



# OAKLAND POLICE COMMISSION

## AGENDA

March 28, 2019

6:30 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  
Planned Absence: Commissioner Mubarak Ahmad
- III. **Welcome, Purpose and Open Forum** (2 minutes per speaker)  
Chair Regina Jackson will welcome Alternate Commissioner Chris Brown and call public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's policies, practices, and customs to meet or exceed national standards of constitutional policing and to oversee the Community Police Review Agency which investigates police misconduct and recommends discipline.
- IV. **Oakland Police Department (OPD) Budget for Managing Job-Related Stress**  
Chief Anne Kirkpatrick will provide her proposed budget and timeline recommendations to the Commission for providing education and training to OPD sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of post-traumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. ***This was discussed at previous meetings.*** ([Attachment 4](#))
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- V. **R-02: Searches of Individuals on Probation and Parole**  
The Commission will review an amended version of R-02: Searches of Individuals on Probation or Parole, and may vote on approving that version. Members of communities directly impacted by the policy may share their experiences and views. ***This has been discussed at previous meetings.*** ([Attachment 5](#))
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- VI. **Community Police Review Agency (CPRA) Pawlik Investigation Update**  
CPRA Interim Executive Director Karen Tom will provide a verbal progress report on CPRA's Pawlik investigation. ***This is a new item.***
  - a. Discussion
  - b. Public Comment
  - c. Action, if any

**VII. Review of Agency’s Pending Cases and Completed Investigations**

The CPRA provided to the Commission confidential investigation file summaries for 11 administratively closed complaints. The Commission may vote to call a closed session to review additional information in the investigation files in order to determine whether to call a vote to reopen any of those complaints for further investigation. ***This is a recurring item.*** ([Attachment 7](#))

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

**VIII. Police Commission Annual Report**

Commissioner Edwin Prather will lead a discussion on the Commission’s annual report which is due to be submitted to the Mayor, City Council, and the public on April 17, 2019. ***This is a new item.***

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

**IX. Chief’s Goals Ad Hoc Committee Update**

The Chief’s Goals Ad Hoc Committee will provide an update. ***This was continued from previous meetings and is a new item.*** ([Attachment 9](#))

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

**X. Recess (8 minutes)**

**XI. Meeting Minutes Approval**

The Commission will vote to approve meeting minutes from March 14, 2019. ***This is a recurring item.*** ([Attachment 11](#))

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

**XII. Vote to Support AB 392 Peace Officers: Deadly Force**

Commissioner Tara Anderson has asked that the Commission vote to support AB 392 which will limit when police can use deadly force. ***This is a new item.*** ([Attachment 12](#))

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

**XIII. Creation of Ad Hoc Policy Committee**

OPD has requested a Policy Committee to work with the Department on policy development to address those situations where officers encounter people who are asleep or in various stages of unresponsiveness and are armed. ***This is a new item.***

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

**XIV. Creation of Racial Equity Statement Ad Hoc Committee**

Commissioner Tara Anderson will discuss the creation of a Racial Equity Statement Ad Hoc Committee. *This is a new item.* ([Attachment 14](#))

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

**XV. Standing and Ad Hoc Committee Assignments**

The Commission will work on assigning Commissioners to serve on at least one standing committee or ad hoc committee. *This was continued from previous meetings and is a new item.* ([Attachment 15](#))

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

**XVI. 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 16](#))

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

**XVII. Adjournment**



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin or Spanish interpreter, please e-mail [ktom@oaklandca.gov](mailto:ktom@oaklandca.gov) or call 510-238-7342 or TDD/TTY 510-238-2007 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

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 [ktom@oaklandca.gov](mailto:ktom@oaklandca.gov) o llame al 510-238-7342 o 510-238-2007 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.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 [ktom@oaklandca.gov](mailto:ktom@oaklandca.gov) 或致電 (510) 238-7401 或 510-238-2007 TDD/TTY。請避免塗搽香氛產品。參加者可能對化學成分敏感。

**Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.**



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2019 FEB 27 PM 4:32

# AGENDA REPORT

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

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

**SUBJECT:** Michael Palmertree Professional  
Services Contract

**DATE:** February 4, 2019

City Administrator Approval

Date:

2/19/19

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To:**

- 1) Waive The Competitive Request For Proposals / Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Business Enterprise Programs (L/SLB) Provisions For The Purchase Of Professional Services; And**
- 2) Enter Into A Professional Services Agreement With Michael Palmertree To Provide Behavior Science Consultation And Training Services To The Oakland Police Department For The Period Of July 1, 2019 To June 30, 2022, With An Option To Extend For An Additional Two Years, In The Amount Of One Hundred Thousand Dollars (\$100,000) Per Year, With A Total Contract Amount Of Five Hundred Thousand Dollars (\$500,000).**

## EXECUTIVE SUMMARY

The Oakland Police Department (OPD) has a long-established relationship with Michael Palmertree for behavior science consultation and training services. Mr. Palmertree has established himself as a unique service provider for OPD and has proven himself invaluable in the services he provides. Mr. Palmertree has been working with OPD since 2007 and has been the only respondent to two RFP/Q processes conducted in the last 12 years. Renewing the professional services agreement between OPD and Mr. Palmertree will ensure that OPD personnel continue to receive critical psychological support.

Item: \_\_\_\_\_  
Public Safety Committee  
March 5, 2019

**BACKGROUND / LEGISLATIVE HISTORY**

OPD recognizes that police work can, at times, be very stressful for sworn personnel and the professional staff that support sworn personnel. Employees benefit from a wellness program that addresses stressful conditions through healthy approaches. OPD has historically suffered tragic losses such as on-the-job deaths and suicide due to work-related stressful conditions. To address work-related challenges, OPD must go beyond training officers to physically survive each day. OPD has created a wellness program, housed organizationally in the Health and Wellness Unit (HWU), to serve officers and professional staff with mental health issues that arise from work-related challenges. HWU offers resources including Peer Support, the Chaplain's Unit, Critical Incident Response Team, the OPD Medical Unit, and the Employee Assistance Program (EAP) together in one place. Counseling services are a critical component of the HWU, and OPD relies on professional providers to offer this service.

City Council approved Resolution No. 84897 C.M.S on March 18, 2014, which authorized \$200,000 in ongoing funding for OPDs wellness program. On October 13, 2015, the Public Safety Committee received an informational report about the creation of the OPD HWU.

Oakland has contracted with Michael Palmertree, Marriage Family Therapist (MFT), through several City Council-approved resolutions. Mr. Palmertree is a licensed psychotherapist who specializes in the treatment of post-traumatic stress. OPD began working with Mr. Palmertree in 2007. Resolution No. 80647 C.M.S. authorized a contract with Mr. Palmertree not to exceed \$49,999 per year from July 1, 2007 through June 30, 2008. In 2008, OPD conducted an RFP/Q for counseling services and Mr. Palmertree was the only vendor to respond to the request. The City awarded a contract to Mr. Palmertree from July 1, 2008 through June 30, 2010, for \$50,000 per year. Resolution No. 82835 C.M.S. provided authorization for the City to extend the contract with Mr. Palmertree from July 1, 2010 through June 30, 2011 for \$50,000. Resolution No. 83305 C.M.S. authorized the City Administrator's Office (CAO) to enter into a contract with Mr. Palmertree from July 1, 2011 through June 30, 2012, for \$50,000 for mental health services.

In December 2012, OPD conducted another RFP/Q for counseling services. Mr. Palmertree was the only vendor who responded to the request. Resolution No. 85036 C.M.S. authorized the CAO to enter into an agreement with Mr. Palmertree from July 1, 2014 through June 30, 2017, with a two-year extension option, for \$75,000 per year. This amount was amended in 2016 to add \$25,000 a year from the HWU budget, increasing the amount to \$100,000 per year, through Resolution No. 86213 C.M.S.

Mr. Palmertree charges \$120 per hour, as stipulated in the current contract. The \$100,000 annual amount equals approximately 833 hours per year, or 69 hours per month on average for counseling sessions. Currently, officers and professional staff call Mr. Palmertree directly to set up appointments. Sworn officer appointments usually occur at the Oakland Police Officers' Association (OPOA) facility in downtown Oakland. In recent years, OPD staff has utilized most or the full amount of available consultation services. In Fiscal Year (FY) 2014-15, Mr. Palmertree used \$71,340 of the \$75,000 annual contract amount. For FY 2015-16, Mr. Palmertree billed for the full \$75,000 of his annual contract based on staff demand. For FY 2016-17 and FY 2017-18, almost the full \$100,000 of the annual contract was utilized for services offered to OPD personnel.

Item: \_\_\_\_\_  
Public Safety Committee  
March 5, 2019

**ANALYSIS AND POLICY ALTERNATIVES**

As part of the decision made by the United States District Court for Northern California (“the Court”) in relation to the lawsuit brought forth in the case known as the Riders, the City of Oakland and OPD entered into a Negotiated Settlement Agreement (NSA). Tasks 40 and 41 of the NSA require OPD to establish an early identification and intervention program to detect and address police personnel engaged in at-risk behavior and substandard performance.

Mr. Palmertree has over thirty years of experience counseling personnel in areas of at-risk behavior and substandard performance. He has been closely associated with the design, development, implementation, and ongoing improvements to the OPD early identification and intervention program. This program was approved by the Court as being compliant with the NSA. Mr. Palmertree provides counseling services to OPD personnel through the HWU, separate from his work with OPD intervention programs. Mr. Palmertree has a deep familiarity with OPD and the nature of policing. He will provide a similar level of high-quality counseling to staff that utilize the HWU.

The new contract will maintain the same \$120 per hour rate as in the previous contract. Employees will be able to call Mr. Palmertree through the HWU, and either arrange telephone consultations and in-person meetings. Additionally, Mr. Palmertree will be working with the OPD HWU staff to develop group trainings that appeal to OPD sworn and professional employees. The goal of both the group trainings and one-on-one therapy consultations is to help all staff learn emotional and mental strategies to positively address the stresses that can easily compromise their work.

*Waiver of Bidding and Advertising Requirement and the Local and Small Local Business Enterprise Program Provisions*

Section 2.04.050.1.5 of the Oakland Municipal Code (OMC) authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so. Mr. Palmertree has been providing his professional services to OPD since 2005 in the area of behavioral science consultation and training. Staff now believes that it is in the best interest of the City to waive the advertising and bidding process as no other vendors have been found that offer the combination of services offered by Mr. Palmertree. OPD has conducted two RFP/Q processes in the last 11 years and Mr. Palmertree was the only respondent each time.

OPD recommends that Council waive the competitive RFP/Q process, advertising and bidding requirements, and L/SLB provisions in order to renew the professional services agreement with Mr. Palmertree for behavior science and consultation services through June 30, 2022.

Item: \_\_\_\_\_  
Public Safety Committee  
March 5, 2019

**FISCAL IMPACT**

Funding for this proposed contract will be administered according to the table below.

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Organization</b>	<b>Account</b>	<b>Project</b>	<b>Program</b>	<b>Amount</b>
2019-20	1010	103110	54919	A468595	PS01	\$25,000
2019-20	1010	106210	54919	1000008	PS01	\$75,000
2020-21	1010	103110	54919	A468595	PS01	\$25,000
2020-21	1010	106210	54919	1000008	PS01	\$75,000
2021-22	1010	103110	54919	A468595	PS01	\$25,000
2021-22	1010	106210	54919	1000008	PS01	\$75,000
2022-23	1010	103110	54919	A468595	PS01	\$25,000
2022-23	1010	106210	54919	1000008	PS01	\$75,000
2023-24	1010	103110	54919	A468595	PS01	\$25,000
2023-24	1010	106210	54919	1000008	PS01	\$75,000

**PUBLIC OUTREACH / INTEREST**

This item did not require any additional public outreach other than the required posting on the City's website.

**COORDINATION**

Staff collaborated with the Controller's Bureau in the production of this report. The Office of the City Attorney reviewed the Report and Resolution as to form and legality.

**SUSTAINABLE OPPORTUNITIES**

*Economic:* No economic opportunities are identified in this report. However, professional advice and counseling services, including stress debriefing, may enhance the City's risk management strategies.

*Environmental:* No environmental opportunities are identified in this report.

*Social Equity:* Professional advice and counsel related to mental health and behavioral science issues provided to OPD Command Staff and psychological counseling services provided to sworn and professional employees following traumatic events benefit the entire community.

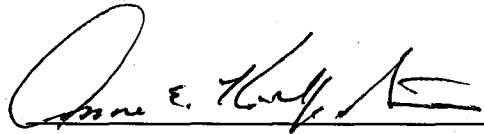
Item: \_\_\_\_\_  
Public Safety Committee  
March 5, 2019

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator To: 1) Waive The Competitive Request For Proposals / Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Business Enterprise Programs (L/SLB) Provisions For The Purchase Of Professional Services; And 2) Enter Into A Professional Services Agreement With Michael Palmertree To Provide Behavior Science Consultation And Training Services To The Oakland Police Department For The Period Of July 1, 2019 To June 30, 2022, With An Option To Extend For An Additional Two Years, In The Amount Of One Hundred Thousand Dollar (\$100,000) Per Year, With A Total Contract Amount Of Five Hundred Thousand Dollars (\$500,000).

For questions regarding this report, please contact Jennie Lim, OPD Medical Unit at (510) 238-7510.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Reviewed by:  
Tim Birch, Police Services Manager I,  
OPD, Office of the Chief, Research & Planning

Kiona Suttle, Police Services Manager I,  
OPD, Personnel Section

Prepared by:  
Jennie Lim, Administrative Analyst II  
OPD, Personnel Section, Medical Unit

Item: \_\_\_\_\_  
Public Safety Committee  
March 5, 2019





# OAKLAND POLICE COMMISSION

## Agenda Report

---

<b>Subject:</b>	<b>R-02 Searches of Individuals on Probation or Parole</b>
Date:	March 21, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Approved by:	Karen Tom, Interim Executive Director, CPRA

---

**Action Requested:**

Review the Commission’s version of R-02 Searches of Individuals on Probation or Parole, and vote on acceptance of a final version.

**Background:**

The following report represents Commissioner Prather’s review and edits of the Department’s most recent version of R-02 Searches of Individuals on Probation or Parole.

**Discussion:**

The Commission will discuss the changes indicated on the attached policy draft.

**Attachment (5a):**

R-02 Searches of Individuals on Probation or Parole



## DEPARTMENTAL GENERAL ORDER

**R-02: SEARCHES OF INDIVIDUALS ON PROBATION OR PAROLE**Effective Date: XX ~~Jan~~-XX 19

Coordinator: Training Division

Individuals on probation with certain court-imposed search clauses and individuals on parole/PRCS (Post-Release Community Supervision) may be subject to warrantless searches by law enforcement. One role of Law Enforcement is to act as an arm of the probation and parole/PRCS systems by ensuring that probationers and parolees are conforming to the conditions of their release.

**COMMAND INTENT**

The intent of this policy is to enhance the effectiveness of Oakland Police Officers while also reminding them to use their best judgment on when to use probation and parole/PRCS searches. The Department values the abilities of Oakland Police Officers to make sound judgments when using law enforcement tools available to them, such as probation and parole/PRCS searches, to ensure officer, community, and subject safety. At the same time, the Department recognizes that those searched and other community members can view searches as intrusive. Accordingly, the Department seeks to build community trust through transparency of Department operations by requiring officers to document articulable facts supporting a decision to search.

**A. DEFINITIONS****A - 1. Non-Violent Offense**

An offense in which violence or use of a weapon is not a factor. Examples include simple possession of controlled substances or property crimes such as petty theft.

**A – 2. Cursory Search**

A cursory search (also known as a pat search or search for weapons) is a limited search of the outer clothing in a manner designed to determine whether the person being searched is in possession of any weapons or items which may be used as such. [Cursory searches typically require A cursory search is most typically conducted if the officer has reasonable suspicion to believe that the person being searched is armed and/or dangerous, and are governed by applicable case law and OPD policy.](#)<sup>1</sup>

**A – 3. Full Search**

A full search of a person is a “relatively extensive exploration”<sup>2</sup> of the person being searched, including their clothing, their pockets, and containers in their

<sup>1</sup> See for example *Terry v. Ohio*, 392 US 1 (1968) and OPD Training Bulletin I-O.02, *Legal Aspects of Searching Persons*.

<sup>2</sup> *US v. Robinson*, 414 US 218, 236 (1973)

possession. A full search of a person is most typically conducted incident to that person’s arrest.

**B. PROBATION OR PAROLE SEARCHES AND THE COMMUNITY**

**B - 1. Purpose of Probation and Parole/PRCS Searches**

Probation and parole/PRCS searches must further a legitimate law enforcement or rehabilitative interest. Such searches shall<sup>3</sup> not be:

- 1. Arbitrary;
- 2. Capricious; or
- 3. Harassing

**B - 2. Procedural Justice Considerations**

Law enforcement Officer contact with individuals on probation, parole, and PRCS provides an opportunity to practice the tenets of procedural justice: voice, neutrality, respect, and trustworthiness. Probation and parole/PRCS contacts by probation officers can be used as a means of providing counseling, referral to rehabilitative resources, and a deterrent against recidivism.

**B - 3. Inquiring About Probation or Parole/PRCS Status**

Inquiring about an individual’s probation or parole/PRCS status, especially at the beginning of an interaction, or without an apparent basis for the inquiry, can be viewed as unjustly assuming that the individual has a criminal history. Officers must-shall refrain when possible from immediately asking whether a person is on probation or parole/PRCS unless there is an immediate threat to the safety of officers or others. Any subsequent inquiries about probation or parole/PRCS status must be framed in a respectful manner.

**C. REQUIREMENTS FOR PROBATION OR PAROLE/PRCS SEARCHES**

Probation and parole/PRCS searches shall be conducted in consideration of the totality of the circumstances surrounding the encounter.

**C - 1. Knowledge of Searchable Probation or Parole/PRCS Status**

Officers must know that an individual is on searchable probation or parole/PRCS, with a clause which allows the search the officer seeks to conduct, before the search. This information may be obtained/confirmed via:

- 1. ~~Prior knowledge of the individual’s searchable probation or parole/PRCS status;~~
- 1. ~~2. A c~~Check of law enforcement databases such as AWS, CRIMS, CLETS, and CORPUS;<sup>4</sup>

**Formatted:** Don't add space between paragraphs of the same style

**Formatted:** List Paragraph, Space Before: 0 pt, Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 1.5" + Indent at: 1"

<sup>3</sup> Manual of Rules 175.77: SHALL – Indicates that the action is mandatory.  
<sup>4</sup> CRIMS is the recommended database for confirming probation status. CLETS is the recommended database for confirming parole status.

- 2. Prior knowledge of the individual’s searchable probation or parole/PRCS status that shall be confirmed by a check of a law enforcement database such as AWS, CRIMS, CLETS, and CORPUS;
- 2.3. The individual’s confirmation of his or her searchable probation or parole/PRCS status.<sup>5</sup> In such cases, the officer shall confirm the status of the individual with a records check. In cases where the individual is mistaken concerning status, the officer shall provide the correct information to the individual and document the results in the appropriate report.

**Formatted:** List Paragraph, Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 1.5" + Indent at: 1"

**C – 2. Individuals on Probation or Parole/PRCS for Non-Violent Offenses**

For individuals on probation or parole/PRCS for **non-violent** crimes, officers shall consider articulable fact(s) which tend to show that the individual is connected in some way to criminal activity, that the individual is a threat to officer or citizen safety, ~~or that a probation or parole/PRCS search would further a rehabilitative interest.~~

The mere fact that a person is on probation or parole/PRCS is not in itself a connection to criminal activity.

~~Some examples of facts that could support a search include, **but are not limited to**, the following:~~

- ~~• The individual is a known gang member or affiliate~~
- ~~• The individual has been identified as a person of interest in a crime~~
- ~~• The individual is in the company of another who is a person of interest in a crime~~
- ~~• The individual is connected to a crime reduction strategy (such as Ceasefire or a specific crime reduction plan)~~
- ~~• The individual is a person of interest in, or uncooperative witness to, an ongoing criminal investigation~~

**C – 3. Traffic Stops of Persons on Probation or Parole/PRCS for Non-Violent Offenses**

When officers contact a person on probation or parole/PRCS for a non-violent offense during a vehicle stop for any infraction or vehicle code violation, and there are no articulable facts present which tend to show that the individual on probation or parole/PRCS is connected in some way to criminal activity, or that the individual is a threat to officer or citizen safety, officers shall not search that person or the vehicle pursuant to any probation or parole/PRCS search clauses or conditions.

**C – 4. Individuals on Probation or Parole/PRCS for Violent or Weapons-Related Offenses**

<sup>5</sup> See In re Jeremy G. (1998) 65 Cal.App.4th 553, 556 (officer reasonably relied on minor’s statement that he was on probation or parole; “[t]he fact that the minor was in error is immaterial”).

DEPARTMENTAL GENERAL ORDER R-02  
OAKLAND POLICE DEPARTMENT

Effective Date  
XX Jan-XX 19

Individuals contacted or detained who are found to be on searchable probation or parole/PRCS for violent or weapons-related offenses may be searched pursuant to the terms of their probation or parole/PRCS conditions.

**C – 54. Cursory and Full Searches**

In those instances where a cursory search is justified and the individual is on probation or parole/PRCS, ~~for any reason, with a clause which allows a full search of the area which would be subject to the cursory search their person, a full search~~ may be conducted if the individual's search terms allow it.

**D. MEMORIALIZING FACTS OF THE SEARCH**

**D - 1. Required Documentation**

Officers conducting a probation or parole/PRCS search shall at a minimum document the following in the appropriate report:

1. The circumstances of the encounter/detention;
2. How it was determined that the individual was on searchable probation or parole/PRCS;
3. How searchable probation or parole/PRCS status was verified including, if verified via a Mobile Data Terminal (MDT), a paste of this information from the MDT to the body of the report (if feasible);
4. Any articulable fact(s) which informed the decision to search; and
5. The type(s) of search completed and disposition.

**D - 2. Use of PDRD During the Encounter**

5. During the interaction in which it is determined that the individual was on searchable probation or parole/PRCS, an officer must record such interaction using the officer's PDRD in addition to following the Department's General Order on PRDR use.

Formatted: Font: Bold, Check spelling and grammar

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Font: Bold, Check spelling and grammar

Formatted: Indent: Left: 0.75", No bullets or numbering

By order of

Anne E. Kirkpatrick  
Chief of Police

Date Signed: \_\_\_\_\_



# OAKLAND POLICE COMMISSION

## Agenda Report

---

<b>Subject:</b>	<b>CPRA Agency Report on Pending and Completed Cases</b>
Date:	March 21, 2019
Requested by:	Oakland Police Commission
Prepared by:	Karen Tom, CPRA Interim Executive Director
Approved by:	Karen Tom, CPRA Interim Executive Director

---

### Action Requested:

The Community Police Review Agency asks that the Oakland Police Commission accept this written report on: 1) Pending Cases; 2) Completed Cases; and 3) Administratively Closed Cases.

#### 1. Information Item – Pending Cases

##### Background

Oakland Municipal Code section 2.46.040(D) provides that the Agency Director shall report to the Commission once a month with information regarding the Agency's pending cases. Attachment A contains the Agency's current pending case list.

#### 2. Information Item – Completed Investigations

##### Background

Pursuant to City Charter section 604(f)(3), the Agency submits its written findings and proposed discipline to the Commission and to the Chief of Police regarding allegations stated in a public complaint it has investigated. The Agency shall submit such written findings and proposed discipline to the Commission through confidential communications. California Penal Code sec. 832.7(d) provides that an agency "may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved." Attachment B contains the type and dispositions of recent complaint investigations completed by the Agency.

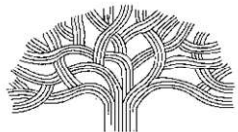
#### 3. Information Item – Administratively Closed Cases

##### Background

Oakland Municipal Code section 2.45.070(M) provides that the Police Commission shall "[r]eview the Agency's dismissal and/or administrative closure of all complaints of Misconduct involving Class I offenses, including any Agency investigative file regarding

such complaints, and, in its discretion and by five (5) affirmative votes, direct the Agency to reopen the case and investigate the complaint.” Class I offenses are listed in OPD’s Discipline Policy and include the most serious allegations of misconduct, which, if sustained, could result in disciplinary action up to and including termination and could serve as the basis for criminal prosecution.

On March 21, 2019, the CPRA provided to the Commission confidential investigation file summaries for eleven administratively closed complaints. Attachment C contains the types and dispositions of the Class I administratively closed complaints. The Commission may vote to call a closed session to review additional information in the investigation files in order to determine whether to call a vote to reopen any of those complaints for further investigation.

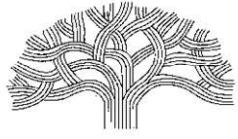


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases*

(Total Pending = 41)  
**ATTACHMENT A**

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Inv.	180-day Goal	3304 Deadline	Type (604(f)(1) or Other)	Description
18-0302	02/27/18	04/11/18	03/26/18	ED	10/09/18	11/20/19	Other	Inappropriate sexual contact.
18-0303	09/06/17	04/11/18	03/27/18	NG	10/09/18	03/26/19	Use of Force	Excessive force.
18-0345	04/09/18	04/12/18	04/09/18	NG	10/09/18	04/08/19	Use of Force	Excessive force.
18-0346	04/08/18	04/10/18	04/08/18	NG	10/09/18	04/07/19	DUI	Officer arrested for DUI.
18-0354	04/09/18	04/11/18	04/09/18	AL	10/09/18	04/18/19	Use of Force	Excessive force.
18-0509	05/14/18	05/29/18	05/15/18	AL	11/26/18	05/14/19	Use of Force	Excessive force.
18-0516	05/17/18	05/29/18	5/17/2018	ED	11/26/18	05/16/19	Use of Force	Excessive force.
18-0524	05/21/18	05/29/18	05/19/18	ED	07/07/19	01/07/20	Other	Unlawful activity.
18-0538	05/06/18	05/29/18	5/23/2018	NG	11/26/18	05/22/19	Use of Force	Handcuffs too tight; false arrest; delay in Miranda Rights admonition; inaccurate police report.
18-0583	06/05/18	06/08/18	6/4/2018	ED	12/05/18	06/04/19	Use of Force	Excessive force during false placement on psychiatric hold; damage to property; sexual assault during pat search.
18-0612	06/06/18	06/14/18	6/8/2018	AL	12/11/18	06/07/19	Other	Illegal detention; PDRD violation.
18-0678	06/21/18	07/03/18	6/27/2018	JS	12/31/18	06/26/19	Use of Force	Excessive force; false arrest; performance of duty.
18-0695	06/29/18	07/02/18	6/29/2018	JS	12/31/18	06/28/19	Other	Sleeping in vehicle while on duty.
18-0942	08/27/18	08/27/18	08/27/18	NG	02/23/19	08/26/19	Use of Force	Excessive force; improper search.
18-0949	08/06/18	09/07/18	8/30/2018	AL	03/06/19	08/29/19	Other	False arrest; improper search; illegal tow of vehicle.

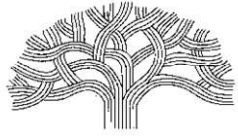




CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases*

(Total Pending = 41)  
**ATTACHMENT A**

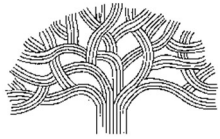
Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Inv.	180-day Goal	3304 Deadline	Type (604(f)(1) or Other)	Description
18-0954	08/30/18	09/17/18	8/30/2018	NG	03/18/19	08/29/19	Use of Force	Pointing of firearm during arrest.
18-0964	09/03/18	09/03/18	9/3/2018	AL	03/04/19	09/02/19	Other	General conduct.
18-0970	09/04/18	09/04/18	9/4/2018	NG	03/04/19	09/03/19	Other	Racial slur.
18-0971	09/04/18	09/17/18	9/4/2018	NG	03/18/19	09/03/19	Use of Force	Excessive force; racial slurs; disrespectful conduct.
18-0977	09/05/18	09/17/18	9/6/2018	NG	03/18/19	09/05/19	Use of Force	Excessive force.
18-0989	09/09/18	09/09/18	9/9/2018	JS	03/08/19	09/08/19	Use of Force	Excessive force; harassment; illegal tow.
18-0991	09/09/18	09/12/18	9/9/2018	ED	03/11/19	09/08/19	Profiling	Racial profiling; lying to complainant.
18-0997	08/03/18	09/13/18	9/12/2018	JS	03/12/19	09/11/19	Other	Wrongful detention and arrest; property damage.
18-0999	09/12/18	09/12/18	9/17/2018	JS	03/11/19	09/11/19	Other	Rudeness.
18-1013	09/17/18	09/17/18	09/17/18	JS	03/18/19	09/16/19	DUI	Officer arrested for DUI.
18-1016	09/14/18	09/17/18	9/15/2018	ED	03/18/19	09/14/19	Other	Racial bias; care of property.
18-1030	09/16/18	09/20/18	9/16/2018	AL	03/19/19	09/15/19	Use of Force	Excessive force.
18-1049	09/23/18	09/23/18	09/23/18	ED	03/22/19	09/22/19	Use of Force	Excessive force; demeanor.
18-1054	09/25/18	10/15/18	09/25/18	NG	04/13/19	09/24/19	Use of Force	Excessive force; demeanor.
18-1095	10/03/18	10/15/18	10/03/18	JS	04/13/19	10/02/19	Use of Force	Excessive force.



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases*

**Attachment 7**  
 (Total Pending = 41)  
**ATTACHMENT A**

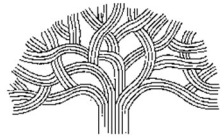
Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Inv.	180-day Goal	3304 Deadline	Type (604(f)(1) or Other)	Description
18-1137	09/01/18	10/18/18	10/18/18	AL	04/16/19	10/17/19	Use of Force	Excessive force.
18-1218	11/01/18	11/01/18	11/01/18	ED	04/30/19	10/31/19	Other	PDRD
18-1260	11/08/18	11/28/18	11/15/18	JS	05/27/19	11/14/19	Other	Demeanor; false arrest.
18-1305	12/01/18	12/07/18	12/03/18	NG	06/05/19	12/02/19	Other	Demeanor; performance of duty; PDRD violation.
18-1364	12/06/18	12/19/18	12/19/18	AL	06/17/19	12/18/19	Other	Wrongful detention; performance of duty; service complaint.
17-1009	09/03/17	10/17/17	10/11/17	ED	N/A	Tolled	Use of Force	Excessive force; PDRD and Taser policy violations.
18-0202	02/01/18	02/23/18	02/20/18	AL	N/A	Tolled	Use of Force	Excessive force.
18-0214	02/24/18	02/27/18	02/24/18	JS	N/A	Tolled	Use of Force	Improper pointing of firearm; false arrest.
18-0249	03/11/18	03/13/18	03/12/18	JS	N/A	Tolled	Use of Force	Officer-involved shooting.
18-0335	04/04/18	04/12/18	04/04/18	JS	N/A	Tolled	Use of Force	Use of Taser; PDRD violation.
18-0972	09/04/18	09/07/18	9/4/2018	ED	N/A	Tolled	Use of Force	Attacked by officers.



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Recently Completed Investigations*

**ATTACHMENT B**

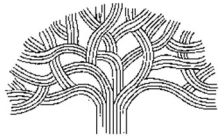
Case #	Incident Date	Assigned Inv.	Completion Date	Officer	Disposition	
17-1243	12/12/17	NG	12/4/18	Subject Officers	1. Use of Force (tear gas)	<i>Exonerated</i>
					2. Performance of Duty (improper search)	<i>Exonerated</i>
					3. Conduct Towards Other (demeanor)	<i>Unfounded</i>
17-1277	12/26/17	ED	12/21/2018	Subject Officer 1	1. Conduct Towards Other (demeanor)	<i>Not Sustained</i>
					2. Performance of Duty	<i>Not Sustained</i>
					3. Performance of Duty (reporting)	<i>Unfounded</i>
					4. Performance of Duty (PDRD)	<i>Exonerated</i>
					5. Gifts, Gratuities – Soliciting or Accepting	<i>Unfounded</i>
					6. Refusal to Provide Name or Serial Number	<i>Not Sustained</i>
				Subject Officer 2	1. Performance of Duty	<i>Not Sustained</i>
					2. Performance of Duty	<i>Not Sustained</i>
					3. Performance of Duty (reporting)	<i>Unfounded</i>
					4. Performance of Duty (PDRD)	<i>Exonerated</i>
					5. Gifts, Gratuities – Soliciting or Accepting	<i>Unfounded</i>
					6. Refusal to Provide Name or Serial Number	<i>Not Sustained</i>
17-1275	Nov-Dec 2017	ED	12/21/2018	Subject Officer 1	1. Conduct Towards Others (demeanor)	<i>Not Sustained</i>
					2. Performance of Duty	<i>Exonerated</i>
					3. Performance of Duty	<i>Unfounded</i>
18-0040	6/5/17	AL	12/27/2018	Subject Officer 1	1. Use of Force (Level 4)	<i>Unfounded</i>
				Subject Officer 2	1. Use of Force (Level 4)	<i>Unfounded</i>
17-0598	7/2/17	NG	12/19/2018	Subject Officer 1	1. Obedience to Laws – Driving Under the Influence	<i>Sustained</i>
					2. Consumption of Intoxicants	<i>Sustained</i>



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Recently Completed Investigations*

## ATTACHMENT B

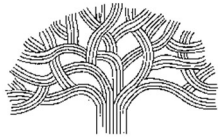
Case #	Incident Date	Assigned Inv.	Completion Date	Officer	Disposition	
18-0043	1/12/18	ED	1/8/2019	Subject Officer 1	1. Performance of Duty (harassment)	<i>Exonerated</i>
					2. Performance of Duty	<i>Exonerated</i>
					3. Performance of Duty	<i>Exonerated</i>
				Subject Officer 2	1. Performance of Duty (harassment)	<i>Exonerated</i>
					Subject Officer 3	1. Performance of Duty (harassment)
				Subject Officer 4	2. Use of Force	<i>Exonerated</i>
					3. Performance of Duty	<i>Unfounded</i>
4. Performance of Duty	<i>Exonerated</i>					
1. Performance of Duty (harassment)	<i>Exonerated</i>					
18-0056	1/13/18	NG	1/4/2019	Subject Officer 1	1. Obedience to Laws (driving under the influence)	<i>Sustained</i>
					2. Consumption of Intoxicants	<i>Sustained</i>
					3. Department Property and Equipment	<i>Sustained</i>
18-0165	2/12/18	AL	1/11/2019	Subject Officer 1	1. Obedience to Laws (driving under the influence)	<i>Sustained</i>
					2. Gift, Gratuities – Soliciting or Accepting	<i>Sustained</i>
					3. Truthfulness	<i>Not Sustained</i>
				Subject Officer 2	1. Performance of Duty (general)	<i>Sustained</i>



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Recently Completed Investigations*

## ATTACHMENT B

Case #	Incident Date	Assigned Inv.	Completion Date	Officer	Disposition	
17-1163	11/21/17	NG	1/14/2018	Subject Officer 1	1. Use of Force (push/trip) 2. Conduct Towards Others (demeanor)	<i>Unfounded</i> <i>Unfounded</i>
				Subject Officer 2	1. Use of Force (handcuffs too tight) 2. Conduct Towards Others (demeanor)	<i>Unfounded</i> <i>Unfounded</i>
				Subject Officer 3	1. Use of Force (push/trip) 2. Performance of Duty (care of property) 3. Performance of Duty (improper search)	<i>Unfounded</i> <i>Exonerated</i> <i>Exonerated</i>
				Subject Officer 4	1. Performance of Duty (care of property) 2. Conduct Towards Others (demeanor) 3. Other	<i>Unfounded</i> <i>Unfounded</i> <i>No MOR</i>
				Subject Officer 5	1. Other	<i>No MOR</i>
18-0128	2/4/18	NG	1/18/2018	Subject Officer 1	1. Conduct Toward Others (profiling)	<i>No Jurisdiction</i>
				Subject Officer 2	1. Refusal to Provide Name or Serial Number	<i>Sustained</i>
18-0207	2/21/18	ED	1/18/2018	None identified	1. Performance of Duty	<i>No Finding</i> <i>(complaint withdrawn)</i>
18-0583	5/29/19	ED	1/18/2018	Subject Officer 1	1. Performance of Duty	<i>Unfounded</i>
					2. Performance of Duty	<i>Unfounded</i>
					3. Obedience to Laws	<i>Unfounded</i>
					4. Use of Force	<i>Unfounded</i>
Subject Officer 2	1. Performance of Duty	<i>Exonerated</i>				
	2. Performance of Duty	<i>Unfounded</i>				
	3. Obedience to Laws	<i>Unfounded</i>				
	4. Use of Force	<i>Unfounded</i>				



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Recently Completed Investigations*

## ATTACHMENT B

Case #	Incident Date	Assigned Inv.	Completion Date	Officer	Disposition	
18-0396	Fall 2017	JS	2/8/2019	Subject Officer 1	1. Obedience to Laws	<i>Not Sustained</i>
18-0397					2. Performance of Duty	<i>Unfounded</i>
18-0398	4				3. Obedience to Laws	<i>Not Sustained</i>
18-0381	Incidents				4. Obedience to Laws	<i>Unfounded</i>
				Subject Officer 2	1. Performance of Duty (care of property)	<i>Not Sustained</i>
				Subject Officer 3	1. Performance of Duty (PDRD)	<i>Sustained</i>
					2. Performance of Duty (general)	<i>Sustained</i>
				Subject Officer 4	1. Obstruction of the Internal Affairs Process	<i>Unfounded</i>
18-0225	2/28/18	JS	2/8/2019	Subject Officer 1	1. Conduct Towards Others (harassment)	<i>Unfounded</i>
					2. Use of Force	<i>Unfounded</i>
				Subject Officer 2	1. Conduct Towards Others (harassment)	<i>Unfounded</i>
					2. Use of Force	<i>Unfounded</i>
				Subject Officer 3	1. Conduct Towards Others (harassment)	<i>Unfounded</i>
					2. Use of Force	<i>Unfounded</i>
18-0328	3/27/18	JS	2/8/2019	Subject Officer 1	1. Conduct Towards Others (demeanor)	<i>Unfounded</i>
					2. Use of Force	<i>Unfounded</i>
					3. Conduct Towards Others (discrimination)	<i>Unfounded</i>
16-0703	8/3/16	NG	1/30/2019	Subject Officer 1	1. Use of Force (level 2)	<i>Exonerated</i>
17-0283	3/30/17	NG	3/13/2019	Subject Officer 1	1. Obedience to Laws	<i>Unfounded</i>



**CITY OF OAKLAND  
COMMUNITY POLICE REVIEW  
AGENCY**

March 21, 2019  
ATTACHMENT C

**Administrative Closure of Class I Cases**

Oakland Municipal Code section 2.45.070(M) provides that the Police Commission shall “[r]eview the Agency’s dismissal and/or administrative closure of all complaints of Misconduct involving Class I offenses, including any Agency investigative file regarding such complaints, and, in its discretion and by five (5) affirmative votes, direct the Agency to reopen the case and investigate the complaint.” Class I offenses are listed in OPD’s Discipline Policy and include the most serious allegations of misconduct, which, if sustained, could result in disciplinary action up to and including termination and could serve as the basis for criminal prosecution.

Attached for your review are redacted summaries from investigation files of recent cases that have been administratively closed. Based on review of the investigation file, the Interim Executive Director made a summary finding for each case, as stated below. Upon request of the Commission, the CPRA will make available additional materials from the Agency’s investigative file(s) regarding any of the complaints listed herein, to be reviewed in a closed session.

**1. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
18-1053	9-24-2018	03-23-2019	9-23-2019

The preliminary inquiry disclosed sufficient evidence to determine that some force was used during arrest of Complainant; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy. On that basis, the Interim Executive Director made a summary finding of Exonerated.

**2. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
18-1103	10-06-2018	04-04-2019	10-05-2019

The preliminary inquiry disclosed sufficient evidence to determine that some force was used during arrest of Complainant; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy. On that basis, the Interim Executive Director made a summary finding of Exonerated.

**3. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
18-1158	10-15-2018	04-09-2019	10-14-2019

The preliminary inquiry disclosed sufficient evidence to determine that less lethal force (bean bag round) was used on an individual; however, the acts were justified, lawful and proper and not violations under law and/or departmental policy. On that basis, the Interim Executive



**CITY OF OAKLAND  
COMMUNITY POLICE REVIEW  
AGENCY**

March 21, 2019  
ATTACHMENT C

Director made a summary finding of Exonerated. In addition, Complainant withdrew her complaint after she was told what happened during the incident.

**4. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
18-1200	10-30-2018	04-28-2019	10-25-2019

The preliminary inquiry disclosed insufficient information to proceed with further investigation. Complainant did not cooperate with the CPRA investigation. On that basis, Complainant's complaint was administratively closed.

**5. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
18-1202	10-30-2018	04-28-2019	10-28-2019

The preliminary inquiry disclosed sufficient evidence to determine that the alleged conduct did not occur, and on that basis the Interim Executive Director made a summary finding of Unfounded.

**6. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
<b>18-1208</b>	<b>11-14-2018</b>	<b>05-13-2019</b>	<b>10-28-2019</b>

The preliminary inquiry disclosed sufficient to determine that some force was used during handcuffing of Complainant; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy. On that basis, the Interim Executive Director made a summary finding of Exonerated.

**7. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
18-1242	11-14-2018	05-13-2019	11-10-2019

The preliminary inquiry disclosed insufficient information to proceed with further investigation. The CPRA could not locate any incident related to the allegations made by Complainant. On that basis, the complaint was administratively closed.





**CITY OF OAKLAND  
COMMUNITY POLICE REVIEW  
AGENCY**

March 21, 2019  
ATTACHMENT C

**8. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
18-1244	11-14-2018	05-13-2019	11-11-2019

The preliminary inquiry disclosed sufficient to determine that some force was used during handcuffing of Complainant; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy. On that basis, the Interim Executive Director made a summary finding of Exonerated.

**9. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
18-1325	12-17-2018	06-15-2019	12-07-2019

The preliminary inquiry disclosed sufficient evidence to determine that some force was used during handcuffing of Complainant; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy. On that basis, the Interim Executive Director made a summary finding of Exonerated.

**10. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
18-1359	12-27-2018	06-25-2019	12-17-2019

The preliminary inquiry disclosed sufficient evidence to determine that some force was used during handcuffing of Complainant; however, the act(s) were justified, lawful and proper and not violations under law and/or departmental policy. On that basis, the Interim Executive Director made a summary finding of Exonerated.

**11. Use of Force**

<b>CASE #</b>	<b>DATE FILED CPRA</b>	<b>180-DAY</b>	<b>3304</b>
18-1296	12-07-2018	06-05-2019	11-29-2019

Complainant withdrew his complaint. On that basis, the complaint was administratively closed.

# Working Draft of Chief Goals for Annual Evaluation

## Submitted by Ad Hoc Committee: Harris, Dorado, Benson

For the purposes of this document, we are seeking feedback on how to align these with the collective vision we have for OPD, linking to a former strategic plan (from 2016) and how to make these measurable.

Recommended modified Mission, Vision:

MISSION: The Oakland Police Department is committed to transformation through the philosophical shift and cultural change of improving both Public Safety and the quality of life in Oakland by serving as Guardians of Human and Constitutional rights for all.

VISION: The Vision of the Oakland Police Department is to be a legitimate authority, mutually trusted by the community to collaboratively promote self-help, self-policing and self-organization through Community Policing and Procedural/Restorative Justice principles.

## **1. Crime Reduction**

- **Reduce gun crimes with an emphasis of removing illegal guns ((by what %??))**
  - Questions:
    - What programs have worked? \*Note increasing stops is not effective or equitable.
    - How will you do this?
    - How are guns getting into Oakland?
    - What happened to the Brady/UCLA policy lab offer to do free trace analysis of the guns Oakland collects? \*sitting with CA office since 2017
    - How many of the guns you confiscate are involved in other crimes?
    - How can we assess current technology and what technological improvements need to happen to eliminate illegal guns?
    - What are the Ceasefire performance indicators? What are these based on?
- **What other violent crimes must be reduced (sex trafficking, robberies, domestic violence, etc.) that we can create measurable goals around?**
  - What does the data show re. violent crime?
  - Must name that focus on violent crimes, we're talking about saturation of East and West Oakland. How do we balance the need to address violent crime and impact of over policing poor, black and brown communities?
  - How can Measure Y stress indicators impact the creation and implementation of this goals?
  - What kind of data does Urban Strategies have re. Violent crime for east and west oakland?

Mayor's request: 10% annual reduction in violent crime and meeting our ceasefire performance indicators

## **Working Draft of Chief Goals for Annual Evaluation**

**Submitted by Ad Hoc Committee: Harris, Dorado, Benson**

For the purposes of this document, we are seeking feedback on how to align these with the collective vision we have for OPD, linking to a former strategic plan (from 2016) and how to make these measurable.

# **Working Draft of Chief Goals for Annual Evaluation**

**Submitted by Ad Hoc Committee: Harris, Dorado, Benson**

For the purposes of this document, we are seeking feedback on how to align these with the collective vision we have for OPD, linking to a former strategic plan (from 2016) and how to make these measurable.

## **2. NSA/ Racial Profiling compliance**

### **Racial Profiling**

- Reduction of racial disparities (by x %)
  - *In stop and search data*
  - *Use of force*

### **NSA tasks for compliance this year**

- What is the timeline for completion of all tasks?
- How does the community survey (Tim Birch and Curt Below) impact and influence achieving these?

### **Dr. Eberhardt's recommendations?**

- What is the timeline for completion of all recommendations?

Mayor: Eberhardt recommendations and NSA requirements

# **Working Draft of Chief Goals for Annual Evaluation**

## **Submitted by Ad Hoc Committee: Harris, Dorado, Benson**

For the purposes of this document, we are seeking feedback on how to align these with the collective vision we have for OPD, linking to a former strategic plan (from 2016) and how to make these measurable.

### **3. Gain Public Trust**

#### **Community Policing: Full Implementation of SARA Process**

- Collaborate with task force made up of Police Commissioners, Measure Z, NSC's and CPAB to evaluate the implementation of the community policing plan

#### **Chief working collaboratively with police commission**

- Align all areas of Commission oversight with proactive working relationship
- Regular meetings with Area Chiefs/Command staff to engage in:
  - Policy Changes
  - Areas of success
  - Areas to develop

#### **Engage the Communities impacted by Police Contact**

- Create and work with area specific advisory councils made up of Oakland's historically marginalized voices (i.e. advocates for and those that are Black, Latinx, youth, parole/probation, poor, homeless, flatlands)
- Report/Poll on impacted areas on building community trust
- Quarterly public meetings to review data pro-actively (in partnership with the Commission)

#### **Effective Whistleblower Reporting for Police**

- Develop a whistleblower program for OPD
- **What would be the measurables for creation of a safe space for officers to uphold the honor of the badge?**

Mayor: Responsive and trustworthy government

# **Working Draft of Chief Goals for Annual Evaluation**

## **Submitted by Ad Hoc Committee: Harris, Dorado, Benson**

For the purposes of this document, we are seeking feedback on how to align these with the collective vision we have for OPD, linking to a former strategic plan (from 2016) and how to make these measurable.

### **4. Fiscal Responsibility**

- **Develop and implement staffing plan that includes community policing**
  - How can we determine the real staffing needs, current state of affairs?
  - What are the priorities from the community?
  - How effective is the current staffing?
  - How do we measure effectiveness of NSC's?
  
- **Plan to have IAD fully staffed to ensure integrity of the department**
  - See proposal from Cpt. Millington
  - How can civilian investigators/non sworn support the staffing here so we're not pulling Sgt's and creating OT.
  
- **Fill all vacancies and reduce overtime (what is an achievable number here?)**
  
- **Ensure that all Measure Z funds are used appropriately**
  - Review Richmond Model of Community Policing
  - Develop policy to ensure CRO's are only pulled off in crisis with documented explanations
  - What is the criteria used to pull CRO's off their beats?
    - How is this tracked?
    - How can we ensure Measure Z funds are not being used for regular non CRO staffing and needs?

# **Working Draft of Chief Goals for Annual Evaluation**

**Submitted by Ad Hoc Committee: Harris, Dorado, Benson**

For the purposes of this document, we are seeking feedback on how to align these with the collective vision we have for OPD, linking to a former strategic plan (from 2016) and how to make these measurable.

## **5. OPD Internal Process Goals**

- **Achieve 100% accuracy in reporting data by OPD and/or accountability when erroneous reporting happens**
  - Body Camera usage consistency
  - Use of Force Data
  - STOP data
    - Compare records in dispatch to reported records
  
- **Create 360 evaluation for Chief**
  - Command Staff to submit performance evaluation for the Chief
  - Community Advisory Councils offer feedback
  - Models from other Police Chief evaluations, NACOLE, San Jose, LA, Chicago, Denver
  - Review the existing survey being used by OPD, consider a comprehensive survey
  - Look at 2 prong approach: standardized and a 360 piece (to create a new construct- this takes time, that includes training for those who participate) \*Be mindful about capacity in designing- consider it's a year out
  - Dr. Walker Nebraska models of civilian oversight, designed a survey (Rashida provided an example)

## **Working Draft of Chief Goals for Annual Evaluation**

**Submitted by Ad Hoc Committee: Harris, Dorado, Benson**

For the purposes of this document, we are seeking feedback on how to align these with the collective vision we have for OPD, linking to a former strategic plan (from 2016) and how to make these measurable.

Given the Chief was given direction from the Mayor, we wanted to clarify so that we could be sure our asks were aligned and/or raise questions/challenge if these guidelines were different than the commission asks.

\*Mayor's Email to the Chief: Did you have any plans to do a strategic plan or is it part of the CALEO certification process? My overarching priorities that affect your department are 1. Holistic community safety and 4. Responsive and trustworthy government.

My SMART goals I set during our last budget was a 10% annual reduction in violent crime. I'd need to track the others, but meeting our ceasefire performance indicators, the Eberhardt recommendations and NSA requirements are all what we track together.





**CITY OF OAKLAND  
OAKLAND POLICE COMMISSION**

**Meeting Minutes**

**Thursday, March 14, 2019**

5:30 PM

City Hall, 1 Frank H. Ogawa Plaza, Council Chamber  
Oakland, CA 94612

**I. Call to Order**  
Regina Jackson

The meeting started at 5:36 p.m.

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

Commissioners Present: Tara Anderson, José Dorado, Ginale Harris, Regina Jackson, and Edwin Prather. Commissioner Anderson will participate as a voting member to meet quorum.

Commissioners: Mubarak Ahmad and Thomas Smith (Early Departure: 10:11 p.m.)

Counsel for this meeting: Sergio Rudin

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

**III. Closed Session**  
**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**  
Gov't Code § 54957(b)

Action – Report out of Closed Session

Chair Jackson stated there were no reportable items coming out of Closed Session.

Comments were provided by the following public speakers:

No public comment.

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

Regina Jackson will call public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's policies, practices, and customs to meet or exceed national standards of constitutional policing and to oversee the Community Police Review Agency that investigates police misconduct and recommends discipline.

Comments were provided by the following public speakers:

Chair Jackson said we have many speakers and agenda items and it would be appreciated if speakers would keep to two minutes. She asked that Commissioners, wherever possible, keep their discussions to two minutes.

Rashidah Grinage

Assata Olugbala  
Gene Hazzard  
Elise Bernstein  
Nino Parker  
Mary Vail  
Saleem Bey

**V. Selection of Alternate Commissioner to Fill Commission Vacancy**

The Commission will select Alternate Police Commissioner Tara Anderson to fill the vacancy created by Commissioner Maureen Benson's resignation.

Comments were provided by Commissioners Prather, Anderson and Harris.

Comments were provided by the following public speakers:

Elise Bernstein  
Saleem Bey  
Mary Vail

A motion was made by José Dorado, seconded by Thomas Smith, that we select Alternate Commissioner Tara Anderson to fill the vacancy created by the resignation of Commissioner Maureen Benson. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith  
Abstain: Ahmad

**VI. Reimbursement to former Commissioner Maureen Benson for the Cost of Replacement Laptop**

The Commission will vote to use available funds to reimburse former Commissioner Benson for the laptop which was destroyed at an offsite meeting on June 14, 2018.

Discussion followed by Commissioners Harris, Prather (requested Counsel Rudin's opinion), and Anderson.

Counsel Rudin said he would prefer to discuss the issues confidentially versus in open session. Chair Jackson appreciated his request but asked that he share what he can. Counsel stated that the main concern is whether there is going to be a gift of public funds and whether the City, the Commission as a body of a public agency, can use public funds to reimburse the destruction of private property, primarily that depends on whether there could be a valid legal claim against the City. He could not speak to comments by Chair Jackson relating to the Claim made by Maureen Benson which was denied. Commissioner Dorado provided clarification.

Chair Jackson checked with Ms. Tom and a laptop could be provided/borrowed from CPRA so the Commissioners don't have to use their personal laptops/potential damage.

Chair Jackson asked Counsel Rudin if the matter is legal or not. Counsel Rudin stated that not having been there or not having reviewed the facts of what happened, he can't tell you for certain whether the Commissioner would have a valid legal claim against the City but based on his understanding of what he knows, discussions with Commissioners and the City Attorney's Office, he doesn't see a reason why the Commissioner could not file a Claim and if she can file a legal claim, then the Commission can act to reimburse her.

Comments were provided by the following public speakers:

Saleem Bey  
John Bey

A motion was made by José Dorado, seconded by Ginale Harris, that the Police Commission reimburse former Commissioner Maureen Benson for the cost of her laptop that was destroyed at one of our offsite meetings in the amount of \$1303.33. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Prather  
Abstain: Ahmad  
Oppose: Smith

**VII. Commissioner Meeting Attendance**

The Commission will discuss, and possibly adopt a policy regarding, the requirements for attendance at meetings.

Discussion followed by Commissioners Harris, Jackson, Prather, and Ahmad.

Comments were provided by the following public speakers:  
Mary Vail  
Saleem Bey

Chair Jackson said that as she understands it, the current policy is in place, perhaps some folks want to consider changes to it but we can't do it right now. The policy is not in the packet. She thanked everyone for the discussion.

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

The Commission will nominate and vote on the appointment of a Vice Chairperson to serve from March 2019 until the first regular meeting of January 2020.

Discussion followed by Commissioners Prather, Harris, Dorado, and Jackson.

Comments were provided by the following public speakers:  
Gene Hazzard  
Bruce Schmiechen  
Saleem Bey  
Mary Vail  
Nino Parker

Further discussion followed by Commissioners Smith and Ahmad (community outreach announcement).

Counsel Rudin spoke on operational necessity. The adopted rules for the Commission state that the Vice Chair shall be the person who assumes the duties of Chair when that person is not present or unable to act. His recommendation would be that before the close of this item is that if there are two Vice Chairs that are selected, that issue be addressed as well.

A motion was made by José Dorado, seconded by Ginale Harris, whether to elect two Vice Chairs as opposed to one Vice Chair and the recommended Vice Chairs are Commissioner Dorado and Commissioner Harris.

The motion fails by the following vote:

Aye: Dorado and Harris  
Abstain: Ahmad  
Oppose: Anderson, Jackson, Prather, Smith

A motion was made by Chair Jackson, seconded by Mubarak Ahmad, to elect a singular Vice Chairperson.

Nominations for a singular Vice Chairperson:

Thomas Smith nominated Tara Anderson (Respectfully declined)

Ginale Harris nominated herself

The vote for Vice Chairperson (Harris) was as follows:

Aye: Ahmad, Anderson, Dorado, Harris, Jackson

Abstain: Prather)

Oppose: Smith.

The motion carried. Ginale Harris was re-elected as the Vice Chairperson.

**IX. Meeting Minutes Approval**

The Commission will vote to approve meeting minutes from February 28, 2019.

Comments were provided by the following public speakers:

No public comment.

A motion was made by José Dorado, seconded by Mubarak Ahmad, to approve the February 28, 2019 minutes. The motion carried by the following vote:

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

Abstain: Ahmad and Prather

**X. Oakland Police Department (OPD) Report on Pawlik Investigation**

Chief Anne Kirkpatrick will provide the Executive Force Review Board report, the Compliance Director's Report and Addendum related to the Joshua Pawlik shooting investigation.

Chief Kirkpatrick gave an update. She reported that she released the reports to the public before this meeting tonight. The first set of documents were released to the public on March 6 and posted on both the City and the Department websites. Since the release of those reports, there has been some misunderstanding regarding the process. She reviewed the process and will try to conclude with where we are at this stage in the process. Where we are today is that we still have steps left. The CPRA will come to their findings. Once that determination comes to findings then the next process begins. She closed by addressing police accountability and her record of discipline since being your Chief. She has been the Chief for 24 months. During this time, she terminated 30 employees – 12 were termination of police recruits while they were in the Academy; she didn't have the numbers of officers who were terminated (can bring that information at the next meeting); administered 63 suspensions that equates to 535 days which equates to 4280 hours. That is something for you to know since we have not had an opportunity to speak about that. This is the end of her report.

Discussion/questions followed by Commissioners Anderson, Dorado, Jackson, Harris, Ahmad, and Prather.

Chief Kirkpatrick chose not to discuss the shooting or comment on the de-escalation training (the matter is still not over/in process). She stands on the report and the Monitor's Report stands right now.

Chair Jackson asked about CPRA report from the Investigator. Ms. Tom echoed that it is still an open investigation and she can't speak too much to the underlying issues in the case. She assured the Commissioners that we are working as expeditiously as

possible to complete the investigation. We understand the concerns from the community, importance of this case, but also understand to have a thorough and complete investigation and get it completed as soon as possible. She can't nail down specific dates/times. Chair Jackson asked if there is anything we can do to provide you additional resources to speed this up and if so, what is that? Ms. Tom appreciates the Commission's efforts to support the work of CPRA. Now, she doesn't see any specifically the Commission can help with but that the Investigator needs to continue working on the case and complete the case. Commissioner Harris said that anytime you feel like you are not getting something from the Department to let the Commission know so you can move forward in your investigative processes. Chair Jackson said we understand that your staff is down but if there is anything you need, to let them know – the process needs to be completed.

E. Prather said we need something more concrete/demand more at this point. Maybe asking in closed session why we don't have a report in two weeks, Director to move resources, etc. now. We need a deadline and reportable at the next meeting, that we work with. Chair Jackson asked by the next meeting can we hone in on how much time it is going to take? Ms. Tom will speak to her investigator about a timeline. She will speak with the Chair. T. Smith said we need to set a deadline – that it be done by a date.

Counsel Rudin said this Agenda Item is listed about OPD's Report on the Pawlik investigation and not the CPRA investigation. We can follow this up on a later agenda.

Comments were provided by the following public speakers:

Gene Hazzard  
Henry Gage III  
Rashidah Grinage  
Mary Vail  
Saleem Bey  
Oscar Fuentes  
Lorelei Bosserman  
John Bey  
Assata Olugbala  
Bruce Schmiechen  
Nino Parker

**XI. R-02: Searches of Individuals on Probation and Patrol**

The Commission will review an updated proposal for R-02: Searches of Individuals on Probation or Parole.

Chair Jackson asked Commissioner Prather to provide an overview. He said the Ad Hoc Committee met with the OPDs Committee on this document and had a good meeting. He referenced Attachment 11a (OPD's redline draft of their earlier policy); Attachment 11b (clean copy of that, which we will ignore for the time being). He compared their current draft (Attachment 11a) to the version that was submitted to City Council by this body and argued by Commissioner Smith and others to the City Council for adoption. He raised/reviewed several points relating to the document. He will not make a motion to adopt this version or to sign off on this version this evening. He will be amending this document, circulating it to the Ad Hoc Committee, and proposing it again, hopefully for a vote at the next Commission meeting. He asked to table this Item for one more meeting; not wait.

Discussion (Attachment 11a) by Commissioners Harris (her edits, etc.), an outreach event announcement by Ahmad, and comments by Anderson. Chair Jackson asked Commissioner Harris to work with Commissioners Dorado and Ahmad since they are

part of the Outreach Committee to facilitate that specialized audience to review the policy and get feedback and bring those groups to a meeting here. Commissioner Ahmad said he will not attend the next meeting; has a scheduled vacation.

Commissioner Smith raised a question for Counsel Rudin – We have the Ad Hoc Committee engaged to do the work on it. Is there an issue with engaging a second committee which would be an outreach committee which would overlap with the same exact policy and be doing work on that at the same time? Counsel said that if we have more of a quorum of Commissioners talking back and forth outside of a noticed published meeting that could essentially be a Brown Act violation. Is one of those a standing committee that is required to have noticed public meetings? Chair Jackson said that is Outreach. Counsel said that as long as that discussion is happening at a properly noticed public meeting. He will recheck on that. Counsel came back to report that there is an exception to the Brown Act for meeting of Standing Committees and more than legislative body members who are not members of the Standing Committee can attend but only attend as observers so there is no issue of the Ad Hoc Committee members want to go to these meetings that are set up by the Standing Committee and to observe and participate and that they take some feedback from that – that is up to them – they can't participate in the discussion there. Another point of clarification, Commissioner Ahmad can provide his feedback only at a noticed meeting in public and can't contact the Ad Hoc Committee members directly to provide that feedback. Members of the Ad Hoc Committee can go to the Standing Committee meetings and witness the proceedings themselves, discussions of what happened at the Standing Committee meeting between more than a quorum of the Commissioners would need to happen at an open noticed meeting.

Comments were provided by the following public speakers:

Assata Olugbala  
Lorelei Bosserman  
Henry Gage III  
Mary Vail  
Saleem Bey

**XII. CPRA Prioritization of OPD Policies to Review**

Karen Tom will provide a list of OPD policies that CPRA will review, in order of prioritization.

Chair Jackson took a point of privilege and requested that Agenda Item XVI (Budget Ad Hoc Committee Update) be moved prior to Item XIII (Recess) since former Commissioner Maureen Benson is here and helped work on the budget with Commissioner Harris. Commissioners agreed to taking this Item out of order.

Ms. Tom gave comments relating to Attachment 12 (Report prepared by the CPRA Analyst) relating to input that we have under the OPD policies that are currently under revision. She highlighted two items that are most important from the Director's perspective which are listed on Page 1.

Discussion followed by Commissioners Anderson, Jackson, Prather, and Harris.

Ms. Tom added that whatever you would like the Policy Analyst to research to let her know and she will have Mr. Rus look into the policies you want clarification or additional information about. The Policy Analyst will be out of the office for several weeks – leaving next week (paternity leave).

Chair Jackson clarified - Presuming that you will be at work tomorrow, what we are asking Ms. Tom to do is direct Mr. Rus to focus on identifying, perhaps competing

policies, as it relates to PDRD and vehicle pursuit of suspects fleeing on foot or bicycle and then to make any additional suggestions for places that one might look that someone else can do to pull some research down so we can start with some information.

Mr. Rus said he understands the ask – his role within the CPRB and now within the CPRA as a Policy Analyst, is policy analysis and support of things that our investigators find during their investigations and is not general background policy analysis.

Edwin Prather - Looking on Page 1 (the two items listed – highest priority policies); focus on those policies.

Chair Jackson said she is working on getting a graduate intern in public policy (not an impact the budget). Ask if there are other Policy Analysts anywhere that could be loaned. Nonprofits work on policies. Think bigger around options - short term.

Ginale Harris said that we can reorganize the CPRA. If we need a Policy Analyst, we can get one. Chair Jackson suggested drafting another Job Description for a Policy Analyst where research is required.

Comments were provided by the following public speakers:  
No public comment.

**XIII. Budget Ad Hoc Committee Update (Moved here from Item XVI on the Agenda)**  
The Budget Ad Hoc Committee will provide an update.

Chair Jackson stated that Commissioner Harris will provide an overview. Former Commissioner Maureen Benson will provide some context.

Commissioner Harris asked Ms. Benson to step up. She clarified it with the City Attorney's Office that this was okay. Ms. Benson gave a brief overview. She reviewed documents in the Attachment. Chair Jackson – what are you asking us to understand, know or act upon. G. Harris referenced the Outline on the first page (On Page 1 – positions were moved around – there are expenditures that we didn't touch and foolish to give up/cut \$163,000 in the budget directive). Ms. Benson said these are the most recent numbers – numbers of what has been encumbered has not been shown yet – Counsel fees haven't been listed, etc.

Chair Jackson requested from City Administrator's Office that the Finance Department can give us updated/accurate number and she will follow up when we will receive them. Start process of a CPRA Policy Analyst – affirm with HR so we can recruit for it. Bring up in our Personnel Committee a contractor opportunity for policy. Ms. Tom thanked them for the hard work that was put into this budget. She shared that she has concerns about the shuffling of some of the responsibilities to CPRA admin and the director given that Measure LL we have a lot of responsibilities – putting some of these tasks on the Director and admin – be respectful of these tasks. Chair Jackson suggested a meeting to understand what these are and support that. Ms. Tom agreed. Chair Jackson said that this will come back to us for about two more times. She asked if there are other questions. T. Anderson inquired about the deadlines for submitting final budget to make sure we are on track with the City Process. She appreciated the hard work put in to this document which was done by two individuals as part of the Commission (Ad Hoc Committee) and thanked them. G. Harris said we are past the deadline. We need to rap this up or we will lose this money. Chair Jackson will send an email to Finance tomorrow and copy Commissioners; she will schedule a meeting with Ms. Tom. Engaging with people who can audit the Intake Technician position so that we can identify if we can bring in another person. Follow up with Ms. Tom to see about nailing down her opinions and recommendations.

She will ask for an extension of the budget (with City Administrator).

Comments were provided by the following public speakers:  
Rashidah Grinage  
Saleem Bey  
Assata Olugbala

A motion was made by Regina Jackson, seconded by Ginale Harris, to resist, refute, negate, decline the \$163,000 cut for our budget. The motion carried by the following vote:

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

**XIV. Recess (8 minutes) (This Item was XIII on the Agenda)**

Chair Jackson called the meeting back to order at 10:25 p.m.  
Commissioners Ahmad and Smith had to leave but we still have quorum.

**Counsel Rudin stated you have to adjourn by 10:30 p.m. unless you vote to extend the meeting time.**

**MOTION to continue this meeting until 11:00 p.m. was made by Edwin Prather and seconded by Regina Jackson. The vote was Aye: 5 (Anderson, Dorado, Harris, Jackson, and Prather). The motion passed.**

**XV. Quarterly Informational Progress Report (This Item was XIV on the Agenda)**

The Commission will review the Quarterly Informational Progress Report scheduled for the March 19, 2019 Public Safety Committee meeting.

Chair Jackson said that we are reviewing a report that was previously developed, edits made, those edits were added into the report.

Discussion followed by Commissioners Prather and Harris. Chair Jackson said that she would like Commission Prather to present the Report at the Public Safety Committee meeting next Tuesday at 6:00 p.m.

Comments were provided by the following public speaker:  
Rashidah Grinage

A motion was made by José Dorado, seconded by Ginale Harris, to approve the Quarterly Informational Progress Report which will be delivered by Edwin Prather to the Public Safety Committee meeting. The motion carried by the following vote:

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

**XVI. Standing and Ad Hoc Committee Assignments (This Item was XV on the Agenda)**

The Commission will work on assigning Commissioners to serve on at least one standing committee or ad hoc committee.

Counsel Rudin suggested tabling this Item since there are only five Commissioners present.

Comments were provided by the following public speakers:  
No public comment.



A motion was made by Edwin Prather, seconded by José Dorado, to table Item XV to the next meeting. The motion carried by the following vote:

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

**XVII. Appeals Plan /New Evidence Discovery on Bey Case Ad Hoc Committee Update (Moved here from Item XVIII on the Agenda)**

The Appeals Plan/New Evidence Discovery on Bey Case Ad Hoc Committee will provide an update.

Commissioner Harris provided an update. She asked Saleem Bey to come forward and speak. He provided the Commission with the bare minimum that racial profiling was discovered in the case, etc. He also read from the NSA and this is online (a Judge's Order). He provided information relating to the case.

Chair Jackson asked Counsel Rudin for advice relating to official legal noticing documents. With respect to passing off the information, she can get the address to mail Mr. Bey's packet but she would need to connect with him on Monday to get his packet. Mr. Bey said he would give the packet directly to the Defendant, which is the City Attorney's Office, to deliver to because as soon as the Court is noticed, the City Attorney's Office has to be involved. Send it off and not give it to the City Attorney's Office only, but also to the Council, and notice the Court all separately. Counsel Rudin said he would need to look into exactly what might be required; not quite sure whether this needs to have additional notice to City Council or whether there some other steps that might need to be taken. Certainly, the Commission can indicate its intent that it wants to go down this path.

Chair Jackson asked Counsel Rudin to look into that and she will follow up with him Monday to figure out our course of action, how we do it, framing of the notice letter, how to get the documents from Mr. Bey to the City Attorney's office and whoever else, etc. She should probably not receive the documents based upon the potential of any escalation. Counsel said he certainly does not see a problem with Mr. Bey handing those documents to the City Attorney's Office. He will find out if there is any conflict issue. Chair Jackson said that we make sure that there is more than one packet (because of the issue with City Attorney's Office previously).

Commissioner Harris suggested Mr. Bey giving us the packet in a sealed envelope and signed over the seal. Counsel suggested that another option is for Mr. Bey to deliver that to our office – he can look into whether there is any issue with the Police Commission receiving those documents before I hand them over to you otherwise he will return them to Mr. Bey.

Chair Jackson recommended to Mr. Bey that he deliver two sealed packets and that way one can go (we can walk it over or mail it for you) and the other might need to be delivered to the City Attorney's Office can be sent by Counsel Rudin.

Commissioner Prather gave comments. Are we skipping the appellate process, etc. If we don't have this, how are we dealing with procedure? Chair Jackson said she did not see an appeal plan in the attachment.

Commissioner Harris said this case is unique. We were trying to come up with a plan but the plans did not work. We can't have the investigator do the investigation with the CPRA, you can't have the police department investigate the investigation that they just investigated. We had a dilemma so our conclusion was to come up with the Inspector General and can't get the position filled (to be the outside evaluator – our appeals person for this case). That was our due process. Chair Jackson said we still must have

an appeals plan. Commissioner Prather suggested hiring folks on the interim - to do the appeals plan since we don't have an IG and this would be an IG task. We must have a process. If we can direct hire an investigator into that slot – it is a slippery slope too. Once we create an appeal's process, might everyone appeal their CPRA determination. Chair Jackson stated that this is something to go on the next Agenda.

Comments were provided by the following public speakers:  
Rashidah Grinage  
Assata Olugbala

Further discussion followed by Commissioners, Mr. Bey and Counsel Rudin.

A motion was made by Edwin Prather, there was not a second, to convene a Discipline Committee to review this case in more detail and make a recommendation. The motion fails.

A motion was made by Ginale Harris, seconded by José Dorado, to request officially noticing the NSA Court. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, and Prather  
Abstain: Anderson  
Oppose: Prather

A motion was made by Edwin Prather, seconded by José Dorado, to table Item XV on the Agenda to the next meeting. The motion carried by the following vote:

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

Chair Jackson stated that it is 11:15 p.m. and the meeting can only go to 11:30 p.m.

**XVIII. Chief's Goals Ad Hoc Committee Update (This was Item XVII on the Agenda)**  
The Chief's Goals Ad Hoc Committee will provide an update.

A motion was made by José Dorado, seconded by Tara Anderson, to table Item XVII to the next meeting. The motion carried by the following vote:

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

**XIX. Creation of Racial Equity Statement Ad Hoc Committee**  
Tara Anderson will discuss the creation of a Racial Equity Statement Ad Hoc Committee.

A motion was made by José Dorado, seconded by Tara Anderson, to table this Item to the next meeting. The motion carried by the following vote:

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

**XX. 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.

Comments were provided by the following public speakers:  
No public comment.

Commissioner Anderson asked to Support of AB392 that California Act to Save Lives by Shirley Weber on the next Agenda. She will prepare the letter of support for the Item. Commissioner Harris spoke about the process regarding submitting Agenda Items. We need to share that with the new Commissioner. Commissioner Anderson said that she is not on the form that would be completed so it will need to be modified to include her as a Commissioner and she would like to recommend that there be some nimbleness to set agendas so that we are not having to wait several meetings to hear an Item. Chair Jackson will reach out to Chrissy to see that you are added.

Prather said urgent items can be added to the Agenda and the Chair has the digression to add items with agreement by three members. Even though you haven't filled out the form, if this is of a time sensitive nature, we can add it to the next meeting. Is it time sensitive to forego the process? Anderson said it is not currently slated for assembly, public safety for the upcoming March hearings but expected to be heard early April.

Commissioner Anderson stated that the Pending Agenda Matters List is Item 20 in the Agenda Packet.

Chair Jackson

- Agenda Items from meeting on March 14 that were Tabled – XV, XVII, and XIX

Prather

- Parole and Probation Search Policy.
- Need 3304 deadline reports come back (Should be on every Agenda).
- Annual Report due April 17 on the Agenda (give us two meetings before report is due).
- Regular updates on the Pawlik investigation from CPRA (whether in Closed Session or Open Session). Ms. Tom and the Investigator appear; if it is not ready, explain why it is not ready.
- Subject matters need to go first on the Agenda.

Chair Jackson

- Proposed budget, specifically around job related stress.

## **XXI. Adjournment**

A motion was made by José Dorado, seconded by Edwin Prather, to adjourn. The motion carried by the following vote:

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

The Commission adjourned the meeting at 11:26 p.m.

TO: Chair Jackson, Vice Chair Harris, Oakland Police Commission

FROM: Commissioner Tara Anderson, Oakland Police Commission

CC: Chrissie Love, Administrative Analyst II

RE: AB 392 Peace officers: deadly force.

---

### **Overview**

By requiring that police only use lethal force when necessary, AB 392 will reduce fatal shootings. Such a change will require officers to use tactics that prioritize time and distance, which not only reduces the likelihood of a lethal force situation, it will also enhance officer safety. Additionally, reducing fatal encounters will restore community trust which further benefits officer safety.

Studies have revealed that jurisdictions with more restrictive use-of-force standards have the fewest officer-involved shootings per capita. Additionally, officers in jurisdictions with more restrictive use-of-force standards are less likely to be assaulted or killed. AB 392 will save lives by ensuring police are trained to only use force when necessary, thereby reducing the risk of serious harm to the public and police officers alike.

Public safety is compromised when community members do not trust officers, and mistrust makes the job of being a police officer more difficult and more dangerous. AB 392 is a necessary step to improving police-community relations and to saving lives. Fewer police shootings and fewer police injuries is what makes AB 392 smart policy.

### **Purposed Motion**

The Oakland Police Commission to vote to support AB 392 Peace officers: deadly force. Approve Commissioner Anderson to write a letter of support on behalf of the commission for submission to Senator Shirley Weber.

Attachment: [AB 392 Peace Officers: Deadly force](#)

**ASSEMBLY BILL****No. 392**

---

---

**Introduced by Assembly Members Weber and McCarty**  
**(Principal coauthor: Assembly Member Holden)**  
(Principal coauthors: Senators Bradford and Mitchell)  
**(Coauthor: Assembly Member Mark Stone)**

February 6, 2019

---

---

An act to amend Sections 196 and 835a of the Penal Code, relating to peace officers.

## LEGISLATIVE COUNSEL'S DIGEST

AB 392, as introduced, Weber. Peace officers: deadly force.

Existing law authorizes a peace officer to make an arrest pursuant to a warrant or based upon probable cause, as specified. Under existing law, an arrest is made by the actual restraint of the person or by submission to the custody of the arresting officer.

Existing law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Existing law does not require an officer to retreat or desist from an attempt to make an arrest because of resistance or threatened resistance of the person being arrested.

Under existing law, a homicide committed by a peace officer is justifiable when necessarily committed in arresting a person who has committed a felony and the person is fleeing or resisting such arrest.

Existing case law deems such a homicide to be a seizure under the Fourth Amendment of the Constitution of the United States, and as such, requires the actions to be reasonable.

This bill would redefine the circumstances under which a homicide by a peace officer is deemed justifiable to include when the killing is

in self-defense or the defense of another, consistent with the existing legal standard for self-defense, or when the killing is necessary to prevent the escape of a fleeing felon whose immediate apprehension is necessary to prevent death or serious injury. The bill would additionally bar the use of this defense if the peace officer acted in a criminally negligent manner that caused the death, including if the officer's criminally negligent actions created the necessity for the use of deadly force.

The bill would also affirmatively prescribe the circumstances under which a peace officer is authorized to use deadly force to effect an arrest, to prevent escape or to overcome resistance.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 196 of the Penal Code is amended to  
2 read:

3 196. (a) Homicide is justifiable when committed by ~~public~~  
4 *peace officers and those acting by their command in their aid and*  
5 *assistance, either— under any of the following circumstances:*

6 ~~±.~~

7 (1) ~~In obedience to any judgment of a competent Court; or,~~  
8 *court.*

9 ~~2. When necessarily committed in overcoming actual resistance~~  
10 ~~to the execution of some legal process, or in the discharge of any~~  
11 ~~other legal duty; or,~~

12 ~~3. When necessarily committed in retaking felons who have~~  
13 ~~been rescued or have escaped, or when necessarily committed in~~  
14 ~~arresting persons charged with felony, and who are fleeing from~~  
15 ~~justice or resisting such arrest.~~

16 (2) *When the homicide results from a peace officer's use of*  
17 *force, other than deadly force, that is in compliance with*  
18 *subdivision (b) of Section 835a.*

19 (3) *When, except as otherwise provided in subdivision (b), the*  
20 *homicide would be justifiable pursuant to Section 197, in*  
21 *self-defense or the defense of another person.*

22 (4) *When, subject to subdivision (b), the officer reasonably*  
23 *believes, based on the totality of the circumstances, that the use*

1 of force resulting in a homicide is necessary to prevent the escape  
2 of a person, and all of the following are true:

3 (A) The peace officer reasonably believes that the person has  
4 committed, or has attempted to commit, a felony involving the use  
5 or threatened use of deadly force.

6 (B) The peace officer reasonably believes that the person will  
7 cause death or inflict serious bodily injury to another unless  
8 immediately apprehended.

9 (C) If feasible, the peace officer has identified themselves as a  
10 peace officer and given a warning that deadly force may be used  
11 unless the person ceases flight, unless the officer has reasonable  
12 ground to believe the person is aware of these facts.

13 (b) As used in paragraph (4) of subdivision (a), “necessary”  
14 means that, given the totality of the circumstances, an objectively  
15 reasonable peace officer in the same situation would conclude  
16 that there was no reasonable alternative to the use of deadly force  
17 that would prevent death or serious bodily injury to the peace  
18 officer or to another person. The totality of the circumstances  
19 means all facts known to the peace officer at the time and includes  
20 the tactical conduct and decisions of the officer leading up to the  
21 use of deadly force.

22 (c) Neither this section nor Section 197 provide a peace officer  
23 with a defense to manslaughter in violation of Section 192, if that  
24 person was killed due to the criminally negligent conduct of the  
25 officer, including situations in which the victim is a person other  
26 than the person that the peace officer was seeking to arrest, retain  
27 in custody, or defend against, or if the necessity for the use of  
28 deadly force was created by the peace officer’s criminal  
29 negligence.

30 SEC. 2. Section 835a of the Penal Code is amended to read:

31 835a. (a) The Legislature finds and declares all of the  
32 following:

33 (1) That the authority to use physical force, conferred on peace  
34 officers by this section, is a serious responsibility that shall be  
35 exercised judiciously and with respect for human rights and dignity  
36 and for the sanctity of every human life. The Legislature further  
37 finds and declares that every person has a right to be free from  
38 excessive use of force by officers acting under color of law.

39 (2) That the decision by a peace officer to use force shall be  
40 evaluated carefully and thoroughly, in a manner that reflects the

1 gravity of that authority and the serious consequences of the use  
2 of force by peace officers, in order to ensure that officers use force  
3 consistent with law and agency policies.

4 (3) That the decision by a peace officer to use force shall be  
5 evaluated from the perspective of a reasonable officer in the same  
6 situation, based on the totality of the circumstances known to or  
7 perceived by the officer at the time, rather than with the benefit of  
8 hindsight, and that the totality of the circumstances shall account  
9 for occasions when officers may be forced to make quick judgments  
10 about using force.

11 ~~Any~~

12 (b) Any peace officer who has reasonable cause to believe that  
13 the person to be arrested has committed a public offense may use  
14 reasonable ~~force~~ force, other than deadly force, to effect the arrest,  
15 to prevent escape or to overcome resistance.

16 ~~A~~

17 (c) A peace officer who makes or attempts to make an arrest  
18 need not ~~retreat~~ abandon or desist from ~~his efforts~~ the arrest by  
19 reason of the resistance or threatened resistance of the person being  
20 arrested; ~~nor shall such arrested.~~ A peace officer shall not be  
21 deemed an aggressor or lose ~~his~~ the right to self-defense by the  
22 use of reasonable force to effect the arrest or to prevent escape or  
23 to overcome resistance. A peace officer shall, however, attempt to  
24 control an incident through sound tactics, including the use of  
25 time, distance, communications, tactical repositioning, and  
26 available resources, in an effort to reduce or avoid the need to use  
27 force whenever it is safe, feasible, and reasonable to do so. This  
28 subdivision does not conflict with the limitations on the use of  
29 deadly force set forth in this section or Section 196.

30 (d) (1) A peace officer is justified in using deadly force upon  
31 another person only when the officer reasonably believes, based  
32 on the totality of the circumstances, that such force is necessary  
33 for either of the following reasons:

34 (A) To defend against a threat of imminent death or serious  
35 bodily injury to the officer or to another person.

36 (B) To prevent the escape of a fleeing suspect consistent with  
37 paragraph (4) of subdivision (a) of Section 196.

38 (2) A peace officer shall not use deadly force against a person  
39 based on the danger that person poses to themselves, if the person



1 *does not pose an imminent threat of death or serious bodily injury*  
2 *to the peace officer or to another person.*

3 *(3) This subdivision does not provide the legal standard and*  
4 *shall not be used in any criminal proceeding against a peace officer*  
5 *relating to the use of force by that peace officer, or to any defenses*  
6 *to criminal charges under sections 196 or 197 or any other defense*  
7 *asserted by that officer, but may be used in any civil or*  
8 *administrative proceeding.*

9 *(e) For purposes of this section, the following definitions shall*  
10 *apply:*

11 *(1) "Deadly force" means any use of force that creates a*  
12 *substantial risk of causing death or serious bodily injury, including,*  
13 *but not limited to, the discharge of a firearm.*

14 *(2) A threat of death or serious bodily injury is "imminent"*  
15 *when, based on the totality of the circumstances, a reasonable*  
16 *officer in the same situation would believe that a person has the*  
17 *present ability, opportunity, and apparent intent to immediately*  
18 *cause death or serious bodily injury to the peace officer or another*  
19 *person. An imminent harm is not merely a fear of future harm, no*  
20 *matter how great the fear and no matter how great the likelihood*  
21 *of the harm, but is one that, from appearances, must be instantly*  
22 *confronted and addressed.*

23 *(3) "Necessary" means that, given the totality of the*  
24 *circumstances, an objectively reasonable peace officer in the same*  
25 *situation would conclude that there was no reasonable alternative*  
26 *to the use of deadly force that would prevent death or serious*  
27 *bodily injury to the peace officer or to another person.*

28 *(4) "Totality of the circumstances" means all facts known to*  
29 *the peace officer at the time and includes the tactical conduct and*  
30 *decisions of the officer leading up to the use of deadly force.*

O

TO: Chair Jackson, Oakland Police Commission

FROM: Tara Anderson, Alternate Commissioner, Oakland Police Commission

CC: Chrissie Love, Administrative Analyst II

RE: Ad Hoc Committee Proposal: Racial Equity Statement

---

## **Overview**

The Oakland Police Commission, as established by Measure LL and set forth in Ordinance 13498 Police Commission Enabling Ordinance, oversees the Oakland Police Department by reviewing and proposing changes to Department policies and procedures. I propose the creation of a time limited ad hoc committee for the sole purpose of developing a racial equity statement and toolkit for the Oakland Police Commission. Once established the equity statement and tool kit will serve as a foundation for completing the policy and procedure oversight responsibilities within the authority of the Commission.

“Racial equity tools are designed to integrate explicit consideration of racial equity in decisions, including policies, practices, programs, and budgets. It is both a product and a process. Use of a racial equity tool can help to develop strategies and actions that reduce racial inequities and improve success for all groups. Too often, policies and programs are developed and implemented without thoughtful consideration of racial equity. When racial equity is not explicitly brought into operations and decision-making, racial inequities are likely to be perpetuated. Racial equity tools provide a structure for institutionalizing the consideration of racial equity.”- *Racial Equity Toolkit: An Opportunity to Operationalize Equity*

## **Purposed Activities**

The proposed activities of the Ad Hoc committee include;

- Hold meetings to discuss the development of an Oakland Police Commission Racial Equity Statement.
- Review existing publications on racial equity tools, measures and reports including but not limited to;
  - *City of Oakland Equity Indicators Report 2018*
  - *City of Oakland Equity Briefings*
  - *Racial Equity Toolkit: An Opportunity to Operationalize Equity*
- Consult with the Department of Race and Equity to refine racial equity statement and develop racial equity toolkit.
- Draft Oakland Police Commission Racial Equity Statement
- Draft Oakland Police Commission Racial Equity Toolkit

## **Proposed Deliverables**

- Completed Draft Racial Equity Statement for Oakland Police Commission Approval
- Completed Equity Toolkit Proposal for Oakland Police Commission Approval

### **Sample Equity Statement**

The Oakland Police Commission prioritizes racial equity so that all people may thrive. The Oakland Police Commission collectively acknowledges that communities of color have borne the burdens of inequitable social, environmental, economic and criminal justice policies, practices and investments. The legacy of these government actions has caused deep racial disparities throughout Oakland. We further recognize that racial equity is realized when race can no longer be used to predict life outcomes. We commit to the elimination of racial disparities in the criminal justice system.

### **Sample Equity Tool**

According to the Government Alliance on Race and Equity, Racial Equity Toolkit: An Opportunity to Operationalize Equity the Racial Equity Tool is a simple set of questions:

1. Proposal: What is the policy, program, practice or budget decision under consideration?  
What are the desired results and outcomes?
2. Data: What's the data? What does the data tell us?
3. Community engagement: How have communities been engaged? Are there opportunities to expand engagement?
4. Analysis and strategies: Who will benefit from or be burdened by your proposal? What are your strategies for advancing racial equity or mitigating unintended consequences?
5. Implementation: What is your plan for implementation?
6. Accountability and communication: How will you ensure accountability, communicate, and evaluate results?

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

<u>Ad Hoc Committees</u>	
<b>Annual Report</b>	<b>Probation and Parole</b>
Prather	Jackson
Smith	Prather
	Smith
<b>Appeals Plan/New</b>	
<b>Evidence Discovery on Bey</b>	
<b>Case</b>	
Dorado	<b>Public Hearing on Data Re: Racial Profiling</b>
Harris	Ahmad
	Jackson
	<b>Public Hearing on Policing and</b>
<b>Budget</b>	<b>the Homeless</b>
Harris	Dorado
Jackson	
<b>Chief's Goals</b>	<b>Rules, Bylaws</b>
Dorado	Harris
Harris	Prather
	<b>Task Force/Summit on Community Policing</b>
	Dorado



# OAKLAND POLICE COMMISSION

## Agenda Report

**Subject:** Pending Agenda Matters List  
**Date:** March 25, 2019  
**Requested by:** Police Commission  
**Prepared by:** Chrissie Love, Administrative Analyst II  
**Approved by:** Karen Tom, Interim Executive Director, CPRA

**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 items have upcoming deadlines:

Agenda Matter	Deadline	Notes	Measure LL and Enabling Ordinance Sections
Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	4/15/2019	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress.	Ord. Section 2.45.070(D)
Annual Report	4/17/2019	Submit Commission's first annual report to the Mayor, City Council and the public	Ord. Section 2.45.220
NACOLE Northern California Regional Conference on May 3rd at BART	5/3/2019		
Public Hearing on OPD Budget	5/9/2019	Conduct at least one public hearing on the Police Department’s budget	LL Section 604(b)(7)

**Attachment (16a):**

Pending Agenda Matters List (13 pages)

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Annual Report	1/1/2018	Submit Commission's first annual report to the Mayor, City Council and the public		High	4/17/2019	3/28/2019	Prather, Smith
CPRA Pawlik Investigation Progress Report	10/6/2018			High		3/28/2019	
Alleged Disparate and/or Racist Implications in OPD Hiring and Discipline Practices	3/15/2019	Ask Chief Kirkpatrick to respond to allegations with data on OPD's actions	OBOA ( Oakland Black Officers Association) published an open letter in the Oakland Post to the Chief, Mayor, and City Administrator suggesting disparate and or racist implications for OPD hiring and discipline practices.	High			
Create an Ad Hoc Policy Committee	3/5/2019		OPD has requested a Policy Committee to work with the Department on policy development to address those situations where officers encounter people who are asleep or in various stages of unresponsiveness and are armed.	High		3/28/2019	
Follow up on Parole and Probation Policy	10/10/2018		We have the authority, since this is connected to racial profiling, to write a new policy.	High		3/28/2019	Jackson, Prather, Smith
Stop Data and Racial Profiling	1/1/2018		We need regular reporting on stop data and racial profiling directly from research, and coordinate from NSA team with IG for data and policy recommendations. Do a deep dive on racial profiling.	High		5/23/2019	Jackson
Commissioner Training, Part 1	1/1/2018	Complete the training described in section 2.45.190(A) through (H)	The training described in subsections (G) and (H) must be done in open session. The one-year deadline only applies to the first group of Commissioners and alternates; all other Commissions must complete this training within six months of appointment.	High	10/17/2018		Ahmad, Dorado
Commissioner Training, Part 2	1/1/2018	Complete the training described in section 2.45.190(I) through (M)	The eighteen-month deadline only applies to first group of Commissioners and alternates; all other Commissioners must complete this training within twelve months of appointment.	High	4/17/2019		Ahmad, Dorado
Finalize hiring of CPRA full-time Executive Director			Decide on 2-3 candidates to submit to City Administrator.	High			Personnel Committee
Follow up on discovery of new evidence for Bey Case	10/2/2018		The Commission voted on 3.14.19 to notify NSA of new evidence; need to investigate further.	High			Dorado, Harris

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	HR staff is completing a compensation study for the position. Since this position is new to the City's Salary Ordinance, this step is required so the IG can be properly funded. Concurrently, HR staff has been conforming the IG job description approved by the Police Commission to fit a class specification for the position. HR staff anticipates this work to be completed in the coming weeks. The next two immediate steps are: 1) The Civil Service Board will need to approve the class specification, which staff anticipates will happen in February; and 2) The salary ordinance will then need to be approved by the City Council. The IG position will become open after these two steps are completed.	High			Personnel Committee
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

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
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		
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.	High	Annually; April 15 of each year		
Revise employment contracts with CPRA and Commission legal counsels	10/10/2018		The employment 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.	High			



**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Set Agendas for Future Meetings	1/10/2019		This should be done at each meeting. Review priority list and schedule items.	High			
Support AB 392	3/5/2019		Vote to support AB-392 Peace Officers: deadly force	Medium		3/28/2019	
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 1, 2019.	Medium	Biennial, per budget cycle	5/9/2019	
Ad-Hoc Discipline Committees for Each Discipline or Termination Case	1/1/2018	Discipline Committees may not decide disputes until the following training is completed: * Department operations, policies and procedures, including but not limited to discipline procedures for Misconduct, and * Training described in section 2.45.190(A) through (F) of the enabling ordinance	Establish on an as-needed basis	Medium			
Brian Hoefler case: review video	10/11/2018		Response to allegation was officer was Just and Honorable, when allegations were the officer was untrue. All of the issues, despite what the officer said, was a deportation matter. Chief stated that people were charged with crimes, when they were not.	Medium			

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Community Policing Task Force/Summit	1/24/2019			Medium			Dorado
CPAB Report			Oakland Municipal Code §2.45.070 (O) Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium			
CPRA report on pending cases and completed investigations on a monthly basis	2/13/2019		CPRA Interim Executive Director will provide a report on pending and completed investigations	Medium			
De-escalation Policy	1/1/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for de-escalation. Draft policy changes as needed.	Medium			
Determination of Number of CPRA Investigators	1/1/2018	Determine number of Agency investigators (no fewer than one line investigator for every 100 sworn officers)	January 9, 2019 is the tentative budget cycle start date.	Medium	Annually; beginning of each budget cycle		K. Tom w/ G.Harris
Executive session for confidential reports on open investigations, disciplinary matters and legal issues, including the status of bargaining with OPOA and open meet and confer issues			Schedule as needed	Medium			
Finalize Bylaws and Rules	1/24/2019			Medium			Prather

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
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			
NACOLE Northern California Regional Conference on May 3rd at BART	1/28/2019		Determine Commissioners' attendance at event and cost.	Medium	5/3/2019		
Need for an easy to read process to determine if Commission can open or re-open an investigation	10/2/2018		We've been hearing a lot from community members about concerns about what the commission's power actually is. We've passed a few motions to ask for legal advice on whether we have the authority to open an investigation, but an easy to read flow chart or checklist format might be easier to digest by the community. We are suggesting a flow chart for what our parameters are and resources for where we can send people if we can't help them.	Medium			
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. (OMC § 2.45.090(B).)	Medium	Annually; at least twice each year		Ahmad, Dorado, Jackson
Plan for Policy Assignments	1/10/2019		Plan which go to Ad Hoc Committees and which are for long-term based on OPD.	Medium			

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Preliminary Budget Development Dates & Milestones	10/11/2018		Per a memo received 9.27 from Mr. Finnell (who received it from the city), "Attached is the preliminary timeline for the FY 2019-21 Biennial Budget development. The memorandum highlights the key dates that departments should keep in mind for planning/scheduling purposes. Future communications from the Budget Bureau will provide additional instructions to departments as deadlines/milestones approach. " We should give this item to the budget committee and request they work with Mr. Finnell to create a timeline of action items. This is for CPRA (and any suggestions for OPD?) to have a final budget request to department by Feb 13, 2019.	Medium			Budget Ad Hoc Committee
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		Medium	June 14, 2018, and on an ongoing basis as appropriate		
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		
Reports from OPD on such issues 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	10/6/2018			Medium			
Review budget and resources of IAD	10/10/2018		In our discipline training we learned that many "lower level" investigations are outsourced to direct supervisors and sergeants. We spoke with leaders in IAD ad they agreed that it would be helpful to	Medium			

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Review OPOA Email re. "No Af-Am"	2/11/2019		See e-mail thread	Medium			
Review taser policy per outcome of Marcellus Toney	10/10/2018		In the report we were given, we were told that officers have choice as to where to deploy a taser. Commission to review these policies and make recommendations and/or find if there is connection to NSA.	Medium			
Standing and Ad-Hoc Committee Reports	1/10/2019		As needed. Committees report on work plans and deadlines.	Medium			
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			
What are the outstanding issues in meet and confer and what is the status of the M&C on the 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			
1421 bill – Should we have a policy on supporting state legislation + AB 931: use of deadly force (Webber)	10/6/2018		In effect January 1 (1421) and July (931) 2019. As to broader question about legislation, not time sensitive until next legislative session.	Low			
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			
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			
Consider creating a list of ways to be engaged with OPD so that Commission can clearly state what issues should be addressed.	2/6/2019			Low			

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
CPRA report on app usage	10/10/2018		Report from staff on usage of app.	Low			
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			
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			

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Discipline: Second Swanson Report recommendations – have these been implemented?	10/6/2018		<p>Supervisor discipline</p> <p>Process for recommending improvements to policies, procedures and training, and to track and implement recommendations</p> <p>Tracking officer training and the content of training</p> <p>Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines</p> <p>IAD civilian oversight for continuity in IAD</p> <p>Improved discovery processes</p> <p>Permanent arbitration panel implemented from MOU</p> <p>OPD internal counsel</p> <p>Two attorneys in OCA that support OPD disciplines and arbitration (why not use CPRA attorney who knows the detailed investigation and is already paid for?)</p> <p>Reports on how OCA is supporting OPD in discipline matters and reports on arbitration</p> <p>Public report on police discipline from mayor’s office (Why not from CPRA? The history is that it was included in the annual CPRB report provided to City Council.)</p> <p>OIG audit includes key metrics on standards of discipline</p>	Low			
Do Not Call list issues – cops whose untruthfulness prevents them from testifying	10/6/2018		This is impacted by SB1421 and will require legal analysis.	Low			
Executive session for confidential reports on open investigations, disciplinary matters and legal issues, including the status of bargaining with OPOA and open meet and confer issues	10/6/2018			Low			

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Feedback from Youth on CPRA app	10/10/2018		We want to get some feedback from youth as to what ideas, concerns, questions they have about its usability. We've already cleared a process with CPRA, just wanted to get this on the list of items to calendar in the future (ideally early 2019)	Low			
Modify Code of Conduct from Ethics Commission for Police Commission	10/2/2018		On code of conduct for commissioners there is currently a code that was developed by the Ethics Commission. It is pretty solid, so perhaps we should use portions of it and add a process for engagement with city staff and community.	Low			
OPD Data and Reporting			Oakland Municipal Code §2.45.070(P) 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			
Outreach Committee: work with Mayor's Office and City Admin to publicize app	10/10/2018			Low			
Outreach Plan Discussion, including use of social media	10/6/2018			Low			
Overtime Usage by OPD (cost and impact on personnel health + moonlighting for AC Transit)	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			



**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Performance Audit and Financial Audit of Commission and CPRA	1/1/2018	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.	Low	10/17/2019		
Policy on Tasers			Policy on the discretion of tasers, review with Cunningham	Low			
Process to review allegations of misconduct by a commissioner	10/2/2018		Maureen Benson has named concerns/allegations about a sitting commissioner since early in the year, 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
Promotions of officers who have committed crimes	10/6/2018			Low			
Protocol on how OPC handles serious incidents	10/6/2018			Low			
Protocol on how to handle issues that are non-critical	10/6/2018			Low			
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	Coalition for Police Accountability is helping with this.	Low	Annually; at least once per year		Dorado

**Police Commission  
Pending Agenda Matters List**

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Recommendations for increasing communication between CPRA and IAD (ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing)	10/6/2018		Review of existing communication practices and information sharing protocols between departments, need recommendations from stakeholders about whether a policy is needed.	Low			
Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	<p>Oakland Municipal Code 2.45.070(I). 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"> <li>To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration;</li> <li>Arbitration decisions or other related results;</li> <li>The ways in which it has supported the police discipline process; and</li> <li>Significant recent developments in police discipline.</li> </ol> <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>	Low	Semi-annually		Smith
Select Topics and Facilitators for Retreat				Low			
Supervision Policies	1/1/2018		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.	Low			
What does "insufficient evidence" mean and what is the basis of challenges to the template?	10/6/2018		This is a CPRA report issue that will hopefully be improved by SB1421.	Low			