



OAKLAND POLICE COMMISSION

SPECIAL MEETING AGENDA

April 11, 2019

5:30 PM

City Council Chamber, 3rd 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

Excused Absence: Thomas Lloyd Smith

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 PERFORMANCE EVALUATION

Gov't Code § 54957(b) Title: Chief of Police

- a. Action, if any, Report out of Closed Session
- b. Public Comment

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

Chair Regina Jackson will welcome and call public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's 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.

V. Oakland Police Department (OPD) Budget for Managing Job-Related Stress

Chief Anne Kirkpatrick, or her designee, will present a detailed budget 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 on 3.28.19. ([Attachment 5](#))***

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

VI. OPD Response to Oakland Black Officers Association (OBOA) Letter

Chief Anne Kirkpatrick will offer a response to OBOA's open letter in the Oakland Post suggesting disparate and/or racist implications for OPD hiring and discipline practices. ***This is a new item.***

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

- VII. 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 was discussed on 1.24.19, 3.14.19, and 3.28.19. ([Attachment 7](#))***
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- VIII. Review of Community Policing Review Agency (CPRA) Pending Cases and Completed Investigations**
To the extent permitted by state and local law, Acting Interim Executive Director Joan Saupe will report on the Agency’s pending cases and completed investigations. ***This is a recurring item. ([Attachment 8](#))***
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- IX. Bey Case – Noticing the Federal Monitor**
The Commission will discuss, and may vote on, a letter that will be submitted to the Federal Monitor regarding new evidence in the Bey Case. ***This was discussed on 3.14.19. ([Attachment 9](#))***
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- X. Recess (8 minutes)**
- XI. Police Commission Annual Report**
Commissioner Edwin Prather will present the Commission’s annual report which is must be submitted to the Mayor, City Council, and the public on or before April 17, 2019. ***This was discussed on 3.28.19. ([Attachment 11](#))***
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- XII. Committee/Liaison/Other Commissioner Reports**
This time is set aside to allow Commissioners to present a brief report on their own activities, including service on committees or as liaisons to other public bodies. No action may be taken as a result of a report under this section other than to place a matter for consideration at a future meeting. ***This is new item and will be recurring at future meetings. ([Attachment 12](#))***
- a. Discussion
 - b. Public Comment
 - c. Action, if any

XIII. Meeting Minutes Approval

The Commission will vote to approve meeting minutes from March 28, 2019. ***This is a recurring item.*** ([Attachment 13](#))

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

XIV. Executive Director Interview Process

The Commission will review the CPRA Executive Director interview process and may approve the process as is, or make edits so that the process can begin as soon as possible. ***This is a new item.*** ([Attachment 14](#))

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

XV. Inspector General Position Status Update

The Commission will provide an update on the status of the Inspector General Position. ***This has been discussed on multiple occasions.*** ([Attachment 15](#))

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

XVI. Receive Bids for Investigator Services

Commissioner Edwin Prather will present bids he has received for Investigator Services. The Commission may discuss this bids and may vote on further actions. ***This is a new item.*** ([Attachment 16](#))

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

XVII. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***This is a recurring item.*** ([Attachment 17](#))

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

XVIII. Adjournment



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 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, Cantonés, Mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a 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 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.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Oakland Police Department (OPD) Budget for Managing Job-Related Stress
Date:	April 5, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Approved by:	Karen Tom, Interim Executive Director, CPRA

Action Requested:

There is no action requested. The Commission will review and comment on the documents submitted by OPD.

Background:

As part of the enabling ordinance section 2.42.070(D) the Commission shall 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.

Discussion:

Commissioners may discuss the budget and documents OPD has provided regarding the Department’s plan for managing job-related stress.

Attachment (5a):

OPD documents regarding budget for managing job-related stress

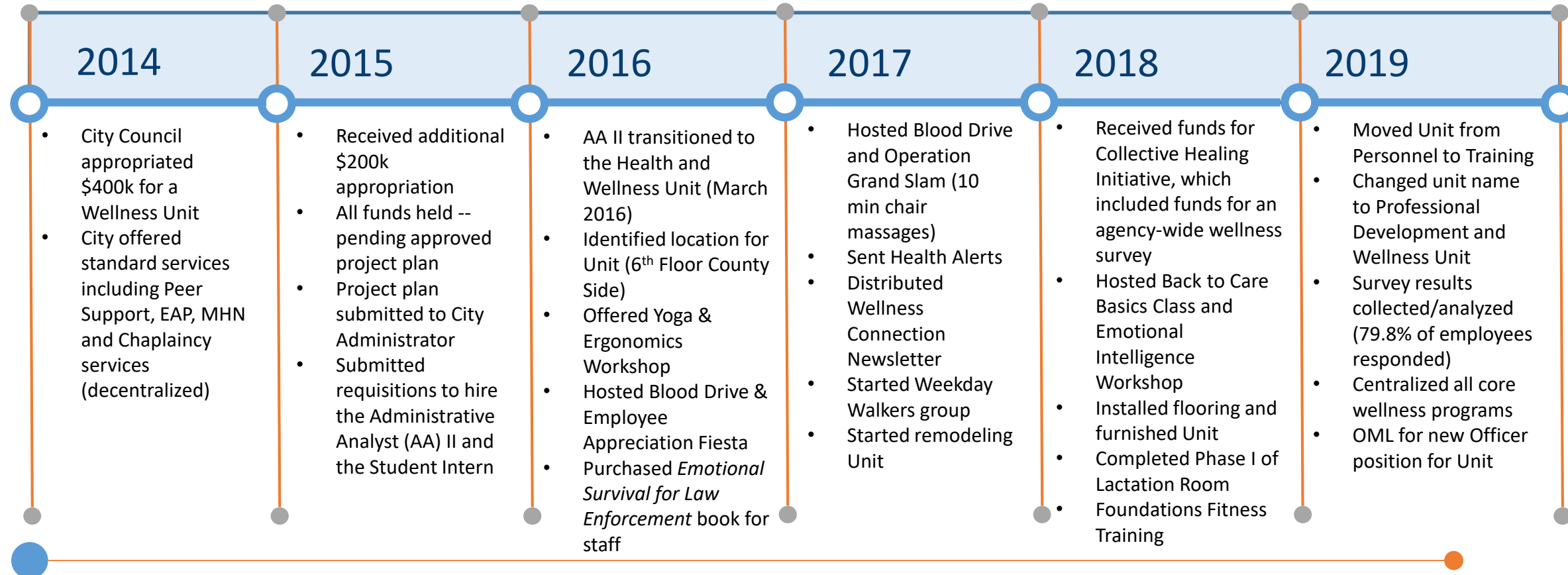


OPD Wellness Program

April 2019



Wellness Program History





Wellness Program Goals

- Provide ongoing professional development and wellness training, activities, opportunities, events and resources
- Raise awareness around wellness and trauma-informed care
- Raise agency and community support for Trauma-Informed Policing
- Collaborate with academics, professional organizations, and health and wellness practitioners
- Allow staff input and needs to drive program
- Conduct ongoing evaluation of services
- Incorporate wellness considerations into Continued Professional Training, the promotional process and commander training.
- Fully furnish Unit (quiet rooms, small conference room and library)



2019 Programs and Activities

Programs

- Employee Assistance Program
- Critical Incident Response Team
- Peer Support Program
- Mental Health Provider Referral
- Substance Abuse Referral
- Clinical Psychologist Referral
- Chaplaincy Program

Activities

- Vicarious Trauma Toolkit training
- Lifetime Fitness (CrossFit, Yoga)
- OPD Book Club
- Analysis of Department-wide Wellness Survey (conducted by Urban Institute)



Comprehensive Services

- **Employee Assistance Program**
 - Provides resources to assist and support members and their families
 - Provides referrals for services and on-site counseling
- **Critical Incident Response Team**
 - On-call teams made up of trained members who volunteer
 - Response to officers involved in critical incidents for psychological support
 - Debriefings for officers, dispatchers, family members and others as appropriate
- **Peer Support Program**
 - Members trained in peer support
 - Techniques include active listening, problem solving, assessment, and referral skills
 - Confidentiality maintained
- **Mental Health Provider Referral**
 - Confidential outpatient mental health counseling
- **Substance Abuse Referral**
 - Confidential counseling, information and referrals for members
 - Assists sworn members with treatment and recovery
- **Clinical Psychological Referral**
 - Mental health professionals/licensed therapists and psychologists
- **Police Chaplains**
 - Multi-denominational group
 - Respond to assist with critical incidents, on or off duty
 - Provide grief support to personnel in the event of officer fatality, serious illness or injury
 - Assist family members with consultation and spiritual support



Michael Palmertree

Counseling/Consultation Services

• FY14-15

- Met with **95** individuals for clinical assessment, consultation, referral and/or counseling
- Met with **48** members during the **6** critical incident stress debriefings
- Trained **161** officers in CPT, academy and peer support classes
- Provided **35** referrals

• FY15-16

- Met with **115** individuals for clinical assessment, consultation, referral and/or counseling
- Met with **61** members during the **6** critical incident stress debriefings
- Trained **336** officers in CPT and academy classes
- Provided **33** referrals

• FY16-17

- Met with **132** individuals for clinical assessment, consultation, referral and/or counseling
- Met with **120** members during the **12** critical incident stress debriefings
- Trained **310** officers in CPT and academy classes
- Provided **34** referrals

• FY17-18

- Met with **149** individuals for clinical assessment, consultation, referral and/or counseling
- Met with **144** members during the **8** critical incident stress debriefings
- Trained **324** officers in CPT and academy classes
- Provided **35** referrals



Wellness Program Budget

IACP Grant

- International Association of Chiefs of Police (IACP) grant award via DOJ
- **\$750,000** for Collective Healing Grant Award

Wellness Program

- Personnel - **\$172,575**
- O&M - **\$475,000** (one-time)
- Offsite Training - **\$20,000**
- Mental Health Counseling (Palmertree) - **\$100,000**
- Psychological Counseling Services for sworn (MHN) - **\$105,000**
- Substance Abuse Counseling for sworn (MHN) - **\$84,000**

Total **\$956,575**

Employee Assistance Program

- City manages EAP contract

Other Programs

- Performance Assessment System Admin Unit identifies risks based on PRIME data
- Approximately 20% of their time
- Approximately **\$183,382**



Proposed Administration and Staffing

Role	Responsibility
Project Manager	Day-to-day admin of Professional Development and Wellness Unit
Admin Analyst	Admin support, coordination of agency-wide services, coordination of training, grant develop
Sergeant	Coordination of individual support services, training and education, events and activities
Officer	Community and Employee Outreach, Peer Support, Training PDI and Program Evaluation
Officer	Community and Employee Outreach, Peer Support, Training PDI and Program Evaluation
Student Intern	Administrative Tasks

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MICHAEL PALMERTREE, MFT

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San Francisco, CA 94118

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website: <http://michaelpalmartree.com>

Regarding: Annual Report f.y. 2014-2015

**Cee Belue
Personnel Manager
Bureau of Services
Oakland Police Department
455 Seventh Street, 7th floor
Oakland, CA 94607**

July 3, 2015

Dear Ms. Belue:

The following report summarizes my activities as required by the scope of services in my contract to provide mental health services and consultation to the Oakland Police Department.

ANNUAL REPORT

This report covers activity and service provided by Michael Palmertree, MFT pursuant to the Professional and Specialized Services Agreement during the period beginning July 1, 2014 through June 30, 2015.

Mr. Palmertree provided a total of 638 hours of service. He saw a total of 95 individuals on a one on one basis for clinical assessment and counseling. He saw 48 employees and officers during the 6 critical incident stress debriefings he conducted. He provided training to 161 officers in the CPT, academy and peer support classes he conducted.

Clinical Assessment and Counseling

Mr. Palmertree provided 329 hours of clinical assessment and counseling to 95 employees and officers. Of those, 90 individuals were sworn police officers and 5 were non-sworn employees. Employees and officers saw Mr. Palmertree for a variety of problems which included: job related issues, anxiety disorder, depression, substance abuse, post-traumatic stress disorder, marital and relationship issues. Often employees and officers presented with a combination of two or more of these issues. The utilization rate among sworn personnel was 12.5% which is excellent. The use rate among non-sworn is low and that is probably because of a lack of awareness that they can see Mr. Palmertree for assistance.

Consultation

Mr. Palmertree provided 49 individual consultations to supervisors, managers and officers. This service consists of providing advice, direction and recommendations. In consultations involving managers or supervisors these result in recommendations concerning an officer or employee whose behavioral or emotional issues are adversely affecting job performance.

Referrals

Mr. Palmertree provided 35 referrals to officers and employees. In 8 of these cases, officers were referred into a substance abuse treatment program which was available through the relatively new substance abuse treatment benefit underwritten by Managed Health Network (MHN). We had good success in using this resource and most of the officers referred completed and benefited from the treatment provided by facilities such as Mountain Vista Farms and John Muir Hospital.

Other referrals involved assisting officers and employees to access the counseling available in the MHN and Claremont networks. Mr. Palmertree helped officers and employees select an appropriate counselor and then contacted the counselor to ensure availability.

Crisis Intervention

Mr. Palmertree intervened in officer/employee crisis cases on 18 occasions. These cases involved officers and employees who were experiencing psychological emergencies. They generally occurred in the evenings or on weekends. Some of these cases were alcohol related. Some of the cases involved panic attacks and/or other emergent crisis situations.

Peer Support

Mr. Palmertree worked closely with the Peer Support and newly formed Crisis Response Team (CIRT). He attended all four meetings and trainings involving the teams. He also consulted with the Peer Support and CIRT coordinators concerning issues such as recruitment of new members, the changing structure of the teams and helped develop new call-out protocols. Mr. Palmertree had 37 contacts with the peer support personnel during this contract period.

Training

Mr. Palmertree provided 11 training sessions to officers and employees. He provided 8 presentations to CPT classes in which he described the scope of mental health services available to sworn and non-sworn personnel. These trainings are being provided once each week and will continue through December 14, 2015. To date, 104 officers have attended Mr. Palmertree's CPT presentation.

Mr. Palmertree also presented a similar training to one recruit class. In that class, 29 trainees attended.

Mr. Palmertree provided 2 trainings to the Peer Support/CIRT teams. A total of 28 officers and employees attended these presentations.

Critical Incident Stress Debriefing

Mr. Palmertree conducted 6 formal group debriefings. We have endeavored to broaden the scope of critical incidents that we debrief to include a wider range of traumatic experiences. Historically only officer involved shootings were flagged for mandatory debriefings. During this contract period, 3 debriefings were for officer involved shootings, 1 was for a SID case and 2 involved incidents in which children were killed. OPD Command has been very supportive of the debriefing program. They made the meetings mandatory and authorized overtime payment for participants. During this contract period, a total of 48 officers and employees attended formal group debriefings.

Other Services

Mr. Palmertree also provided other services to department personnel in the course of his duties as the identified mental health consultant. These include: writing letter reports for officers and employees; providing follow-up to officers who have been referred to outside resources; submitting an article to the OPOA newsletter concerning mental health resources; and consulting on grant money available to the Peer Support Team.

Summary

Mr. Palmertree's services have been well utilized during this contract period. We have seen less stigma associated with the use of mental health and substance abuse services. More officers and employees are encouraging their peers to contact Mr. Palmertree or use other counseling resources.

During the next contract period, we should continue creating visibility of resources through CPT presentation and peer support outreach. About 12.5% of the sworn personnel had face to face meetings with him between July 1, 2014 and June 30, 2015. Contacts from non-sworn were few. Only 5 non-sworn employees had face to face meetings with Mr. Palmertree, We might consider ways of increasing their awareness of his availability to them.

Thank you for your support during this past contract period. If you wish to discuss the information contained in this annual report, please feel free to contact me.

Michael Palmertree, MFT
CA License #mft7209

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MICHAEL PALMERTREE, MFT

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San Francisco, CA 94118

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website: <http://michaelpalmtree.com>

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Regarding: Annual Report f.y. 2015-2016

**Kiona Suttle
Personnel Manager
Bureau of Services
Oakland Police Department
455 Seventh Street, 7th floor
Oakland, CA 94607**

July 11, 2016 Interim

Dear Ms. Suttle:

The following report summarizes my activities as required by the scope of services in my contract to provide mental health services and consultation to the Oakland Police Department.

ANNUAL REPORT

This report covers activity and service provided by Michael Palmertree, MFT pursuant to the Professional and Specialized Services Agreement during the period beginning July 1, 2015 through June 30, 2016.

Mr. Palmertree provided a total of 794 hours of service. He saw a total of 115 individuals on a one on one basis for clinical assessment and counseling which is an 18% increase over the previous year. He saw 61 employees and officers during the 6 critical incident stress debriefings he conducted. He provided training to 336 officers in the CPT, and academy classes he conducted.

Clinical Assessment and Counseling

Mr. Palmertree provided 469 hours of clinical assessment and counseling to 115 employees and officers. Of those, 105 individuals were sworn police officers and 10 were non-sworn employees. Employees and officers saw Mr. Palmertree for a variety of problems which included: job related issues, anxiety disorder, depression, substance abuse, post-traumatic stress disorder, marital and relationship issues. Often employees and officers presented with a combination of two or more of these issues. The utilization rate among sworn personnel was 13.5% which is excellent. The use rate among non-sworn is low and that is probably because of a lack of awareness that they can see Mr. Palmertree for assistance.

Consultation

Mr. Palmertree provided 27 individual consultations to supervisors, managers and officers. This service consists of providing advice, direction and recommendations. In consultations involving managers or supervisors these result in recommendations concerning an officer or employee whose behavioral or emotional issues are adversely affecting job performance.

Referrals

Mr. Palmertree provided 33 referrals to officers and employees. In 6 of these cases, officers were referred into a substance abuse treatment programs which are available through the substance abuse treatment benefit underwritten by Managed Health Network (MHN). We had good success in using this resource and most of the officers referred completed and benefited from the treatment provided by facilities such as Mountain Vista Farms and John Muir Hospital.

Other referrals involved assisting officers and employees to access the counseling available in the MHN and Claremont networks. Mr. Palmertree helped officers and employees select an appropriate counselor and then contacted the counselor to ensure availability.

Crisis Intervention

Mr. Palmertree intervened in officer/employee crisis cases on 27 occasions. These cases involved officers and employees who were experiencing psychological emergencies. They generally occurred in the evenings or on weekends. Some of these cases were alcohol related. Some of the cases involved panic attacks and/or other emergent crisis situations.

Peer Support

Mr. Palmertree worked closely with the Peer Support and Crisis Response Team (CIRT). He attended the two team meetings and trainings scheduled during the year. He also consulted with the Peer Support and CIRT coordinators concerning issues such as recruitment of new members, the changing structure of the teams and helped develop new call-out protocols.

Training

Mr. Palmertree provided 28 training sessions to officers and employees. He provided 25 presentations to sergeant CPT classes in which he described the scope of mental health services available to sworn and non-sworn personnel.

Mr. Palmertree also presented a similar training to 3 recruit classes.

Critical Incident Stress Debriefing

Mr. Palmertree conducted 6 formal group debriefings. We have endeavored to broaden the scope of critical incidents that we debrief to include a wider range of traumatic experiences. Historically only officer involved shootings were flagged for mandatory debriefings. OPD Command has been very supportive of the debriefing program. They made the meetings mandatory and authorized overtime payment for

participants. During this contract period, a total of 61 officers and employees attended formal group debriefings.

Other Services

Mr. Palmertree also provided other services to department personnel in the course of his duties as the identified mental health consultant. These include: writing letter reports for officers and employees; providing follow-up to officers who have been referred to outside resources; submitting quarterly articles to the OPOA newsletter concerning mental health resources.

Summary

Mr. Palmertree's services have been well utilized during this contract period. We have seen less stigma associated with the use of mental health and substance abuse services. More officers and employees are encouraging their peers to contact Mr. Palmertree or use other counseling resources.

During the next contract period, we should continue creating visibility of resources through in-service presentations, peer support outreach and quarterly newsletter articles. About 13.5% of the sworn personnel had face to face meetings with him between July 1, 2015 and June 30, 2016. Only 10 non-sworn employees had face to face meetings with Mr. Palmertree, We might consider ways of increasing their awareness of his availability to them.

Thank you for your support during this past contract period. If you wish to discuss the information contained in this annual report, please feel free to contact me.

Michael Palmertree, MFT
CA License #mft7209

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Regarding: Annual Report f.y. 2017-2018

From: Michael Palmertree, MFT

OPD Mental Health Consultant

**Kiona Suttle
Manager
Bureau of Services
Oakland Police Department
455 Seventh Street, 7th floor
Oakland, CA 94607**

July 16, 2018 Personnel

Dear Ms. Suttle:

The following report summarizes my activities as required by the scope of services in my contract to provide mental health services and consultation to the Oakland Police Department.

ANNUAL REPORT

This report covers activity and service provided pursuant to the Professional and Specialized Services Agreement during the period beginning July 1, 2017 through June 30, 2018.

During the that period, I saw a total of 149 individuals for clinical assessment, consultation, referral and/or counseling which is an 14% increase over the previous year. I saw 144 employees and officers during the 8 critical incident stress debriefings I conducted. I provided training to 324 officers in the CPT, and academy classes I conducted.

Clinical Assessment and Counseling

I provided 566 hours of clinical assessment and counseling to 149 employees and officers. Of those, 120 individuals were sworn police officers and 29 were non-sworn employees. Employees and officers accessed counseling for a variety of problems which included: anxiety disorder, depression, substance abuse, post-traumatic stress disorder, marital and relationship issues and job related issues. Often employees and officers presented with a combination of two or more of these issues. The utilization rate among sworn personnel was 16% which is

excellent. The use rate among non-sworn employees more than doubled that of the previous year, from 12 individuals to 29. This is encouraging and may be the result of greater awareness of the part of non-sworn personnel that I am available to them.

Consultation

I provided 120 individual consultations to supervisors, managers and officers and non-sworn employees.. This service consists of providing advice, direction and recommendations. In consultations involving managers or supervisors these result in recommendations concerning an officer or employee whose behavioral or emotional issues are adversely affecting job performance.

Referrals

I provided 35 referrals to officers and employees. In 7 of these cases, officers were referred into a substance abuse treatment programs which are available through the substance abuse treatment benefit underwritten by Managed Health Network (MHN). We had good success in using this resource and most of the officers referred completed and benefited from the treatment provided by facilities such as Mountain Vista Farms and John Muir Hospital.

Other referrals involved assisting officers and employees to access the counseling available in the MHN and Claremont networks. I helped officers and employees select an appropriate counselor and then contacted the counselor to ensure availability.

Crisis Intervention

I intervened in officer/employee crisis cases on 19 occasions. These cases involved officers and employees who were experiencing psychological emergencies. They generally occurred in the evenings or on weekends. Some of these cases were alcohol related. Some of the cases involved panic attacks and/or other emergent crisis situations.

Peer Support

I worked closely with the Peer Support and Crisis Response Team (CIRT). All of the critical incident debriefings were coordinated with the help of the peer support and CIRT. I also consulted with the Peer Support and CIRT coordinators concerning issues such as recruitment of new members.

Training

I provided 30 training sessions to officers and employees. He provided 28 presentations to CPT classes in which he described the scope of mental health services available to sworn and non-sworn personnel.

I also presented a similar training to 2 recruit classes.

Critical Incident Stress Debriefing

I conducted 8 formal group debriefings. We have endeavored to broaden the scope of critical incidents that we debrief to include a wider range of traumatic experiences. Historically only officer involved shootings were flagged for

mandatory debriefings. However, this year, the majority of debriefings were done following the death or injury of children or when officers have been injured or placed in mortal jeopardy. OPD Command has been very supportive of the debriefing program. They made the meetings mandatory and authorized overtime payment for participants. During this contract period, a total of 144 officers and employees attended formal group debriefings.

Other Services

I also provided other services to department personnel during the past year. These include: writing letter reports for officers and employees; providing follow-up to officers who have been referred to outside resources; submitting articles to the OPOA newsletter concerning mental health resources.

Summary

My services continued to be well utilized during this contract period. We have seen less stigma associated with the use of mental health and substance abuse services. More officers and employees are encouraging their peers to contact me or use other counseling resources. This trend may be the result in changing attitudes by tenured personnel and by generational difference between younger, newer officers and employees and their older counterparts.

During the next contract period, we should continue creating visibility of resources through in-service presentations, peer support outreach and newsletter articles. About 16% of the sworn personnel had face to face meetings with him between July 1, 2018 and June 30, 2019. More than twice as many non-sworn employees had face to face meetings with me this year as compared to the previous 12 month period.

Thank you for your support during this past contract period. If you wish to discuss the information contained in this annual report, please feel free to contact me.

**Michael Palmertree, MFT
CA License #mft7209**



Law Enforcement and the Communities They Serve: Supporting Collective Healing in the Wake of Harm

Bi-Weekly Demonstration Site Progress Report

Reporting Period: 1st Report ending 29 May 2018

Completed By: Barbara De Salvo

Police Department: Oakland

I. ACCOMPLISHMENTS:

- Seven (7) Oakland Site Team Partners attended the IACP Kick-Off Training in April. This included members from Oakland Police Department, community outreach and services.
- Oakland worked through details of contract with IACP. Final contract awaiting return of OPD Chief Kirkpatrick for approval/signature.
- EJUSA visited Oakland and met with Site Partners to discuss role of organization and details of current collective healing training project. Partners were joined by representatives from (City) Health and Human Services and California Partnership for Safe Communities.
- IACP Site visit planned and draft agenda completed with some modifications expected.
- Proposed budget modification for training was determined.
- Final version of surveys received and Dissemination Strategy in process. Plan for officer/professional staff surveys includes statement of support from Command Staff, COP and union endorsement.
- Staff from OPD met with the Urban Institute to discuss the proposed EJUSA training and their role in assessing training and surveys.

II. **ISSUES/RISKS/ADVERSE CONDITIONS:** Oakland training should include observation of existing training (e.g. Newark), train-the-trainer component and technical support for development of Collective Healing: Trauma Informed Care training. EJUSA can assist but funding is a challenge.

III. TECHNICAL ASSISTANCE NEEDS:

- Training development (see sec. II).
- Would be beneficial to visit another agency that has implemented collective healing/trauma informed policing in their agency - possibly Chattanooga?
- Data analysis regarding surveys – Urban Institute is current option

IV. **CHANGES:** Budget modification proposed to accommodate training proposal with EJUSA. Proposed change would shift \$50k in funds, currently assigned for Barbershop Forums, to training-related services from EJUSA.

v. **COMMENTS/CONCERNS:** None at this time.



Law Enforcement and the Communities They Serve: Supporting Collective Healing in the Wake of Harm

Bi-Weekly Demonstration Site Progress Report

Reporting Period: 28 Nov – 18 Dec 2018

Completed By: Barbara De Salvo, CHI Project Manager

Police Department: Oakland

I. ACCOMPLISHMENTS:

Californians for Safety and Justice Roundtable

Barbara De Salvo and IACP's Katherine Manners participated in the CSJ Roundtable in Oakland. CSJ was launched as the result of CA's reclassification of six nonviolent felonies to misdemeanors, significantly reducing the number of people incarcerated. CSJ developed the Blueprint for Shared Safety based on 5 principles to reduce us from Incarceration to investment. CSJ is working with law enforcement leaders, crime survivors, justice reform advocates, local government officials and other stakeholders to provide a new thinking and a new framework for safety. Understanding that L.A., Stockton, Sacramento, Santa Cruz and Oakland present their own set of circumstances, the roundtable offered an opportunity for peer exchange of information regarding safety; who is most vulnerable, health and healing and breaking the cycle of harm. To read more about this important work, please visit www.safeandjust.org

VTT Presented by CHI Oakland Team at OPD Command Retreat

OPD held its Command Retreat on December 3rd and 10th. The Retreat is an opportunity for command and senior administrative staff to evaluate goals and performance, as well as talk about current challenges, new projects and training opportunities. On December 3rd, Barbara De Salvo, Dr. Crain-Pope (BAWAR) and Lt. Fred Shavies (OPD Training Commander) discussed the Collective Healing Initiative, Trauma Informed Policing and presented the Vicarious Trauma Toolkit. We edited the original version of the VTT to address direct and vicarious trauma for staff while focusing on its effect on agencies and organizations. Administrators were supportive of initiative and easily engaged in discussion regarding needs of officers, but moreover *for agency*.

IACP Consultant Katherine Manners Site-Visit

IACP consultant Katherine Manners visited Oakland December 6, 7 and 10th to provide technical assistance on trauma training, victim services and present the Vicarious Trauma Toolkit to OPD administrative staff at the 2nd OPD Command Retreat. Katherine also participated in the Californians for Safety and Justice Roundtable, met with law enforcement SVU staff and CHI partner Youth Alive and connected with BAWAR regarding VOCA funding. During the Retreat, Katherine conducted an exercise to draw attention to the staff's changes in world view because of careers in law enforcement. The candid and sometimes extensive responses reinforced the importance of the Initiative and the need for attention to health, wellness and self-care.



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Inaugural CPSC California Community Convening of Practice

DC Cunningham, Lt. Niven and Barbara DeSalvo attended the Inaugural California Community Convening of Practice in San Francisco. The CPSC California Community of Practice was convened to build connections between leading violence-reduction practitioners, city leadership, policy-makers, researchers, academics and funders. Presentations and facilitated discussions included best practices and lessons learned from cities with successful violence reduction strategies (Oakland, Stockton, L.A.), state policy landscape, strategy and a call to action from the CALVIP Coalition.

RTI Site-Visit

We continue our planning for 3-day site-visit scheduled for the week of January 14, 2019. We have finalized the list of team members and partners and interviews are being scheduled.

Contracts

CYO and BAWAR contracts have been completed. Urban Institute's contract is being finalized. Youth Alive is waiting for approval by our Contract's Office. CYO, BAWAR and Youth Alive are assisting with listening sessions and training development. Urban's work centers around assessments, survey analysis and general project TA.

Surveys

Wellness and Support Survey, Victim Services Survey and Self-Assessment Survey data have been uploaded to Urban Institute's secure account. Checklists will be completed by appropriate individuals. Monthly conference calls will begin with URBAN on January 4th, 2019.

Listening Sessions

- CYO conducted its first listening session. David reported they had a lively discussion. There were 29 participants, 23 clients and 6 staff – all of whom are formerly incarcerated. All the clients are currently on probation or parole. Many also said they would want to participate in a discussion with police officers.
- Listening Session Framework that includes 10 sessions, components, script, ground rules and questions is in place. Urban consulted and in place to evaluate sessions based on data collected during LS and submitted to CHI PM. Participants names in all sessions will remain unidentified.

Update on recommendations from IACP working session:

- A. Using the Vicarious Trauma Toolkit to develop training and support for officers and LE staff. This was developed by a team of experts that included Chris Scallon and Katherine Manners.

The VTT was introduced at the OPD Command Retreat on Dec 3rd and Dec. 10th.



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- B.** Implementing a victim centered approach within OPD to include revision of a victim assistance policy with a revised formalized death notification policy, victim assistance training, and creating a work environment for YouthAlive! embedded within the Criminal Investigations Division.

Currently researching/reviewing policies. Plan to develop with the assistance of CID/SVU and Lt. Van Sloten.

SVU and YA meeting with Katherine Manners on Dec. 7th had 2 significant outcomes:

- 1. E.D. Anne Marks has agreed to develop a plan with Lt. Encinias to introduce their trauma tool, START, to SVU staff. START (Screening Tool for Awareness and Relief from Trauma) helps an individual identify symptoms of trauma and develop a coping plan.*
- 2. We will be developing a plan/schedule for YA to begin presenting at Line-Ups. There are several line-ups a day for several squads, so it will take some time, planning and coordination.*

- C.** Developing a lesson plan and training for trauma informed policing as well as a formalized co-responder model to homicides and shootings.

- Training material from Portland, New York and VTT being reviewed in preparation for agency-wide trauma training.*
- OPD staff wellness unit is being proposed; includes how it fits in to Trauma-Informed Policing Plan. See "Budget" section for more information. Wellness Unit Proposal to be submitted December 30th*

- D.** Conducting deep dive community mapping to highlight and discover victim service providers, advocates, organizers, etc. that could enhance OPD's response to victims.

Comprehensive list being developed. Added extensive recommendation of Bay Area service partners from Beyond Emancipation and will review mapping done by CYO.

Budget

The budget has been revised and submitted to IACP with changes including the request for funds to develop a Health and Wellness Unit at OPD. Budget modifications also included funds for a "soft room" to be used for interviewing victims of sensitive and/or violent crimes.

- Budget narrative due*

Trauma-Informed Policing Plan (Proposal)

We continue to develop our TIP Plan. With the assistance of other team members, Lt. Shavies and Barbara continue to meet weekly to develop recommendations and a plan for training and wellness.



Law Enforcement and the Communities They Serve: Supporting Collective Healing in the Wake of Harm

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EJUSA

Laura Wilt, Aviva Kurash, Fatima Muhammad, Deputy Chief Cunningham and Barbara De Salvo had a conference call on Dec. 14th to discuss the resignation of Fatima Muhammad and the unplanned visit of EJUSA staff with Oakland's contractual partners. Concerns were expressed regarding structure and staffing for *Trauma to Trust* in Oakland. Aviva and Fatima discussed options for a smooth transition including having Fatima directly involved for one of the cohorts. Discussion also included protocol for EJUSA contacting and meeting with Oakland partners regarding the Collective Healing work. EJUSA and IACP agreed that management and coordination of the Collective Healing Initiative in Oakland must be done through the Project Manager, Barbara De Salvo.

ISSUES/RISKS/ADVERSE CONDITIONS:

II. TECHNICAL ASSISTANCE NEEDS:

III. CHANGES: Budget has been modified to include the development of a Wellness Unit that will provide services to support the emotional, mental and physical health of our law enforcement personnel.

IV. COMMENTS/CONCERNS: None currently due to frequent contact and ongoing discussions with OPD team, Gillian Caplan and subcontractors.

V. CALENDAR: (Note from Barbara) I have added a Calendar of Events to the report. It will keep us all better informed and on track. (Does not include wellness, trauma training or victims' assistance project calendar dates)

December

3rd Submit 1st Draft Wellness Proposal
6th CA's for Safety & Justice Safety Summit
7th K. Manners TA in Oakland
10th Command Retreat w/ K. Manners
10th Listening Session – TB rescheduled

January

14-17 RTI Site Visit
15th Urban Survey Analysis
TBD Listening Session
TBD Listening Session
28-Feb 1 Baton Rouge Visit to Oakland & Stockton

February

Week 2 IACP Site Visit ?
Feb 17-19 IACP Officer Safety & Wellness Symposium (San Antonio)
TBD Listening Session
TBD Listening Session

TBD LE Listening Session

March

TBD Listening Session
TBD Listening Session
TBD LE Listening Session

April

1st Cohort EJUSA



Law Enforcement and the Communities They Serve: Supporting Collective Healing in the Wake of Harm

Bi-Weekly Demonstration Site Progress Report

Reporting Period: Feb 27 – Mar 19, 2019

Completed By: Barbara De Salvo

Police Department: Oakland

I. ACCOMPLISHMENTS:

Contracts

All completed except Urban Institute which is in final stage.

Listening Sessions

Listening Sessions are being conducted. YA completed sessions on 2/21 and 3/14. OPD completed its first of 3 on 3/5. Next session is CYO in April.

Budget

IACP met with Barbara and Molly (Fiscal Office) during Site Visit and recommended changes to budget. Barbara and Molly met post site visit to discuss proposed spending and changes. Revision in process.

Site Visit

See attached final agenda. Our agenda was adapted to accommodate as many events as possible during the March 4th-7th site visit.

Highlights:

- Prepped for meeting with Chief and Executive Staff regarding 1) results from Officer and Agency Wellness Survey and 2) proposal for Professional Development and Wellness Unit. Discussion with Gillian/Aviva and excellent questions from IACP staff and TA's was valuable prep for Executive Staff presentation.
- Barbara presented Professional Development and Wellness Unit Proposal to Chief Kirkpatrick and Command Staff. Copy of PDW Unit proposal; trauma-informed care material; presentation slides and outline of Trauma Informed Policing Plan Draft provided prior to presentation. Proposal was approved (in total) prior to close of site visit and restructuring is underway with Unit reassigned to Training Department. Final version of PDW Unit proposal and Power Point presentation available on One Drive.
- Budget mod meeting with Barbara, IACP and Molly produced useful recommendations and answers to many questions. Barbara and Molly are revising.



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- Listening session with officers and Police Evidence Techs with less than 5 years allowed opportunity to discuss community relationships, issues, and opportunities; health and wellness; and employee involvement (voice). Participants were clear about importance of, and need for, continuing the dialog. Barbara and Lt. Shavies are planning 2 more sessions; one with experienced officers (more than 5 years) and one with Professional Staff.
- Partners' meetings included BAWAR, CYO, Youth Alive, OPD Training, SVU and Peer Support. Engaged in several sessions with IACP Team, TA's, and EJUSA. Partners' input regarding TA assistance, multi-level trauma-informed training for staff, Trauma-to-Trust work and next steps addressed (and resolved some) concerns and identified others that will require further discussion and development.
- Katherine Manner's presentation for police dispatchers was valuable for them and eye-opening for us. The session was well-received and highly rated by staff. An engaging conversation followed Katherine's presentation allowing us to understand some of the dispatchers' challenges and begin discussing ways in which we can assist them (e.g. more training, improvements to work environment).
- EJUSA mapping session and brainstorming for T2T work allowed group discussion with participation and input from OPD Captain Hookfin (Barbershop Forums) and OPD Training Dept. Commander Shavies and Captain Bassett. Much work to be done here but progress made on plan for preliminary work and vision of possibilities for future.

Follow Up and Questions from Site Visit

- Funding Follow-up – PSN? OVC LEV?
- IACP assistance with development of tiered trauma-informed training for OPD staff - 3 modules including core, field, and individual
- Scheduling victim's assist presentation for line-up beginning with Youth Alive
- ID additional ways IACP and TA's can assist OPD in furthering projects
- Resolve budget issues and funding
- Finalize TIP Plan for Executive Staff Review
- Review (or develop) one formal policy for review and adoption
- Explore potential internal overlap for community engagement/relationship-building (OPD Neighborhood Services, Schools Officers, Barbershop Forums, Procedural Justice, etc.)
- Begin implementing Professional Development and Wellness Unit Plan
- Determine appropriate update/development of MOU's
- Determine Urban's role and necessary adjustments - how can they assist based on recent changes?

Update on IACP recommendations from working sessions:

- A. Using the Vicarious Trauma Toolkit to develop training and support for officers and LE staff. This was developed by a team of experts that included Chris Scallon and Katherine Manners.



Law Enforcement and the Communities They Serve: Supporting Collective Healing in the Wake of Harm

Bi-Weekly Demonstration Site Progress Report

VT presentation for OPD Dispatchers held and will continue April-June. Presentation modified to include additional self-assessment, self-care, support and stress-reducing discussions and take-aways. Intro continues with CPT session being conducted by Lt. Niven and Ofc. Tikkanen.

- B.** Implementing a victim centered approach within OPD to include revision of a victim assistance policy with a revised formalized death notification policy, victim assistance training, and creating a work environment for YouthAlive! embedded within the Criminal Investigations Division.

Currently reviewing existing policies with the assistance of CID/SVU Lt. Encinias and Patrol Lt. Van Sloten. E.D. Anne Marks and Lt. Encinias will examine START tool for possible use by SVU staff. START (Screening Tool for Awareness and Relief from Trauma) helps an individual identify symptoms of trauma and develop a coping plan.

Continue to develop CID's current interaction with YA and ways in which the two could close gaps and improve processes/outcomes. Explore MOU update.

- C.** Developing a lesson plan and training for trauma informed policing as well as a formalized co-responder model to homicides and shootings.

Discussion during site visit led to request for IACP to assist with development of tiered trauma-informed training for OPD (3 modules including core, field, individual) and assistance (K. Manners) with initial implementation.

- D.** Conducting deep dive community mapping to highlight and discover victim service providers, advocates, organizers, etc. that could enhance OPD's response to victims.

Session during site visit devoted to topic. Comprehensive list being developed.

ISSUES/RISKS/ADVERSE CONDITIONS:

II. TECHNICAL ASSISTANCE NEEDS:

III. CHANGES: Discussed throughout report

IV. COMMENTS/CONCERNS: None currently due to frequent contact and ongoing discussions with OPD team, partners, Gillian Caplan and subcontractors.



Law Enforcement and the Communities They Serve: Supporting Collective Healing in the Wake of Harm

Bi-Weekly Demonstration Site Progress Report

V. CALENDAR of Events: (Does not include victims' assistance project calendar dates)

January

4th Youth Alive & Admin Mtg
 8th IACP Desk Audit
 11th CH Team Meeting
 14-17 RTI Site Visit
 15th Urban Victim's Assist Survey Analysis
 25th Urban Staff Wellness Survey Analysis
 CYO Listening Session
 28-30th Baton Rouge Visit to Oakland & Stockton
 31st IACP Mini SV

February

Week 2 IACP Site Visit
 Feb 17-19 IACP Officer Safety & Wellness Symposium (San Antonio)
 18th Rec letter to OVC
 21st YA Listening Session
 CPT Sergeants on VTT
 26th Wellness Unit Planning Session

March

4th-7th IACP Site Visit
 4th PD and Wellness Unit Proposal Presentation
 5th VT Training OPD Dispatch
 6th LE Listening Session
 14th YA Listening Session
 1st Newsletter Release
 Begin Line-Up Training

April

IACP Speaker in Oakland
 CYO Listening Session
 VT Training OPD Dispatch (2)
 Clergy Listening Session
 Policy Review Begins
 Urban Visits Oakland
 LE Listening Session #2
 Continue CPT Sessions

LGBTQ Listening Session

May

Scallon Presents in Oakland
 Continue Line-Up Training
 VT Training OPD Dispatch
 BAWAR Listening Session
 Continue Policy Review
 Continue CPT Sessions

June

LE Listening Session #3
 CYO Session ready for Line-Up

Oakland Police Department

IACP Site-Visit Observations

20 July 2018

To: Gillian Caplan, IACP Programs Director

From: Barbara De Salvo, Collective Healing Initiative Project Manager

On June 26-28, 2018, Oakland hosted an IACP Site-Visit. Visiting team members included Gillian Caplan and Aviva Kurash (IACP), Heather Warnken (OVC) Aqeela Sherills (Alliance for Safety and Justice), Fatima Muhammad and Shari Silberstein (EJUSA). Several members of the OPD participated in one or more of the 3-day sessions including Ceasefire Director Reygan Cunningham, Asst. Chief LeRonne Armstrong, Deputy Chief Oliver Cunningham, Grants Administrator Molly Giesen-Fields, Captain Roland Holmgren, Lts. Encinias, Shavies and Rosin, Sgts. Beere, Bradley and Campos, and Collective Healing Project Manager Barbara De Salvo.

The Site-Visit Team (SVT) also met with other OPD Units, City agencies, local service organizations and community members throughout the visit. The general purpose of the visit was to 1) acquaint the SVT with OPD's various partners and current resources, 2) identify gaps in victim support and services and determine ways in which OPD and its partners can better serve victims and 3) determine how to develop and promote training in trauma-informed care which included discussion of resources and current funding challenges.

It should be noted that OPD representation included Criminal Investigations, Training, Executive Team, Ceasefire and Fiscal. This level of participation in the Site Visit indicates the interest and support OPD administration and staff have for this project.

Overall Observations and Direct Benefits of Site-Visit:

As the list of participants and organizations involved in the site visit indicates, there was, at any given session, a diverse group of individuals representing many public and private organizations and agencies. Backgrounds, training, professional concentration, experience and motivation created an environment where the participants could explore resources and network with representatives from other agencies. Having the SVT lead and/or moderate sessions also guided participants to common ground and allowed us to address trauma-informed care in a practical, collectively-focused way.

An overview of the EJUSA training was presented. Funding continues to be a stumbling block. The SVT led discussions around funding during a meeting with the Ceasefire Director, CH Project Manager and grants administrator. Possible sources of funding included VOCA, RECAST and PSN. Having EJUSA present an overview of the training to the Ceasefire Partnership (made up of community leaders, service providers, law enforcement) allowed an opportunity for discussion and input from the Partnership. The support of the Partnership would be beneficial to the Initiative.

The evaluation of trauma-related training and/or policies that are not in place with OPD was extremely useful. Discussions revealed a few areas where OPD could develop policy and training for complex and sensitive situations such as notifying family members in the event of a shooting or homicide and

interviewing practices with victim's in hospital. In addition, existing relationships with other agencies such as Youth Alive, if developed, could be a valuable resource in this area.

Discussion regarding victim services revealed a gap here. OPD has no "Victim Assistance" unit, as such. A relationship exists between Ceasefire and Oakland Unite but only for services referral in the case of those at high risk of shooting or being shot. SVU has a relationship with Alameda County and area service agencies and provides referral information.

Peripheral benefits of Site-Visit included:

- Identification and recommendations of other programs/agencies (locally and nationwide) as resources (e.g. Youth Alive in Oakland and Chattanooga Police Dept. in TN)
- Identification of existing training options including Somatics, Blue Courage and Chris Baraugh w/ Riverside Co. Sheriff
- Identification of possible VOCA funding for Youth Alive

Significant events since Site-Visit:

- Received approval from OPD administration to use \$100,000 of PSN grant toward EJUSA training
- Line-Up training underway to introduce Initiative and announce survey participation request
- Peer Site Visit to Chattanooga to observe CPD program is confirmed
- Professional Service Agreement being developed with Youth Alive

Submitted by-

Barbara De Salvo
Project Manager, Collective Healing Initiative
Ceasefire Oakland Strategy
Oakland Police Department



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	R-02 Searches of Individuals on Probation or Parole
Date:	April 5, 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.

Attachments (7a,b):

- 7a** -- R-02 Searches of Individuals on Probation or Parole with edits noted
- 7b** -- R-02 Searches of Individuals on Probation or Parole with edits incorporated



DEPARTMENTAL GENERAL ORDER

R-02: SEARCHES OF INDIVIDUALS ON PROBATION, PAROLE, MANDATORY SUPERVISION AND PRCS (POST-RELEASE COMMUNITY SUPERVISION)

Effective Date: XX XX 19
Coordinator: Training Division

Individuals on probation with certain court-imposed search clauses and individuals on probation, parole, mandatory supervision and post-release community supervision (PRCS), may be subject to warrantless searches by law enforcement. However, the Department emphasizes that the mere fact that an individual is on probation, parole, mandatory supervision or PRCS is not in itself a connection to criminal activity.

COMMAND INTENT

The intent of this policy is to enhance the effectiveness of officers when coming into contact with those individuals on probation, parole, mandatory supervision and PRCS and to provide clear guidelines for the use of probation, parole, mandatory supervision and PRCS searches. The Department values the abilities of officers to make sound decisions when using law enforcement tools available to them, such as probation, parole, mandatory supervision and PRCS searches, to ensure officer, community and subject safety. At the same time, the Department recognizes that those on probation, parole, mandatory supervision and PRCS, as well as the general public, can view these warrantless searches as overly 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 reasonable suspicion that the person being searched is armed and/or dangerous, and are governed by applicable case law and Oakland Police Department policy.

A - 3. Full Search

A full search of a person is a "relatively extensive exploration" of the person being searched, including their clothing, their pockets, and containers in their

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

2 US v. Robinson, 414 US 218, 236 (1973)

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

B. PROBATION, PAROLE, MANDATORY SUPERVISION AND PRCS SEARCHES AND THE COMMUNITY

B - 1. Purpose of Probation, Parole, Mandatory Supervision and PRCS Searches

Probation, parole, mandatory supervision and PRCS searches, as conducted by Oakland Police Department officers, shall further a legitimate law enforcement interest. Such searches shall not be:

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

B - 2. Procedural Justice Considerations

Officer contact with individuals on probation, parole, mandatory supervision and PRCS provides an opportunity for officers to demonstrate the tenets of procedural justice: voice, neutrality, respect, and trustworthiness.

B - 3. Inquiring About Probation, Parole, Mandatory Supervision and PRCS Status

Inquiring about an individual's probation, parole, mandatory supervision and PRCS status, especially at the beginning of an interaction, or without an apparent basis for the inquiry, can be viewed as unjust and an improper assumption that the individual has a criminal history. Officers shall refrain from immediately asking whether a person is on probation, parole, mandatory supervision and/or PRCS unless there is an immediate physical threat to the safety of officers or others. Any subsequent inquiries about probation, parole, mandatory supervision and PRCS status shall be framed in a respectful manner.

C. REQUIREMENTS FOR PROBATION, PAROLE, MANDATORY SUPERVISION AND PRCS SEARCHES

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

C - 1. Knowledge of Searchable Probation, Parole, Mandatory Supervision or PRCS Status

Prior to the use of the warrantless search condition of an individuals' probation, parole, mandatory supervision or PRCS, an officer shall confirm that the warrantless search condition of that individuals' probation, parole, mandatory supervision or PRCS is current, valid and otherwise in effect. The officer shall obtain or confirm this information via:

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³ Manual of Rules 175.77: SHALL – Indicates that the action is mandatory.

1. A check of law enforcement databases such as AWS, CRIMS, CLETS, and CORPUS;⁴
2. Prior knowledge of the individual's searchable probation, parole, mandatory supervision or PRCS status shall be concurrently confirmed by a check of a law enforcement database such as AWS, CRIMS, CLETS, and CORPUS;
3. The individual's statement that he or she is subject to a warrantless search condition of probation, parole, mandatory supervision or PRCS, shall also be concurrently confirmed by a check of a law enforcement database such as AWS, CRIMS, CLETS, and CORPUS. In cases where the individual is mistaken concerning his or her status,⁶ the officer shall provide the correct information to the individual and document the results in the appropriate report.

C – 2. Individuals on Probation, Parole, Mandatory Supervision or PRCS for Non-Violent Offenses

In coming into contact with an individual on probation, parole, mandatory supervision or PRCS for non-violent crimes, an officer shall consider articulable facts which demonstrate that the individual is connected in some way to criminal activity or that the individual is a physical threat to officer or citizen safety. The mere fact that an individual is on probation, parole, mandatory supervision or PRCS is not in itself a connection to criminal activity.

C – 3. Traffic Stops of Individuals on Probation, Parole, Mandatory Supervision and PRCS

When officers contact an individual on probation, parole, mandatory supervision or 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 demonstrate that the individual is connected in some way to criminal activity, or that the individual is a physical threat to officer or citizen safety, officers shall not search that individual or his/her vehicle pursuant to any on probation, parole, mandatory supervision or PRCS search clauses or conditions.

C – 4. Individuals on Probation, Parole, Mandatory Supervision or PRCS for Violent or Weapons-Related Offenses

An individual contacted or detained who is determined to be on probation, parole, mandatory supervision or PRCS for a violent or weapons-related offense, and whose terms and conditions of probation, parole, mandatory

⁴ CRIMS is the recommended database for confirming probation status. CLETS is the recommended database for confirming parole status.

⁶ 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").

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DEPARTMENTAL GENERAL ORDER R-02
OAKLAND POLICE DEPARTMENT

Effective Date
XX XX 19

~~supervision or PRCS include a warrantless search clause may be searched pursuant to that warrantless search clause.~~

C - 5. Cursory and Full Searches

In those instances where a cursory search is justified and the individual is on ~~probation, parole, mandatory supervision or PRCS~~, a full search of the area ~~which would be subject to the cursory search~~ may be conducted ~~if the terms and conditions of probation, parole, mandatory supervision or PRCS include a warrantless search clause and the individual's search terms allow for a full search under the circumstances.~~

D. MEMORIALIZING FACTS OF THE SEARCH

D - 1. Required Documentation

Officers conducting a ~~warrantless search pursuant to a term and condition of an individual's probation, parole, mandatory supervision or PRCS~~ shall, at a minimum, document the following in the appropriate report:

1. The circumstances of the encounter/detention;
2. How ~~and when~~ it was determined that the individual was on ~~probation, parole, mandatory supervision or PRCS~~ and how it was determined that ~~the probation, parole, mandatory supervision or PRCS included a warrantless search condition;~~
3. How ~~the warrantless search condition of probation, parole, mandatory supervision or PRCS~~ 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 facts ~~which informed the decision to utilize the warrantless search condition;~~ and
5. The type(s) of search completed and disposition.

D - 2. Use of Portable Digital Recording Devices During the Encounter

~~During the interaction in which it is determined that the individual was on probation, parole, mandatory supervision or PRCS, an officer shall record such interaction using the officer's portable digital recording device (PDRD) in addition to following the Department's General Order on PDRD use.~~

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By order of

Anne E. Kirkpatrick
Chief of Police

Date Signed: _____

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DEPARTMENTAL GENERAL ORDER

**R-02: SEARCHES OF INDIVIDUALS ON PROBATION,
PAROLE, MANDATORY SUPERVISION AND PRCS (POST-
RELEASE COMMUNITY SUPERVISION)**

Effective Date: XX XX 19

Coordinator: Training Division

Individuals on probation with certain court-imposed search clauses and individuals on probation, parole, mandatory supervision and post-release community supervision (PRCS) may be subject to warrantless searches by law enforcement. However, the Department emphasizes that the mere fact that an individual is on probation, parole, mandatory supervision or PRCS is not in itself a connection to criminal activity.

COMMAND INTENT

The intent of this policy is to enhance the effectiveness of officers when coming into contact with those individuals on probation, parole, mandatory supervision and PRCS and to provide clear guidelines for the use of probation, parole, mandatory supervision and PRCS searches. The Department values the abilities of officers to make sound decisions when using law enforcement tools available to them, such as probation, parole, mandatory supervision and PRCS searches, to ensure officer, community and subject safety. At the same time, the Department recognizes that those on probation, parole, mandatory supervision and PRCS, as well as the general public, can view these warrantless searches as overly 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 reasonable suspicion that the person being searched is armed and/or dangerous, and are governed by applicable case law and Oakland Police Department policy.¹

A – 3. Full Search

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

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

² *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, PAROLE, MANDATORY SUPERVISION AND PRCS SEARCHES AND THE COMMUNITY

B - 1. Purpose of Probation, Parole, Mandatory Supervision and PRCS Searches

Probation, parole, mandatory supervision and PRCS searches, as conducted by Oakland Police Department officers, shall further a legitimate law enforcement interest. Such searches shall³ not be:

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

B - 2. Procedural Justice Considerations

Officer contact with individuals on probation, parole, mandatory supervision and PRCS provides an opportunity for officers to demonstrate the tenets of procedural justice: voice, neutrality, respect, and trustworthiness.

B - 3. Inquiring About Probation, Parole, Mandatory Supervision and PRCS Status

Inquiring about an individual's probation, parole, mandatory supervision and PRCS status, especially at the beginning of an interaction, or without an apparent basis for the inquiry, can be viewed as unjust and an improper assumption that the individual has a criminal history. Officers shall refrain from immediately asking whether a person is on probation, parole, mandatory supervision and/or PRCS unless there is an immediate physical threat to the safety of officers or others. Any subsequent inquiries about probation, parole, mandatory supervision and PRCS status shall be framed in a respectful manner.

C. REQUIREMENTS FOR PROBATION, PAROLE, MANDATORY SUPERVISION AND PRCS SEARCHES

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

C - 1. Knowledge of Searchable Probation, Parole, Mandatory Supervision or PRCS Status

Prior to the use of the warrantless search condition of an individuals' probation, parole, mandatory supervision or PRCS, an officer shall confirm that the warrantless search condition of that individuals' probation, parole, mandatory supervision or PRCS is current, valid and otherwise in effect. The officer shall obtain or confirm this information via:

³ Manual of Rules 175.77: SHALL – Indicates that the action is mandatory.

1. A check of law enforcement databases such as AWS, CRIMS, CLETS, and CORPUS;⁴
2. Prior knowledge of the individual's searchable probation, parole, mandatory supervision or PRCS status shall be concurrently confirmed by a check of a law enforcement database such as AWS, CRIMS, CLETS, and CORPUS;
3. The individual's statement that he or she is subject to a warrantless search condition of probation, parole, mandatory supervision or PRCS, shall also be concurrently confirmed by a check of a law enforcement database such as AWS, CRIMS, CLETS, and CORPUS. In cases where the individual is mistaken concerning his or her status,⁵ the officer shall provide the correct information to the individual and document the results in the appropriate report.

C – 2. Individuals on Probation, Parole, Mandatory Supervision or PRCS for Non-Violent Offenses

In coming into contact with an individual on probation, parole, mandatory supervision or PRCS for **non-violent** crimes, an officer shall consider articulable facts which demonstrate that the individual is connected in some way to criminal activity or that the individual is a physical threat to officer or citizen safety. The mere fact that an individual is on probation, parole, mandatory supervision or PRCS is not in itself a connection to criminal activity.

C – 3. Traffic Stops of Individuals on Probation, Parole, Mandatory Supervision and PRCS

When officers contact an individual on probation, parole, mandatory supervision or 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 demonstrate that the individual is connected in some way to criminal activity, or that the individual is a physical threat to officer or citizen safety, officers **shall not** search that individual or his/her vehicle pursuant to any on probation, parole, mandatory supervision or PRCS search clauses or conditions.

C – 4. Individuals on Probation, Parole, Mandatory Supervision or PRCS for Violent or Weapons-Related Offenses

An individual contacted or detained who is determined to be on probation, parole, mandatory supervision or PRCS for a **violent or weapons-related offense**, and whose terms and conditions of probation, parole, mandatory

⁴ CRIMS is the recommended database for confirming probation status. CLETS is the recommended database for confirming parole status.

⁵ 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").

supervision or PRCS include a warrantless search clause may be searched pursuant to that warrantless search clause.

C – 5. Cursory and Full Searches

In those instances where a cursory search is justified and the individual is on probation, parole, mandatory supervision or PRCS, a full search of the area which would be subject to the cursory search may be conducted if the terms and conditions of probation, parole, mandatory supervision or PRCS include a warrantless search clause and the individual's search terms allow for a full search under the circumstances.

D. MEMORIALIZING FACTS OF THE SEARCH

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Officers conducting a warrantless search pursuant to a term and condition of an individual's probation, parole, mandatory supervision or PRCS shall, at a minimum, document the following in the appropriate report:

1. The circumstances of the encounter/detention;
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4. Any articulable facts which informed the decision to utilize the warrantless search condition; and
5. The type(s) of search completed and disposition.

D - 2. Use of Portable Digital Recording Devices During the Encounter

During the interaction in which it is determined that the individual was on probation, parole, mandatory supervision or PRCS, an officer shall record such interaction using the officer's portable digital recording device (PDRD) in addition to following the Department's General Order on PDRD use.

By order of

Anne E. Kirkpatrick
Chief of Police

Date Signed: _____



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	CPRA Agency Report on Pending and Completed Cases
Date:	April 5, 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: A) Pending Cases; and B) Completed Cases.

A. Information Item – Pending Cases

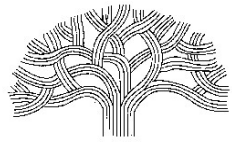
Background

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.

B. Information Item – Completed Investigations

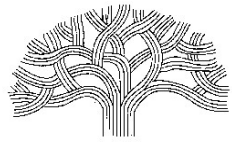
Background

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.



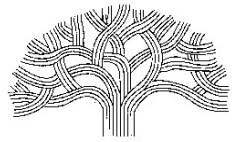
CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Inv.	180-day Goal	3304 Deadline	Type (604(f)(1) or Other)	Description
18-0202	02/01/18	02/23/18	02/20/18	AL	03/14/19	09/10/19	Use of Force	Excessive force.
18-0302	02/27/18	04/11/18	03/26/18	ED	10/09/18	11/20/19	Other	Inappropriate sexual contact.
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.
18-0612	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.



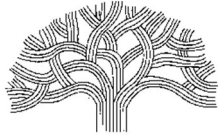
CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases

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.



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Inv.	180-day Goal	3304 Deadline	Type (604(f)(1) or Other)	Description
18-1095	10/03/18	10/15/18	10/03/18	JS	04/13/19	10/02/19	Use of Force	Excessive force.
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	12/10/18	06/13/19	Other	PDRD
18-1241	10/31/18	11/14/18	11/11/18	ED	05/13/19	11/10/19	Other	Improper dissemination of computer information; unauthorized use of electronic systems.
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.
18-1331	12/10/18	12/17/18	12/10/18	ED	06/15/19	12/09/19	Other	Demeanor
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.
18-0214	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

4/5/19
 Page 1 of 1
ATTACHMENT B

Case #	Incident Date	Assigned Inv.	Completion Date	Officer	Disposition	
18-0303	9/06/17	NG	3/26/19	Subject Officer 1	1. Performance of Duty (search)	<i>Unfounded</i>
					2. Use of Force	<i>Unfounded</i>
				Subject Officer 2	1. Performance of Duty (search)	<i>Unfounded</i>
					2. Use of Force	<i>Unfounded</i>

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Police Commission

April 1, 2019

Chief (Ret.) Robert S. Warshaw
Independent Monitor and Compliance Director
Monitoring Team, Oakland Police Department
300 Frank Ogawa Plaza, Suite 222
Oakland, CA 94612

The Oakland Police Commission is a City of Oakland commission established in November 2016 by the enactment of Measure LL to oversee the City of Oakland Police Department.

As part of its regular meetings, the Oakland Police Commission receives testimony from members of the public regarding the Oakland Police Department. At its public meeting on February 28, 2019, Mr. Saleem Ali Bey provided documents to members of the Oakland Police Commission, including a complaint dated July 13, 2007, filed by Mr. Bey with the Citizens' Police Review Board, which eventually became Internal Affairs Division Case No. 07-0538, and provided testimony regarding mishandling of the subsequent investigation of this complaint.

On March 14, 2019, at the request of Mr. Bey, the Oakland Police Commission voted to provide notice to the Independent Monitor appointed in *Delphine Allen, et al., vs. City of Oakland, et al.*, of Mr. Bey's complaint and to request that the Independent Monitor investigate the substance of Mr. Bey's complaint and testimony. Oakland Police Commission meetings are video recorded and Mr. Bey's testimony is available at the following address: <https://www.oaklandca.gov/boards-commissions/police-commission/meetings>.

Sincerely,

Regina Jackson

Regina Jackson
Chair, Oakland Police Commission



AGENDA REPORT

TO: Mayor Libby Schaaf, City Council
President Rebecca Kaplan and the
Honorable City Council

FROM: Regina Jackson, Chair
Oakland Police Commission

SUBJECT: Police Commission Annual Report 2019

DATE: April 11, 2019

RECOMMENDATION

It is recommended that the City Council accept the following April 11, 2019 Police Commission Annual Report.

EXECUTIVE SUMMARY

The Oakland Police Commission (the “Police Commission” or the “Commission”), authorized by Measure LL in the November 2016 election is a civilian oversight board that oversees the policies, practices and customs of the Oakland Police Department (“OPD”) to meet national standards of constitutional policing. The Police Commission oversees the Community Police Review Agency (“CPRA”) that investigates complaints of police misconduct and recommends cases for discipline. The Police Commission is also charged with, *inter alia*, conducting performance reviews of the CPRA Executive Director and Chief of the OPD. The Police Commission is comprised of seven commissioners and two alternate commissioners.

Oakland City Council Ordinance 13498 C.M.S. (the “Enabling Ordinance”), Section 2.45.220 provides in pertinent part that the Commission “shall submit its first annual, written report to the Mayor, City Council and the public within eighteen (18) months of the City Council’s confirmation of the first group of Commissioners and alternates.” The Police Commission submits this document as its first annual written report.

BACKGROUND / LEGISLATIVE HISTORY

On November 8, 2016, the citizens of the City of Oakland voted to approve Measure LL thereby creating a civilian Police Commission to oversee OPD’s policies and practices and CPRA’s investigations of police misconduct complaints. Measure LL granted the Mayor authority to appoint three regular members and one alternate member to the Police Commission. Additionally, a Selection Panel comprised of members of the public, appoint four regular members and one alternate member.

Item: _____
Public Safety Committee
March 19, 2019

At its meeting of October 17, 2017, the City Council approved the Mayor’s and Selection Panel’s first group of appointments to serve on the Police Commission.

ANALYSIS AND ANNUAL REPORT

As of the date of this Annual Report, the Police Commission has been in existence for approximately sixteen months.

1. POLICE COMMISSION STRUCTURE

a. Police Commissioner Roster

Commissioner	Term Ending and Appointed By
Regina Jackson, Chair	Oct. 2021, Mayoral Appointee
Ginale Harris, Vice Chair	Oct. 2020, Selection Committee Appointee
Mubarak Ahmad, Commissioner	Oct. 2019, Selection Committee Appointee
Tara Anderson, Commissioner	Oct. 2021, Selection Committee Appointee
Jose Dorado, Commissioner	Oct. 2021, Selection Committee Appointee
Edwin Prather, Commissioner	Oct. 2019, Mayoral Appointee
Thomas Lloyd Smith, Commissioner	Oct. 2020, Mayoral Appointee
Chris Brown, Alternate Commissioner	Oct. 2021, Mayoral Appointee

Commissioners Having Resigned and Month of Resignation	Appointed By
Mike Nisperos, Former Commissioner Oct. 2018	Selection Committee Appointee
Andrea Dooley, Former Alternate Commissioner Dec. 2018	Mayoral Appointee
Maureen Benson, Former Commissioner Feb. 2019	Selection Committee Appointee

Item: _____

b. Police Commission Leadership

Since its inception in 2017, the Police Commission conducted separate elections for the positions of Chairperson and Vice Chairperson. First in December 2017, the Commission elected Thomas Lloyd Smith to the position of Interim Chairperson and Ginale Harris to the position of Interim Vice Chairperson. In February 2018, the Commission elected Commissioner Smith to the position of Chairperson and Commissioner Harris to the position of Vice Chairperson. In February 2019, Regina Jackson was elected to the position of Chairperson. In March 2019, Commissioner Chair was re-elected to the position of Vice Chairperson.

As such, the Police Commission is currently led by Chairperson, Regina Jackson, and Vice Chairperson, Ginale Harris.

The Commission's elections of the positions of Chairperson and Vice Chairperson comport with Section 2.45.170 of the Enabling Ordinance.

c. Police Commission Procedures

In January 2018, the Commission adopted rules and procedures for conducting business in conformance with Section 2.45.040 of the Enabling Ordinance. In October 2018, the Commission adopted a social media policy involving the use of Twitter, Facebook and other social media platforms.

d. Training and Education of Commissioners and Alternate Commissioners

Starting in December 2017, the Commission identified and planned for training required by Section 2.45.190 of the Enabling Ordinance. More specifically, Section 2.45.190 requires that, *inter alia*, all Commissioners and Alternate Commissioners receive training in the following areas:

Become familiar with City Charter Section 604 and with Chapters 2.45 and 2.46 of the Oakland Municipal Code; Receive training in basic principles of constitutional due process and administrative hearing procedures; Receive training in the legal requirements for maintaining the confidentiality of personnel records and other confidential documents or information; Receive briefing on the Negotiated Settlement Agreement in the case of *Delphine Allen, et al. v. City of Oakland*, and all related court orders for so long as they remain in effect; Receive information regarding constitutional civil rights guaranteed to all citizens as such rights are affected by law enforcement; Receive training in the legal requirements of California's Political Reform Act (Cal. Government Code § 81000, *et seq.*), Oakland's Conflict of Interest Code (Oakland Municipal Code Chapter 3.16), California's Brown Act (Cal. Government Code § 54950, *et seq.*), Oakland's Sunshine Ordinance (Oakland Municipal Code Chapter 2.20), and California's Public Records Act (Cal. Government Code § 6250, *et seq.*); Receive training in open session in the legal requirements of California's Meyers Miliias Brown Act (Cal. Government Code § 3500,

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et seq.) (“MMBA”), the Public Employment Relations Board’s administration of the MMBA, the City’s Memoranda of Understanding with the Oakland Police Officers’ Association and other represented City employees, the City’s Civil Service Board, and other relevant City personnel policies and procedures; and Receive training in open session in the legal requirements of California’s Public Safety Officers Procedural Bill of Rights Act (Cal. Government Code § 3300, *et seq.*), and other California Code sections pertaining to peace officers’ rights.

Section 2.45.190 also requires that Commissioners and Alternate Commissioners: Receive the training and orientation specified by section 604(c)(9) of the City Charter; Participate in an OPD “ride-along” and attend a police academy curriculum designed for them by the Chief after consultation with the Commission; Complete OPD’s Implicit Bias Training and Crisis Intervention Training; Complete Peace Officer Standards and Training Learning Domains 15 (Laws of Arrest) and 16 (Search and Seizure); and Receive training regarding racial equity.

As such, Commissioners and Alternate Commissioners have received training in the above areas pursuant to Section 2.45.190 and in other various topics relevant to the Police Commission’s operation. Due to the resignation and appointment of Commissioners and Alternate Commissioners during the past sixteen months, the current roster of Commissioners and Alternate Commissioners are all at different stages in their training and fulfillment of the educational requirements set forth by the Enabling Ordinance. However, over the past sixteen months, the various Commissioners and Alternate Commissioners have received training and education in:

California Brown Act and Oakland Sunshine Act

California Public Records Act

Public Ethics

CPRA Orientation

Measure LL Orientation

Implicit Bias

National Standards of Constitutional Policing

Best Practices for Conducting Investigation

OPD Internal Investigations and Police Discipline

OPD Use of Force Policy and Pursuit Policy/Force Science

Body Worn Camera Policy

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Public Safety Officer Bill of Rights

Office of Inspector General – Overview of Responsibilities

Legal requirements for confidentiality of personnel and other records

Negotiated Settlement Agreement

Procedural Justice

Oakland Police Officers Association

Risk Management (including conflict resolution) and stop data collection

Law regarding arrest and search and seizure

MILO (shoot/don't shoot)

Community Policing

Ride Alongs with OPD

Trainings and educational seminars were provided by OPD, the City Attorney's Office as well as outside resources. Specifically, a majority of the training was provided on February 20, 2018, during the Commission's training retreat regarding: OPD's organizational structure and daily operations; an overview of the investigations and discipline conducted by OPD's Internal Affairs Division; procedural justice training; an overview of OPD training on constitutional policing issues, such as use of force, arrest, search and seizure and free speech; and an overview of responsibilities of OPD's Office of Inspector General. Presenters included, among others: OPD Chief Anne Kirkpatrick, Deputy Chief Oliver Cunningham, Captain Kirk Coleman, Deputy Chief LeRonne Armstrong, Sgt. Brian Hubbard and Lt. Chris Bolton.

Six of the nine Commissioners and Alternate Commissioners were able to attend the National Association of Civilian Oversight of Law Enforcement Annual Conference, a five-day training event in the core competencies for civilian oversight practitioners. The Commissioners and Alternate Commissioners attendance at NACOLE training events is contemplated by Section 2.45.190.

Additionally, it should be noted that a sufficient number of Commissioners have completed all of the training as required by Section 2.45.130(A) of the Enabling Ordinance for the establishment of the Commission's Discipline Committee.

e. Police Commission Staff

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In January 2018, the Commission began the hiring process for a Commission Administrative Assistant. The Commission welcomed Chrissie Love, Administrative Analyst II, who began her support of the Commission on November 19, 2018.

Section 2.45.180(D) requires that the Commission be furnished with a legal advisor that reports to the Commission and the Commission only and that the Commission's legal advisor shall not report to or be supervised by the City Attorney or any Deputy City Attorney. The Commission is currently without dedicated outside legal counsel to support it. The City Attorney provides fill-in counsel on a meeting to meeting basis to advise the Commission on Brown Act issues. The City Attorney has yet to provide an adequate RFQ describing the outside counsel position and that the legal advisor reports only to the Commission.

While Enabling Ordinance Sections 2.45.100 and 2.45.110 call for the establishment of a Civilian Office of Inspector General and the hiring of a Civilian Inspector General within a particular timeframe, the Commission has not yet agreed with the City Administrator on a job description and hiring process. As such, the position is yet unfilled. The Commission will advise the Civilian Inspector General, once hired, of the priorities, functions and duties established by the Commission in conformance with Enabling Ordinance Section 2.45.120.

2. POLICE COMMISSION MEETINGS

The Police Commission held its first meeting on December 13, 2017, and currently meets on the second and fourth Thursday of each month at 6:30 p.m. Commission meetings typically last four to five hours, with some variation. These meetings robust open forum and public input on issues. Chief Kirkpatrick appears at most meetings to provide reports on Commission-requested topics and to hear public comment. Additionally, starting in April 2018, the Commission engaged in working group sessions during meetings to develop a strategic plan focusing on annual and long-term goals, but also addressing a number of topics at general meetings.

a. OPD Presentations at Commission Meetings

During the past sixteen months, the Commission requested that Chief Kirkpatrick provide informational reports on a myriad of topics of interest to the Commission and as required by the Enabling Ordinance. Chief Kirkpatrick or her OPD designee presented on topics including:

Comments on reports from the Independent Monitor

OPD's progress satisfying the terms of the negotiated settlement agreement

Use of CompStat and/or other statistical and management data

Response time statistics

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Use of force statistics

Murder case closure statistics

Hiring and discipline status report

Portable Digital Recording Devices (“PDRD”) policies, including public access to PDRD videos

OPD’s policy towards revisions to disciplinary policies

Coordination between OPD and Oakland Unified School District regarding school safety issues

Citizens Police Academy

March 11, 2018 police-involved shooting at Market and 40th Streets

OPD’s position on policy edits pursuant to Measure LL

OPD’ involvement in restorative justice programs

OPD Barbershop Forums

OPD’s position on the February 2, 2018 Case Management Conference in the *Delphine Allen, et at. v. City of Oakland* case

Performance Reporting Information Metrics Environment (“PRIME”) system data reporting and performance issues

OPD hiring and recruitment

OPD’s involvement with U.S. Immigration and Customs Enforcement (“ICE”)

OPD’s Force Review Board procedures

Internal Affairs structure

The Ceasefire Oakland program

OPD’s policies and procedures regarding cross-agency complaints

The demographics of OPD’s 180th Basic Training Academy

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Residency statistics and issues for sworn OPD personnel

OPD's youth outreach to Patton Academy

OPD's policies and procedures concerning its dealings with the homeless population

The renewal of Dr. Jennifer Eberhardt's contract with OPD

Status of the in-custody incident causing the death of Marcellus Toney, on September 28, 2017

Status of the shooting incident involving Joshua Pawlik on March 11, 2018

Status of the investigation and findings in the Joshua Pawlik matter

Any reportable information regarding IAD13-1062

The citation and arrest of bicycle advocate, Najari Smith

OPD's vehicle towing policy and impact on the economically disadvantages and homeless

OPD's failure, over the past ten years, to graduate police officer trainees from the Police Academy from underrepresented backgrounds

OPD's uncompleted and outstanding public records requests

Whether OPD has a policy regarding the asking of potential officer recruits if they were a victim of a sexual assault

OPD's policies and actions related to Task 34 General Order M-19 – Prohibition regarding racial profiling and other bias-based policing

OPD's position and report on its education and support of sworn employees' issues with job related stress, post-traumatic stress disorder, drug and alcohol abuse and other job-related mental and emotional health issues.

b. Consideration of OPD Policies and Orders

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

OPD Policy 611 – "Criminal Investigation of Department Members and Outside Sworn Law Enforcement Personnel" and Training Bulletin V-T.1 on Internal Investigation Procedures

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OPD Departmental General Order R-02 – “Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCs (Post-Release Community Supervision)”

OPD Departmental General Order C-1 – “Uniforms and Equipment”

c. Police Commissioner Special Meetings

In conformance with Section 2.45.090(B) of the Enabling Ordinance, the Commission held two special meetings outside of its normal meetings at City Hall.

On June 14, 2018, the Commission conducted a special meeting at the East Oakland Youth Development Center centered on a presentation from attorney John Burriss on the “Legal Rights of Citizens When Dealing with Police”. The presentation to the public also included a discussion of issues of racial profiling, rising incarceration rates and civil rights litigation, particularly in the context of police misconduct and racial and sexual discrimination.

On February 16, 2019, the Commission held a special meeting at Taylor Memorial Church in Oakland which involved a public hearing on OPD’s practices of policing the homeless community. Oakland citizens testified regarding their experiences with OPD and provided insight into how OPD’s actions and policies with the homeless may be improved.

d. Special Presentations to the Police Commission

On April 26, 2018, the Commission conducted a special training session on the negotiated settlement agreement with the City of Oakland. Presenter, attorney Jim Chanin, provided information and material to the Commission regarding the City’s agreement to the negotiated settlement agreement in 2003, requiring major reforms to OPD internal operations and OPD’s commitment to constitutional policing.

On June 28, 2018, the Commission arranged for a presentation from Debra Israel and Joan Lohman from Neighbors for Racial Justice. The presentation entitled “Creating Safer and More Welcoming Neighborhoods” discussed issues regarding race, bias, fear of crime and the impact of these matters on the public. The presentation also included strategies for communities to avoid broad and racial profiling in crime prevention efforts.

On September 27, 2018, Mayor Libby Schaaf made a presentation regarding her desires for a strong Police Commission in the oversight of the OPD and her direction that the City Administrator properly support the Police Commission.

3. COMMUNITY POLICE REVIEW AGENCY (“CPRA”)

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The Commission reviewed CPRA's administrative closures and/or dismissals each month as presented by CPRA's Interim Executive Director in accordance with Enabling Ordinance Section 2.45.070(M).

In January 2018, the Commission began the hiring process for CPRA's Executive Director position. The hiring process is on-going.

Additionally, the Commission terminated the CPRA Interim Executive Director in October 2018 and appointed Karen Tom to the position of Interim Executive Director in December 2018.

4. MISCELLANEOUS ACTIONS

Beginning in February 2018, the Commission reviewed and analyzed Measure LL and the Enabling Ordinance. The Commission accepted public comment and debate on the Enabling Ordinance. After further analysis and discussion, the Commission drafted a memorandum for consideration by the City Council at its May 5, June 19 and July 10, 2018 meetings (and Rules and Legislation Committee meeting).

In February 2018, voted to submit a letter to the Oakland City Council regarding the U.S. Immigration and Customs Enforcement's (ICE) improper identification of its officers as "police" while operating in the City of Oakland and recommending to the Council that it send a letter to ICE demanding that it immediately cease identifying its agents as "police" or "police officers" in the City of Oakland.

On April 23, 2018, the City of Oakland launched its new website, Oaklandca.gov, which included webpages dedicated to the Police Commission. The Commission discussed the content as well as edits and reformatting to those pages. The Commission will make available reports and information in conformance with Enabling Ordinance Section 2.45.070(K).

On October 8, 2018, the Commission received a presentation from the Community Policing Advisory Board ("CPAB") on its annual report and considered 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 OPD and the community, pursuant to Enabling Ordinance Section 2.45.070(O).

In March 2019, the Commission voted to draft a letter in support of AB 392: The California Act to Save Lives, introduced this year by Assembly Member Shirley Weber (D-San Diego), which limits when police officers may use deadly force.

5. ON-GOING MATTERS

The Commission has currently identified other pressing issues currently underway including: a performance review for OPD Chief Kirkpatrick; consideration of Chief

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The Honorable City Council
Subject: Police Commission Annual Report
Date: April 11, 2019

Kirkpatrick’s proposed goals and annual evaluation; and submission of a proposed budget to Mayor Schaaf regarding training and education for sworn OPD employees regarding management of job-related stress.

FISCAL IMPACT

There are no direct fiscal costs associated with this report.

PUBLIC OUTREACH / INTEREST

No additional public outreach was deemed necessary for this report other than the standard posting of the City Council Agenda.

SUSTAINABLE OPPORTUNITIES

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

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

Social Equity: There are no social equity opportunities associated with this report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept the following April 11, 2019 Police Commission Annual Report.

For questions regarding this annual report, please contact Regina Jackson, Chair of the Oakland Police Commission, at 510-238-2187.

Respectfully submitted,

REGINA JACKSON
Chair, Oakland Police Commission

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OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Committee/Liaison/Other Commissioner Reports
Date:	April 5, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Approved by:	Karen Tom, Interim Executive Director, CPRA

Action Requested:

There is no action requested on this item. It is for informational purposes only.

Background:

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

Discussion:

Commissioners may report on their activities as it relates to Police Commission work.

Attachment (12a):

Oakland Police Commission Letter of Support for AB392 March 29, 2019

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Police Commission

March 29, 2019

Honorable Reggie Jones-Sawyer
 Chair, Assembly Public Safety Committee
 1020 N Street (LOB), Room 111
 Sacramento, CA 95814
Via E-mail assemblymember.jones-sawyer@assembly.ca.gov

RE: SUPPORT FOR AB 392 (WEBER) – PEACE OFFICERS: DEADLY FORCE

Dear Assemblymember Jones-Sawyer:

I write today on behalf of the Oakland Police Commission in support of AB 392 (Weber) Peace Officers: Deadly Force. On March 28, 2019, the Oakland Police Commission voted to support AB 392. The Oakland Police Commission, as established by Measure LL and set forth in Ordinance No. 13498 Police Commission Enabling Ordinance creating Chapters 2.45 and 2.46 of the Oakland Municipal Code, oversees the Oakland Police Department by reviewing and proposing changes to Department policies and procedures.

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. California has the opportunity to lead the nation on use of force policy.

For these reasons the Oakland Police Commission supports AB 392 and respectfully requests your “Aye” vote. Should you have any questions regarding our position, please do not hesitate to contact me at rjackson@oaklandcommission.org.

Sincerely,

Regina Jackson

Regina Jackson
 Chair, Oakland Police Commission

CC: Assembly Member Shirley Weber, *via e-mail Shirley.Weber@asm.ca.gov*
 Senator Nancy Skinner, *via e-mail Nancy.Skinner@sen.ca.gov*
 Senator Buffy Wicks, *via e-mail Buffy.Wicks@sen.ca.gov*



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Minutes

Thursday, March 28, 2019

6:30 PM

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

I. Call to Order
Regina Jackson

The meeting started at 6:32 p.m.

II. Roll Call and Determination of Quorum
Regina Jackson

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

Absence (Planned): Mubarak Ahmad

Counsel for this meeting: Sergio Rudin

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.

Chair Jackson welcomed and introduced Alternate Commissioner Chris Brown. He was a former Chair of the CPRB and comes to us with wonderful experience. She asked him to speak. Commissioner Brown said thank you and is looking forward to this opportunity.

Comments were provided by the following public speakers:

Lorelei Bosserman
Oscar Fuentes
John Bey
Assata Olugbala
Gene Hazzard
Saleem Bey
Brightstar Ohlson

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.*

Comments were provided by the following public speakers:
Gene Hazzard
Saleem Bey
Assata Olugbala
John Bey

A motion was made by Vice Chair Harris, seconded by Commissioner Dorado, to write a letter to the City Council. The motion carried by the following vote:

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

Chair Jackson will send a draft letter to Commissioners tomorrow.

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 and 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.*

Comments were provided by the following public speakers:
Brendon Woods, Chief Public Defender, Alameda County
Gene Hazzard
Lorelei Bosserman
Assata Olugbala
Elise Bernstein
Saleem Bey
Bruce Schmiechen
Anne Janks
Sam Johnson

A motion was made by Commissioner Prather, seconded by Commission Dorado, to table Item V on the Agenda to the next meeting and if there’s input either from members of the public or the Commission itself, they can come to him and he will try to incorporate that into further edits into the document to make it better. The motion carried by the following vote:

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

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.*

Comments were provided by the following public speakers:
Assata Olugbala
Gene Hazzard
Jim Chanin
Saleem Bey
John Bey
Lorelei Bosserman
Bruce Schmiechen

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 to determine whether

to call a vote to reopen any of those complaints for further investigation.
This is a recurring item.

Comments were provided by the following public speakers:
Assata Olugbala
Lorelei Bosserman
John Bey
Saleem Bey

A motion was made by Commissioner Dorado, seconded by Vice Chair Harris, to review all the cases (Attachment C) in Closed Session(s).

A substitute motion was made by Commissioner Anderson, seconded by Commissioner Dorado, to support what Commissioner Dorado originally stated in terms of opening the 11 Administrative Closed cases (Attachment C), for the Commissioners to have a Closed Session(s) to review, but such a time in the future whereas we are not compromising the integrity or the speed of the Pawlik investigation. The motion carried by the following vote:

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

VIII. Police Commission Annual Report

Commissioner 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.

Comments were provided by the following public speaker:
Saleem Bey

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.***

Comments were provided by the following public speakers:
Henry Gage III
Assata Olugbala
Saleem Bey
John Bey
Lorelei Bosserman

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.

Commissioner Prather referenced Page 11, Paragraph 2, Line 1 – Change: digression to discretion.

Commissioner Prather said the Minutes are inconsistent in listing names – sometimes it is full name, commissioner and last name, first initial and last name. Individuals will be listed as Commissioner Smith, Chair Jackson, Vice Chair Harris.

Vice Chair Harris referenced Page 5, Item XI – Change Patrol to Parole.

Comments were provided by the following public speaker:
Saleem Bey

Counsel Rudin stated that you adjourn since it is a hair past 10:30 p.m. unless you vote to extend the meeting time. Chair Jackson asked for a motion to continue the meeting until 11:00 p.m.

MOTION to continue this meeting until 11:00 p.m. was made by Commissioner Dorado and seconded by Vice Chair Harris. The vote was Aye: 4 (Anderson, Dorado, Harris, and Jackson); Oppose: 2 (Prather, Smith). The motion passed.

A motion was made by Chair Jackson, seconded by Commissioner Dorado, to accept the March 14, 2019 minutes as amended. The motion carried by the following vote:

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

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.*

Comments were provided by the following public speakers:

- Bruce Schmiechen
- John Bey
- Lorelei Bosserman
- Anne Janks
- Saleem Bey

A motion was made by Commission Smith to support AB 392.

A friendly amendment was made by Commissioner Prather to add that the Commission send a letter authored by Commissioner Anderson, signed by the Chair, to the Assembly Public Safety Committee, including a cc communication to the introducer, Member Weber and Members of the State Senate, Skinner and Wicks. Commissioner Smith amended his motion to include what was just stated (the letter). It was seconded by Commissioner Prather. The motion carried by the following vote:

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

XIII. Creation of Ad Hoc Policy Committee (This Item was heard after Item XIV on the Agenda).

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.*

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

XIV. Creation of Racial Equity Ad Hoc Committee (This Item was heard before Item XIII on the Agenda)

Commissioner Tara Anderson will discuss the creation of a Racial Equity Statement Ad Hoc Committee. *This is a new item.*

Comments were provided by the following public speakers:

John Bey
Assata Olugbala
Saleem Bey

Chair Jackson said an Ad Hoc Committee will be created on the creation of racial equity. She will appoint someone else to the Committee. Commissioner Anderson will come back when committee members are confirmed.

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.*

Chair Jackson reported that since the last time we met she accepted the request by Commissioner Anderson to be placed on the Personnel Committee. Are there other members who would like to be placed on standing or ad hoc committees?

Comments were provided by the following public speaker:
Saleem Bey

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.*

Comments were provided by the following public speakers:

Lorelei Bosserman
Saleem Bey
Assata Olugbala
John Bey

XVII. Adjournment

A motion was made by Commissioner Smith, seconded by Commissioner Anderson, to adjourn. The motion carried by the following vote:

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

The Commission adjourned the meeting at 11:27 p.m.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	CPRA Executive Director Interview Process
Date:	April 3, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Approved by:	Karen Tom, Interim Executive Director, CPRA

Action Requested:

The Commission will review the attached CPRA Executive Director interview process and may approve the process as is, or make edits so that the process can begin as soon as possible.

Background:

On April 12, 2018, the CPRA Executive Director job announcement was posted on the City’s website. The City Administrator’s Office forwarded applications received on a regular basis to an Ad Hoc Committee working on this recruitment. On October 25, 2018, the Police Commission voted to close the job posting on the City’s website. In total, 165 applications were received between April 12, 2018 and October 26, 2018. More recently, the recruitment process has been managed by the Personnel Committee after it formed on February 4, 2019.

On March 29, 2019, 30 viable candidates identified by the Ad Hoc and Personnel Committees were contacted via email by the City Administrator’s Office to gauge continued interest. The City Administrator’s Office received 21 applicant responses that are still interested in the position.

Discussion:

Commissioners will discuss the CPRA Executive Director interview process and may suggest edits.

Attachment (14a):

CPRA Executive Director Interview Process

Oakland Police Commission Interview Process

Respectfully Submitted by G. Harris and M. Benson, modified per the December meeting

Step 1: Preliminary Essay

All candidates put forth by the ad hoc committee review of qualification are asked to answer the following three questions (date due TBD by ad hoc committee.)

All candidates will be scored by the ad hoc committee on a scale of 1-5 for each question. Any candidate that scores 12 or higher by any member of the ad hoc committee moves forward to Step 2.

Exceptional (5)	Strong (4)	Fair (3)	Weak (2)	Unacceptable (1)
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"Directions to candidates:

There are three essay questions below. Answer all three with each answer not to exceed 750 words.

1. What do you understand to be the greatest challenges currently facing the Oakland Police Department, what is your vision of the role of the CPRA Executive Director and its relationship with the Police Commission and OPD leadership in addressing them?

2. What are the key factors to building trust between the police department and the community it serves, and how can your personal background and experiences help enable the CPRA to support such trust in the short, intermediate, and long terms?

3. Tell us your thoughts on why poverty in Oakland exists and how it is connected to the work of the ED of the CPRA?

Step 2: Past Experiences Interview

This is a Phone Interview Process. There will be Interview Panels of 3 people each that are a blend of community members (nominated by Commissioners, see below) and Commissioners.

Each Commissioner can nominate up to 2 community members of their choice to be on an Interview Panel. These nominees will be placed in a pool and scheduled in teams to conduct interviews.

All Interview Panels will conduct the Past Experiences Interview according the protocol. Each panelist will score the answers. Every candidate that scores a 40 or higher by at least 2 members of the Interview Panel will move to the Behavioral and Competency Interview. Scores are submitted to the ad hoc committee which work with the Admin Analyst to schedule the candidates moving forward to Step 3. *How do we ensure these go to all members of the Ad Hoc without violating Brown Act?

Step 3: Behavioral and Competency Interview

This is an In-Person Interview Process.

There will be Interview Panels of 3 people each that are a blend of community members (nominated by Commissioners, see below) and Commissioners.

Each Commissioner can nominate up to 2 community members of their choice to be on an Interview Panel. These nominees will be placed in a pool and scheduled in teams to conduct interviews. All Interview Panels will conduct the Behavioral and Competency Interview according to the protocol. Each panelist will score the answers. Every candidate that scores a 48 or higher by at least 2 members of the Interview Panel will move to the Final Interview. Scores are submitted to the ad hoc committee which work with the Admin Analyst to schedule the candidates moving forward. *How do we ensure these go to all members of the Ad Hoc without violating Brown Act?

Step 4: Final Interviews

These will be conducted in Closed Session. Final Candidates will be narrowed down to three to be submitted to the City Administrator for consideration.

Final Interview Questions asked by Commissioners must be limited to re-asking any of the essay or interview questions previously approved. Scores for all previously asked questions will be available to the Commissioners in Closed Session.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Inspector General Position Status Update
Date:	April 5, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Approved by:	Karen Tom, Interim Executive Director, CPRA

Action Requested:

There is no action requested. This is an informational item.

Background:

As part of the enabling ordinance section 2.45.100, a civilian Office of the Inspector General shall be established.

At the Public Safety Committee meeting of March 19, 2019, the Committee continued the subject of the Police Commission’s Quarterly Progress Report to its April 9, 2019 meeting, and asked that the City Administration provide a supplemental report (**Attachment 15A**) addressing questions raised at the meeting, including an update on the Inspector General position.

Discussion:

Commissioners may discuss the status of the Inspector General position.

Attachment (15a):

Police Commission Quarterly Report - Supplemental



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Attachment 15a

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Stephanie Hom
Deputy City Administrator

SUBJECT: Police Commission Quarterly
Report - Supplemental

DATE: March 28, 2019

City Administrator Approval

Date:

4/4/19

RECOMMENDATION

Staff Recommends That The City Council Receive A Quarterly Progress Report From The Oakland Police Commission.

REASON FOR SUPPLEMENTAL

At the Public Safety Committee on March 19, 2019, the Committee continued the subject of a Quarterly Progress Report from the Police Commission to its meeting of April 9, 2019 and requested that the City Administration provide a supplemental report addressing questions raised at the meeting.

ANALYSIS AND POLICY ALTERNATIVES

The Police Commission was established by Oakland voters on November 8, 2016 in their approval of Measure LL that amended the City Charter.

The Oakland City Charter, adopted by the Oakland electorate, is the basic law of the government and represents the supreme law of the City of Oakland. Measure LL, the City Charter amendment, provides the Police Commission broad oversight over the Oakland Police Department's policies and decision-making authority of police misconduct findings and/or discipline when there is disagreement between the Police Chief and the Community Police Review Agency (CPRA).

Under the City Charter, the City Administrator is provided administrative authority over the departments and agencies created by City Council ordinance. Measure LL provided some exceptions to the City Administrator's administrative authority including the hiring and firing of the Police Chief and firing of the CPRA Executive Director. Measure LL also organizes the CPRA under the Police Commission.

The CPRA Executive Director is similarly situated to the Public Ethics Executive Director, also established through a City Charter amendment. Both Executive Directors are hired by the City Administrator from among two or three candidates submitted by the respective commission.

Item: _____
Public Safety Committee
April 9, 2019

Both Executive Directors serve at the pleasure of their respective commission and oversee a staff governed by the Civil Service.

Status of Inspector General Position

City Council Ordinance No. 13498 C.M.S. (i.e., Police Commission enabling ordinance) references a civilian Office of Inspector General (OIG) with a civil service Inspector General position reporting directly to the Police Commission. However, the City Attorney issued two opinions on this matter concluding that the City Charter does not grant personnel jurisdiction of the Inspector General to the Police Commission. The two opinions include the public opinion dated March 19, 2018 from Barbara J. Parker, City Attorney; and the public opinion dated June 14, 2018 from Karen Getman of Remcho Johansen & Purcell LLP. Both opinions are posted on the City Attorney's website at <https://www.oaklandcityattorney.org/Ops-Reps/Ops-Reps.html>.

The creation of a new Inspector General position requires two steps as follows:

1. Creation of the Inspector General class specification within the City of Oakland's Classification Plan. This step is under the jurisdiction of the Civil Service Board.

Status: Pending Police Commission request that the City Administration forward the draft Inspector General class specification compliant with the City Charter to the Civil Service Board for approval.

The Police Commission approved an Inspector General job description on October 11, 2018 (**Attachment A**). As written, the position reports to the Police Commission, consistent with Ordinance No. 13498 C.M.S., but in violation of the City Charter. To comply with the City Charter and working with the Human Resources Management Department (DHRM), the class specification was edited and scheduled for the Civil Service Board meeting of February 21, 2019 (**Attachment B**).

On February 20, 2019, Police Commission Chair Regina Jackson provided direction, at the request of Commissioner Ginale Harris, to delay the Civil Service Board consideration of the Inspector General class specification.

The City Administration recommends forwarding **Attachment B** to the Civil Service Board to create the Inspector General class specification. Once the Inspector General class specification is created, a recruitment process may be initiated. While the City Administrator would conduct the hire, the City Administrator would invite the Police Commission to participate in the interview panel; and ultimately, the Inspector General's work priorities would be established by the Police Commission.

2. Establishing the Inspector General position within the City of Oakland's Salary Schedule by City Council ordinance.

Status: Completed. The ordinance amendment to add the Inspector General position within the City of Oakland's Salary Schedule was heard at the Finance and Management Committee meeting on February 19, 2019, and introduced at the City Council meeting on February 26, 2019, with final passage of the ordinance on March 21, 2019.

Status of CPRA Executive Director Position

City Charter Section 604(e) states that the Executive Director of the CPRA shall be hired by the City Administrator from among two or three candidates submitted by the Police Commission. It also states that the Executive Director of the former Oakland Citizens' Police Review Board (CPRB) shall become the Interim Director of the CPRA, and all CPRB staff is transferred to the CPRA. This transition of the incumbent, Anthony Finnell, as the CPRB Executive Director to the Interim Director of the CPRA was effective December 16, 2017 (60 days after the City Council's confirmation of the first group of Commissioners). The first meeting of the Police Commission was held on December 13, 2017.

The following is a timeline of activities regarding the status of hiring a permanent Executive Director for the CPRA.

December 27, 2017	Police Commission established an Ad Hoc Committee to work with the City Administrator's Office to initiate a search for a permanent Executive Director.
January 24, 2018	Police Commission approved an updated CPRA Executive Director class specification and requested that the City Administrator's Office forward it to the Civil Service Board for approval.
February 15, 2018	Civil Service Board approved updated CPRA Executive Director class specification.
March 22, 2018	City Administrator's Office presented proposal to Police Commission to use Avery & Associates, a professional executive search firm with experience in hiring for civilian oversight organizations similar to the CPRA. The Police Commission declined using Avery & Associates and members requested that the City post the job announcement and that the Ad Hoc Committee of the Police Commission screen the candidates.
April 12, 2018	The City Administrator's Office/DHRM posted the CPRA Executive Director job announcement on the City's website. The City Administrator's Office forwarded applications received on a regular basis to the Police Commission Ad Hoc Committee.
April 24, 2018 & August 23, 2018	Police Commission Ad Hoc Committee met with City Administrator's Office and DHRM to discuss hiring process and proposed evaluation criteria.
October 25, 2018	Police Commission voted to close the job posting on the City's website. In total, 165 applications were received between April 12, 2018 and October 26, 2018.
November 9, 2018	Mr. Finnell's last day of employment as the Interim Executive Director of the CPRA.
December 6, 2018	City Administrator appoints Karen Tom to serve as Interim Executive Director of the CPRA.

March 27, 2019	Approximately 30 viable candidates identified by the Ad Hoc Committee were sent to the City Administrator's Office.
March/April 2019	City Administrator's Office will be contacting candidates to gauge continued interest, and will work with the Ad Hoc Committee to schedule interviews.

Status of CPRA Complaint Investigators Positions

City Charter Section 604(e)4 states that the CPRA staff shall consist of at least one line investigator (Complaint Investigator II) for every 100 sworn officers in the Police Department (rounded up or down to the nearest one hundred). In the Fiscal Year (FY) 2018-19 Adopted Budget, the number of sworn officers budgeted in the Police Department is 620 FTE. Thus, the number of Complaint Investigator II positions budgeted in the CPRA is 6.0 FTE.

The status of CPRA budgeted positions is as follows:

Position	FTE	Status as of March 25, 2019
Executive Director	1.0	Filled through interim appointment
Policy Analyst	1.0	Filled
Complaint Investigator III (Supervisor)	1.0	Hold. Former incumbent serving as Interim Executive Director
Complaint Investigator II	6.0	4.0 filled 2.0 vacant
Intake Technician	3.0	Filled
Office Assistant	1.0	Filled
Total:	13.0	

With respect to hiring for the vacant Complaint Investigator II positions, the following is a timeline of activities:

December 27, 2017	Police Commission placed a hiring freeze on all CPRA positions until a permanent Executive Director is selected.
April 12, 2018	Police Commission voted to direct the Interim Executive Director of the CPRA to hire a Complaint Investigator III.
February 28, 2019	Police Commission voted to lift hiring freeze on all vacant CPRA positions.
March 2019	CPRA working with City Administration and DHRM to post and advertise Complaint Investigator II job announcement.
June/July 2019	Target timeline for Complaint Investigator II interviews and/or hires.

Additional Support for the Police Commission

City Charter Section 604(e)5 states that, "The City Administrator shall assign a staff member to act as liaison to the Police Commission and to provide administrative support to the Commission." On March 27, 2018, the City Administrator communicated to the Police Commission her assignment of a City Administrator liaison to the Police Commission.

In addition, City Council Ordinance No. 13498 C.M.S. Section 2.45.180 states that, "At a minimum, the City Council shall allocate the equivalent of an additional one-half of a full-time administrative position (0.5 FTE) to the City budget for the purpose of providing adequate administrative support for the Commission." In the FY 2018-19 Adopted Budget, 1.0 FTE Administrative Analyst II was budgeted to provide administrative support for the Commission. The City Administrator's Office conducted a recruitment with the current incumbent starting in the position on November 19, 2018. The incumbent resides in the City Administrator's Office, reporting to the City Administrator liaison to the Police Commission, works closely with the Interim CPRA Executive Director and provides administrative support for the Commission.

Training for the Police Commission

The following is a list of trainings that has been provided to the Police Commission since its first meeting in December 2017:

Subject ¹	Date(s)	Provider
Measure LL Overview & Analysis	January 18, 2018 January 31, 2018	City Attorney's Office
CPRA Orientation	January 22, 27, and 30, 2018	CPRA Staff
OPD Organization Structure and Daily Operations	February 10, 2018	Police Department
OPD Internal Affairs Investigations and Police Officer Discipline	February 10, 2018	Police Department
Procedural Justice	February 10, 2018	Police Department
National Standards of Constitutional Policing (including Use of Force, Arrest, Search and Seizure, and Free Speech)	February 10, 2018	Police Department
Office of Inspector General Overview of Responsibilities	February 10, 2018	Police Department
Body Worn Camera Policy	February 28, 2018	Police Department
California Public Records Act	July 26, 2018	City Attorney's Office
Negotiated Settlement Agreement	April 26, 2018	Jim Chanin, Civil Rights Attorney
California Brown Act & Sunshine	May 10, 2018	City Attorney's Office

¹ Due to absences and/or turnover in Police Commissioners and Alternate Police Commissioners, some incumbent Commissioners may not have attended or received all of the listed trainings.

Sabrina B. Landreth, City Administrator
 Subject: Police Commission Quarterly Report - Supplemental
 Date: March 28, 2019

Ordinance		
Constitutional Civil Rights	June 14, 2018	John Burris, Civil Rights Attorney
Implicit Bias / Racial Profiling	June 28, 2018	Neighbors for Racial Justice
OPD Ride-Along	Various dates	Police Department
2018 Annual NACOLE Conference in St. Petersburg, Florida (attended by five Commissioners)	September 30 - October 4, 2018	NACOLE (National Association for Civilian Oversight of Law Enforcement)

In addition, three Commissioners have completed the training required to serve on a Discipline Committee. The City Attorney's Office organized this required training as follows:

Subject	Provider
Module A: Personal Digital Recording Device Policies Use of Force Policy	Police Department
Module B: IAD – Discipline Risk Management	Police Department
Module C: Confidentiality of Personnel & Other Records Enabling Ordinance Principles of Due Process Administrative Hearing Procedures	City Attorney's Office
Module D: California Political Reform Act & Oakland Conflict of Interest Code Briefing on NSA & Court Related Orders	City Attorney's Office

The following trainings are required under City Council Ordinance No. 13498 C.M.S. and have not yet been scheduled:

- California's Meyers Miliias Brown Act (MMBA)
- Public Employment Relations Board's administration of the MMBA
- Memoranda of Understanding with the Oakland Police Officers' Association and other represented City employees
- City's Civil Service Board and other relevant City personnel policies and procedures
- California's Public Safety Officers' Procedural Bill of Rights Act (POBAR)

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Receive A Quarterly Progress Report From The Oakland Police Commission.

For questions regarding this report, please contact Stephanie Hom, Deputy City Administrator, at (510) 238-7542.

Respectfully submitted,



STEPHANIE HOM
Deputy City Administrator

Attachments (2):

- A. Inspector General Job Description approved by the Police Commission
- B. Inspector General Class Specification compliant with the City Charter

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OFFICE OF THE CITY CLERK
OAKLAND

2019 APR -5 AM 10:50

Class Title: INSPECTOR GENERAL

Bargaining Unit: UM2 - Local 21 Management Employees (Civil Service)

Class Code: AP400

Salary:

[Print Job Information](#)

[Email me when jobs like this become available](#)

Definition **Benefits**

The City of Oakland is seeking qualified candidates to fill the position of Inspector General, reporting to the Oakland Police Commission. Under the supervision and direction of the Oakland Police Commission, the Inspector General shall conduct any audit or review of the Department necessary to assess the Department's performance and adherence to constitutional policing practices, and shall also include conducting any audit or review of the Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Commission to fulfill its duties under City Charter section 604(b)(4), (5) and (6). The Inspector General shall be responsible for the day-to-day operations of the OIG, including but not limited to the supervision and direction of all OIG staff.

Distinguishing Characteristics:

Under the supervision of the Police Commission, the Inspector General is responsible for review, analysis, and reporting that addresses policies and practices adopted by OPD and CPRA. To exercise this audit authority, the Inspector General is authorized to observe Executive Force Review Boards, Force Review Boards, and *Skelly* hearings, and to access all files, including personnel records and confidential files, necessary to fulfill the duties of the position.

Within ninety (90) days of his or her appointment, the Inspector General shall, at a minimum, receive the training described in City Charter section 604(c)(9) and in section 2.45.190(A) through (F) of this Chapter 2.45. The Commission may propose any additional training it deems necessary for the Inspector General to perform the functions and duties of the OIG.

The Inspector General shall serve and report to the Commission full time and may only be appointed, disciplined or removed by the City Administrator according to the City's Civil Service Rules and any applicable memorandum of understanding between the City and a union., and after an affirmative vote of five (5) members of the Commission. The City Administrator shall not have the authority to independently remove the Inspector General.

Examples of Duties:

Duties include, but are not limited to the following:

- The Inspector General shall be responsible for the day-to-day operations of the OIG, including but not limited to the supervision and direction of all OIG staff.
- The Inspector General shall be permitted to attend, as an observer, Executive Force Review Board, Force Review Board, and, to the extent permitted by law, *Skelly* hearings if he or she chooses to do so. The Inspector General shall not have any decision-making authority regarding the specific cases being heard, and shall maintain the confidentiality of the hearings as required by law. The Inspector General shall not be permitted to attend any Executive Force Review Board, Force Review Board, or *Skelly* hearing until he or she has completed the training identified in section 2.45.190(C).
- Preparing an annual report, summarizing the results of the annual reviews of:
 - The Department's processes and procedures for investigating alleged Misconduct;
 - The Department's processes and procedures for determining the appropriate level of discipline for sustained findings of Misconduct;
 - The Agency's processes and procedures for investigating alleged Misconduct;
 - The Agency's processes and procedures for determining the appropriate level of discipline for sustained findings of Misconduct;
 - Trends and patterns regarding Department training and education, and the Department's use of any early warning system(s);
 - Training and/or policy issues that arise during the investigations of complaints; and
 - Trends and patterns regarding use of force and

Department sworn employee-involved shootings:

This annual report shall be presented to the Commission, the Mayor, the City Council's Public Safety Committee, the City Council and to the Chief and shall include, where appropriate, recommendations for changes in the processes and procedures that were reviewed.

- Monitoring and evaluating, on at least an annual basis, the number and percentage of sworn officers who have received in-service training on profiling and implicit bias, procedural justice, de-escalation, diplomacy, situational problem-solving, and work-related stress management, and make recommendations, as appropriate, to the Commission regarding changes to the Department's training programs.
- Developing and presenting a plan to the Commission to measure the performance of each element of the Department's discipline process for sworn Department employees.

At the discretion of the Police Commission, the Commission may direct the Inspector General to review and comment on all other policies, procedures, customs, and General Orders of the Department.

Minimum Qualifications:

The following qualifications are guidelines, as the appointing authority has discretion in filling positions in exempt classifications Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.

Education:

J.D. or Master's degree in public administration, public policy, criminal justice, or a related field from an accredited college or university.

Experience:

Three years of professional experience in investigative, auditing, and public policy work in a related field that includes experience with statistics and data collection in public sector entity. Legal experience and background in law enforcement policy and practice is desirable.

Knowledge and Abilities:

Knowledge of:

- Principles and practices of public policy formulation.
- Police Department administration and department organization.
- Data collection and statistical analysis methods.

- Public relations principles including public speaking and public presentations.
- Advanced personal computer applications particularly spreadsheet and database software.
- Policies and practices of civilian oversight of law enforcement agencies.
- Role of local Boards and Commissions.

Ability to:

- Maintain accurate records and files.
- Design, manage and troubleshoot databases.
- Interpret rules, laws and regulations pertaining to police conduct.
- Analyze and compile data.
- Prepare well-written analytical reports based on findings.
- Communicate effectively orally and in writing.
- Make oral presentation to both large and small groups.
- Maintain confidentiality and handle sensitive situations with tact and diplomacy.
- Work effectively with employees, elected officials, boards and commissions and the general public.
- Apply strong analytical skills to use data to identify patterns and trends.

License or Certificate / Other Requirements:

Individuals who are appointed to this position will be required to maintain a valid California Driver's License throughout the tenure of employment OR demonstrate the ability to travel to various locations in a timely manner as required in the performance of duties.

Class History:



DRAFT

INSPECTOR GENERAL

Class Code: EM242 FTE

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OAKLAND
Civil Service
2019 APR 29 AM 10:50

DEFINITION

The Inspector General shall conduct any audit or review of the Oakland Police Department necessary to assess the Oakland Police Department's performance and adherence to constitutional policing practices. The Inspector General shall also conduct any audit or review of the Oakland Police Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Police Commission to fulfill its duties under the City Charter. The incumbent shall be responsible for the day-to-day operations of the Office of the Inspector General (OIG), including but not limited to the supervision and direction of all OIG staff.

DISTINGUISHING CHARACTERISTICS

Inspector General is a management level civilian classification that is hired by the City Administrator. The Police Commission prioritizes the functions and duties of the OIG. The Inspector General is responsible for the day-to-day operations of the OIG. The Inspector General is authorized to observe Executive Force Review Boards, Force Review Boards, and Skelly hearings necessary to fulfill the duties of the position.

EXAMPLES OF DUTIES - *Duties may include, but are not limited to the following:*

- The Inspector General shall be responsible for the day-to-day operations of the OIG, including but not limited to the supervision and direction of all OIG staff.
- Conduct program and performance audits of all Oakland Police Department functions, including the internal disciplinary system, to identify trends, problems, and solutions; audit Internal Affairs Division investigations to ensure thorough and unbiased adjudication and consistent disciplinary action.
- Conduct and analyze audits on, but not limited to, accuracy of inspections, policy and procedure compliance, police operations, adequacy of procedure/directive/policy/order, and departmental strategies and effects.
- The Inspector General shall be permitted to attend, as an observer, Executive Force Review Board, Force Review Board, and, to the extent permitted by law, Skelly hearings if he or she chooses to do so. The Inspector General shall not have any decision-making authority regarding the specific cases being heard, and shall maintain the confidentiality of the hearings as required by law. The Inspector General shall not be permitted to attend any Executive Force Review Board, Force Review Board, or Skelly hearing until he or she has completed all necessary trainings.
- Prepare an annual report, summarizing the results of the annual reviews of:
 - The Oakland Police Department's processes and procedures for investigating alleged misconduct;
 - The Oakland Police Department's processes and procedures for determining the appropriate level of discipline for sustained findings of misconduct;

- The Community Police Review Agency's processes and procedures for investigating alleged misconduct;
- The Community Police Review Agency's processes and procedures for determining the appropriate level of discipline for sustained findings of misconduct;
- Trends and patterns regarding Oakland Police Department training and education, and the Oakland Police Department's use of any early warning system(s);
- Training and/or policy issues that arise during the investigations of complaints; and
- Trends and patterns regarding use of force and Oakland Police Department sworn employee-involved shootings.

This annual report shall be presented to the Police Commission, the Mayor, the City Council's Public Safety Committee, the City Council and to the Chief of Police and shall include, where appropriate, recommendations for changes in the processes and procedures that were reviewed.

- Monitor and evaluate, on at least an annual basis, the number and percentage of sworn officers who have received in-service training on profiling and implicit bias, procedural justice, de-escalation, diplomacy, situational problem-solving, and work-related stress management, and make recommendations, as appropriate, to the Police Commission regarding changes to the Oakland Police Department's training programs.
- Develop and present a plan to the Police Commission to measure the performance of each element of the Oakland Police Department's discipline process for sworn employees.
- At the discretion of the Police Commission, the Commission may direct the Inspector General to review and comment on all other policies, procedures, customs, and General Orders of the Oakland Police Department.

KNOWLEDGE AND ABILITIES

Knowledge of:

- Principles and practices of public policy formulation.
- Police Department administration and department organization.
- Data collection and statistical analysis methods including qualitative and quantitative analysis.
- Public relations principles including public speaking and public presentations.
- Advanced personal computer applications particularly spreadsheet and database software.
- Policies and practices of civilian oversight of law enforcement agencies.
- Role of local Boards and Commissions.
- Principles and practices of performance auditing.
- Performance measurement systems and metrics.
- Legal and government auditing practices regarding conducting audits.

Ability to:

- Manage and complete complex audit and/or investigations involving allegations of fraud, theft, deception and conspiracy.
- Conduct impartial, objective performance audits; reduce complex issues to their most basic form; formulate reasonable and achievable recommendations with available resources.
- Maintain accurate records and files.
- Design, manage and troubleshoot databases.
- Interpret rules, laws and regulations pertaining to police conduct.
- Analyze and compile data.
- Prepare well-written analytical reports based on findings.
- Communicate effectively orally and in writing.
- Make oral presentation to both large and small groups.
- Maintain confidentiality and handle sensitive situations with tact and diplomacy.
- Work effectively with employees, elected officials, boards and commissions and the general public.
- Apply strong analytical skills to use data to identify patterns and trends.
- Supervise subordinate employees engaged in technical research and analytical activities.

MINIMUM QUALIFICATIONS

Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable. Note: Experience may be substituted for education on a year-for-year basis to allow for less typical patterns of qualification.

Education:

A Master's degree or Juris Doctorate (J.D.) in public administration, public policy, criminal justice, or a related field from an accredited college or university.

Experience:

Three years of progressively responsible professional experience in investigative, auditing, and public policy work in a relevant field that includes experience with statistics and data collection in a public sector entity. Legal experience and a background in law enforcement policy and practice is desirable.

LICENSE OR CERTIFICATE

Individuals who are appointed to this position will be required to maintain a valid California Driver's License throughout the tenure of employment OR demonstrate the ability to travel to various locations in a timely manner as required in the performance of duties.

OTHER REQUIREMENTS

Must pass a thorough background investigation.

Within ninety (90) days of his or her appointment, the Inspector General shall, at a minimum, receive training described in the City Charter and other related legislation. The Police Commission may propose any additional training it deems necessary for the Inspector General to perform the functions and duties of the OIG.

DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY				
Established:	04/11/2013	CSB Resolution #:	44622	Salary Ordinance #:
Exempted:	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Exemption Resolution #:		
Revision Date:	/ /	CSB Resolution #:		
Re-titled Date:	/ /	CSB Resolution #:		Salary Ordinance #:
(Previous title(s):)			



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Receive Bids for Investigator Services
Date:	April 5, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Approved by:	Karen Tom, Interim Executive Director, CPRA

Action Requested:

The Commission will review the attached bids for Investigator Services and may decide on pursuing any of them.

Background:

At the Commission's meeting of March 28, 2019, Commissioner Prather offered to solicit bids for investigator services to assist CPRA while recruitments for the vacant Complaint Investigator II positions are underway.

Discussion:

Commissioners will discuss the attached bids, and may decide to pursue services.

Attachment (16a):

Bids for Investigator Services

April 4, 2019

John Alden
Police Accountability Attorney
415-747-2485
by email from john@johnaldenlaw.com

Commissioner Edwin Prather
Oakland Police Commission
By email to EPrather@oaklandcommission.org

Dear Commissioner Prather:

I understand that the Oakland Police Commission is accepting proposals from contractors to complete the administrative investigation into the officer-involved shooting of Mr. Pawlik in the City of Oakland on March 11, 2018, (the Pawlik OIS), on behalf of the Oakland Citizens Police Review Agency (CPRA), which has already begun work on that matter. Please find below my proposal in that regard.

I understand that the Commission has discussed setting a date certain for completion of this investigation. Since I do not yet have access to the materials gathered to date by CPRA and the Oakland Police Department (OPD) in this matter, it is difficult to predict how detailed such an investigation can be within the Commission's deadline. But I can represent that I do not yet have any conflicting contracts in April or May of 2019, so I anticipate being able to apply my complete focus to this matter for at least the next two calendar months.

1. Scope of Work

Conduct a further administrative investigation of the Pawlik OIS on behalf of the Oakland CPRA, starting with all materials gathered to date by CPRA and OPD with respect to the OIS.

Complete a report in the manner normally done by CPRA by a date certain to be set by the Commission. Complete the maximum depth of investigation permitted by the deadline.

That report will include conclusions of fact as to the events using a preponderance of the evidence standard, and assessment of whether any OPD policies were violated. Given that these events occurred more than one year ago, facts showing whether Government Code Section 3304 tolling may apply will also be set out in the report.

The scope of work for this assignment does not including opining on the quality of the investigations completed by OPD, OPD policy improvements that might be apparent from the investigation, liability, or any other issue, including legal opinions. If these sorts of opinions or reports are of interest to the Commission at a later date, those would be the subject of a separate proposal.

2. Who Will Complete the Work

I will be the lead investigator. If the volume of material in the case file requires more personnel to complete the investigation within the timeframe set by the Commission, I would bring on a subcontractor, Barbara Attard, as my co-lead. Resumes for myself and Barbara Attard are attached.

We both normally bill at the hourly rate of \$300 for like work. But given that OPD has completed their investigation, and CPRA has commenced their investigation, we would bill in this matter at the hourly rate of \$225 for review of documents, and \$275 for all other investigative work.

3. Collaboration with CPRA

Naturally I will need to work with CPRA to obtain the case file. I would also like to learn what insights they have already gleaned about the case. Whether CPRA personnel continue to assist beyond that point in this case is, of course, an issue for the Commission.

That said, the more I can collaborate with the CPRA staff who have already worked on this matter, the more efficient the investigation will be. Using some limited services from the CPRA, such as interview noticing and interview rooms, would speed up the investigation, reduce costs, and reinforce to the witnesses interviewed that this is an official investigation of the Oakland Police Commission and the CPRA. If the case is significantly complicated, use of some CPRA personnel to complete some routine investigative tasks would also save time and cost.

Thank you for your attention to this proposal.

Sincerely,

/s/

John Alden

JOHN ALDEN
480 Filbert Street
San Francisco, CA 94133
415-747-2485
john@johnaldenlaw.com

POSITIONS HELD:

Managing Assistant District Attorney, Independent Investigations Bureau (IIB), San Francisco District Attorney's Office, 4/18 – 2/19.

- Set program objectives and monitored the performance of 14 subordinate staff in a prosecution unit investigating criminal cases of police officer misconduct, such as Officer Involved Shootings, In-Custody Deaths, and Excessive Use of Force.
- Recruited, managed, evaluated, and provided training for all subordinate staff.
- Assigned cases to teams of attorneys and investigators, reviewed and approved case work and investigation results, finalized public investigative reports.
- Coordinated Grand Jury investigations led by subordinates.
- Created IIB policies and procedures, including investigative procedures standards.
- Established program evaluation benchmarks and deliverables both proactively and in response to a City audit.
- Prepared reports and responses to performance audits for presentation to the San Francisco Controller, and the Board of Supervisors and its committees.
- Represented IIB at conferences and a variety of community and public meetings.
- Coordinated the Meet and Confer process with the San Francisco Police Officers' Association as to a new Memoranda of Understanding regarding the criminal investigation of Officer Involved Shootings and In Custody Deaths.
- Responded to scenes of Officer Involved Shootings to coordinate investigations.
- Reviewed new legislation and cases relevant to the work of IIB, especially SB 1421.

Attorney, San Francisco Department of Police Accountability (formerly Office of Citizen Complaints), 5/16 – 4/18.

- Managed a team of investigators conducting administrative disciplinary cases against police officers, including Officer Involved Shootings and Excessive Force. Prosecuted resulting cases before the San Francisco Police Commission.
- Led an internal revision of office policies, reporting structure, and investigator training to improve efficiency and quality of investigations.
- Served as Acting CFO 2017-2018. Crafted 2018-2019 agency budget. Shepherded that budget through the Mayor's Office and Board of Supervisors.
- Implemented creation of an audit team overseeing San Francisco Police Department Use of Force and Discipline using best practices from other jurisdictions.
- Member of Department's Executive Team, working directly with Executive Director. Acted for the Director in his/her absence as needed.
- Worked with appointed and elected officials at the state and local levels on statutory changes to expand the Department's authority and resources.
- Collaborated with community stakeholders and city agencies to accomplish reforms mandated by a federal review of the Police Department, and subsequent Collaborative Reform process, including use of force tracking and assessment.

- Created productive relationships with key stakeholders, especially employee unions, the Police Department, District Attorney, City Attorney, and Public Defender.
- Participated in Police Department Officer Involved Shooting Review Board.

Attorney, Internal Affairs Division, San Francisco Police Department, 1/09 – 5/16.

- Prosecuted administrative disciplinary cases against police officers before the San Francisco Police Commission. Tried five Commission-level disciplinary cases to conclusion, including a pair of six-month trials, and presented approximately another 15 cases to the Commission through different stages in their proceedings.
- Served on a team of lawyers and Command Staff that drafted the San Francisco Brady Policy, which was subsequently praised by the California Supreme Court in People v. Johnson.
- Directed investigations into Officer Involved Shootings, In Custody Deaths, and Excessive Force.
- Litigated Pitchess, Property Return, Discovery, and Public Record Act claims.
- Analyzed and revised Department policies. Researched best practices and legal issues in order to advise the Department about proposed changes to policies and procedures.
- Advised and assisted investigators in the Internal Affairs Division as to how to investigate allegations of misconduct made against police officers.
- Created positive working relationships with other stakeholders, especially employee unions, the Office of Citizen Complaints, District Attorney, City Attorney, Public Defender, and Courts.
- Supervised and trained paralegals, secretaries, and other attorneys.
- Completed over 120 hours of training in investigation of police officer use of force, and over 120 hours of training in managing internal affairs investigations.
- Coordinated with City Attorney on pending civil litigation against the Department.

Principal Attorney, Law Offices of John Alden, San Rafael, CA, 10/06-12/08.

- Formed own AV-rated law firm in San Rafael, and later added two partners.
- Litigated criminal and civil cases, including two jury trials, with emphasis on personal injury, employment, consumer protection, and wage and hour class action cases.
- Hired and supervised employees, including attorneys, paralegals, and secretaries.

Associate, Abbey Weitzenberg Warren and Emery, Santa Rosa, CA, 11/03 – 6/06.

- Performed general legal work in a civil practice, with special emphasis on personal injury, employment, consumer protection, and wage and hour class action cases.
- Tried a complex industrial accident case, achieving a winning verdict.
- Took depositions, investigated complicated cases, and supervised legal staff.

Deputy District Attorney, Marin County District Attorney's Office, San Rafael, CA, 9/98 – 11/03.

- Independently tried approximately 30 criminal jury trials to verdict.
- Served three years in the Consumer and Environmental Protection Unit, working on fraud and civil consumer protection cases. Worked with state agencies to investigate complex white collar crimes. Responsible for over \$1 million in civil judgments.
- Supervised District Attorney investigators, paralegals, and new attorneys.

Assembly Fellow, Office of Majority Leader Kevin Shelley, California State Assembly, Sacramento, CA, 10/97 – 9/98.

- Selected from a pool of over 300 to be one of 18 Fellows in the 1998 Legislature.
- Received unique training in researching and evaluating California legislative history, and analyzing how bills would affect public agencies.
- Drafted bills for the Assembly Majority Leader, arranged their passage through the Assembly and Senate, and secured their signature by the Governor.

Deputy District Attorney, Sonoma County District Attorney's Office, Santa Rosa, CA, 2/97 - 9/97.

- Prosecuted misdemeanor criminal cases, typically handling 180 cases each week split between settlement negotiations, pleas, sentencings, and probation matters.
- Independently tried six criminal jury trials to verdict.

EDUCATION:

Berkeley Law, University of California, Berkeley. J.D., 1996.

Highest-graded student in Trial Practice Skills, Spring 1996.

University of California, Berkeley. B.A. with Honors, Mass Communications, 1992.

LANGUAGES:

Proficient in Spanish.

PROFESSIONAL HONORS:

AV rated by Martindale-Hubbell.

PROFESSIONAL MEMBERSHIPS:

National Association for the Civilian Oversight of Law Enforcement (NACOLE)

Associate Member, 2013-2018.

Completed requirements for Certified Practitioner of Oversight in 2015.

California Peace Officers Association, Bay Area Legal Advisors, 2009 - 2019.

Chair, 2012-2016.

Consumer Attorneys of Marin County, 2006-2008.

Vice President, 2008.

VOLUNTEER POSITIONS:

City of San Rafael Planning Commissioner, 5/01 – 6/05. Appointed position.

- Evaluated applications to build commercial, residential, and industrial structures, and proposals to change the zoning of properties.
- Served as Chair of the Commission in 2005 as the City drafted its General Plan, including managing Brown Act and other municipal law compliance.
- Worked closely with City staff, neighborhood groups, environmental advocates, and others to reach compromises on complicated real estate developments.

Barbara J. Attard
Consultant, Accountability Associates
60-29th Street #616
San Francisco, California, USA 94110
415-994-5944
battard@comcast.net
www.accountabilityassociates.org

EXPERIENCE

POLICE PRACTICES AND POLICE ACCOUNTABILITY CONSULTANT

2008-Present Consultant, expert witness, and speaker on civilian oversight and police practices. Specialized focus on development of oversight/accountability programs, analyzing and conducting investigations of police misconduct, statistical analysis, policy review, audits of internal affairs practices and investigations, review of police reports. Trainer on interviewing and investigation techniques, ethics, statistical reporting, and civilian oversight.

SAN JOSE INDEPENDENT POLICE AUDITOR (IPA)

75 East Santa Clara Street Suite P-93, San Jose, CA 95113

POLICE AUDITOR Audited SJPD internal affairs misconduct investigations, developed
1/2005-12/2008 comprehensive reports and made policy recommendations. Responded to the scene of officer-involved shootings and reviewed shooting investigations. Conducted extensive community outreach through personal appearances, community forums, and media interviews. Fiscal and personnel management responsibilities. Reported directly to the San Jose City Council.

BERKELEY POLICE REVIEW COMMISSION (PRC)

1947 Center Street, Berkeley, CA 94704

PRC OFFICER As chief investigator: Conducted and/or supervised investigations
1/98-12/2004 of police misconduct complaints and policy review. Reviewed reports of investigation to determine need for additional legal research, analysis or investigation. Organized up to 30 annual hearings of misconduct cases.
As director of the PRC office: Fiscal and personnel management responsibilities. Worked with staff to develop new procedures and policies to increase productivity, efficiency and improve service.
As administrative officer to the PRC: Prepared agenda and supplemental information for meetings. Reviewed pending legislation and present recommendations for action to the PRC on relevant legislative issues. Presented PRC issues and recommendations to City Council. Handled media relations to include issuing press releases and responding to inquiries. Ensure that Commission business is conducted within the parameters of relevant open government laws. Liaison to City government. Conducted orientation workshops and training for commissioners. Organized public hearings and community forums on topical issues.

**THE OFFICE OF CITIZEN COMPLAINTS, (Current name, Office of Police Accountability),
S.F. Police Commission**

25 Van Ness Avenue, Suite 100, San Francisco, CA

SPECIAL ASSISTANT TO THE DIRECTOR Worked to develop and implement outreach project, particularly to underserved populations. Analyzed complaint data for Early Warning System that targets officers with multiple complaints for counseling. Reviewed complaint issues to determine policy failures and prepared policy recommendations. Developed comprehensive training program for full
9/96-12/97

staff and conducted in-house investigator training. Monitored legislation and determined strategy for agency response. Acted as liaison to other government agencies, spokesperson for agency when assigned. Coordinator of hearing and mediation programs.

**SENIOR
INVESTIGATOR**
9/88-9/96

Supervised, trained, and evaluated investigative staff. Lead on officer-involved shooting and large demonstration cases. Set office policies and procedures for the office as member of the management team. Spokesperson for the agency at various community and civic forums, and before the Police Commission and the Board of Supervisors in the absence of the director. Liaison between investigative staff members and police command staff. Helped develop organizational strategies and goals report. Prepared agency budget and statistical report.

INVESTIGATOR
9/83-8/88

Investigated complaints against police officers and made policy recommendations. Extensive report writing. Member of original staff group that organized OCC at its inception.

FRIENDS OUTSIDE, San Francisco, CA

**PROGRAM
DIRECTOR/
JOB DEVELOPER**
8/78-8/83

Administrator, counselor and employment development director of program that worked with ex-offenders recently released from state prison and county jail. Responsibilities included program development, grant writing, interfacing with funding agency, budgeting, staff development and management.

SAN FRANCISCO SHERIFF'S DEPARTMENT, City and County of San Francisco, CA

**COUNTY PAROLE
COUNSELOR**
1/78-7/78

Worked with inmates and those recently released from SF County Jail to develop re-entry programs. Placed participants in drug and alcohol programs, and educational and employment settings.

EDUCATION

1995

UNIVERSITY OF SAN FRANCISCO

Master of Arts Degree: Public Administration

1977

HUMBOLDT STATE UNIVERSITY, Arcata, CA

Bachelor of Arts Degree: Social Science and Philosophy

1969-70

CITY COLLEGE OF SAN FRANCISCO

PROFESSIONAL TRAINING / LICENSES

BUSINESS REGISTRATION Licensed in City and County of San Francisco, Certificate #476694

1986 to present

LICENSED PRIVATE INVESTIGATOR, State of California, #00011670

**PROFESSIONAL
TRAINING**

NAOLE Certified Practitioner of Oversight Credential 2014-Present

ILEAA (International Law Enforcement Auditors) Audit Certification

POLICE OFFICERS STANDARDS AND TRAINING (POST)

Homicide Investigations, Criminal Investigations, Internal

Affairs, Officer Involved Shootings, Interview and Interrogations

PC 832, LAWS OF ARREST CERTIFICATION, S.F. Police Academy

CITY OF BERKELEY

Frontline Leadership, Performance Measurement, Progressive

Discipline, Sexual Harassment Prevention, CORE Employee Training

S.F. CIVIL SERVICE COMMISSION

Management Seminar, Managing Problem Performance

GRANTSMANSHIP AND PROPOSAL PREPARATION TRAINING

State Department of Mental Health

MEDIATION WORKSHOP: IACOLE Conference, 1995, Vancouver, BC, Canada

TASER TRAINING: San Jose Police Department

PROFESSIONAL ASSOCIATIONS, BOARD OF DIRECTORS POSITIONS

NACOLE 1994-Present	National Association of Civilian Oversight of Law Enforcement President, 2006; Past President, 2007; Vice-President, 2001-2005; Secretary, 2000-2001, active member since 1994.
Hunter's Point Family 2007-2012	Former member Board of Directors of engagement program for severely at-risk youth in San Francisco's Bay View Hunter's Point District
National Lawyers Guild 2009-Present	Member, Active on Legislation Committee

HONORS AND AWARDS

2009 Commendation from Councilmember Madison Nguyen, awarded for leadership in improving the police complaint process, and increasing accountability of the San Jose Police Department.

2009 Freedom Fighter Award, awarded by the Silicon Valley Chapter of the NAACP, for leadership of the Office of the San Jose Independent Police Auditor

2008 Don Edwards Civil Liberties Award, awarded by the Northern California ACLU, Silicon Valley Chapter, for leadership of the Office of the San Jose Independent Police Auditor.

2008 Commendation from Assemblyman Mike Honda, for leadership of the Office of the San Jose Independent Police Auditor.

2006 Public Safety Award from Mayor Gonzales, City of San Jose, for promoting public safety through the Office of the San Jose Independent Police Auditor.

CAREER ACHIEVEMENTS

- Met with stakeholders and developed and co-authored recommendations for oversight of the Pasadena Police Department, 2016.
- Developed recommendations for oversight of the U.C. Davis Police Department, May, 2013.
- Conducted international training on US civilian oversight models, investigations and professional standards: Abuja, Nigeria; Brasilia, Brazil; Chilpancingo, Guerrero, Mexico; Vancouver, BC Canada.
- Lead board member in producing NACOLE professional development conferences 2001-2008. Organized panels for annual NACOLE conferences 2001-2015.
- Presented expert testimony at forums in communities seeking to implement or change civilian oversight programs: Bay Area Rapid Transit (BART) Board of Directors, Eureka, Fresno, Riverside, Oakland, Santa Cruz, San Jose, Santa Rosa, Sonoma, CA, University of California, Davis.
- Developed training manuals and training programs for staff in San Francisco OCC, Berkeley PRC and San Jose IPA offices.
- Published updated and expanded "A Student's Guide to Police Practices," three language primer for youth and parents on issues from profile stops and discrimination to "common crimes," to bullying and cyber-bullying, youth as victims of crime, child abuse and internet safety.

- Brought forth successful policy recommendations to the San Jose City Council that the SJPD establish written TASER guidelines and expand its shooting at vehicles policy.
- Authored published article on mediation in police misconduct cases, “In Praise of Mediation.” Directed alternative dispute resolution/mediation programs at SF OCC and Berkeley PRC.
- Convened task force meetings with community groups and individuals, civic leaders, commissioners in Berkeley, CA, and BPD command staff to develop policy and training recommendations and City Council items. Subjects include: Gay, Lesbian, Bi-sexual Training; Homeless Issues; Critical Mass/Bicycle Issues; Proposal of a Canine Program.
- Developed “Early Warning System” for detecting and counseling San Francisco police officers whose citizen complaint records indicated possible problematic behavior patterns.
- Selected as member of “Police Discipline Roundtable”—a task force comprised of members of the San Francisco Police Commission, police administration, the police union, and the community, which made recommendations to solve problems in the S.F. police discipline system.
- Presentations on radio talk shows, at community forums and schools, at the commission meetings, and before the legislative bodies in San Francisco, Berkeley, San Jose, and Sacramento, CA.
- Negotiated procedures for referral of police complaints from the San Francisco Youth Guidance Center Juvenile Probation Department medical staff, and Juvenile Division police officers.
- Organized and promoted a series of community meetings culminating in a public forum on community policing in Berkeley, CA. Organized and promoted a successful PRC community forum on racial profiling and a public hearing on homeless issues.

PUBLICATIONS

Co-authored, *Police Misconduct Complaint Investigations Manual—For Investigators, Auditors, Monitors, and Others Conducting or Reviewing Investigations*, a training manual and handbook for those concerned with or overseeing policing in their communities.

Co-authored, “Overview of Civilian Oversight of Law Enforcement in the United States,” an analysis and description of oversight mechanisms.

Authored peer-reviewed article on the importance of civilian oversight of law enforcement, a critical overview. *Pace Law Review* Vol. 30 Issue 5, Fall 2010 “Oversight of Law Enforcement is Beneficial and Needed—Both Inside and Out”.

Authored article “In Praise of Mediation”, published in *California Association of Human Relations Organizations, CAHRO Newsletter*, Winter 1999, Reprinted by *National Association for Civilian Oversight of Law Enforcement NACOLE Review*, Summer, 2000.

EXPERT WITNESS TESTIMONY

April, 2009: CA Assembly Public Safety Committee—Testified as expert witness on civilian oversight for the legislative committee hearing to establish BART oversight.

December, 2009: ProPublica investigative journalism—Provided review and expert analysis of internal affairs investigations of police shootings after Hurricane Katrina.

January, 2010: CA Assembly Public Safety Committee: Testified as expert witness on civilian oversight at committee hearing to establish BART oversight.

January 14, 2010: US District Court, Northern District of California, Judge Lowell Jensen—Certified as expert witness in criminal trial; provided testimony on police practices, foot pursuits, officer and public safety, safe handling of weapons, and supervision.

March, 2010: Provided review and expert analysis of officer’s signed statements for investigative journalism project regarding police shootings following hurricane Katrina.

December, 2011: Testified at CA Senate Education and Assembly Higher Education Joint Committee Hearing convened in response to use of force at Occupy demonstrations. Informed legislators about policing demonstrations, police accountability, and issues that have arisen on college

February, 2012: Testified at CA Assembly Public Safety Committee hearing convened in response to use of force at Occupy demonstrations. Spoke about police use of force and police accountability.

PRESENTATIONS AND PROJECTS

- 2000 Lihue, HI, NACOLE Conference, Presenter and Moderator, Mediation of Complaints.
- 2001 Denver, CO, NACOLE Conference, Co-presented training session “Evaluation of Investigations.”
- 2002 Cambridge, MA, NACOLE Conference, Moderator and Speaker “Making Sense of the Choices: Gaining an Understanding of Established Models of Oversight.”
- 2004 Toronto, Ontario, Canada Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) Conference, Speaker on Trends in Oversight of Policing in the United States.
- 2005 Brasilia, Brazil, United Nations Development Program Conference on Civilian Oversight of the Police. Participated in 2-day conference and presented on oversight in the US.
- 2006 Vancouver, BC, Canada, CACOLE Conference, Presentation on establishing a code of ethics.
- 2007 Chilpancingo, Guerrero, Mexico: Conference to establish oversight of the police in La Montana Presenter on US oversight and consultant to review proposed oversight model.
- 2007 San Jose, CA, Hosted Thirteenth Annual NACOLE Conference. Moderated and organized workshops on: Oversight through the Media, Oversight of Jails and Prisons, International Oversight; Presenter on Statistical Reporting.
- 2007 Eureka, CA, Presenter on models of civilian oversight in the United States.
- 2007 Fresno, CA, Delivered presentation on models of civilian oversight.
- 2008 Palo Alto, CA, Presenter on establishing Taser policy and oversight of use of Tasers.
- 2008 Cincinnati, OH, NACOLE Conference, Moderated and organized presentations on Domestic Violence Perpetrated by Police Officers and International Oversight.
- 2008 Fresno, CA Speaker at forum on establishing oversight and overcoming resistance.
- 2008 Abuja, Nigeria, CLEEN Foundation Training Program for the Police Service Commission, Developed and co-trained workshops on ethics, investigations, analysis, statistics, use of force, early intervention, policy review, biased-based policing, civilian oversight in the US and internationally.

- 2009 Oakland, CA, Development of Oversight for Bay Area Rapid Transit Police (BART)
Met with members of the BART Board of Directors to present history of oversight and review of models of oversight in the U.S. Discussed statistical reporting, policy development and strengths and weaknesses of models.
- 2009 Met with delegation of members of the Jamaican Police Civilian Oversight Authority. Presented overview of civilian oversight agencies in the San Francisco Bay Area, discussed strengths and weaknesses of models, introduced delegation to members of oversight agencies in San Francisco and Berkeley.
- 2009 Worked with California legislators regarding BART oversight. Invited presenter before the State Senate Public Safety Committee.
- 2009 Austin, TX, NACOLE Conference: Organized panel presentation discussing hidden injuries of war, post traumatic stress disorder (PTSD) and traumatic brain injury (TBI)—the implications for policing, and the importance of testing and treating.
- 2010 Seattle, WA, NACOLE Conference: Designed panel discussion of police dealing with persons with mental illness.
- 2011 Oakland, CA, Consultant and advisor to community groups working to increase civilian oversight of the Oakland Police Department.
- 2009 New Orleans, LA, NACOLE Conference: Organized and moderated panel of investigative journalists to discuss their investigation and reporting of police shootings after hurricane Katrina, which resulted in federal prosecution of responsible officers.
- 2011 New Orleans, LA, NACOLE Conference: Worked with New Orleans civil rights attorney to hone presentation regarding re-thinking issues of police loyalty and overcoming the barriers to ethical policing presented by the “code of silence.”
- 2012 Presented to the Vallejo, CA, Public Safety Committee about civilian oversight models in the United States.
- 2012 Member of working group that is developing a “police peer intervention” training program. This comprehensive proposal presents training to teach police officers “critical loyalty”—training them to intervene to prevent misconduct, rather than having to live with the consequences of covering up for unwarranted excessive force or other problematic behavior.
- 2012 San Diego, CA, NACOLE Conference: Presented concept of “police peer intervention” training with other members of the police peer intervention working group.
- 2013 Los Angeles, CA, International Law Enforcement Auditors Association (ILEAA) presenter at training seminar on oversight of law enforcement in the United States.
- 2012 University of California, Davis. Presenter at community meetings regarding development of oversight in the United States. Presented recommendations to the UCD Chancellor for oversight of UCD police department.
- 2013 Moscow, Russian Federation. Participated in an “exchange of information” project funded through the Eurasia Foundation. Members of civil rights non-governmental organizations in Russia partnered with members of the National Association for Civilian Oversight of Law Enforcement (NACOLE) in the United States to inform groups in the United States about oversight of prisons in Russia, and inform groups in Moscow about oversight of law enforcement in the U.S.

- 2014 Eurasia Foundation Project. Member of Rule of Law Working Group. Members of civil rights non-governmental organizations in Russia partnered with members of the National Association for Civilian Oversight of Law Enforcement (NACOLE) in the United States to create “how to” informational documents and videos about oversight. Our U.S. project was writing an investigative handbook for oversight practitioners.
- 2014 Austin, TX. NACOLE/ILEAA Conference presenter of an interactive workshop, “Introduction to Investigation of Police Misconduct Incidents”.
- 2014 King County, WA, Consulted with Auditor’s Office regarding important components of independent oversight to enhance police transparency and accountability.
- 2015 Oakland, CA, IGNITE Conference to Empower Young Women, Panelist on police issues discussion.
- 2015 Riverside, CA, NACOLE Conference. Developed and moderated panel discussion, “International Perspectives on Police Oversight.”
- 2015 New Orleans, LA. Worked with the NOPD Police Monitor to develop and present a taped “Know Your Rights” workshop with high school students.
- 2016 Pasadena, CA. Consulting project to conduct outreach in the Pasadena community and make recommendations for oversight of the Pasadena Police Department to the Pasadena City Council.
- 2017-2018 San Francisco, CA. Member of SFPD Executive Working Group for Accountability reviewing and implementing recommendations set forth in the DOJ COPS “Collaborative Reform Initiative—An Assessment of the San Francisco Police Department”.
- 2017-2018 Davis, CA. Consulting project to conduct outreach in the Davis community and make recommendations for oversight of the Davis Police Department to the Davis City Council.



April 6, 2019

Via email

Commissioner Edwin Prather
Oakland Police Commission

Re Investigation of the officer-involved shooting of Joshua Pawlik

Dear Commissioner Prather:

Berkeley-based Mason Investigative Group (“MIG”) is a team of five investigators with a long-established track record of conducting investigations in complex civil and criminal matters throughout the Bay Area, nationwide, and internationally. Two investigators on the team are members of the California Bar.

Our firm has the capability to undertake this investigation and report promptly.

Per our telephone conversation I am submitting the following proposal. The strategy and scope of this effort will depend on what has been done and what access MIG will have to previous investigative reports, witness lists and statements, body cam footage, dispatch and radio transcripts, medical examiner findings, and other relevant material.

We would approach the case this way:

- 1) Review materials provided by the Commission and rough out the investigative plan and a time frame for completing the work. We will fine-tune the plan in consultation with the Commission and from time to time will likely need the Commission’s input as we progress.
- 2) Examine physical evidence and the scene of the shooting.
- 3) Locate and interview witnesses identified in reports from prior investigations.
- 4) Identify, contact and endeavor to interview witnesses from the Oakland Police Department, Fire Department, Fire Medical Emergency personnel, the Alameda County Coroner’s Office, and members of any other agency or department with potentially relevant input, as appropriate.

PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT



- 5) Contact and interview sources and witnesses whose names we develop in the course of our work.
- 6) Incorporate all relevant input into a report of investigation. This report will cover our protocols and methodology, and the responses of knowledgeable parties, whether they consented to an interview or declined. Our report will note where statements have materially changed, or where relevant contradictions arise among the key witnesses, or if witnesses believe their prior input was misconstrued or misreported. We will opine as to the credibility of all witnesses interviewed.
- 7) We will compare witness statements and evidentiary materials that bear on whether the involved officers followed OPD policies regarding use of lethal force. We will provide our findings, using a preponderance of the evidence standard, as to whether relevant policies and procedures were followed or violated.

We propose to undertake this investigation at a blended rate of \$225 per hour across the team members involved. If you have questions, or would like to discuss any aspect of this proposal, please let me know.

Cordially,

A handwritten signature in black ink, appearing to be "Eric Mason".

Eric Mason

EM/jm

Mason Investigative Group (MIG) works for lawyers representing criminal defendants, civil litigants and businesses.

We pride ourselves on our intellectual curiosity, forthright strategic advice, impeccable research, professional and comprehensive interview skills, and clear, concise written reports.

Our clients are individuals, some well-known, as well as, successful business entities, such as Google, Cisco, Federal Express, Apple, Yahoo, Genentech, PG&E, TPG and the ILWU-PMA Benefits Plans.

For 27 years, MIG has been hired by the best attorneys in complex, often high-stakes, criminal cases, civil and family matters, and internal investigations throughout the country. Lawyers and businesses routinely seek our expertise in interviewing people of interest, whether they be witnesses, victims of crimes or harassment, or jurors after the trial. We conduct background investigations on important subjects, including party opponents, adverse witnesses or potential key hires. Businesses often seek our help to protect intellectual property, identify non-complying products and investigate trade secret theft. And, our team is frequently hired to do internal investigations for businesses, schools and non-profits, usually related to employment, sexual misconduct or fraud matters.

MIG has a consistent history of pro bono work, which includes investigations in indigent defense, death penalty, commutation, and civil rights matters, as well as, identifying, locating and contacting next of kin for social workers working within the Alameda Health System.

We pride ourselves in understanding the character, complexity and “story” of each case we work on, whether it be a trade secret dispute, a class action, an auto accident, a workplace incident or a federal death penalty prosecution. We are adept at understanding the subjects we find and approach. And, we know that the “one size fits all” approach has no place when it comes to hitting the field and interviewing people, trying to understand complex and usually unsettled facts and circumstances.

Mason Investigative Group is part of a tradition of Bay Area investigators with strong academic and diverse employment backgrounds: that means our work is founded on the ability to think critically, analyze carefully and report succinctly.

People

Eric Mason

Eric began his investigative career in 1986 after graduating from the University of California, Berkeley with a degree in history. He gained extensive experience with capital homicide specialist Russell Stetler then moved to Palladino & Sutherland. Eric founded his own firm in 1992 and began to direct investigations in complex criminal and civil matters.

Joseph Parisi

A graduate of the University of California, Berkeley and Hastings College of the Law, Joe is an active member of the State Bar of California. Joe joined Mason Investigative Group in 2000. Before that he practiced criminal defense with San Francisco attorney William L. Osterhoudt where he focused on complex federal litigation. Joe has lectured on investigative strategies at numerous local venues to include Farella Braun & Martel, Boalt Hall, Golden Gate University and the CACJ Capital Case Defense Seminar.

John Mason

John earned a B.A. in English from Berkeley in 1987. Before joining Mason Investigative Group in 2004, John worked in advertising and publishing, and before then spent a number of years summarizing deposition and trial testimony in complex environmental litigation.

Scott Compton

Scott, also a Berkeley graduate with B.A. in English, joined Mason Investigative Group in 2013 with a background in journalism. Scott previously worked in media management and crisis communications in both professional sports and politics in the U.S. and New Zealand.

Allison Wood

Allison is a practicing attorney with almost 30 years of litigation experience in both the United Kingdom and US. She was a commercial litigator in the UK for 10 years following graduation from Leicester University (Bachelor of Law) and Chester Law School. Since relocating to the US over 17 years ago and passing the California State Bar, her solo practice has focused on workers compensation and bankruptcy issues. Wood's work for MIG focuses on complex backgrounds and research.

Erica Leverett

Erica is another English Department graduate of Cal who worked for many years in the tech industry, including Berkeley Systems and the startup Livescribe,

before joining MIG in 2016. Erica anchors the technology desk and handles electronic discovery, and phone and computer forensic efforts, as well as social media-related investigations.



OAKLAND POLICE COMMISSION

Agenda Report

Subject: Pending Agenda Matters List
Date: April 8, 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)

Attachments (17a):

Pending Agenda Matters List (12 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
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		4/11/2019	
Annual Report	1/1/2018	Submit Commission's first annual report to the Mayor, City Council and the public		High	4/17/2019	4/11/2019	Prather, Smith
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		4/11/2019	
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		4/11/2019	Dorado, Harris
Follow up on R-02: Parole and Probation Policy	10/10/2018		We have the authority, since this is connected to racial profiling, to write a new policy.	High		4/11/2019	Jackson, Prather, Smith
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.	High	Biennial, per budget cycle	5/9/2019	
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

**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"> 1. The number of complaints submitted to the Department's Internal Affairs Division (IAD) together with a brief description of the nature of the complaints; 2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated; 3. The number of investigations completed by IAD, and the results of the investigations; 4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions; 5. Revisions made to Department policies; 6. The number and location of Department sworn employee-involved shootings; 7. The number of Executive Force Review Board or Force Review Board hearings and the results; 8. A summary of the Department's monthly Use of Force Reports; 9. The number of Department sworn employees disciplined and the level of discipline imposed; and 10. The number of closed investigations which did not result in discipline of the Subject Officer. <p>The Chief's annual report shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7</p>	High	June 14, 2018 and June 14 of each subsequent year		Dorado

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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		

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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			
Set Agendas for Future Meetings	1/10/2019		This should be done at each meeting. Review priority list and schedule items.	High			
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			
Community Policing Task Force/Summit	1/24/2019			Medium			Dorado

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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
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			

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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			
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		

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Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
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			
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			

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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			
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			

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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			
Discipline: Second Swanson Report recommendations – have these been implemented?	10/6/2018		Supervisor discipline Process for recommending improvements to policies, procedures and training, and to track and implement recommendations Tracking officer training and the content of training Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines IAD civilian oversight for continuity in IAD Improved discovery processes Permanent arbitration panel implemented from MOU OPD internal counsel Two attorneys in OCA that support OPD disciplines and arbitration (why not use CPRA attorney who knows the detailed investigation and is already paid for?) Reports on how OCA is supporting OPD in discipline matters and reports on arbitration 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.) OIG audit includes key metrics on standards of discipline	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			

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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			
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			

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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			
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

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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"> To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; Arbitration decisions or other related results; The ways in which it has supported the police discipline process; and Significant recent developments in police discipline. <p>The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7</p>	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			