson, to extend the meeting by 15 minutes. The motion carried by the following vote:**

**Aye: Anderson, Dorado, Jackson, and Smith**

**No: Harris**

**XIV. Strategic Plan Update from Off-Site Retreat**

The Commission discussed the Strategic Plan which was prepared based on the work that was done at the off-site retreat on September 12, 2019.

No public comments were provided on this item.

No action was taken on this item.

**XV. Meeting Minutes Approval**

The Commission voted to approve minutes from October 10, October 24, November 14, and December 12, 2019.

No public comments were provided on this item.

A motion was made by José Dorado, seconded by Regina Jackson, to approve the minutes of October 10, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith

No: 0

A second motion was made by José Dorado, seconded by Regina Jackson, to approve the minutes of October 24, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson

No: 0  
Abstain: Smith

A third motion was made by José Dorado, seconded by Regina Jackson, to approve the minutes of November 14, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Jackson, and Smith  
No: 0  
Abstain: Harris

A fourth motion was made by José Dorado, seconded by Regina Jackson, to approve the minutes of December 12, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, and Jackson  
No: 0  
Abstain: Harris and Smith

**XVI. Committee/Liaison/Other Commissioner Reports**

José Dorado noted that there will be a community policing task force summit soon. He also mentioned that he is working through the Oakland Unified School District system on securing United for Success as a location for a community meeting in the Spring. David Jordan will be working with José Dorado on outreach items. The Commission formed an Ad Hoc Committee to work on an OPD policy on missing persons. Ginale Harris, Regina Jackson, and David Jordan will be on that Ad Hoc Committee.

No public comments were provided on this item.

No action was taken on this item.

**XVII. Agenda Setting and Prioritization of Upcoming Agenda Items**

The Commission engaged in a working session to discuss and determine agenda items for the upcoming Commission meeting: Chair and Vice Chair elections; and a draft ordinance on military police equipment.

No public comments were provided on this item.

No action was taken on this item.

**XVIII. Adjournment**

A motion was made by Ginale Harris, seconded by Tara Anderson, to adjourn the meeting at 10:50pm. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith  
No: 0



# OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

February 13, 2020

5:30 PM

City Council Chamber, 3<sup>rd</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland, CA 94612

**I. Call to Order**

Chair Regina Jackson

The meeting started at 5:36 pm.

**II. Roll Call and Determination of Quorum**

Chair Regina Jackson

Commissioners Present: José Dorado, Henry Gage, III, Ginale Harris, Regina Jackson, and Edwin Prather. Quorum was met.

Commissioners Absent: Tara Anderson and Thomas Lloyd Smith (*both arrived during item IV*)

Alternate Commissioners Absent: Chris Brown and David Jordan (*both arrived during item IV*)

Counsel for this meeting: Conor Kennedy

**III. Public Comment on Closed Session Items**

No public comments were provided on this item.

**The Commission adjourned to closed session in City Hall Building Bridges room. The open session section of the meeting commenced at 7:44 pm.**

**IV. Closed Session**

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

**V. Determinations of Closed Session**

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

There were no reportable actions on this item.

**Chair Regina Jackson took another Roll Call**

**Commissioners Present: Tara Anderson, José Dorado, Ginale Harris, Regina Jackson, Edwin Prather, and Thomas Smith. Quorum was met.**

**Alternate Commissioners Present: Chris Brown and David Jordan**

**Counsel for this meeting: Conor Kennedy**

**VI. Welcome, Purpose, and Open Forum**

Comments were provided by the following public speakers:

Dominique Walker

Gabriel Garcia

Michele Lazaneo

Paula Hawthorne

Assata Olugbala

Saleem Bey

John Lindsay-Poland

Bruce Schmiechen

Nino Parker

**VII. Election of Oakland Police Commission Chairperson**

The Commission nominated and voted on the appointment of a Chairperson to serve from February 2020 until the next election in February 2021.

Comments were provided by the following public speakers:

Assata Olugbala

Maureen Benson

Saleem Bey

Nicole Fairley

A motion was made by Tara Anderson, seconded by Thomas Lloyd Smith, to nominate Regina Jackson to serve as Chair.

A second motion was made by José Dorado, seconded by Ginale Harris, to nominate Ginale Harris to serve as Chair.

A vote was taken on the first motion to nominate Regina Jackson to serve as Chair and the motion carried by the following vote:

Aye: Anderson, Gage, Jackson, Prather, and Smith

No: Dorado and Harris

No vote was recorded for the second motion.

**VIII. Election of Oakland Police Commission Vice Chairperson**

The Commission nominated and voted on the appointment of a Vice Chairperson to serve from February 2020 until the next election in February 2021.

Comments were provided by the following public speakers:

Saleem Bey

Assata Olugbala

A motion was made by Edwin Prather, seconded by Thomas Lloyd Smith, to nominate Henry Gage, III to serve as Vice Chair. The motion carried by the following vote:

Aye: Anderson, Gage, Jackson, Prather, and Smith

No: Dorado and Harris

**IX. Report from National Institute for Criminal Justice Reform (NICJR) on Next Steps with Pilot Juvenile Diversion Program**

OPD Deputy Chief LaRonne Armstrong discussed next steps in the Pilot Juvenile Diversion Program as they relate to the District Attorney, County Probation Department, and OPD. OPD also presented an updated letter of support for the National Institute for Criminal Justice Reform's Proposed Pilot Juvenile Diversion Program.

Comments were provided by the following public speakers:

Jane Kramer

Rashidah Grinage

Saleem Bey

No action was taken on this item.

**X. Public Engagement with Use of Force Ad Hoc Committee**

The Commission discussed a variety of opportunities for thought leadership on policy development.

Comments were provided by the following public speakers:

Rashidah Grinage

Oscar Fuentes

Saleem Bey

Gabriel Garcia

Jane Kramer

Cathy Leonard

Maureen Benson

No action was taken on this item.

**Ginale Harris left the meeting at 10:02 pm.**

**XI. OPD Report Regarding 65<sup>th</sup> Independent Monitor's Report**

OPD Deputy Chief LaRonne Armstrong and Acting Captain Peter Lau gave a report regarding which recommendations from the Independent Monitor's Report have been adopted and implemented.

Comments were provided by the following public speakers:

Saleem Bey

Assata Olugbala

No action was taken on this item.

**A motion was made by Henry Gage, III, seconded by José Dorado, to extend the meeting by 15 minutes. The motion carried by the following vote:**

**Aye: Anderson, Dorado, Gage, Jackson, Prather, and Smith**  
**No: 0**

**A motion was made by Henry Gage, III, seconded by José Dorado, to table items XII, XIII, XIV, XV, XVI, and XVII to a future agenda. The motion carried by the following vote:**

**Aye: Anderson, Dorado, Gage, Jackson, Prather, and Smith**  
**No: 0**

**XII. Draft Ordinance on Military Police Equipment (*this item was tabled to a future agenda*)**

Comments were provided by the following public speakers:

Wilson Riles

Mike Chase

John Lindsay-Poland

Saleem Bey

Nino Parker

**XIII. Outreach Services for CPRA (*this item was tabled to a future agenda*)**

No public comments were provided on this item.

**XIV. Creation of Ad Hoc Committee to Develop a Process for Drafting Policy (*this item was tabled to a future agenda*)**

No public comments were provided on this item.

**XV. Meeting Minutes Approval (*this item was tabled to a future agenda*)**

No public comments were provided on this item.

**XVI. Committee/Liaison/Other Commissioner Reports (*this item was tabled to a future agenda*)**

No public comments were provided on this item.

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

No public comments were provided on this item.

**XVIII. Adjournment**

A motion was made by Thomas Lloyd Smith, seconded by Henry Gage, III, to adjourn the meeting at 11:05 pm. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Jackson, Prather and Smith  
No: 0



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING CLOSED SESSION MINUTES - DRAFT

February 20, 2020

6:30 PM

Building Bridges Conference Room, 3<sup>rd</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland, CA 94612

### I. Call to Order

Chair Regina Jackson

The meeting started at 6:40 pm

### II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Henry Gage, III, Ginale Harris, Regina Jackson, Edwin Prather, and Thomas Lloyd Smith. Quorum was met.

Commissioners Absent: José Dorado (*arrived during item IV*)

Counsel for this meeting: Nitasha Sawhney and Conor Kennedy

### III. Public Comment on Closed Session Items

No public comments were provided on this item.

**THE OAKLAND POLICE COMMISSION ADJOURNED TO CLOSED SESSION.**

### IV. Closed Session

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

### V. Report Out of Closed Session

A motion was made by Regina Jackson, seconded by Henry Gage, III, to join Mayor Schaaf in terminating the Chief of Police without cause. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather, and Smith

No: 0

Comments were provided by the following public speakers:

Rashidah Grinage

### VI. Adjournment

A motion was made by Thomas Lloyd Smith, seconded by Henry Gage, III, to adjourn the meeting at 8:10 pm. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, Prather and Smith

No: 0





# OAKLAND POLICE COMMISSION

## Agenda Report

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<b>Subject:</b>	<b>Pending Agenda Matters List</b>
Date:	February 24, 2020
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	John Alden, CPRA Executive Director

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### Action Requested:

Review Pending Agenda Matters List and decide on which, if any, to include in upcoming agendas.

### Background:

The following exhaustive list was begun in early 2018 and includes items submitted for consideration on future agendas. Community members may suggest agenda items by completing and submitting the Agenda Matter Submission Form found on the Commission's webpage.

### Discussion:

The following trainings must be delivered in open session and should be scheduled soon:

Subject Matter	Provider	Dates Offered or Scheduled (if known)
<b><i>Mandated by City Charter section 604 (c)(9) and Enabling Ordinance section</i></b>		
California's Meyers Miliias Brown Act (MMBA) and Public Employment Relations Board's Administration MMBA (OMC 2.45.190(G)) <b><i>must be done in open session</i></b>	HR	Planning for 3.12.20
Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (OMC 2.45.190(G)) <b><i>must be done in open session</i></b>	HR	Planning for 4.9.20

### Attachments:

Pending Agenda Matters List

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
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"> <li>1. California's Meyers Milias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (<b>planning for 3.12.20</b>)</li> <li>2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (<b>2.27.20</b>)</li> <li>3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (<b>planning for 4.9.20</b>)</li> <li>4. Police Officers Bill of Rights (done 12.12.19)</li> </ol>	High	Ongoing	2/27/2020	
3	Military Police Equipment Policy	9/10/2019		Discussion of an ordinance drafted by the Coalition for Police Accountability for OPD equipment use and acquisition.	High		2/27/2020	

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1	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"> <li>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;</li> <li>2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated;</li> <li>3. The number of investigations completed by IAD, and the results of the investigations;</li> <li>4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions;</li> <li>5. Revisions made to Department policies;</li> <li>6. The number and location of Department sworn employee-involved shootings;</li> <li>7. The number of Executive Force Review Board or Force Review Board hearings and the results;</li> <li>8. A summary of the Department's monthly Use of Force Reports;</li> <li>9. The number of Department sworn employees disciplined and the level of discipline imposed; and</li> <li>10. The number of closed investigations which did not result in discipline of the Subject Officer.</li> </ol> <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
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5	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	High			
6	Create Ad Hoc Committee To Determine if Commission Can Open or Re-Open an Investigation	10/2/2018		The Commission has heard from community members regarding concerns about what the Commission's power actually is regarding opening and re-opening investigations.	High			
7	Finalize Bylaws and Rules	1/24/2019			High			Gage
8	Measure LL Revisions	10/1/2019	The Commission will discuss and provide feedback on the draft revision of Measure LL provided by the Coalition for Police Accountability to the Commission and City Council President Kaplan		High			Gage
9	Social Media Communication Responsibilities, Coordination, and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	High			
10	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.	High			

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11	Discipline: Second Swanson Report Recommendations – Have These Been Implemented?	10/6/2018		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	High			
12	Public Hearing on Use of Force	4/22/2019		Work with community on presenting a public hearing on use of force.	High			Harris
13	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.	High			Brown, Gage, Prather
14	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		
15	Review Commission’s Agenda Setting Policy	4/25/2019			High			

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16	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			
17	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of: 1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; 2. Arbitration decisions or other related results; 3. The ways in which it has supported the police discipline process; and 4. Significant recent developments in police discipline. 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	High	Semi-annually		Smith
18	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.	High			

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19	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			
20	Desk Audit of CPRA Staff by Human Resources	5/17/2019	The Commission would like to request that Human Resources do a desk audit for every job position in the CPRA.	This will enable the Police Commission to engage in a reorganization of the CPRA.	High			Personnel Committee
21	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

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22	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		
23	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.	High			
24	Proposal For Staff Positions for Commission and CPRA	1/1/2018	Provide the City Administrator with its proposal for staff positions needed for Commission and Agency to fulfill its functions and duties		High	Ongoing as appropriate		
25	OPD Update on New Karibbean City Night Club Issue	10/29/2019	OPD to provide an update on the status of an issue that was raised on 10.10.19	The owner of the night club spoke during Open Forum at the meeting on 10.10.19 about an issue with OPD.	Medium			
26	Free Gun Trace Service	1/27/2020		This service was mentioned at a meeting in 2019.	Medium			Dorado
27	City Auditor's Office to Present Performance and Financial Audit of Commission and Agency		City Auditor to conduct a performance audit and a financial audit of the Commission and the Agency	No later than two (2) years after the City Council has confirmed the first set of Commissioners and alternates, the City Auditor shall conduct a performance audit and a financial audit of the Commission and the Agency. Nothing herein shall limit the City Auditor's authority to conduct future performance and financial audits of the Commission and the Agency.	Medium	Spring, 2020		



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28	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			
29	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado
30	Receive Report from Urban Strategies on their Safe Oakland Summit of 6.5.19	8/22/2019		Commissioner Dorado will invite David Harris of Urban Strategies to give a report on the Safe Oakland Summit which was held on 6.5.19	Medium			Dorado
31	Report from OPD Regarding Found/Confiscated Items	7/12/2019	OPD Chief Kirkpatrick 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			
32	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			
33	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			

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34	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			
35	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	May or June 2020		
36	Follow up on Najiri Smith Case	10/10/2018		Community members representing Najiri claim the officer lied re. the time of interaction, which makes the citation (loud music after 10pm) invalid. They claimed he was engaged by OPD around 9.10pm.	Medium			
37	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
38	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		
39	Review Commission's Code of Conduct Policy	4/25/2019			Medium			Prather
40	Review Commission's Outreach Policy	4/25/2019			Medium			Dorado

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41	Taser Policy (incorporate into Use of Force)	10/10/2018		This is part of Use of Force Policy; Review use of tasers in light of what happened to Marcellus Toney - In the report the Commission was given, it mentioned that officers have choice as to where to deploy a taser.	Medium			
42	De-Escalation Policy (incorporate into Use of Force)	1/1/2018		This should be part of Use of Force Policy; review existing policy (if any) and take testimony/evidence from experts and community about best practices for de-escalation.	Low			
43	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the		Low	4/17/2020		Prather, Smith
44	Discipline: Based on Review of MOU	10/6/2018		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?	Low			
45	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low			
46	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

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47	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019			Low		2/27/2020	
48	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.	Low	Spring, 2021		
49	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			
50	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			
51	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			
52	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			

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53	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			
54	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
55	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	4/15/2020		