



OAKLAND POLICE COMMISSION SPECIAL MEETING AGENDA

March 11, 2021

5:00 PM

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



OAKLAND POLICE COMMISSION

SPECIAL MEETING AGENDA

March 11, 2021
5:00 PM

PUBLIC PARTICIPATION

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

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/82977027212> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
Webinar ID: 829 7702 7212

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

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

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

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



OAKLAND POLICE COMMISSION

SPECIAL MEETING AGENDA

March 11, 2021
5:00 PM

I. **Call to Order**
Chair Regina Jackson

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

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

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

IV. **Closed Session**

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: 2 CASES – Govt. Code § 54956.9(d)(1)

Name of Case: Kirkpatrick v. City of Oakland, Case No. 3:2020-cv-05843

Name of Case: Sacks v. City of Oakland, Case No. RG 20078708

V. **Report out of Closed Session**

a. The Commission will report on any actions taken during Closed Session.

VI. **Welcome, Purpose, and Open Forum** (2 minutes per speaker, 16 minutes total)
Chair Regina Jackson will welcome public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

VII. **Vote to Fill Vacant Commissioner Position**

Per Oakland City Charter § 604(c)(7) & (8), the Commission will accept the resignation of former Commissioner James Jackson and vote to promote one of the Alternate Commissioners to replace Commissioner Jackson for the remaining term of office. ***This is a new item.***

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

VIII. Update from Human Resources Director

Human Resources Director Ian Appleyard will provide an update on the Police Commission reorganization, the Inspector General position, and other staffing projects underway for the Police Commission and the agencies it supervises and will respond to questions from the Commission. ***This is a new item.***

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

IX. Update from Police Chief

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item. (Attachment 9).***

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

X. Resolution to Support City Council Signed Ordinance Amending Anti-Nepotism Ordinance OMC Chapter 2.40 Exception for OPD and OFD

The Commission will discuss a resolution to support a City Council ordinance amending an anti-nepotism ordinance. ***This is a new item.***

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

XI. Reimagining Public Safety Task Force Update

Former Commissioner Ginale Harris will share an update on the Reimagining Public Safety Task Force. ***This item was discussed on 12.10.20 and 1.7.21.***

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

XII. Formal Request for Commissioner Access to Discipline Meetings and Related Personnel Information

The Commission will consider approving a formal request for access to portions of Discipline Meetings between CPRA and OPD that pertain to the “concurrency” process, including related confidential personnel records. ***This is a new item.***

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

XIII. Police Commission 2020 Annual Report

The Commission will discuss the annual report that will be submitted to the Mayor, City Council, and the public, and may vote to approve the report. ***This is a new item.*** ([Attachment 13](#)).

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

XIV. Meeting Minutes Approval

The Commission will vote to approve minutes from February 25, 2021. ***This is a recurring item.*** ([Attachment 14](#)).

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

XV. Committee Reports

Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.*** ([Attachment 15](#)).

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

XVI. Open Forum (at Chair's discretion if needed) (2 minutes per speaker)

The Commission will allow for any overflow of speakers from item VI wishing to provide comments on items not listed on the agenda. ***This is a recurring item.***

XVII. 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 17](#)).

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

XVIII. Adjournment

CITY OF OAKLAND

Memorandum

TO: Oakland Police Department
ATTN: All Personnel
FROM: Chief LeRonne L. Armstrong
DATE: 10 February 21

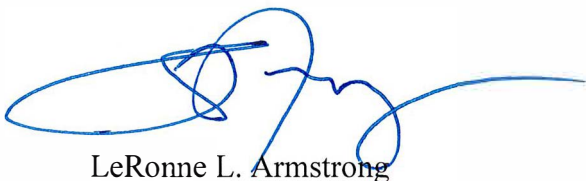
RE: Notice to All Personnel of Zero Tolerance for Racist Actions or Affiliations

To all OPD Personnel, both Sworn and Professional Staff:

The Oakland Police Department is entrusted with keeping all community members in Oakland safe and enforcing laws. This mission is incompatible with any sort of racist practices, behaviors, or actions, as well as with affiliations with anti-government or extremist groups.

On June 16th, 2020, the Oakland City Council passed [Resolution 88167](#), which specifically declares the City of Oakland to be “a zero-tolerance employer for City employees with respect to racist practices, behaviors, actions, and/or association and affiliation with white supremacist groups, organizations or cells.”

The Oakland Police Department is dedicated to creating a work environment that is safe and inclusive for all City employees. As such, any racist practices, behaviors, or actions, or affiliations or support of white supremacist or extremist organizations, **including social media posts or interactions**, will not be tolerated. Actions or behaviors of this sort will be reviewed as violations of [City of Oakland Administrative Instruction 71](#) and [Department General Order M-19](#), and if sustained will be subject to discipline up to termination of employment.



LeRonne L. Armstrong
Chief of Police
Oakland Police Department



OAKLAND POLICE DEPARTMENT
 BACKGROUNDS AND RECRUITING UNIT
 CMS 88167 ADMONISHMENT

Candidate Name	Date
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CMS 88167 ADMONISHMENT

The Oakland City Council, on June 16th, 2019, passed Resolution 88167. Among other things, this precludes the City from hiring persons who have engaged in “racist practices, behaviors, and actions including those that demonstrate alt-right, neo-nazi, and racist conduct”.

The Oakland Police Department’s background investigation will review your background and personal history, **to include social media posts/interactions from your personal social media accounts**, for any interactions or events that demonstrate racist practices, behaviors, or actions, or that show affiliations with white supremacist or other extremist organizations. **Any past actions or affiliations of this type, including social media posts or interactions, may be grounds for immediate disqualification from the hiring process.**

Is there anything in your personal Social Media accounts that you would like to proactively disclose to the Department?

No Yes Comments _____

By checking this box and signing below, I indicate that I understand the above admonishment.

Candidate (Print name)	Date
Signature	Date



Oakland Police Officers Prevent a Suicide Attempt

For Immediate Release: February 17, 2021

OPD NEWS:

On February 15, 2021, at about 5:19 PM, a person called the Oakland Police Department (OPD) Communication Division to report a person sitting on the ledge of a 10-story parking garage rocking back and forth. Upon arrival, officers found an individual with half their body hanging over the ledge of the structure in 200 block of 23rd Street.

Thankfully, one of the responding officers is a member of OPD's Tactical Negotiations Team (TNT) and Crisis Intervention Trained (CIT). The officers quickly made their way to the visibly distressed individual. The person told the officers they felt like they had to jump off the building. At times the person would sway their body as if they were going to fall from the ledge. However, after patiently talking to the individual for an hour, the officers convinced the person to return to safety. The individual then hugged the officer.

Chief LeRonne L. Armstrong says, "The opportunity to take life-saving actions is the most significant call for our responding officers. We are trained for those moments and the exceptional actions of these officers show the Department's commitment to the preservation of life, that is our most important mission."

All interactions by a member of the Oakland Police Department is an opportunity to build trust and legitimacy with our community. We thank our officers for their courageous efforts to save the life of a community member.



OAKLAND POLICE DEPARTMENT

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

CRIME ANALYSIS

Weekly Crime Report — Citywide 01 Mar. – 07 Mar., 2021

Part 1 Crimes <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2019	YTD 2020	YTD 2021	YTD % Change 2020 vs. 2021	3-Year YTD Average	YTD 2021 vs. 3-Year YTD Average
Violent Crime Index (homicide, aggravated assault, rape, robbery)	94	976	1,123	1,180	5%	1,093	8%
Homicide – 187(a)PC	3	13	7	28	300%	16	75%
Homicide – All Other *	-	1	-	-	PNC	0	PNC
Aggravated Assault	53	461	506	603	19%	523	15%
Assault with a firearm – 245(a)(2)PC	6	43	54	109	102%	69	59%
Subtotal - Homicides + Firearm Assault	9	57	61	137	125%	85	61%
Shooting occupied home or vehicle – 246PC	8	47	56	112	100%	72	56%
Shooting unoccupied home or vehicle – 247(b)PC	3	18	24	53	121%	32	67%
Non-firearm aggravated assaults	36	353	372	329	-12%	351	-6%
Rape	1	35	51	17	-67%	34	-50%
Robbery	37	467	559	532	-5%	519	2%
Firearm	11	180	167	215	29%	187	15%
Knife	3	20	51	30	-41%	34	-11%
Strong-arm	8	195	274	171	-38%	213	-20%
Other dangerous weapon	3	18	16	18	13%	17	4%
Residential robbery – 212.5(a)PC	1	13	18	21	17%	17	21%
Carjacking – 215(a) PC	11	41	33	77	133%	50	53%
Burglary	75	2,379	3,016	1,152	-62%	2,182	-47%
Auto	58	1,907	2,558	890	-65%	1,785	-50%
Residential	6	324	293	147	-50%	255	-42%
Commercial	5	125	128	67	-48%	107	-37%
Other (Includes boats, aircraft, and so on)	3	19	30	36	20%	28	27%
Unknown	3	4	7	12	71%	8	57%
Motor Vehicle Theft	89	1,167	1,423	1,374	-3%	1,321	4%
Larceny	51	1,236	1,480	827	-44%	1,181	-30%
Arson	5	24	29	37	28%	30	23%
Total	314	5,783	7,071	4,570	-35%	5,808	-21%

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

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

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

PNC = Percentage not calculated — [Percentage cannot be calculated.](#)

All data extracted via Coplink Analytics.



Oakland Police Commission
Annual Report 2020

DRAFT

EXECUTIVE SUMMARY

The City of Oakland's Police Commission (Commission) is a Charter-created oversight board, authorized to oversee the policies, practices, and customs of the Oakland Police Department (OPD). The Commission is a civilian-run entity comprised of seven Commissioners and two non-voting Alternate Commissioners. The Commission's jurisdiction includes oversight of the Community Police Review Agency (CPRA), which investigates complaints of police misconduct and provides disciplinary findings. In November of 2020, the Commission also was given supervision over the new Inspector General's Office, which is slated to open in 2021.

BACKGROUND / LEGISLATIVE HISTORY

Charter Section 604 charges the Police Commission with overseeing the OPD in order to ensure that its policies, practices, and customs conform to national standards of constitutional policing. The Commission has the authority to approve or reject the Department's proposed changes to all policies, procedures, customs, and General Orders of the Department which govern use of force, use of force review boards, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements which pertain to the Department. The Commission also supervises the investigative work of the CPRA.

On November 3, 2020, Oakland voters overwhelmingly approved Measure S1. This measure amended the City Charter by establishing a new Office of Inspector General (OIG) outside of the OPD to investigate and review the City's handling of police misconduct-related claims, lawsuits, settlements, complaints, and investigations involving the OPD and CPRA. Subject to limitations, this measure will allow the OIG to request and review OPD and CPRA records, including personnel and investigative records. The OIG will also audit the OPD's compliance with the tasks described in the Negotiated Settlement Agreement (NSA) in *Delphine Allen, et al., v. City of Oakland, et al.* This audit will address improvements in policing standards, the public's access to the complaint process, reporting and investigations of police misconduct, training and supervision, and identifying at-risk behaviors by police officers.

Measure S1 also allows the Commission to hire its own attorneys independent of the City Attorney's Office. It also provides CPRA with a budget to hire its own attorneys independent of the City Attorney's Office.

POLICE COMMISSION STRUCTURE

As of December 31, 2020

Commissioner	Title	Appointed By	Term Ends
Regina Jackson	Chair	Mayor	October, 2021
Henry Gage, III	Vice Chair	Selection Panel	October, 2022
José Dorado	Commissioner	Selection Panel	October, 2021
Sergio Garcia	Commissioner	Selection Panel	October, 2023
Brenda Harbin-Forte	Commissioner	Mayor	October, 2022
Tyfahra Singleton	Commissioner	Selection Panel	October, 2023
Thomas Lloyd Smith	Commissioner	Mayor	October, 2020
David Jordan	Alternate Commissioner	Selection Panel	October, 2022

The Commission welcomed three new Commissioners in 2020:

Name	Title	Appointed By
Sergio Garcia	Commissioner	Selection Panel
Brenda Harbin-Forte	Commissioner	Mayor
Tyfahra Singleton	Commissioner	Selection Panel

In 2020, the following Commissioners left the Commission:

Commissioner	Title	Left Commission	Reason
Tara Anderson	Commissioner	October, 2020	Term ended
Chris Brown	Alternate Commissioner	October, 2020	Term ended
Ginale Harris	Commissioner	October, 2020	Term ended

Police Commission Leadership

In February 2020, Regina Jackson was elected to serve another term as Chair and Henry Gage, III was elected to the position of Vice Chair.

Committees – Standing and Ad Hoc

Personnel Committee

In 2020 Tara Anderson resigned from the Personnel Committee.

The remaining members voted to reorganize CPRA in July of 2020 by eliminating two positions and adding two new ones. The Police Commission authorized this reorganization that same month. These two new positions – a Chief of Staff for CPRA and a lead staffer for the

Commission – will help CPRA and the Commission move faster on accomplishing all of their Charter-mandated duties. Since then, the first of these two positions, the Chief of Staff of CPRA, has been created, and will be permanently filled in early 2021.

Ad Hoc Committees

Since its inception, the Police Commission has created several ad hoc committees to address specific needs. As of December 2020, the following ad hoc committees are active:

Ad Hoc Committee	Commissioners
Annual Report	Jackson, Smith
Armed and Unresponsive Persons and Arrest Teams	Jackson, Jordan, Smith
Budget	Dorado, Jackson
Community Resource Officer Deployment OPD 15-01	Dorado, Harbin-Forte, Jackson
Mental Health Model	Dorado
Military Police Equipment	Gage, Jordan
Missing Persons Policy	Jackson, Jordan
OBOA Allegations Investigation	Harbin-Forte, Jackson
Rules of Procedure	Gage, Smith

POLICE COMMISSION MEETINGS

The Police Commission normally meets on the second and fourth Thursday of each month in the evenings. These meetings offer robust open forum and public input on issues. Representatives from OPD and CPRA appear at most meetings to provide reports on Commission-requested topics and to hear public comment.

OPD Presentations at Commission Meetings

Since its inception, the Commission has requested that the Chief of Police provide informational reports on topics of interest to the Commission and as required by the Enabling Ordinance. In 2020, members of the Department presented on various topics including:

- Comments on reports from the Independent Monitor
- OPD's progress satisfying the terms of the negotiated settlement agreement
- An update on the status of the missing person case of Jonathan Bandabaila
- OPD's use of overtime
- A report on the impact to date of the revised Departmental General Order (DGO) R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Post-Release Community Supervision)
- A report on a crowd management that occurred during public demonstrations in late May and early June

- Special Order (SO) 9205: Banning Carotid Restraint and All Forms of Asphyxia
- DGO K-3 Use of Force
- A presentation on external and internal racial disparities mitigation, building trust through procedural justice and transparency, and building internal equity

Consideration of OPD Policies and Orders

The Commission reviewed and considered several OPD Policies and Orders including:

- DGO K-03: Use of Force. The Commission voted on October 8, 2020 to approve a revised version of the policy developed in conjunction with OPD and members of the community. An Ad Hoc Committee comprised of Tara Anderson, Henry Gage, III, and Ginale Harris was established in October 2019 to create a working group with representatives from OPD and the community to develop a revised Use of Force policy. The working group met biweekly, and at times weekly, for nearly one year, and produced a policy which the Commission approved at the first reading.
- SO 9205: Banning Carotid Restraint and All Forms of Asphyxia. The Commission and OPD collaborated on revisions to SO 9205 and it was presented to the City Council on October 21, 2020. On June 25, 2020, an Ad Hoc Committee was formed with Tara Anderson, Edwin Prather, and Thomas Lloyd Smith. They met regularly and worked with OPD personnel to develop a collaborative policy that was submitted to the City Council.

Special Presentations to the Police Commission

On January 9, 2020, David Muhammad of the National Institute for Criminal Justice Reform (NICJR) delivered a presentation on the Neighborhood Opportunity and Accountability Board (NOAB) which will be a community based, restorative, youth diversion initiative in Oakland.

On June 11, 2020, David Harris from Urban Strategies discussed his process for including feedback from community groups as he prepared a report on in preparing a report which recommends how to ensure that Mobile Assistance Community Responders of Oakland (MACRO) teams reflect the communities they are responding in.

On July 23, 2020, City of Oakland Chief Information Officer Andrew Peterson provided an update on the development of OPD's Vision database.

On August 27, 2020, Councilmembers Nikki Fortunato Bas and Loren Taylor joined the meeting to discuss the newly formed Reimagining Public Safety Task Force.

Special Concurrent Meeting of the Oakland City Council, Community Policing Advisory Board, Public Safety Services Oversight Commission, and Oakland Police Commission

On September 29, 2020, a special joint meeting of the City Council, Community Policing Advisory Board, Public Safety Services Oversight Commission, and Oakland Police Commission was held to discuss the City's efforts on public safety and violence reductions.

On November 12, 2020, Mike Sena, Director of the Northern California Regional Intelligence Center, delivered a presentation on the threat level to Oakland from violent extremists and hate groups in the Bay Area.

TRAINING FOR THE POLICE COMMISSION

Training for Commissioners is ongoing as Commissioners cycle on and off the Commission. The Commission received the following trainings in open session:

- On February 27, 2020 Human Resources Director Ian Appleyard delivered 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.
- March 12, 2020, Human Resources Director Ian Appleyard delivered a training on California's Meyers Milias Brown Act (MMBA) and the Public Employment Relations Board's Administration of MMBA as mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190.
- December 17, 2020, Race and Equity Director Darlene Flynn delivered a training on Racial Equity as required by OMC 2.45.190(M).

OTHER NOTEWORTHY ITEMS

On February 20, 2020, the Commission held a special closed session meeting where they voted to join Mayor Schaaf in terminating the Chief of Police without cause.

On February 29, 2020 the Commission sponsored a special Youth Listening Session at the East Oakland Youth Development Center where young people were invited to share their experiences and ask questions on the OPD’s use of force.

SATURDAY, FEBRUARY

29

Are you Safe?
What Needs to Change?
Share Experiences

Oakland's Independent Police Commission brings community oversight to OPD policies and practices.

The Police Commissioners will be there to listen to you!

AGES 14-24

Youth Listening Session
12pm-2:30pm

EOYDC
8200 International BLVD., Oakland
Refreshments will be provided

Invite family and friends who have been impacted by the Oakland Police Department policies and practices.

Due to the Covid-19 global pandemic, the Police Commission switched their meetings platform to Zoom and began holding teleconference meetings on April 9, 2020.

On April 23, 2020, the Commission welcomed Interim Police Chief Susan Manheimer. Interim Chief Manheimer provided an update on the Department at each subsequent meeting.

On April 27, 2020 the Commission held a special meeting to discuss and develop comments on the draft revisions to Measure LL which were then submitted to the City Council.

On June 8, 2020 the Commission held a special Town Hall meeting on OPD's response to first amendment assemblies and peaceful demonstrations. Panelists Lateefah Simon President, BART Board of Directors, Akil Riley and Xavier Brown, organizers of the Youth March; and community advocate John Jones, III discussed first amendment assemblies and peaceful demonstrations and the related OPD policies and procedures. A Community Roundtable discussion served to gather testimony on the traumas that the community is feeling during the pandemic and recent demonstrations.

OAKLAND POLICE COMMISSION SPECIAL MEETING

TOWN HALL MEETING
MONDAY, JUNE 8, 2020
6:00 PM

Oakland Police Response
First Amendment Rights
Peaceful Demonstrations
Policies and Procedures
Open Public Forum

Akil Riley
YOUTH ORGANIZER

Xavier Brown
YOUTH ORGANIZER

Lateefah Simon
AKONADI FOUNDATION

John Jones III
JUST CITIES

LeRonne Armstrong
OAKLAND POLICE DEPARTMENT

JOIN THE CONVERSATION ONLINE:
[HTTPS://US02WEB.ZOOM.US/J/86563466207](https://us02web.zoom.us/j/86563466207)

On June 18, 2020 the Commission held a Special Budget Hearing on the OPD's budget amidst nationwide calls for defunding the police.

On June 25, 2020 the Commission approved a resolution urging the Civil Service Board to disqualify applicants to the uniformed ranks of OPD based on prior acts of misconduct.

On November 5, 2020, the Mayor's office, in conjunction with the Police Commission's Police Chief Search Ad Hoc Committee, held a virtual Candidate's Forum to meet and hear from the finalists for the Oakland Police Chief position.

**THURS
NOV
5TH**

CANDIDATES FORUM FOR OAKLAND'S CHIEF OF POLICE

**JOIN THE OAKLAND POLICE COMMISSION'S POLICE CHIEF SEARCH AD HOC COMMITTEE AND
MAYOR LIBBY SCHAAF
FOR A FORUM TO VIRTUALLY MEET AND HEAR FROM THE FINALISTS FOR OAKLAND POLICE
CHIEF**

THURSDAY, NOVEMBER 5TH AT 6:30-8:30PM PST

 LERONNE ARMSTRONG DEPUTY POLICE CHIEF, OPD	 JASON LANDO COMMANDER, PITTSBURGH, PA POLICE DEPT.	 DRENNON LINDSEY DEPUTY POLICE CHIEF, OPD	 ABDUL PRIDDEN CHIEF, SEASIDE POLICE DEPT.
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****FINALISTS ADVANCED BY THE POLICE CHIEF SEARCH AD HOC COMMITTEE. PUBLIC
COMMENT WILL BE HEARD PRIOR TO FINAL COMMISSION ACTION ON NOV. 12TH**



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

February 25, 2021
6:30 PM

I. Call to Order

Chair Regina Jackson

The meeting began at 6:30 pm.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

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

Alternate Commissioners Present: David Jordan and Marsha Peterson

Chair Jackson promoted Marsha Peterson to be a voting member for this meeting.

Counsel for this meeting: Conor Kennedy

III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Jennifer Tu
Kevin Cantu
Michele Lazaneo
Megan Steffen
Assata Olugbala
Saleem Bey
Reisa Jaffe

IV. Update from Police Chief

OPD Chief Armstrong provided an update on the Department including OPD use of overtime with City businesses.

Comments were provided by the following public speakers:

Jennifer Tu
Megan Steffen
Lorelei Bosserman
Saleem Bey
Assata Olugbala
Jasmine Fallstich
Cathy Leonard
Reisa Jaffe
Tasha Mente

No action was taken on this item.

V. Public Safety Officers' Procedural Bill of Rights Training

CPRA Executive Director John Alden delivered training to the Commission on the Public Safety Officers' Procedural Bill of Rights.

Comments were provided by the following public speakers:

Assata Olugbala
Rashidah Grinage
Cathy Leonard

No action was taken on this item.

VI. Rules of Procedure Policy

The Commission reviewed and voted to approve a new Rules of Procedure.

Comments were provided by the following public speakers:

Megan Steffen
Kevin Cantu
Lorelei Bosserman
Joseph Mente
Anne Janks
Jennifer Tu
Assata Olugbala

A motion was made by Regina Jackson, seconded by Marsha Peterson, to approve the Amended Rules of Order with the exception of the changes to Open Forum. The motion failed to carry by the following vote:

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

A second motion was made by Sergio Garcia, seconded by Brenda Harbin-Forte, that the Ad Hoc Rules Committee's rules recommendations be approved as is. The motion failed to carry by the following vote:

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

A third motion was made by José Dorado, seconded by Tyfahra Singleton, to accept the recommendations by the Ad Hoc Rules Committee with the addition of amending Rule 6.1 to provide for Open Forum at the beginning of meetings for a maximum of 15 minutes with two minutes per speaker, with any remaining speakers given time in an additional Open Forum towards the end of the meetings. The motion carried by the following vote:

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

VII. Action Plan from Commission Retreat

The Commission reviewed and discussed an Action Plan which was developed from the retreat on January 30, 2021.

Comments were provided by the following public speakers:

Lorelei Bosserman

Kevin Cantu

Joseph Mente

Anne Janks

Jennifer Tu

A motion was made by José Dorado, seconded by Tyfahra Singleton, to accept the Action Plan as written. The motion carried by the following vote:

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

No: 0

A motion was made by Marsha Peterson, seconded by José Dorado, to extend the meeting one hour. The motion carried by the following vote:

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

No: 0

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

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

Comments were provided by the following public speakers:

Joseph Mente

Assata Olugbala

No action was taken on this item.

IX. Meeting Minutes Approval

The Commission voted to approve minutes from February 11, 2021.

No public comments were provided on this item.

A motion was made by Sergio Garcia, seconded by José Dorado, to approve the minutes from February 11, 2021 with the following edit: correct the spelling of Alternate Commissioner Peterson's first name in item II by changing "Marcia" to "Marsha." The motion carried by the following vote:

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

No: 0

X. Committee Reports

Representatives from Standing and Ad Hoc Committees provided updates on their work. **Outreach** – is looking for a third member and has met over the phone and discussed community engagement for ad hoc committees; **Community Policing OPD 15-01** – will be doing community outreach.

Comments were provided by the following public speakers:

Megan Steffen

Speaker did not identify themselves

Assata Olugbala

Rashidah Grinage

No action was taken on this item.

XI. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session to discuss and determine agenda items for the upcoming meeting: an update on the Reimagining Public Safety Task Force.

Comments were provided by the following public speakers:

Assata Olugbala

Jennifer Tu

No action was taken on this item.

XII. Adjournment

A motion was made by José Dorado, seconded by Marsha Peterson, to adjourn the meeting at 11:00 pm. The motion carried by the following vote:

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

No: 0



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

Current Committees

Standing Committee	Commissioners
Outreach	Dorado, Jordan
Personnel	Jackson

Ad Hoc Committee	Commissioners
Annual Report	Jackson
Budget	Dorado, Jackson
Community Policing OPD 15-01	Dorado, Harbin-Forte, Jackson
IAD Manual	Gage, Jackson, Jordan
Mental Health Model	Dorado
Militarized Police Equipment	Gage, Jackson, Jordan
Missing Persons Policy	Jackson, Jordan
OBOA Allegations Investigation	Harbin-Forte, Jackson
Police Chief Goals and Evaluation	Garcia, Peterson, Singleton
Rules of Procedure	Gage, Garcia, Harbin-Forte

Police Commission Pending Agenda Matters List

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

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

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

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

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

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

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

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

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34	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			
35	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	Low			

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

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