



# OAKLAND POLICE COMMISSION

## MEETING AGENDA

May 23, 2019

6:30 PM

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

- I. **Call to Order**  
Chair Regina Jackson
- II. **Roll Call and Determination of Quorum**  
Chair Regina Jackson  
Excused Absences: Tara Anderson, Ginale Harris
- III. **Welcome, Purpose, and Open Forum** (2 minutes per speaker)  
Chair Regina Jackson will welcome and call public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.
- IV. **Pawlik Investigation Update**  
The Commission will discuss CPRA's recently completed Pawlik investigation. ***This was discussed on 5.9.19.***
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- V. **Review of CPRA and Commission Budgets**  
The Commission will review the budgets for CPRA and the Police Commission, and will discuss the recent meeting with the Finance Department staff. ***This was discussed on 3.14.19 and 5.9.19. (Attachment 5)***
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- VI. **Submission of Candidate for CPRA Interim Executive Director**  
The Commission will vote to approve submission of Mike Nisperos to the City Administrator for consideration to serve as Interim Executive Director of the Community Police Review Agency (CPRA). ***This is a new item. (Attachments 6, 6a)***
  - a. Discussion
  - b. Public Comment
  - c. Action, if any

**VII. Public Hearing on OPD Budget**

OPD staff will present the Department's budget for the Commission to review. The Commission will also conduct a public hearing on the budget per City Charter 604(b)(7).

***This was discussed on 5.9.19.***

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

**VIII. Rules of Order Addition – Rule 2.19**

The Commission will discuss and may take action on a potential amendment to the Rules of Order. New Rule 2.19 would create a procedure around the Commission's Chief of Police For Cause Assessment. ***This is a new item. (Attachment 8)***

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

**IX. Crisis Assistance Helping Out on the Streets (CAHOOTS) of Oregon Presentation**

CAHOOTS is praised by the community, police, fire, and city administration as effective, compassionate, and money saving. The Commission will discuss exploring whether such a program would be beneficial in Oakland. ***This is a new item.***

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

**X. Report from Ad Hoc Committee on CPRA Appellate Process**

The Ad Hoc Committee on CPRA Appellate Process will present its on-going analysis on a potential appellate process for closed CPRA and/or CPRB cases, if any. ***This was discussed on 9.13.18, 10.11.18, 4.11.19, 4.25.19, and 5.9.19. (Attachment 10)***

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

**XI. Recess (8 minutes)**

**XII. Pro Bono Legal Services Agreement**

The Commission will discuss and review an agreement from Henry Gage, III for pro bono legal services that was approved by the Personnel Committee, and may vote to approve the agreement. ***This is a new item. (Attachment 12)***

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

**XIII. Commission Letter to City Council Regarding OPD Contract with Michael Palmertree**

The Commission will review and may approve a draft letter to the City Council regarding OPD's contract with Michael Palmertree. ***This is a new item. (Attachment 13)***

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

**XIV. 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 a recurring item.***

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

**XV. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference**

The Commission will discuss and may vote on participation at the National Conference in Detroit September 22-26, 2019. ***This was discussed on 4.25.19.*** ([Attachment 15](#))

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

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

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***This is a recurring item.*** ([Attachments 16, 16a](#))

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

**XVII. Adjournment**



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# Oakland Police Commission/CPRA Budget Questions and Data Points

May 23, 2019

Compiled by Vice Chair Harris, Commissioner Dorado and Former Commissioner Benson

Budget 2018-19 Labels	Budget 2018-19	Remaining Amount YTD	Proposed 2019-20	Proposed 2020-21
<b>66111 - Police Commission</b>	\$ 126,000	\$ 113,583	<b>\$ 384,136</b>	<b>\$ 490,393</b>
Contract Contingencies (Budgetary Only)	\$ 80,000	\$ 80,000	\$ 103,000	\$ 203,000
Legal Fees			\$ 281,136	\$ 287,393
Registration and Tuition	\$ 8,000	\$ 8,000		
Stationery and Office Supplies	\$ 5,000	\$ 5,000		
Minor Computer Hardware and Software (No Asset Number, Not Capitalized)	\$ 5,000	\$ 5,000		
Books	\$ 1,000	\$ 1,000		
Bottled Water and Food for Human Consumption	\$ 5,000	\$ 1,470		
Supplies: Miscellaneous and Commodities	\$ 1,000	\$ 885		
Non-City Vehicle Rentals	\$ 3,000	\$ 2,749		
Commercial Transportation	\$ 8,000	\$ 5,757		
Per Diem and Lodging	\$ 8,000	\$ 1,845		
Miscellaneous Travel Expenditures (Tips, Parking)	\$ 2,000	\$ 1,878		

**Questions/Concerns:**

- Who authorized a budget be submitted on behalf of the commission without a vote or public discussion?
  - The budget submitted (without vote of commission) asked for a reduced Investigator (against Measure LL) and an increased Intake Coordinator and chose two line items of increase the budget ad hoc asked for. How did certain requests get to be submitted in opposition to the budget ad hoc committee (intake coordinator) and how did the line items asking for increase get chosen over others (i.e. training and special events only but not bilingual stipend?)
- Why did it take months to get a YTD actuals report? \*Note, this disempowered the commission from engaging in the process of creating it's own budget on the city's timeline, creating a mayor/city administrator designed budget.
- Who authorized the increased 100k in Contract Contingencies (community survey) for 2020-21?
- Why were legal fees not included in the previous budget?
- **Key Concern:** The mayor/city administrator are making it a huge key point to the city's budget presentations that this budget **"fully funds the resources requested by the Oakland Police Commission for training and performance of its duties"**
  - In actuality:
    - "added" 103k to the budget to honor two line items (training/special events) of draft budget the budget ad hoc committee made but was never approved or submitted
    - **Registration/Tuition all the way to Misc. Travel Expenditures is gone, so we have lost 46k.**
    - Special events is actually part of the Measure to have public hearings on policy issues, so it was an oversight like not having legal fees, that the budget ad hoc committee caught and proposed being addressed.
    - And, for full transparency CPRA informed us that the 80k in Contract Contingencies was NOT available for use as we needed it, so we've lost it this past year due to erroneous information.

*Final analysis of Commission Budget: It looks, on paper, like the Mayor has given us an additional \$258,136 in 2019/20 and \$364,393 in 2020/21 and claims we requested this. This simply is not true. After removing 46k in O&M funds, she added 280k in legal fees that was an oversight in the previous budget and added a mysterious 100k for a community survey that never came from this commission. What's particularly disturbing is that this talking point is being politicized in response to the critiques that the City Administration is blocking the commission. Had the community appointed team not carefully scrutinized this, this would have been missed and not only would the mayor be using it for political gain, but the Commission would have lost autonomy of this budget.*

Budget 2018-19 Labels	Budget 2018-19	Remaining Amount YTD	Proposed 2019-20	Proposed 2020-21
<b>66211 - Community Police Review Agency</b>	<b>\$ 567,325</b>	<b>\$ 540,087</b>	<b>\$ 368,850</b>	<b>\$ 368,850</b>
52211 - Stationery and Office Supplies	\$ 20,139.82	\$ 16,025.33	\$ 20,000	\$ 20,000
52212 - Minor Furniture and Office Equipment (No Asset Number Not Capitalized)	\$ 3,000.00	\$ 3,000.00	\$ 3,000	\$ 3,000
52213 - Minor Computer Hardware and Software (No Asset Number Not Capitalized) *OTF \$6,018	\$ 11,018.51	\$ 9,867.00	\$ 3,750	\$ 3,750
52614 - Books	\$ 1,200.00	\$ 1,001.71	\$ 1,200	\$ 1,200
52911 - Bottled Water and Food for Human Consumption	\$ 3,500.00	\$ 2,490.04	\$ 3,500	\$ 3,500
52919 - Supplies: Miscellaneous and Commodities	\$ 1,304.64	\$ 378.76	\$ 0	\$ 0
53116 - Telephone	\$ 6,000	\$ 2,980	\$ 6,000	\$ 6,000
53219 - Rental: Miscellaneous	\$ 1,000.00	\$ 770.58	\$ 0	\$ 0
53312 - Public Relations	\$ 10,000.00	\$ 10,000.00	\$ 10,000	\$ 10,000
53314 - Advertising and Promotion	\$ 3,500.00	\$ 3,500.00	\$ 3,500	\$ 3,500
53611 - Postage and Mailing	\$ 5,000.00	\$ 4,040.93	\$ 5,000	\$ 5,000
53719 - Miscellaneous Services	\$ 12,000.00	\$ 10,724.00	\$ 12,000	\$ 12,000
54011 - Contract Contingencies (Budgetary Only)	\$ 83,000.00	\$ 83,000.00	\$ 246,000	\$ 246,000
54511 - Legal Fees *OTF Total	\$ 281,862.37	\$ 281,862.37	\$ 0	\$ 0
54722 - Advertising: Classified	\$ 1,000.00	\$ 1,000.00	\$ 0	\$ 0
55111 - Non-City Vehicle Rentals	\$ 1,000.00	\$ 1,000.00	\$ 0	\$ 0
55112 - Commercial Transportation *OTF 18k	\$ 23,000	\$ 20,909	\$ 9,000	\$ 9,000

Budget 2018-19 Labels	Budget 2018-19	Remaining Amount YTD	Proposed 2019-20	Proposed 2020-21
55114 - Per Diem and Lodging *OTF 29k	\$ 39,000	\$ 32,631	\$ 15,250	\$ 15,250
55119- Miscellaneous Travel Expenditures (Tips, Parking)	\$ 3,500.00	\$ 3,014.00		
55212 - Registration and Tuition *OTF 31k	\$ 41,300	\$ 35,893	\$ 15,650	\$ 15,650
55219 - Miscellaneous Educational Expenditures	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
55312 - Memberships: City	\$ 1,000	\$ 1,000	\$ 0	\$ 0

**Questions/Concerns:**

1. Why is over 500k not spent?
  1. We have had legal representation appointed to us, where is that bill?
  2. What about all the asks re. Community outreach for CPRA, especially the new reporting app that that city spent 400k over budget on that was supposed to make reporting police misconduct more accessible?
2. Who made the decisions about which line items to reduce and how was that assessed?
  1. How can anyone justify the assessment of CPRA funding without engaging the Commission?
3. Where did the \$367k in Special One Time Funding Go? \*Line items above are indicated \*OTF

*Final Analysis: The Mayor has removed \$198,475 from the CPRA budget O and M. This leaves the new Executive Director, to be hired by the Commission, with significantly less funds to develop and steer the CPRA in the direction the Commission wants.*

**The total amount the Mayor has removed from this Commission/CPRA O&M budget is \$244,000 (198k from CPRA and 46k from OPC) but is claiming to have fully funded the resources requested by the Commission. To be clear: There were NO RESOURCES officially requested by this commission, there were no up to date reports for the budget ad hoc committee to do an analysis in time for the budget deadlines and the mayor is REQUIRED to fund the things she is attempting to politicize in response to critiques on this administration's obstruction of the Commission.**

- Investigator II (Measure LL requires 1 per 100 police, only 6 were budgeted)
- Resource legal fees for CPRA and the Commission
- Special Events budget (Measure LL Public Hearings)- brought up by Budget Ad Hoc Committee

*In addition, 100k for a Community Survey no Commissioner has ever brought up is now part of the budget and being touted as "resourcing the commission."*



# OAKLAND POLICE COMMISSION

## Agenda Report

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<b>Subject:</b>	<b>Submission of Candidate for Interim Executive Director</b>
Date:	May 16, 2019
Requested by:	Police Commission Chair
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	Richard Luna, Assistant to the City Administrator

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### **Action Requested:**

That the Police Commission approve submission of Mike Nisperos to the City Administrator for consideration to serve as Interim Executive Director of the Community Police Review Agency (CPRA).

### **Background:**

As of May 4, 2019, the CPRA Executive Director position has been vacant. Without an Executive Director, the CPRA is unable to make findings of its investigations and California Government Code Section 3304 deadlines may be missed with potential consequences of the City of Oakland being unable to hold police officers accountable for inappropriate actions.

Measure LL – Police Commission, City Charter Section 604(e)6, requires that, “Upon a vacancy, the Director of the Agency shall be hired by the City Administrator from among two (2) or three (3) candidates submitted by the Commission.”

### **Attachments (6a):**

Resume of Mike A. Nisperos, Jr.



Mike Ancheta Nisperos Jr.

██████████@gmail.com  
██████████  
██████████  
██████████

**PERSONAL DATA**

Date of Birth  
Place of Birth

██████████  
McComb, Mississippi

**EDUCATION**

Aug 1975 - May 1978

University of California, Berkeley  
Boalt Hall, School of Law  
Degree: JD

Jan 1974 - Jun 1975

University of California, Berkeley  
Degree: BA  
Major: Rhetoric

**ACTIVE MILITARY SERVICE**

Jan 1968 – Nov 1971

United States Marine Corps  
Honorable Discharge,  
Meritorious Combat Promotion, Sergeant (E-5)  
Viet Nam Veteran

Jul 1982 – Jul 1986

United States Air Force  
Judge Advocate General Corps  
Honorable Discharge  
Captain (O-3)

Nov 1990 – Dec 1990

*Operation Desert Shield*  
Judge Advocate Recall Volunteer

**ADMISSION TO PRACTICE LAW**

May 1979

State of California  
United States District Court,  
Northern District of California

May 1982

United States Court of Appeals  
For the Ninth Circuit

Sep 1982

United States Court  
Of Military Appeals

Oct 2002	United States Supreme Court
Feb 2007	Commonwealth of N. Marianas Islands (4 year conditional admission)
Oct 2008	Territory of Guam (5 year conditional admission)

**RELEVANT WORK EXPERIENCE**

**Aug 2011 – Jan 2016**                      **Law Office of Mike A. Nisperos Jr.**  
████████████████████  
**Oakland, CA** ██████████

**Oct 2008 – Aug 2011**                      **Director (Chief Public Defender)**  
**Public Defender Service Corporation**  
**Hagatna, Guam**

As Chief Public Defender I was responsible for supervising a staff of 57 (criminal defense attorneys, investigators and support personnel). The office is the primary provider of free legal services for the indigent population of Guam. The service focus is criminal defense but the office, by statute, has authority to represent the poor and indigent in civil actions so long as it does not constitute competition with the local bar.

I was appointed to the position by the five-member Board of Trustees: the Chief Justice of the Supreme Court, the Presiding Judge of the Superior Court, the President of the Guam Bar Association and two non-attorney members appointed by the Chief Justice.

**Jan 2007 – Oct 2008**                      **Assistant Attorney General**  
**Ofc. of the Attorney General, Criminal Division**  
**Commonwealth of the N. Marianas Islands**

My primary duties were the supervision of investigations and the prosecutions of high profile white collar and government corruption cases. I had responsibility for creating the special unit; and for managing the cases from opening the investigation through final appeal. To familiarize myself with the local court system and the judicial personalities I also took on a limited general prosecutor caseload.

In the absence of the Chief Prosecutor I was designated, by the Attorney General, as the Acting Chief Prosecutor. As such my responsibilities also included case charging, arrest and search warrant approval and case assignments. In addition I served as the 24/7 point of contact for emergency legal advice to the Department of Public Safety and the Attorney General's Investigation Unit. I supervised a staff of five attorneys and seven support personnel.

**Feb 2006 – Dec 2006**

**Consultant, Public Safety  
Peralta Community College District**

I served as a consultant in the development of a Regional Public Safety Training Center for the Peralta Community College District. Phase I was the development of Pre-Academy curriculum to increase the number of Oakland residents capable of passing the entrance examinations for the Oakland Police and Fire Departments. Phase II was the creation of a long range plan for the construction and maintenance of a joint law enforcement/emergency services training center for the Peralta Community College District.

**Mar 2005 – Dec 2006**

**Law Office of Mike Nisperos Jr.**

Having retired from the Public Employees Retirement System in July 2005 I limited my practice to cases I found particularly interesting in the subject matters of felony criminal defense and professional responsibility/legal ethics.

**Apr 2001 – Mar 2005**

**Chief Trial Counsel  
State Bar of California**

As Chief Trial Counsel I was responsible for supervising a staff of 235 (prosecutors, investigators and support personnel) with offices in San Francisco and Los Angeles; with an annual operating budget of approximately \$25 million. This office is primarily responsible for the California Attorney Discipline enforcement system. By law the Chief Trial Counsel is appointed by the State Bar Board of Governors subject to the confirmation of the California Senate. For my four-year term I was unanimously selected by the Board of Governors and unanimously confirmed by the California Senate.

During this term I personally supervised the largest investigation in the history of the State Bar of California. The case involved a small group of young attorneys, the Trevor Law Group, exploiting the provisions of the California Unfair Competition laws to coerce and extort settlements from a victim class of small businesses numbering approximately 5,000. Due to the amount of public harm the case was expedited and completed, by the resignation of the attorneys, within 120 days.

I also introduced the concept of therapeutic jurisprudence to the State Bar, based upon my past experience working with the establishment of the first “Drug Court” in California. Working with the State Bar Court and the Lawyers Assistance Program we established a “Treatment and Discipline Court” for attorneys whose misconduct had a nexus to their substance abuse or mental health problems. After being in existence for less than two years, more than thirty percent of State Bar Court cases were in the Treatment and

Discipline Court and the number continued to rise. It is a model that is now being studied by administrative discipline agencies across the country.

I also established a mediation program for Northern and Southern California. Low level cases, not involving misappropriation, were referred out to private mediators paid for by respondent attorneys. More than 150 cases were resolved in this manner with an overall success rate greater than 70%.

**Jul 1997 – April 2001                      Public Safety Liaison  
Office of the City Manager  
#1 City Hall Plaza, Oakland CA 94612**

My primary duty was Manager of the Citizen's Police Review Board. This nine member Board is appointed by the Mayor with the advice and consent of the City Council. It is responsible for investigating and holding public evidentiary hearings regarding citizen complaints of police misconduct. I supervised four investigators and two administrative assistants. I reviewed all complaints for proper jurisdiction and assigned the cases to the investigators. I reviewed, corrected and approved all investigation plans and final investigation reports to the Board. I provided training to the investigators and members of the Board on investigation, report writing and fundamental concepts of administrative evidentiary hearings.

I represented the Mayor as the primary pen for the original working group that drafted the ordinance. After City Council passed the ordinance, I transferred to the Office of the City Manager and developed all of the policies and procedures for investigations and hearings. I taught a course on Civilian Oversight and Officers' Rights to each new Police Academy class. I also served as the principal negotiator for collective bargaining of the Memorandum of Understanding with the Oakland Police Officers Association concerning Board powers and functions. I prepared the Board's annual performance measures and operating budget, which was in excess of \$500,000.00.

I also served as the City Manager's representative to the Public Safety Committee of the Oakland City Council. I managed the Committee's Agenda and coordinated the preparation and presentation of reports to the committee. I performed a variety of other duties, representing the City Manager, on an ad hoc basis (e.g. Coordinator of Medical Marijuana Policy Working Group; Coordinator of Needle Exchange Policy Working Group). Upon assignment of the City Manger I personally conducted special administrative investigations of complaints of serious misconduct against administration officials.

**Feb 1991 – Jun 1997                      Director, Mayor's Office of Drugs and Crime  
#1 City Hall Plaza, Oakland CA 94612**

I served as the Mayor's Chief Policy Analyst for public safety. I directly supervised the Assistant Director and the Administrative Assistant to the Director of the Mayor's Office

of Drugs and Crime. In 1991 Oakland suffered the worst homicide rate in its history, 175 homicides. In early 1992, I wrote the *Mayor's Public Safety Plan*, which was adopted by the Oakland City Council. Following the adoption and implementation of the Mayor's Public Safety Plan the homicide rate decreased incrementally over the next eight years falling to 66 homicides. In 1997, I coordinated the development of the *Oakland School Safety Plan*.

The primary function of this Office was the coordination of enforcement, prevention and education efforts directed toward the reduction of crime and drug abuse. In this capacity, I acted as liaison between the Mayor and federal, state and local officials as well as the press and members of the public. For instance, I coordinated the Mayor's Inter-Agency Council on Drugs and Crime and I sat as the Mayor's representative on the Public Safety Committee of the Oakland City Council.

Often it was my responsibility to make public presentations, both written and oral, on behalf of the Mayor. I was responsible for the administration of my own budget, approximately \$200,000. In addition, every year I reviewed and analyzed the budgets of the Police (\$110 million) and Fire (\$55 million) departments, which collectively represent approximately 65% of the City's general fund.

In November of 1997, I served as **Special Counsel to the Mayor** when, at the Mayor's request, I organized a Trade Mission to the Philippines. We brought 44 delegates including Councilmembers, Port Commissioners, City officials and Entrepreneurs. I arranged meetings with President Ramos, Cabinetmembers, Government officials and businesspeople. In addition to signing Trade Memoranda of Understanding between the City/Port of Oakland and the Philippine Government, two private business contracts in excess of \$1 million dollars, each, were signed during the one-week mission.

**Mar 1990 - Feb 1991,**

**Trial Attorney, (GS-14)  
Office of the District Counsel**

**Jan 1987 - Nov 1987**

**Immigration and Naturalization Service  
630 Sansome St., San Francisco, CA 94111**

My primary duties included reviewing the legal sufficiency of Orders to Show Cause (Immigration Court charging document), representing the government in Bail, Pre-Trial Motion, Deportation and Exclusion hearings, appearing in state courts in opposition to *Motions for Judicial Recommendations against Deportation*, and writing appellate briefs to the Board of Immigration Appeals.

I also voluntarily created a computer networked national brief bank of visa petition appeal replies that was used by all Trial Attorneys in the San Francisco office, and throughout the country. Because of my previous experience with military administrative searches

under the fourth Amendment, I was assigned as the Employer Sanctions Attorney to implement the employer sanctions aspects of the Immigration Reform and Control Act of 1986 during its initial implementation in 1987. I prosecuted more than 400 Deportation/Exclusion hearings before Immigration Courts.

**Nov 1990 - Dec 1990**

**Captain, USAF JAG CORPS  
93 BMW/JA (Base Legal Office)  
Castle AFB, CA 95342 - 5330**

During Operation Desert Shield, I volunteered for recall to active duty. I was given a one-month assignment to Castle AFB Legal Office to replace a JAG officer who had been transferred to Saudi Arabia.

My primary duties there were reviewing contracts, legal research and providing legal counsel for members and their families, scheduled for operational deployment. In addition, I served as the Legal Advisor (Administrative Law Judge) to three administrative discharge boards.

**Aug 1990 - Jan 1991**

**Instructor, Oakland College of Law  
436 14th St., Oakland, CA 94612-2703**

I taught first year law students the course of criminal law.

**Aug 1989 - Feb 1990**

**Associate, Law Offices of A. Brent Carruth  
1305 Franklin St., Ste 300, Oakland, CA 94612**

(DEFUNCT)

My primary duty was to provide criminal defense in State and Federal Courts. I was assigned clients from the main office in Woodland Hills, CA. I represented clients, charged with pornography, rape, bank robbery, embezzlement, drug offenses, and a variety of misdemeanors, in proceedings ranging from police interviews through jury trial.

**Feb 1988 - Aug 1989**

**Associate, Law Offices of John L. Burris  
1212 Broadway, Ste 1200, Oakland, CA 94612**

I prepared for trial civil cases involving the use of expert witnesses. The cases were primarily Civil Rights, Discrimination and Police Brutality. The majority of my assignments (65%) focused my practice on criminal defense in State and Federal Courts. My responsibilities ranged from initial client interview through jury trial and appeal. I represented clients charged with murder, rape, armed robbery, embezzlement, drug

offenses, escape, conspiracy and a variety of misdemeanors. My most noteworthy case, People v. Stewart, was a woman charged with two counts of murder for allegedly causing the death of her 20-week twin fetuses by spontaneous abortion due to voluntary ingestion of cocaine. The case involved complex search and seizure issues as well as previously undecided legal definitions of "life" and "causation".

**Jul 1982 - Jul 1986**

**Captain, USAF JAG CORPS  
Andersen AFB, Guam; March AFB, Riverside CA**

I spent my four years approximately equally divided between the duties of Chief of Military Justice and Area Defense Counsel.

As the Chief of Military Justice, I was the chief prosecutor of the two bases, Andersen AFB - Guam and March AFB - Riverside, CA, to which I was assigned. At both bases I designed and implemented the base urinalysis program. It was my responsibility to provide legal training to base Police and agents of the Office of Special Investigations. Two attorneys and two non-commissioned officers served directly under my supervision. I also served as an administrative law judge presiding over military adverse administrative proceedings (discharge and demotion boards). I also served as Article 32 Investigating Officer, performing the civilian equivalent of a magistrate in a preliminary examination. I was responsible for charging and prosecuting military personnel before Special and General Courts-Martial. I supervised other attorneys during Courts-martial. I personally prosecuted 15 cases. Among them was the first "urinalysis only" Court-Martial in the Air Force, United States V. Nand (1983) 17 Military Justice Reporter 936. Primarily for this case I received the Air Force Commendation Medal.

As the Area Defense Counsel, I was the designated "public defender" for the two bases to which I was assigned. I trained and supervised one non-commissioned officer. Often I was sent to other bases to assist and train less experienced attorneys in defending cases before administrative boards and Courts-Martial. My direct supervisors were stationed 300 (Guam) and 500 (Riverside, CA) miles away, respectively.

I personally defended 35 criminal cases, 20 of which were felonies. I was responsible for two (2) acquittals and one officer case was dismissed after a *Motion to Suppress* illegally seized evidence was granted. For these results I was given a Meritorious Service Medal.

**Nov 1985**

**Special Assistant United States Attorney  
Central District of California**

Although I was appointed I never made an appearance because, contemporaneous to my appointment, I was re-assigned from the position of base Chief of Military Justice to become the base Area Defense Counsel. As such the potential appearance of impropriety, conflict of loyalties, warranted recusal from any prosecutorial responsibilities.

**Jan 1981 – Aug 1981**

**Instructor: Political Science  
Filipino-American History  
College of Alameda, Alameda, CA  
Laney College, Oakland, CA**

**Dec 1980 - Jul 1982**

**Self Employed, Attorney/Real Estate Broker  
2706 MacArthur Blvd., Oakland, CA 94602**

I defended my first murder case, resulting from a gang-fight between five Alameda residents and seventeen sailors, charging a fee of \$1,000.00 for a preliminary examination that lasted for three months. The case was full of complicated search and seizure issues and the necessary research consumed most of my out-of-court time. The case was further disrupting to a new practice because of limited court availability due to the assignment of only one Municipal Court Judge in the City of Alameda.

At the same time, my practice as a Real Estate Broker sank as the interest rate climbed from 13% to 20+%. I was a financial failure as a solo practitioner and as a real estate broker.

**Aug 1978 - Dec 1980**

**Deputy District Attorney  
Graduate Legal Assistant  
Office of the Dist. Atty. of Alameda County  
600 Washington St., Oakland, CA 94607  
24405 Amador St., Hayward CA.**

As a Graduate Legal Assistant, I primarily did legal research for deputies in trial. On occasion, I was assigned to serve subpoenas and work with the office's investigative staff in interviewing witnesses.

As a Deputy District Attorney, I prosecuted 25 misdemeanor jury trials, 1 court trial and more than 250 felony preliminary examinations. Of the preliminary examinations, more than half were attended by accompanying Motions to *Suppress Evidence; Quash/Traverse Search and Arrest Warrants; Disclose Confidential Informants/Police Personnel Records*. I performed the duties of Trial Lawyer, Misdemeanor Charging Deputy, Preliminary Examination Deputy, Calendar Deputy, Negotiated Disposition Deputy and Trial Team Leader (supervising 4 Trial Deputies).

**Summer 1976**

**Legislative Analyst  
U. S. Department of Health, Education & Welfare  
1 United Nations Plaza, San Francisco, CA**

**ADDITIONAL LICENSES, CERTIFICATES, ETC.**





**Filipino Bar Assoc. of No. CA**

- 2000 – 2001**                    **Member, Ethnic Minority Relations Committee**  
State Bar of California
- 1999 – 2000**                    **President, Filipino Bar Association of N. CA**
- 1998 – 2001**                    **Member (Appointed by Presiding Judge)**  
Alameda County Court Planning Team  
Judicial Council of California
- 1996 – 2001**                    **Member, Attorney’s Confidential Assistance Program**  
Alameda County Bar Association
- 1995**                                **Recipient, Award for Excellence and**  
**Service to the Community**, Presented by  
The Minority Bar Coalition and the  
Filipino Bar Association of No. California
- 1993**                                **Delegate**  
International Network of Cities on Drug Policy  
Baltimore, Maryland
- 1993**                                **Presenter**  
Director’s Second Symposium on Addressing Violent  
Crime Through Community Involvement  
F.B.I. Academy, Quantico, VA
- 1992 – 1995**                    **Member, Alameda County Drug and**  
**Alcohol Masterplan Advisory Board**
- 1988 – 1990**                    **Member, Board of Directors**  
Swords to Plowshares (San Francisco, CA)
- 1980 – 1982**                    **Commissioner, Oakland Planning Commission**
- 1974 – 1982**                    **Member, Board of Directors**  
Spanish Speaking Unity Council
- 1979 - Present**                    **Founding Member**  
Filipino Bar Association of No. California

**1976 – 1982**                      **Member, New Oakland Committee**

**1975 – 1978**                      **President, Peralta Service Corporation**

**1975**                                **Member**  
Honor Students Society, U.C. Berkeley

**1975**                                **Legal Assistant Extern**  
Legal Aid Society of Alameda County

**1974 – 1975**                      **Chairman, Board of Directors**  
Bayanihan JayCees

**1974**                                **Member, Oakland Public Schools**  
Commission on Safety in the Schools

**1973 –1974**                      **Chairman, Board of Directors**  
Filipino Community of the East Bay  
**Assistant Secretary**  
Northern California Filipino-American Unity Council

**1972 – 1973**                      **Member, Board of Directors**  
Filipino Community of the East Bay  
**President, Filipino Youth Development Council**

**1972 -1973**                      **Parliamentarian**  
City Wide youth Council (Oakland)

**1967**                                **Congressional Nominee (Alternate)**  
Annapolis & West Point Military Academies

***-end-***

Rule 2.19 Chief of Police For Cause Assessment. While Section 604(b)(10) of the City Charter and Subdivision 2.45.070(E) of the Municipal Code, authorizes the Commission to remove the Chief of Police for cause, the Commission will consider issues of performance in closed session. The Commission may, by majority vote of no less than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of “cause” as defined by 2.45.070(E) of the Municipal Code. The Chair, or his/her designee, will determine if the assessment shall be conducted formally or informally. The Chair, or his/her designee, will also decide whether the assessment will be conducted by the Chair or another individual such as an outside investigator. The Chair shall provide any report of the assessment to the Commission in closed session. As part of the assessment, the Chief of Police shall be provided an opportunity to respond to issues of concern.

In closed session, after an assessment has been received and considered, the Commission may vote to remove the Chief of Police for cause. No less than five (5) Commissioners must vote in the affirmative to remove the Chief of Police for cause.

An unsuccessful vote to initiate an assessment or to remove the Chief of Police shall not preclude a subsequent vote on the same action at a later time or otherwise preclude any other action.

**Request for Reconsideration:**

A request for reconsideration of CPRA's findings will only be granted in very narrow circumstances: (1) to accommodate an intervening change in controlling law; (2) to account for substantial new evidence not available during the investigative process; or (3) to correct a clear error of law. A request for reconsideration may not be heard due to complainant's mere disagreement with the CPRA's ruling as this provision is not intended to give the complainant a second bite at the apple.

**Mechanism:**

For cases previously decided, a complainant may send a letter to the Chair indicating that the complainant wishes to have his or her matter reconsidered. The letter must indicate whether there has been either: (1) an intervening change in controlling law; (2) significant new evidence not available during the investigative process; or (3) a clear error of law. For those matters involving the allegation of new evidence, it should be noted if the significant new evidence that has been discovered is likely to affect the outcome of the prior investigation; whether the evidence could not reasonably have been discovered in the normal course of investigation without resorting to extraordinary measures by CPRA; and whether the evidence resulted from the officer's pre-disciplinary response or procedure.

The letter must clearly explain and provide any evidence, documents or other materials demonstrating one or more of the three above requirements. No investigation will be undertaken by the Commission. All materials must be provided by the complainant.

Within twenty days of the receipt of the letter, the Chair must create an ad hoc committee to discuss and consider the materials provided by the complainant to consider whether any of the three requirements exist based on a preponderance of evidence standard. The ad hoc committee will have thirty (30) days to complete its review of the letter and materials and report its conclusion to the Commission. The ad hoc committee will only report whether the request for reconsideration should be granted or denied.

In the event that the request for reconsideration is granted, the Chair shall create a three-person ad hoc committee (of three different commissioners than the initial two-person ad hoc committee) to review the options available in the case. Options to be considered include, but are not limited to, re-investigation by CPRA, re-investigation by an independent entity, reconsideration by the previous CPRA investigator without any re-investigation, etc. Any options considered shall be mindful of various prospective and past deadlines such as California Government Code Section 3304.

Upon the Commission's establishment of the Office of the Inspector General, this process will sunset and the policy will be revised to reflect the power and duties of the Office of the Inspector General.

## **Retainer Agreement for Pro Bono Attorney Services**

### Identification of Parties

By this agreement, the Oakland Police Commission (OPC/Commission) retains Henry Gage III (Pro Bono Counsel) as Pro Bono Counsel and legal advisor to the Oakland Police Commission.

### Affirmation of Pro Bono Representation

Pro Bono Counsel agrees to undertake this representation on a pro bono basis. Pro Bono Counsel will not charge the OPC for attorney or paralegal hours expended. Pro Bono Counsel will not seek attorneys' fees from the OPC for services provided pursuant to this agreement.

### Agreements Concerning Representation

Pro Bono Counsel agrees to:

- (a) Provide legal opinions and legal services to the OPC as directed by the Chair, or by majority vote of the OPC.
- (b) Keep the OPC informed as to the status of assigned tasks, and to exercise due diligence in the performance of duties under this agreement.
- (c) Keep all sensitive information provided by the OPC confidential unless authorized by the Client to disclose it. Pro Bono Counsel may share information with other attorneys or staff working under the direction of Pro Bono Counsel or otherwise assisting with representation, provided that such individuals agree to maintain confidentiality.

### Conflicts of Interest

Pro Bono Counsel agrees to notify the OPC immediately if Pro Bono Counsel becomes aware of an actual or potential conflict of interest. Pursuant to such notification, the OPC shall determine whether the actual or potential conflict shall be waived. Waivers of any such actual or potential conflicts shall be memorialized in writing.

### Termination of Agreement

The OPC and Pro Bono Counsel may end this agreement at any time for any reason. Notice of Termination of this agreement shall be delivered in writing. Upon termination of this agreement, Pro Bono Counsel agrees to return all original documents furnished by the OPC.

### Signatures & Further Affirmations

This writing represents the entire agreement between the parties and cannot be amended or modified except by a writing signed by the parties.

\_\_\_\_\_  
Oakland Police Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pro Bono Counsel

\_\_\_\_\_  
Date

Mobile – [REDACTED]

Email – [REDACTED]

Mail – [REDACTED]

**EDUCATION:**

**Santa Clara University School of Law**, Santa Clara, CA (Graduated – May 2015, CA Bar #306106)

Juris Doctor, with certified studies in High Tech Law, and Corporate Law

Witkin Award for Academic Excellence in Securities Regulation

President (2014-2015) Secretary (2013-2014) and Class Representative (2012-2013), Student Bar Association

Associate, *Santa Clara Law Review: Vol. 54*

Alumni Relations Chair (2014-2015), Black Law Students Association

Edwin A. Heafey Scholarship Recipient

Law Faculty Scholarship Recipient

**Santa Clara University**, Santa Clara, CA (Graduated – June 2011)

Bachelor of Arts, English, with an emphasis in Creative Writing

Related Coursework: Conflict Resolution, Technology & Communications, Argumentation, Public Speaking, and Business Ethics

**Continuing Education:**

Continuing legal education has included coursework in a wide variety of subjects, including:

- Employment Investigations & Interviewing
- Gender Identity, Sexual Orientation & The Creation of Inclusive Workplaces
- Advanced Litigation Skills
- Ethics for Criminal Law Attorneys
- Admission of Evidence & Evidentiary Foundations
- Prosecutorial Misconduct
- Social Media & Legal Ethics

**EXPERIENCE:**

**Richard, Thorson, Graves & Royer LLP**, Oakland, CA (November 2015 – Present)

Associate Attorney & Of Counsel

Manager, Summer Associate Program

Represents public agency clients in litigation set before Workers' Compensation Appeals Boards throughout California, with specific experience in the investigation and defense of claims filed by public safety officers. Duties involve overlapping work in the areas of Civil Subrogation, Disability & Employment Law, and Business & Government Tort Claims. Case file litigation experience includes a variety of litigation-related investigatory duties, such as taking and defending depositions, supervision of investigative staff, review and analysis of investigative reporting, and aggregate file reviews with client supervisors that are conducted to audit and analyze the effectiveness of internal controls and multi-matter litigation strategies. These reviews are often supplemented with statistical analysis regarding the effectiveness of comparative litigation strategies to help ensure that litigation reserves are used efficiently and effectively. Litigation experience includes extensive appearances before administrative law judges for oral arguments, motion practice, and trial. Supervisory and management experience has included involvement with Firm hiring and recruitment for associate attorneys, responsibility for the oversight of non-attorney staff, and the planning, creation, and supervision of the Firm's Summer Associate Program.

**Coalition for Police Accountability**, Oakland, CA (January 2016 – Present)

Member, Steering Committee

Chair, Policy Committee

The Coalition for Police Accountability is a community-driven, volunteer-based, non-profit advocacy group formed to address the persistent policy and political challenges of the Oakland Police Department. The Coalition advocates for progressive public safety policies and works in support of the Oakland City Council, the Council Public Safety Committee, the Community Police Advisory Board (CPAB), the Police Commission, and other related agencies. Members of the Coalition's Steering Committee provide executive direction for the work of the Coalition, and have been intimately involved in the creation of the Police Commission, the CPAB, and legacy oversight authorities. Steering Committee members regularly appear before policymakers to provide subject matter expertise and independent legal analysis of pressing public safety issues. In my role as Chair of the Coalition Policy Committee I am presently engaged in an ongoing review of all reports issued regarding the Negotiated Settlement Agreement. I possess a detailed understanding of related provisions of the Oakland City Charter, related City Ordinances, OPD Strategic Plans, OPD Department General Orders, OPD Training Bulletins, and OPD Organizational Structures.

**Santa Clara University Board of Trustees**, Santa Clara, CA (June 2016 – Present)

Young Alumnus Trustee

Member, Student Life & Athletics Committee

In accordance with the University Charter, granted by the State of California in 1855, the Board of Trustees holds full legal power and responsibility for the operation of the University, including the supervision of the ~2,000 members of the University's faculty and staff. The Student Life & Athletics Committee (SLAC) holds primary responsibility for the oversight of the Office of Student Life, which includes administrative units such as Campus Safety & Emergency Medical Services, Health & Counseling Services,



and the Office for Multicultural Learning, among others. The investigation and adjudication of discipline, including oversight of the University's Title IX Coordinator, falls under SLAC jurisdiction.

**United States Attorney's Office, Civil Division**, San Jose, CA (September 2014 – November 2014)

Law Clerk (Limited-Term Appointment)

Provided litigation support for three Assistant United States Attorneys by drafting briefs, motions, and memoranda for cases argued in the Northern District of California, and the Ninth Circuit Court of Appeals. Worked closely with supervising attorneys to assist in preparation for hearings and conferences.

**Juniper Networks Inc.**, Sunnyvale, CA (May 2014-August 2014)

Legal Intern (Limited-Term Appointment)

Worked alongside attorneys reporting to the IP, Corporate, Compliance, Finance, and Operations business units on assignments that touched nearly every aspect of the business. Assignments included review and audit of vendor and supplier contracts, trade compliance agreements, and conflict minerals reporting, as well as various litigation and transactional projects.

**Cypress Semiconductor Corporation**, San Jose, CA (Jan 2014 – May 2014)

Legal Intern (Limited-Term Appointment)

Provided litigation support to the Patent Litigation Group by conducting antitrust law research in preparation for pending action, drafting motions and memoranda for the in-house litigation team, and conducting statistical analysis of the active docket as part of a targeted IP litigation strategy.

**Altera Corporation**, San Jose, CA (May 2013 – August 2013)

Legal Intern (Limited-Term Appointment)

Worked alongside attorneys from the Corporate and Patent litigation groups on a wide range of assignments, including contract review and audit, contract negotiation, internal strategic planning, and patent litigation management. Projects included assisting business units with conflict minerals reporting compliance and audits, training foreign distributors about FCPA liability, and research on international patent exhaustion issues affecting foreign product lines.

**Fragomen, Del Rey, Bernsen & Loewy**, Santa Clara, CA (February 2012 – August 2012)

Project Assistant

Tasked with ensuring that clients followed Department of Labor guidelines concerning employment eligibility, and worked with supervisors to create protocols for the hiring and vetting of foreign nationals. Responsible for organizing and managing a large-scale document review project designed to digitize, categorize, and proofread client documents.

**ADDITIONAL EXPERIENCE & CREDENTIALS:**

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**National Association for the Civilian Oversight of Law Enforcement**

Associate Member

NACOLE is a non-profit organization that works to enhance accountability and transparency in policing, and build community trust through civilian oversight of police agencies. NACOLE members are afforded access to a variety of training materials, such as guidebooks for the implementation of new or revitalized police oversight, core competency analyses, recommended trainings, and webinars that address topics such as Predictive Policing, Crisis Intervention Programs, and Community Engagement Through Data, among others.

**Oakland Police Department Community Police Academy**

Graduate

The Community Police Academy is an intensive 14-week program that provides community members with a detailed overview of OPD functions, organizations, and capacity. The program provides attendees with the opportunity to learn from and engage with members of the department at all levels, from Patrol, to Specialized Units, to Academy staff and Command Officers. Attendees additionally participate in a ride-along, and graduates associated with the Community Police Academy Alumni Association meet regularly to assist with subsequent classes, and volunteer on behalf of the department.

**California State Bar – Specialization Examination (Completed Prerequisite)**

The State Bar certifies attorneys as specialists who have gone beyond the standard requirements for licensing as an attorney. A key prerequisite before an application for certification can be submitted requires candidates to sit for and pass a written examination in the legal specialty area. I sat for and passed the Legal Specialization Examination for Workers' Compensation Specialists in October 2017.

CITY OF OAKLAND



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

Police Commission

May 20, 2019

Oakland City Council

Via e-mail: [Sasanchez@oaklandca.gov](mailto:Sasanchez@oaklandca.gov)

Dear Councilmembers,

This is a tardy communication regarding the Oakland Police Commissions discussion of Dr. Palmertree's contract renewal. The Police Commission as well as the community had an extensive conversation on this subject.

Below are our concerns:

- Dr, Palmertree's credentials do not seem to demonstrate expertise in the specialized subject matter of trauma for police officers;
- He is also not certified in CADAC (California Drug and Alcohol Certification).

We also are concerned that there seems to be a lack of competitive applications for consideration in this specified counseling arena.

Sincerely,

*Regina Jackson*

Regina Jackson  
Chair, Oakland Police Commission

## Celebrating NACOLE at 25 – Courage, Collaboration &amp; Community

25<sup>th</sup> Annual NACOLE Conference | Detroit, Michigan | September 22 – 26, 2019

## DAILY SCHEDULE

Sunday, September 22<sup>nd</sup>

12:30 p.m. – 1:30 p.m.	<i>Principles of Civilian Oversight and Effective Practices</i>
1:30 p.m. – 2:45 p.m.	<i>Hearing Multiple Voices: Town Hall Meetings in a Volatile Environment</i>
3:00 p.m. – 4:00 p.m.	<i>Conducting and Reviewing Investigations Workshop</i>
4:00 p.m. – 5:00 p.m.	<i>Creating a Trauma-Informed Culture Within Civilian Oversight</i>
5:15 p.m. – 6:15 p.m.	Evening Forum: <i>New and Emerging Oversight – A Roundtable Discussion</i>
6:30 p.m. – 8:30 p.m.	Opening Reception: <i>Join fellow attendees at the Detroit Marriott at Renaissance Center as we kick off the 25<sup>th</sup> Annual Conference and Celebration!</i>

Monday, September 23<sup>rd</sup>

8:30 a.m. – 9:30 a.m.	A Welcome to this year’s conference: <i>Celebrating NACOLE at 25 - Courage, Collaboration &amp; Community</i>	
9:30 a.m. – 10:15 a.m.	Opening Keynote Speaker (TBA)	
	<b>TRACK I Training</b>	
10:30 a.m. – 11:45 a.m.	<i>Recalling the Origins of Oversight: Incidents, Tragedies, and Public Demands for Change</i>	
12:00 p.m. – 1:30 p.m.	Lunch on Your Own	
	<b>TRACK I Training (Concurrent Session)</b>	<b>TRACK II Community Trust (Concurrent Session)</b>
1:30 p.m. – 3:00 p.m.	<i>The Importance of Policy Recommendations: The Role of Civilian Oversight in Long Term Reform</i>	<i>Driving Change Forward: Vehicles for Reform in a Time of Declining Checks and Balances</i>
3:15 p.m. – 4:45 p.m.	<i>Unmasking the Truth Behind Video-Driven Investigations</i>	<i>Data-Driven Policing: How the Gathering of Data by Law Enforcement Impacts the Public</i>
5:00 p.m. – 6:00 p.m.	Evening Forum: <i>TBD</i>	
6:30 p.m. – 9:30 p.m.	Annual Scholarship Fundraiser: <i>Attendees will enjoy dinner and good times with friends and colleagues while supporting the current and future leaders in the field of civilian oversight of law enforcement.</i>	

## Tuesday, September 24<sup>th</sup>

	<b>TRACK I Training (Concurrent Session)</b>	<b>TRACK II Community Trust (Concurrent Session)</b>	<b>TRACK III Institutional Culture and Correctional Oversight (Concurrent Session)</b>
8:30 a.m. – 10:00 a.m.	<i>The Detroit Evolution</i>		
10:15 a.m. – 11:45 a.m.	<i>Addressing Use-of-Force Reform in the New Orleans Police Department</i>	<i>Rethinking Oversight: Developing New Approaches to Fulfill Our Missions</i>	<i>Building Juvenile Correctional Oversight</i>
12:00 p.m. – 1:00 p.m.	Keynote Luncheon and Awards Ceremony		
1:00 p.m. – 2:15 p.m.	<i>The Next Frontier: Body Worn Cameras and Civilian Oversight</i>	<i>Challenging Stigmas: Policing and the Muslim Community</i>	<i>Beyond Collaboration: Making Impact with State Corrections Agencies Through Civilian Oversight</i>
2:30 p.m. – 3:45 p.m.	<i>The Role of Independent Counsel for Civilian Oversight</i>	<i>Youth and Law Enforcement</i>	<i>Improving Grievance Procedures in Correctional Settings</i>
4:00 p.m. – 5:15 p.m.	<i>Oversight and Correctional Leadership</i>		
5:30 p.m. – 6:30 p.m.	Evening Forum: <i>A Crisis in Confidence – When Trust Breaks Down in the Correctional System</i>		

## Wednesday, September 25<sup>th</sup>

	<b>TRACK I Training (Concurrent Session)</b>	<b>TRACK II Community Trust (Concurrent Session)</b>	<b>TRACK IV Collaboration (Concurrent Session)</b>
8:30 a.m. – 10:00 a.m.	<i>Investigating Sexual Misconduct</i>	<i>Why Are They Always Calling the Cops on Me?</i>	<i>Chicago Oversight: Collaboration and Challenges in Practice</i>
10:15 a.m. – 11:45 a.m.	<i>Building Momentum in Use-of-Force Reform</i>	<i>Community-Police Mediation</i>	<i>Oversight from a Law Enforcement Perspective</i>
12:00 p.m. – 1:30 p.m.	Lunch on Your Own		
1:30 p.m. – 3:00 p.m.	<i>Auditing the Health and Safety Impacts of Officer Overtime</i>	<i>How to Analyze Awful but Lawful Police Shootings</i>	<i>Peril at the Top: Civilian Oversight's Role in Ensuring Command Staff Accountability</i>
3:15 p.m. – 5:00 p.m.	NACOLE Annual Membership Meeting and Elections		
6:30 p.m. – 8:30 p.m.	Sankofa Reception: A Celebration of 25 Years		

**Thursday, September 26<sup>th</sup>**

	<b>TRACK IV Collaboration</b>
8:30 a.m. – 10:00 a.m.	<i>Building Relationships with Law Enforcement While Maintaining Independence</i>
10:15 a.m. – 11:45 a.m.	<i>The Kerner Commission and Policing 50 Years Later</i>
11:45 a.m. – 12:00 p.m.	Closing Remarks

*Please note this schedule is subject to change without notice*



**Color Legend:**

- Training for Oversight
- Community Trust
- Institutional Culture and Correctional Oversight
- Collaboration



# OAKLAND POLICE COMMISSION

## Agenda Report

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<b>Subject:</b>	<b>Pending Agenda Matters List</b>
Date:	May 20, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	Richard Luna, Assistant to the City Administrator

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**Action Requested:**

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

**Background:**

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

**Attachments (16a):**

Pending Agenda Matters List (9 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
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	5/23/2019	
OPD's Towing of the Vehicles of Crime Victims	5/16/2019		This was mentioned at the Public Safety meeting on May 14, and the City Council may want to work with the Commission on this.	High		6/13/2019	
OPD's Use of the Bearcat and the Deployment of Militarized Weapons	5/16/2019		This was mentioned at the Public Safety meeting on May 14, and the City Council may want to work with the Commission on this.	High		6/13/2019	
Stop Data and Racial Impact Report	1/1/2018		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		6/13/2019	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 1 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 18 month deadline only applies to first group of Commissioners and alternates; all other Commissioners must complete this training within 12 months of appointment.	High	4/17/2019		Ahmad, Dorado
Confirming the Process to Hire Staff for the Inspector General's Office	5/17/2019	When the Inspector General (IG) is hired, there is to be a Policy Analyst in of the office of the IG. This is to confirm the process of hiring for that position.	This will require information presented from the City Administrator's Office.	High			
Desk Audit of CPRA Staff by Human Resources	5/17/2019	The Commission would like to request that Human Resources do a desk audit for every job position in the CPRA	This will enable the Police Commission to engage in a reorganization of the CPRA.	High			
Finalize hiring of CPRA full-time Executive Director			Decide on 2-3 candidates to submit to City Administrator.	High			Personnel Committee
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

**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
Notification of OPD Chief Regarding Requirements of Annual Report	1/1/2018	Commission must notify the Chief regarding what information will be required in the Chief's annual report	<p>The Chief's report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>1. The number of complaints submitted to the Department's Internal Affairs Division (IAD) together with a brief description of the nature of the complaints;</li> <li>2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated;</li> <li>3. The number of investigations completed by IAD, and the results of the investigations;</li> <li>4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions;</li> <li>5. Revisions made to Department policies;</li> <li>6. The number and location of Department sworn employee-involved shootings;</li> <li>7. The number of Executive Force Review Board or Force Review Board hearings and the results;</li> <li>8. A summary of the Department's monthly Use of Force Reports;</li> <li>9. The number of Department sworn employees disciplined and the level of discipline imposed; and</li> <li>10. The number of closed investigations which did not result in discipline of the Subject Officer.</li> </ol> <p>The Chief's annual report shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7</p>	High	June 14, 2018 and June 14 of each subsequent year		Dorado
Performance Reviews of CPRA Director and OPD Chief	1/1/2018	Conduct performance reviews of the Agency Director and the Chief	<p>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.</p>	High	Annually; Criteria for evaluation due 1 year prior to review		



**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
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			
Crisis Intervention as Part of a Police Force	4/25/2019		Review materials produced by Crisis Assistance Helping Out on the Streets (CAHOOTS) of Oregon	Medium		5/23/2019	
Ad-Hoc Discipline Committees for Each Discipline or Termination Case	1/1/2018	Discipline Committees may not decide disputes until the following training is completed: * Department operations, policies and procedures, including but not limited to discipline procedures for Misconduct, and * Training described in section 2.45.190(A) through (F) of the enabling ordinance	Establish on an as-needed basis	Medium			
Brian Hoefler case: review video	10/11/2018		Response to allegation was officer was Just and Honorable, when allegations were the officer was untrue. All of the issues, despite what the officer said, was a deportation matter. Chief stated that people were charged with crimes, when they were not.	Medium			
Community Policing Task Force/Summit	1/24/2019			Medium			Dorado
CPAB Report			Oakland Municipal Code §2.45.070 (O) Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium			

**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
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			
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			
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
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		
Public Hearing on Use of Excessive Force	4/22/2019		Work with Coalition on Police Accountability on presenting a public hearing on use of excessive force.	Medium			

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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	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 Commission's Agenda Setting Policy	4/25/2019			Medium			
Review Commission's Code of Conduct Policy	4/25/2019			Medium			Prather
Review Commission's Outreach Policy	4/25/2019			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			
Supervision policies	10/2/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for supervisory accountability. Draft policy changes as needed. In addition, IG should conduct study of supervisor discipline practices. In other words, how often are supervisors held accountable for the misconduct of their subordinates.	Medium			
What are the outstanding issues in meet and confer and what is the status of the M&C on the disciplinary reports?	10/6/2018		Need report from police chief and city attorney. Also need status report about collective bargaining process that is expected to begin soon.	Medium			

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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			
Annual Report	1/1/2018	Submit Commission's first annual report to the Mayor, City Council and the public		Low	4/17/2020		Prather, Smith
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			
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			

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Discipline: Second Swanson Report recommendations – have these been implemented?	10/6/2018		<p>Supervisor discipline</p> <p>Process for recommending improvements to policies, procedures and training, and to track and implement recommendations</p> <p>Tracking officer training and the content of training</p> <p>Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines</p> <p>IAD civilian oversight for continuity in IAD</p> <p>Improved discovery processes</p> <p>Permanent arbitration panel implemented from MOU</p> <p>OPD internal counsel</p> <p>Two attorneys in OCA that support OPD disciplines and arbitration (why not use CPRA attorney who knows the detailed investigation and is already paid for?)</p> <p>Reports on how OCA is supporting OPD in discipline matters and reports on arbitration</p> <p>Public report on police discipline from mayor's office (Why not from CPRA? The history is that it was included in the annual CPRB report provided to City Council.)</p> <p>OIG audit includes key metrics on standards of discipline</p>	Low			
Do Not Call list issues – cops whose untruthfulness prevents them from testifying	10/6/2018		This is impacted by SB1421 and will require legal analysis.	Low			
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			

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Outreach Committee: work with Mayor's Office and City Admin to publicize app	10/10/2018			Low			
Outreach Plan Discussion, including use of social media	10/6/2018			Low			
Overtime Usage by OPD (cost and impact on personnel health + moonlighting for AC Transit)	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			
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,	Low			Jackson
Promotions of officers who have committed crimes	10/6/2018			Low			
Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	1/1/2018	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress. (See Trauma Informed Policing Plan)	Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of posttraumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.	Low	4/15/2020		
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"> <li>To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration;</li> <li>Arbitration decisions or other related results;</li> <li>The ways in which it has supported the police discipline process; and</li> <li>Significant recent developments in police discipline.</li> </ol> <p>The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7</p>	Low	Semi-annually		Smith
Select Topics and Facilitators for Retreat				Low			