



# OAKLAND POLICE COMMISSION

## MEETING AGENDA

June 27, 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
- 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. **Bey Case Review**  
The Commission will present bids received for investigative services. The Commission may discuss the bids and may vote on further actions. ***This was discussed on 9.13.18, 10.11.18, 3.14.19, 4.11.19, 4.25.19, 5.9.19, and 6.13.19. (Attachment 4)***
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- V. **Oakland City Charter Revisions**  
The Commission will discuss and may take action on creating a process for the Commission to contribute to the drafting of the Measure LL "clean-up" measure for the March 2020 ballot. This effort is currently being undertaken by the Coalition for Police Accountability in collaboration with City Council President Rebecca Kaplan. A preliminary draft has been requested to be completed by the end of July, 2019. ***This is a new item.***
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- VI. **CPRA Independent Audit Commissioned by the Oakland Police Commission**  
The Commission will review a revised scope of services from the Mason Investigative Group, and may vote to approve the revised scope. ***This is a new item. (Attachment 6)***
  - a. Discussion
  - b. Public Comment
  - c. Action, if any

**VII. Pawlik Investigation Update**

The Commission will discuss CPRA's recently completed Pawlik investigation and the next steps. ***This was discussed on 5.9.19, 5.23.19, and 6.13.19.***

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

**VIII. Commission Subpoenas Related to CPRA**

The Commission will receive responses to subpoenas previously issued. ***This is a new item, and is continued from 6.13.19.***

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

**IX. CPRA Executive Director Candidates**

The Commission will invite CPRA Executive Director finalists recommended by the Personnel Committee to offer brief biographical statements. The Commission may vote to approve submission of candidates to the City Administrator. ***This is a new item.*** (Attachment 9)

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

**X. OPD Budget Update**

Chief Kirkpatrick will provide an update on the OPD budget and will discuss the five priorities for hiring and for reducing overtime costs. ***This was discussed on 5.23.19, and is continued from 6.13.19.*** (Attachment 10)

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

**XI. Review of CPRA Pending Cases and Completed Investigations**

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

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

**XII. OPD's Policy on the Deployment of the BearCat and Other Militarized Weapons**

Analysis and OPD presentation on the use of the BearCat and the deployment of militarized weapons and potential Commission action on OPD's request for a purchase of a second BearCat. The Commission may vote to appoint an Ad Hoc Committee on Equipment Acquisition and Use Policy. ***This is a new item, and is continued from 6.13.19.*** (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 revised letter to the City Council regarding OPD's contract with Michael Palmertree. ***This is a new item, and is continued from 5.23.19 and 6.13.19. (Attachment 13)***
- a. Discussion
  - b. Public Comment
  - c. Action, if any
- XIV. Police Commission Retreat**  
The Commission will discuss potential dates, format, topics, presenters, location, and cost for a retreat. The Commission may vote on items to facilitate scheduling. ***This was discussed on 6.28.18, 7.12.18, 8.9.18, 8.23.18, 9.13.18, and 4.25.19. (Attachment 14)***
- a. Discussion
  - b. Public Comment
  - c. Action, if any
- XV. Commission Letter to City Council Regarding CAHOOTS**  
The Commission will review and may approve a revised letter to the Oakland City Council regarding CAHOOTS (Crisis Assistance Helping Out On The Streets). CAHOOTS seeks to remedy the skill mismatch and wasted expense when police officers and EMS personnel respond to non-emergency mental health and health related crisis calls. ***This was discussed on 6.13.19. (Attachment 15)***
- a. Discussion
  - b. Public Comment
  - c. Action, if any
- XVI. 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
- 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 [mnisperos@oaklandca.gov](mailto:mnisperos@oaklandca.gov) or call 510-238-7401 or TDD/TTY 510-238-2007 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantones, Mandarín, o de lenguaje de señas (ASL) por favor envíe un correo electrónico a [mnisperos@oaklandca.gov](mailto:mnisperos@oaklandca.gov) o llame al 510-238-7401 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 [mnisperos@oaklandca.gov](mailto:mnisperos@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

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|                 |  |
|-----------------|--|
| <b>Subject:</b> | <b>Bey Case Review</b>                         |
| Date:           | June 24, 2019                                  |
| Requested by:   | Police Commission Vice Chair                   |
| Prepared by:    | Chrissie Love, Administrative Analyst II       |
| Reviewed by:    | Mike Nisperos, CPRA Interim Executive Director |

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### **Action Requested:**

That the Police Commission review the bids received for investigative services for the Bey case. The Commission may vote to accept one of the bids.

### **Background:**

On September 13, 2018, the Commission approved a motion to direct counsel to research whether the Commission has jurisdiction to reopen CPRB case 13-1062.

On October 11, 2018, the Commission approved a motion to ask the Policies and Procedures Ad Hoc Committee to examine options for an appellate process to re-examine issues on complaints which come before the Commission.

On March 14, 2019, the Commission approved a motion to send a letter to Robert Warsaw to provide notice of the Bey's complaint and request that the Independent Monitor investigate the substance of the complaint.

On April 11, 2019, the Commission approved a motion to request the advice of outside counsel on the appellate process.

On June 13, 2019, the Commission approved a motion to accept bids for investigative services on the Bey case at its next meeting.

The attached bids were obtained by Vice Chair Harris.

### **Attachments:**

Two Bids Received for Investigative Services

To: Vice Chair Ginale Harris, Oakland Police Commission

From: Henry Gage III, Esq.

DATE: June 21, 2019

RE: Statement of Interest and Qualifications – Bey Investigation

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**Overview**

As noted during the Commission’s June 13, 2019 meeting, the Oakland Police Commission has voted to authorize an independent investigation of complaints filed by John Bey and Saleem Bey. Please accept the following as my response to the abovementioned RFQ. I look forward to the opportunity to discuss my credentials, and how I can contribute to the Commission’s future success.

**Statement of Interest**

My prior work has involved the investigation and litigation of civil employment matters. I have investigated and litigated hundreds of claims, the majority of which have involved public safety officers whose matters necessitated special handling due to specific legal requirements that have been codified in both the California Labor Code, and the California Evidence Code. During my investigations, I maintain complete responsibility for discovery-related investigatory activities. I have routinely filed discovery motions to obtain documentary evidence. I have routinely noticed and taken depositions from investigatory subjects and witnesses, and when necessary I have engaged and supervised the work of additional staff to both obtain and authenticate evidence such as sub rosa video evidence, surveillance photography, and narrative surveillance reports. Throughout these processes, I regularly update clients with the progress of my investigations and connected litigation, and I provide evolving recommendations for the disposition of claims based on the available body of evidence.

In addition to my experience as a line litigator and investigator, I have further experience with the supervision and management of civil investigations as a director-level manager. I have recently completed a three-year term as a member of the Board of Trustees for Santa Clara University, and my assignment to the Student Life & Athletics Committee routinely involved the oversight of sensitive investigations of misconduct by students, faculty, and staff. This work has provided me with additional investigatory experience concerning Title IX complaints, sexual harassment complaints, and sensitive employment matters.

**Staffing & Fee Request**

Staffing for this matter shall be limited to the lead investigator.

Henry Gage III – Requested Fee: \$75/hr

Planned billable expenses are anticipated to include: fact-finding and background research, review of prior complaint materials, review of litigation file materials, legal research, witness interviews, and report drafting and presentation.

**Return Address**

Please direct responses to this SOQ to:

Henry Gage III



Oakland, CA 94612

or via email @ 

Thank you for your attention to this matter.

To: Vice Chair Ginale Harris, Oakland Police Commission

From: Henry Gage III

DATE: June 21, 2019

RE: Bey Case Review – Modified Scope of Work

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**Overview**

Thank you for contacting me about this matter. Under separate cover I have prepared a brief statement of interest and qualifications. After review of the original scope of work, I propose the following modifications.

**Proposed Scope of Work**

Review, investigate, and report on the prior handling and present status of Oakland Police Department and Community Police Review Agency complaints (including complaint 07-0538, 13-1062, and 16-0147) filed by John Bey and/or Saleem Bey. Review, investigate, and report on the prior handling and present status of litigation between the Bey Brothers and the City of Oakland. Reporting shall include recommendations for further action, if any, as well as a summary of significant events to date.

**Investigator Responsibilities**

The lead investigator shall report to an Ad Hoc committee of the Oakland Police Commission, with primary reporting to the Commission’s Vice Chair. The investigator shall produce a written report of their findings. This report shall include recommendations for further action by the Commission, if any, and an explanation of the methods used to arrive at the investigator’s conclusions.

**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 litigation 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. I serve as Chair of the Coalition's Policy Committee, and 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. Additional responsibilities include oversight and strategic management of University capital improvement projects, real estate purchases and remodels, and director-level litigation management.

**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.

**Katherine & George Alexander Community Law Center**, Santa Clara, CA (August 2012 – December 2012)

Presenter/Facilitator (Limited Term Appointment)

Conducted free public trainings on landlord-tenant and consumer rights law. Traveled to a variety of community meetings to present information and answer questions from drop-in attendees on issues of tenants rights, rent control protections, consumer credit applications, consumer debt service and litigation, and debt collections.

**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.



Attorney-at-Law

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*Workplace Investigations • Training • Mediation • Arbitration • Case Consultation & Testimony*

The Law Offices of Amy Oppenheimer  
1442A Walnut Street #234  
Berkeley, CA 94709

June 19, 2019

Ginale Harris, Vice Chair  
Oakland Police Commission

Dear Ms. Harris,

I am writing on behalf of my office to express our interest in providing independent investigative services to the Oakland Police Commission in the "Bey Case Review." It is my understanding that the Oakland Police Commission is interested in retaining Attorney Investigator Zaneta Butscher-Seidel to conduct this investigation, under the supervision of Amy Oppenheimer.

Zaneta has investigated allegations of sexual harassment, discrimination, ethical violations, workplace bullying, and retaliation. These investigations have been conducted for all types of employers, including public entities. Zaneta has also conducted investigations pursuant to the Public Safety Officers Procedural Bill of Rights (POBAR), as well as the Firefighters Procedural Bill of Rights (FOBAR). These investigations have involved employees, management, and employee organizations, and included agency-wide investigations and environmental assessments.

Zaneta's hourly rate is \$320/hour. Amy's hourly rate for case supervision is \$440/hour. Zaneta's bio and CV are attached.

Respectfully submitted,

Alezah Trigueros, AWI-CH  
Associate Investigator  
The Law Offices of Amy Oppenheimer



Attorney-at-Law

*Workplace Investigations • Training • Mediation • Arbitration • Case Consultation & Testimony*

### Zaneta Butscher-Seidel, Associate Attorney



Zaneta Butscher-Seidel has been conducting workplace investigations for the Law Offices of Amy Oppenheimer since May of 2017. As an Associate Attorney, Zaneta conducts impartial investigations of employment complaints of alleged harassment, discrimination, retaliation, bullying, and other workplace misconduct.

Zaneta earned her Bachelor's degree from the University of California, Los Angeles in 2003 and her JD from Columbia University School of Law in 2008. While at Columbia Law School, Zaneta served as staff editor for the Columbia Human Rights Law Review and interned with the United Nations High Commissioner for Refugees in Geneva, Switzerland.

Zaneta began her legal career as a litigation associate in the New York office of Baker & McKenzie LLP, where she handled complex commercial litigation and international arbitration matters. After relocating back home to the San Francisco Bay Area, Zaneta associated with a boutique litigation law firm in San Francisco, where for five years she advised and represented clients in complex civil litigation matters involving corporate disputes, data breach, franchise law, unfair competition, personal injury claims, environmental claims, and Proposition 65 claims.

Zaneta is a member of the California and New York state bars, and is a Trained Mediator of the New York Peace Institute. Zaneta is also a sustaining member of the Association of Workplace Investigator (AWI), a graduate of the AWI Training Institute for Workplace Investigators, and is an AWI Certificate Holder (AWI-CH).



## ZANETA BUTSCHER

624 Brooklyn Avenue, Oakland, CA 94606 • (646) 505-9199 • zaneta@amyopp.com

### PROFESSIONAL EXPERIENCE

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#### Law Offices of Amy Oppenheimer

Berkeley, CA

Associate Attorney

May 15, 2017

- Conduct impartial investigations of employment complaints concerning alleged harassment, discrimination, retaliation, bullying and other workplace misconduct.

#### Bartko, Zankel, Bunzel & Miller, PLC

San Francisco, CA

Litigation Associate

May 2012 - May 2017

- Represent large health care companies, for-profit/non-profit corporations, emerging businesses, national chains, franchisors, directors and other individuals in complex litigation matters.
- Litigate and advise on business disputes, privacy data breaches, fiduciary duty violations, contract breaches, environmental compliance and personal injury lawsuits.
- Handle all phases of civil litigation, including factual investigation, legal analysis and strategy, client counseling, discovery, written and oral advocacy, settlement negotiations and trial.
- Serve on Hiring Committee: recruit, interview and select associate candidates.

Representative matters include:

- *Koret v. Taube, et al.* (San Fran. Sup. Ct.): Advised board chair of \$500 million foundation on corporate governance matters for four years. Second-chaired trial in chair's removal and self-dealing lawsuit against six director defendants.
  - Investigated harassment claims against director defendant: interviewed complainants; deposed/examined witnesses and human resources staff; negotiated evidence from Stanford University confirming its harassment investigation included allegations against director.
  - Argued and successfully opposed defense motion to exclude harassment evidence at trial.
  - Managed discovery and trial preparation, including analyzing and synthesizing 800,000+ confidential documents into coherent trial narrative.
- *Codey v. 7-Eleven, Inc.* (Santa Clara Sup. Ct.): Managed, defended and settled personal injury lawsuit against national convenience store franchisor.
- *Buchanan v. Allen* (Humboldt Sup. Ct.): Obtained six-figure settlement for autistic client in child abuse and negligence suit against residential care facility, employee and two regional agencies.
  - Investigated facility's improper use of force and excessive prone restraints on autistic client.
  - Engaged state investigators and experts to provide evidence of positive behavioral therapy.
  - Managed law and motion practice, and negotiated favorable settlement agreement.
- *Sutter Health v. Superior Court* (Sacramento Sup. Ct.): Helped trial team obtain writ from State Court of Appeal that dismissed medical data breach suit with \$4 billion exposure against client Sutter Health.
- Represented four African American minors in alleged police racial profiling *pro bono* matter.
  - Interviewed minors and parents; prepared minors for interview by police investigator.
  - Helped facilitate dialogue and resolution between police chief and parent/complainant.

Contract Attorney Positions

May 2010 - May 2012

- **Farella Braun + Martel LLP**

San Francisco, CA

- Reviewed client records for depositions and production in patent litigation.

- **Jones Day**

San Francisco, CA

- Reviewed client records for production in high tech suppression of wages class action.

- **Paul, Weiss, Rifkind, Wharton & Garrison LLP** New York, NY
  - Reviewed client correspondence for production in securities class action litigation.
- **Wilmer Culter Pickering Hale and Dorr LLP** New York, NY
  - Reviewed client correspondence for production to SEC in insider trading investigation.
- **Cravath, Swaine & Moore LLP** New York, NY
  - Reviewed client records for production to SEC in financial fraud investigation.

**Baker & McKenzie LLP**

New York, NY

*Litigation Associate*

2008-2009

*Summer Associate*

Summer 2007

- Handled commercial litigation and international arbitration matters, including white collar crime, antitrust, class action, patent infringement, FCPA bribery cases and government investigations.
- Served on Diversity Committee: developed programs to recruit and retain minority attorneys.

**EDUCATION**

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**Columbia University School of Law**

*Juris Doctor*

May 2008

- Staff Editor, *Columbia Human Rights Law Review*
- 2006 Legal Intern, United Nations High Commissioner for Refugees (Geneva, Switzerland)
- Volunteer, Columbia Law School/Davis Polk Asylum Clinic
- Frederick Douglass National Moot Court Competition
- Member, African Law Students Association and Black Law Students Association

**University of California, Los Angeles**

*Bachelor of Arts, English*

June 2003

- Minors, Political Science and African American Studies
- 2003 Law Fellow, UCLA School of Law Fellowship Program
- 2002 Recipient, UCLA Women of Change Student Leadership Award
- 2000-2002 Chair, Outreach & Registration, African Student Union Annual High School Conference
- Member, Sigma Tau Delta International English Honor Society

**PROFESSIONAL ADMISSIONS AND MEMBERSHIP**

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- United States District Court, Northern District of California, 2013
- Bar Association of San Francisco, 2012
- State Bar of California, 2012 (SBN: 282420)
- State Bar of New York, 2009 (SBN: 4742805)

**PRO BONO EXPERIENCE**

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- Volunteer Attorney, BASF Justice and Diversity Center, 2014
- Trained Mediator, New York Peace Institute, 2009-2011
- Volunteer, ICC International Court of Arbitration for North America, 2010
- Assistant to Professor Love, Kukin Program for Conflict Resolution, Cardozo Law School, 2009-2010



June 24, 2019

*via email*

Oakland Police Commission

Dear Commissioners:

We understand that you would like us to undertake an audit of past and current investigations with the goal of assessing the performance of CPRA investigators and the efficacy of the investigations. We understand also that you would like our firm to provide best practices guidance for CPRA investigations where our audit finds inefficiencies and breakdowns in the process that hamper the thoroughness or independence of these investigations. We further understand that our audit will use Task 5 of the Negotiated Settlement Agreement as a guideline for quantitative and qualitative assessments.

We are prepared to undertake the following when the Commission approves:

- Audit of CPRA Level 1 and excessive use of force closed cases for the past five years. We do not know the number of such cases and will need to rely on the Commission for guidance on whether we review all such cases, or a sampling.
- Analysis of CPRA investigators' performance with respect to the time taken to complete an investigation, from intake to final report, the scope of the investigation, the scope of field work, whether reported action was undertaken, and what we can discern about the independence of the investigation and findings.
- Audit of active and open Level 1 or excessive force cases under investigation, using the above-stated criteria, and an accounting of the number of cases each investigator is actively working.
- Report our findings, and make best practices recommendations.

We understand that the initial budget for this effort is \$50,000. We agree to perform this work at the hourly rate of \$225, a reduction from our normal rates as a courtesy to the City of Oakland.

**PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT**



Oakland Police Commission  
CPRA investigations audit proposal  
June 24, 2019

We will work with you to design a methodology that yields optimal results for the Commission within this budget. This may mean narrowing the scope of our review of closed cases, depending on the volume of such cases. If so, we will either take a sampling from each of the past five years, or take the Commission's input as to which cases are audited.

Please let me know if I can answer any questions. If this proposal meets with your approval, we can begin as soon as the Commission instructs.

Cordially,

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

Eric Mason

# OAKLAND POLICE COMMISSION

## Agenda Report

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|                 |   |
|-----------------|---|
| <b>Subject:</b> | <b>CPRA Executive Director Candidates</b>         |
| Date:           | June 24, 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:

The Commission will invite the CPRA Executive Director finalists to offer brief biographical statements. The Commission may vote to approve submission of candidates to the City Administrator.

### Background:

Per City Charter section 604(e)(6), the Executive Director of the Community Police Review Agency shall be hired by the City Administrator from among two (2) or three (3) candidates submitted by the Police Commission.

The CPRA Executive Director job announcement was posted on the City's website on April 12, 2018, and was closed on October 26, 2018. A total of 165 applications were received. The City Administrator's Office forwarded all applications to an Ad Hoc Committee which was established prior to the formation of the Personnel Committee. On March 29, 2019, 30 candidates selected by Personnel Committee Members were contacted to assess their continued interest in the position. Of those 30, 21 responded that they were still interested. The Personnel Committee conducted phone interviews with 16 candidates over the course of three days in May 2019. The Personnel Committee selected five candidates to move forward in the selection process, and one has withdrawn from consideration.

On June 26, 2019, the Personnel Committee is scheduled to interview four candidates for the Executive Director position. The Committee is also expected to vote on which candidates will advance to the Police Commission meeting of June 27, 2019, where the Commission will then vote to confirm the candidates that will be submitted to the City Administrator for consideration.

### Attachments:

Applications and essay answers are included for the four candidates who were scheduled for interviews with the Personnel Committee on June 26, 2019.

## EMPLOYMENT APPLICATION



CITY OF OAKLAND  
150 Frank H. Ogawa Plaza - 2nd Floor  
Oakland, California 94612  
(510) 238-3112  
<http://www.oaklandca.gov/>

Alden, John  
18-EM229-04 EXECUTIVE DIRECTOR, COMMUNITY POLICE REVIEW AGENCY  
(CPRA) (CONTINUOUS)

Received: 8/19/18 11:47 PM  
For Official Use Only:  
QUAL: \_\_\_\_\_  
DNO: \_\_\_\_\_  
 Experience  
 Training  
 Other: \_\_\_\_\_

## PERSONAL INFORMATION

|  |   |  |
|--|---|--|
| POSITION TITLE:<br>EXECUTIVE DIRECTOR, COMMUNITY POLICE REVIEW AGENCY (CPRA)<br>(CONTINUOUS) |   | EXAM ID# :<br>18-EM229-04  |
| NAME: (Last, First, Middle)<br>Alden, John   |   | SOCIAL SECURITY NUMBER:<br>N/A   |
| ADDRESS: (Street, City, State, Zip Code)<br>[REDACTED]                                       |   | EMAIL ADDRESS:<br>[REDACTED]   |
| HOME PHONE:<br>[REDACTED]  | ALTERNATE PHONE:<br>[REDACTED]                    | NOTIFICATION PREFERENCE:<br>Email  |
| DRIVER'S LICENSE:<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No     | DRIVER'S LICENSE:<br>State: CA Number: [REDACTED] | LEGAL RIGHT TO WORK IN THE UNITED STATES?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

## PREFERENCES

|  |  |
|--|--|
| MINIMUM COMPENSATION:  | ARE YOU WILLING TO RELOCATE?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe |
| WHAT TYPE OF JOB ARE YOU LOOKING FOR?<br>Regular   |  |
| TYPES OF WORK YOU WILL ACCEPT:<br>Full Time  |  |
| SHIFTS YOU WILL ACCEPT:<br>Day, Evening, Night, Rotating, Weekends, On Call (as needed)  |  |
| OBJECTIVE:<br>To ensure accountability and transparency in policing, which I believe both improves the quality of policing, and defends the Constitutional rights of the public. To work collaboratively with city leaders dedicated to 21st Century Constitutional policing. To substantially advance the cause of civilian oversight of police generally, so as to better achieve the first two goals. |  |

## EDUCATION

|   |  |                                |
|---|--|--------------------------------|
| DATES:  | SCHOOL NAME:<br>UC Berkeley  |                                |
| LOCATION: (City, State)<br>Berkeley, California | DID YOU GRADUATE?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | DEGREE RECEIVED:<br>Bachelor's |
| MAJOR:<br>Mass Communications                   | UNITS COMPLETED:<br>120 - Semester   |                                |
| DATES:  | SCHOOL NAME:<br>UC Berkeley School of Law  |                                |
| LOCATION: (City, State)<br>Berkeley, California | DID YOU GRADUATE?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | DEGREE RECEIVED:<br>Doctorate  |
| MAJOR:<br>Law (J.D.)                            | UNITS COMPLETED:<br>90 - Semester  |                                |

## WORK EXPERIENCE

|  |   |  |
|--|---|--|
| DATES:<br>From: 4/2018 To: 8/2018  | EMPLOYER:<br>San Francisco District Attorney's Office,<br>Independent Investigations Bureau (IIB) | POSITION TITLE:<br>Managing Assistant District Attorney  |
| ADDRESS: (Street, City, State, Zip Code)<br>San Francisco, California, 94103 |   | COMPANY URL:<br><a href="https://sfdistrictattorney.org/iib">https://sfdistrictattorney.org/iib</a>  |
| PHONE NUMBER:<br>415-551-9572  | SUPERVISOR:<br>Cristine Soto DeBerry - Chief of Staff   | MAY WE CONTACT THIS EMPLOYER?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| HOURS PER WEEK:<br>40  | # OF EMPLOYEES SUPERVISED:<br>13  |  |

## DUTIES:

- Set program objectives and monitor 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.
- Monitor expenditures to ensure compliance with the budget.
- Prioritize cases given limited budget and personnel.
- Set program objectives and monitor the performance of subordinate staff.
- Recruit, orient, manage, evaluate, and provide training for all subordinate staff.
- Assign cases to teams of attorneys and investigators, review and approve case work and investigation results, finalize public investigative reports.
- Coordinate Grand Jury investigations led by subordinates into the conduct of police officers, firefighters, and deputy sheriffs.
- Ensure investigations are fair, thorough, complete and nonbiased.

- Create IIB policies and procedures, including investigative procedures standards.
- Establish program evaluation benchmarks and deliverables both proactively and in response to a city audit.
- Monitor the organizational structure, staff assignments, service levels, and administrative systems required to accomplish the IIB's mission and objectives in an efficient and effective manner; direct the identification and analysis of opportunities for service enhancements.
- Prepare reports and responses to performance audits for presentation to the San Francisco Controller, and the Board of Supervisors and its committees.
- Represent the IIB at conferences and a variety of community and public meetings.
- Coordinate 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, In Custody Deaths, and Excessive Use of Force cases.
- Review legislation, court cases, and other legal authorities relevant to the work of the IIB.
- Maintain the confidentiality of criminal investigative files, and other sensitive documents, such as personnel documents.

**REASON FOR LEAVING:**

Still working at IIB.

|   |  |   |
|---|--|---|
| <b>DATES:</b><br>From: 5/2016 To: 4/2018  | <b>EMPLOYER:</b><br>San Francisco Department Of Police<br>Accountability (DPA) / Office of Citizen<br>Complaints (OCC) | <b>POSITION TITLE:</b><br>Attorney  |
| <b>ADDRESS: (Street, City, State, Zip Code)</b><br>San Francisco, California, 94102 |  | <b>COMPANY URL:</b>   |
| <b>PHONE NUMBER:</b><br>415-241-7711  | <b>SUPERVISOR:</b><br>Paul Henderson - Executive Director  | <b>MAY WE CONTACT THIS EMPLOYER?</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>HOURS PER WEEK:</b><br>40  | <b># OF EMPLOYEES SUPERVISED:</b><br>5   |   |

**DUTIES:**

- Served on the Executive Team, which set program objectives, monitored the performance of staff, developed investigative strategies, and set policies for the DPA.
- Developed the annual budget for DPA and supervised its passage through the City and County of San Francisco Budget process.
- Recruited, hired, oriented, and trained new investigative staff.
- Directed all training for investigators and attorneys.
- Reviewed and approved case work and investigation results, finalized investigative reports, and litigated disciplinary cases resulting from those investigations.
- Ensured investigations are fair, thorough, complete and nonbiased.
- Established the DPA's first Audit Team, which proactively audits the performance of the San Francisco Police Department.
- Prepared quarterly program and statistical reports for presentation to the San Francisco Police Commission, and the Board of Supervisors and its committees.
- Represented the DPA at conferences and community and public meetings, such as NACOLE.
- Coordinated the Meet and Confer process with the San Francisco Police Officers' Association as to changes in the investigative processes of DPA and the Police Commission.
- Reviewed legislation, court cases, and other legal authorities relevant to the work of the DPA. Advised local elected officials on local legislation on behalf of DPA, such as charter amendments.
- Maintained the confidentiality of sensitive personnel documents.
- Advised the Police Commission on multiple policy changes, especially relating to disciplinary processes, officer use of force, and immigration issues.
- Served in COPS Collaborative Reform Task Force groups on Use of Force, Accountability, and Personnel and Recruitment.

**REASON FOR LEAVING:**

To accept a position at the Independent Investigations Bureau (IIB) of the San Francisco District Attorney's Office, which offered more management experience, and unusual opportunities to advance the cause of police accountability. The IIB position was also a promotive position unavailable at DPA.

|   |   |   |
|---|---|---|
| <b>DATES:</b><br>From: 1/2009 To: 5/2016  | <b>EMPLOYER:</b><br>San Francisco Police Department, Internal<br>Affairs Division (IAD) | <b>POSITION TITLE:</b><br>Attorney - Internal Affairs Division  |
| <b>ADDRESS: (Street, City, State, Zip Code)</b><br>San Francisco, California, 94103 |   | <b>COMPANY URL:</b>   |
| <b>PHONE NUMBER:</b>  | <b>SUPERVISOR:</b><br>Greg McEachern - Commander  | <b>MAY WE CONTACT THIS EMPLOYER?</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>HOURS PER WEEK:</b><br>40  | <b># OF EMPLOYEES SUPERVISED:</b><br>0  |   |

**DUTIES:**

- Advised and trained investigative staff, and reviewed their investigative work.
- Litigated disciplinary cases against SFPD personnel before Skelly hearing officers and the San Francisco Police Commission.
- Coordinated SFPD and third-party agency criminal investigations into SFPD personnel with administrative investigations as much as permitted by law.
- Ensured investigations are fair, thorough, complete and nonbiased.
- Created IAD policies and procedures, including investigative procedures, the SFPD Brady Process, and information sharing with other agencies.
- Prepared reports for, and responses to queries from, the San Francisco Police Commission.
- Represented IAD at conferences and public meetings.
- Reviewed legislation, court cases, and other legal authorities relevant to the work of the IAD.
- Created strong working relationships with SFPD Command Staff, the City Attorney's Office, and other local agencies.
- Maintained the confidentiality of personnel documents.
- Advised the Chief of Police on individual disciplinary cases, policy projects with the Police Commission, and internal personnel management strategies.

**REASON FOR LEAVING:**

To secure more diverse management and supervisory experience at DPA. I also preferred that DPA focused more on complaints from the public, as opposed to complaints from supervisors about their subordinates.

**Attachment 9**

|   |  |  |   |
|---|--|--|---|
| DATES:<br>From: 10/2006 To: 12/2008   |  | EMPLOYER:<br>Law Offices of John Alden   | POSITION TITLE:<br>Owner                    |
| ADDRESS: (Street, City, State, Zip Code)<br>San Rafael, California, 94901   |  | COMPANY URL:   |   |
| PHONE NUMBER:   | SUPERVISOR:<br>self                                      | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |   |
| HOURS PER WEEK:<br>40   | # OF EMPLOYEES SUPERVISED:<br>5                          |  |   |
| DUTIES:<br>* Ran a small law firm as the primary attorney and proprietor.<br>* Hired and supervised my own staff.<br>* Created and managed my own budget and finances.<br>* Litigated a variety of civil and criminal cases for private clients, including employment law cases.  |  |  |   |
| REASON FOR LEAVING:<br>To accept SFPD position in 2009, which presented a greater professional challenge.   |  |  |   |
| DATES:<br>From: 11/2003 To: 6/2006  |  | EMPLOYER:<br>Abbey Weitzenberg Warren and Emery  | POSITION TITLE:<br>Associate                |
| ADDRESS: (Street, City, State, Zip Code)<br>Santa Rosa, California  |  | COMPANY URL:   |   |
| PHONE NUMBER:   | SUPERVISOR:<br>Patrick Emery - Managing Partner          | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |   |
| HOURS PER WEEK:<br>40   | # OF EMPLOYEES SUPERVISED:<br>1                          |  |   |
| DUTIES:<br>Provided litigation services for a civil law firm, such as conducting depositions, investigating civil claims, and conducting trials.  |  |  |   |
| REASON FOR LEAVING:<br>I felt I was not a good fit for the community which the firm served, and decided to open my firm instead.  |  |  |   |
| DATES:<br>From: 9/1998 To: 11/2003  |  | EMPLOYER:<br>Marin County District Attorney's Office   | POSITION TITLE:<br>Deputy District Attorney |
| ADDRESS: (Street, City, State, Zip Code)<br>San Rafael, California, 94903   |  | COMPANY URL:   |   |
| PHONE NUMBER:   | SUPERVISOR:<br>Robert Nichols - Deputy District Attorney | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |   |
| HOURS PER WEEK:<br>40   | # OF EMPLOYEES SUPERVISED:                               |  |   |
| DUTIES:<br>• Independently tried approximately 30 criminal jury trials to verdict.<br>• 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.<br>• Supervised District Attorney investigators, paralegals, and new attorneys. |  |  |   |
| REASON FOR LEAVING:<br>To expand my skill set by practicing civil law.  |  |  |   |
| DATES:<br>From: 10/1997 To: 9/1998  |  | EMPLOYER:<br>California State Assembly   | POSITION TITLE:<br>Assembly Fellow          |
| ADDRESS: (Street, City, State, Zip Code)<br>Sacramento, California  |  | COMPANY URL:   |   |
| PHONE NUMBER:   | SUPERVISOR:<br>Kevin Shelley - Assembly Majority Leader  | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |   |
| HOURS PER WEEK:<br>40   | # OF EMPLOYEES SUPERVISED:<br>0                          |  |   |
| DUTIES:<br>• Selected from a pool of over 300 to be one of 18 Fellows in the 1998 Legislature.<br>• Received unique training in researching and evaluating California legislative history, and analyzing how bills would affect public agencies.<br>• Drafted bills for the Assembly Majority Leader, arranged their passage through the Assembly and Senate, and secured their signature by the Governor.                      |  |  |   |
| REASON FOR LEAVING:<br>This was a one-year limited term Fellowship, so I left once I had completed the program.   |  |  |   |
| DATES:<br>From: 2/1997 To: 9/1997   |  | EMPLOYER:<br>Sonoma County District Attorney   | POSITION TITLE:<br>Deputy District Attorney |
| ADDRESS: (Street, City, State, Zip Code)<br>Santa Rosa, California  |  | COMPANY URL:   |   |
| PHONE NUMBER:   | SUPERVISOR:<br>Kathy DeLoe - Deputy District Attorney    | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |   |
| HOURS PER WEEK:<br>40   | # OF EMPLOYEES SUPERVISED:<br>0                          |  |   |
| DUTIES:<br>• Prosecuted misdemeanor criminal cases, typically handling 180 cases each week split between settlement negotiations, pleas, sentencings, and probation matters.<br>• Independently tried six criminal jury trials to verdict.  |  |  |   |
| REASON FOR LEAVING:<br>To accept the Assembly Fellowship.   |  |  |   |



**CERTIFICATES AND LICENSES**

|  |   |
|--|---|
| TYPE:<br>License to Practice Law in California |   |
| LICENSE NUMBER:<br>184236                      | ISSUING AGENCY:<br>California State Bar |

**Skills**

|   |
|---|
| OFFICE SKILLS:<br>Typing:<br>Data Entry:  |
| OTHER SKILLS:   |
| LANGUAGE(S):<br>Spanish - <input type="checkbox"/> Speak <input type="checkbox"/> Read <input type="checkbox"/> Write |

**ADDITIONAL INFORMATION**

Nothing Entered For This Section

**REFERENCES**

Nothing Entered For This Section

Agency-Wide Questions

- 1. I understand and acknowledge that attaching a resume or stating "see resume" is not sufficient to provide the required work history information and that if my application does not include required information, then my application may be rejected as incomplete and I may be disqualified from consideration.  
Yes
- 2. Are you an Oakland Resident?  
No
- 3. Are you a veteran or disabled veteran? (Must submit proof of honorable discharge Form - DD214 to receive Veteran's Credit.) You may scan a copy of the DD214 and submit as an attachment to your application.  
No
- 4. Are you a current City of Oakland employee?  
No
- 5. Other names used while employed by the City of Oakland:
- 6. Have you previously been employed by the City of Oakland?  
No
- 7. If you were previously employed by the City of Oakland, please list the dates and the titles of the positions previously held.  
Identify the language(s) for which you have bilingual conversational proficiency. If you do not have bilingual conversational proficiency in any of the identified languages, check the appropriate box. For positions that require it, bilingual skills will be tested prior to a final offer of employment; screening for bilingual skills may be conducted on the same day as a written exam or oral board interview.  
Spanish
- 9. Are you authorized to lawfully work in the United States?  
Yes
- 10. Will you now or in the future require the City of Oakland to commence an immigration case in order to employ you? (This is sometimes called "sponsorship" for an employment-based visa status.)  
No
- 11. Where did you first learn of this opportunity?  
Professional Organization - Website, Mailing List, Meeting or Conference
- 12. If you answered "Other", "Other Internet" or "Professional Organization - Website or Mailing List" in response to the question "Where did you first learn of this opportunity?", please list the exact source:  
NACOLE
- 13. Do you have any known family relationships, consensual romantic, and/or cohabitant relationships with any existing City Official, manager or employee? (which includes City Council, Mayor's Office, Administrator, Attorney, Auditors as well as employees of City Agencies and Departments). Information concerning cohabitant and consensual romantic relationships will be treated as confidential and disclosed only on a need-to-know basis.  
No
- 14. If you answered "Yes" to the question "Do you have any known family relationships, consensual romantic, and/or cohabitant relationships with any existing City Official, manager or employee?", please indicate the name of the person, Department, Job Title and relationship. (Article IX, Sec. 907 of the City of Oakland Charter & Ordinance 12908) If you answered "No", please enter "N/A" in this box.  
N/A

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application and any supplemental questionnaire is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the City of Oakland and will not be returned. I understand the City of Oakland may contact prior employers and other references. I understand that I must notify the Human Resources Management Department of any changes in my name, address, email address, or phone number. I also understand that it is my responsibility to check my spam, junk and/or clutter folders for emails regarding my application status.

This application was submitted by John Alden on 8/19/18 11:47 PM

Signature\_\_\_\_\_

Date\_\_\_\_\_

**JOHN ALDEN**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**POSITIONS HELD:**

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

- Set program objectives and monitor 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.
- Recruit, orient, manage, evaluate, and provide training for all subordinate staff.
- Assign cases to teams of attorneys and investigators, review and approve case work and investigation results, finalize public investigative reports.
- Coordinate Grand Jury investigations led by subordinates.
- Create IIB policies and procedures, including investigative procedures standards.
- Establish program evaluation benchmarks and deliverables both proactively and in response to a city audit.
- Prepare reports and responses to performance audits for presentation to the San Francisco Controller, and the Board of Supervisors and its committees.
- Represent the IIB at conferences and a variety of community and public meetings.
- Coordinate 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, In Custody Deaths, and Excessive Use of Force cases.
- Review legislation, court cases, and other legal authorities relevant to the work of the IIB.
- Maintain the confidentiality of criminal investigative files, and other sensitive documents, such as personnel documents.
- Monitor expenditures to ensure compliance with the budget.

**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, including use of force tracking and assessment.
- Created positive working relationships with other stakeholders, especially employee unions, the Police Department, District Attorney, City Attorney, and Public Defender.
- Hired and trained employees of the Department, especially investigators.

**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 5 Commission-level disciplinary cases to conclusion, including a pair of 6-month trials, and presented approximately another 15 cases to the Commission through different stages in their proceedings.
- Directed investigations into Officer Involved Shootings, In Custody Deaths, and Excessive Force.
- 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.

**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, probate, and civil cases, including two jury trials, with emphasis on personal injury, employment, 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, 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, sentencing, and probation matters.
- Independently tried six criminal jury trials to verdict.

**EDUCATION:**

Boalt Hall School of 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.

August 19, 2018

City of Oakland  
Human Resources Department

Re: Application for Position of Executive Director, CPRA

To Whom It May Concern:

This letter accompanies my application for the position of Executive Director of the Community Police Review Agency (CPRA).

Over the last decade, I have served in three positions within San Francisco's civilian-led system of police oversight: first as a civilian attorney in the Internal Affairs Division, then as part of the executive team of the San Francisco Department of Police Accountability (DPA, formerly known as the Office of Citizen Complaints), and most recently as the Managing Assistant District Attorney of the Independent Investigations Bureau (IIB) of the San Francisco District Attorney's Office. These experiences have taught me that civilian oversight of policing is essential to achieving 21<sup>st</sup> Century Constitutional policing in this country.

The City of Oakland's renewed investment in civilian oversight in the last few years has been inspirational to me. The public's passage of Measure LL and city leaders' continuing commitment to creating the Police Commission and CPRA envisioned in that Measure make clear that Oakland will be a cutting-edge model of accountability and transparency in the years to come. I would be thrilled to be part of such a team.

My experience in managing both DPA and IIB makes me uniquely positioned to lead your CPRA. I have the legal expertise to understand the complexities of California law in this field, the management experience to successfully guide teams of investigators in complex cases, and the practical experience of a decade in another similar system to recognize the many pitfalls on the path to reform. I would be honored to put these strengths to work for you and the residents of Oakland.

Thank you for your kind attention to my application.

Sincerely,

/s/

John Alden

Essay Answers from John Alden

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?**

The greatest challenges facing the Oakland Police Department (OPD) are many. Accountability appears weak. The federal Monitor has critiqued the most recent OPD Officer Involved Shooting (OIS) investigation. The Negotiated Settlement Agreement (NSA) provisions still have not been completed. OPD's public credibility has been damaged by OPD failures to adequately investigate its own officers, and repeated failures to successfully sustain discipline in arbitration. The community has expressed deep concern about OPD use of force, biased policing, and traffic and investigative stops. Dr. Eberhardt's analysis of the language in body-worn camera footage of traffic stops shows a racial bias by officers. OPD has a middling record with respect to transparency with CPRA and the Police Commission.

Not all of these challenges can be solved by the CPRA Executive Director alone. But the CPRA Executive Director can do four things to improve the situation in concert with the Commission and OPD: 1) ensure quality investigations into complaints, 2) create of a culture of accountability throughout OPD, 3) enforce transparency between OPD and CPRA and also between CPRA and the Commission, and 4) provide quality policy advice. The CPRA Executive Director can also help to build community trust, as detailed separately in the next essay.

First, the Executive Director must complete high quality investigations, and present solid disciplinary cases against officers when those complaints are sustained. Thorough investigations followed by discipline that survives appeal is essential to enforcing the policies the Commission implements, to changing the culture within the OPD rank and file, and to give voice to the community. I have a decade of experience in the discipline of police officers in California. I know all the ways an officer's defense team can undermine disciplinary proceedings, and am prepared to ensure that the Oakland Police Commission can impose discipline that will stick.

Second, the Executive Director can use such disciplinary cases to create a culture of accountability within OPD amongst both line officers and supervisors. I would lead by example to make creation of that culture a high priority for OPD leadership, too, so that OPD leadership is strongly invested in CPRA success. For example, the potential liability of supervisors on the scene of an OIS should be assessed immediately. Not only is the role of the supervisor often more important than that of the line officers in preventing excessive force, but many in the police discipline field (myself included) believe that the courts are unlikely to extend criminal tolling to non-shooting supervisors, such that assessing supervisorial liability must be completed immediately regardless of the timing of the District Attorney's inquiry.

Third, at the top levels of both OPD and the CPRA, I see a lack of transparency. The recent public revelation that most of OPD's investigative file in the Pawlik OIS investigation was not transmitted to CPRA until nearly a year after the OIS is unacceptable. (Likewise, CPRA's apparent willingness to do nothing in the Pawlik OIS case until the OPD file was provided shows a lack of commitment to thorough investigative practices.) Moreover, OPD appears to refuse to provide the Commission, its supervisor, with details on its investigations of officers. While there is reason why

some such details are best provided in closed sessions, or might jeopardize the eventual imposition of discipline by Disciplinary Committee, these are questions that should, in my opinion, be resolved by the Commission, not OPD.

I would replace this culture of secrecy with a culture of transparency by demanding transparency from OPD, and demonstrating transparency to the Commission. OPD should provide OIS investigative materials to CPRA on a rolling, immediate basis so that CPRA's OIS investigation is in-depth and immediate. CPRA should use subpoenas to enforce this expectation. Moreover, CPRA should lead by example on transparency by providing whatever information to the Commission the Commission may request.

Finally, the CPRA Executive Director can also provide the Police Commission and OPD thoughtful and cutting-edge policy advice. Fire control (the number of officers shooting in an incident, and the number of rounds each fires), responses to sleeping subjects, and use of force overall need improvement. Ensuring that training and supervision within OPD reinforces, rather than undercuts, the new probation and parole search policy is also essential. I have extensive experience with the POBRA appeal process, and could provide assistance with the creation of an Oakland appeal process. Finally, I have relationships with thought leaders on these topics throughout the county, which I would use to bring cutting edge ideas to Oakland.

**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?**

OPD can only build trust with the community if it is transparent about its goals, sets progressive goals in collaboration with the community, and publicly holds accountable officers who deviate from those goals. While some of this work must be done by OPD, I see opportunities for CPRA to help. CPRA can add a community voice in setting OPD policies, help the community give feedback to OPD through the complaint process, and hold OPD officers accountable when they deviate from those policies.

My journey in the criminal justice system comes from a strong sense of outrage at injustice. Before law school, I was a progressive in the staunchly conservative city of Cincinnati, Ohio, an area beset by police violence against African Americans, gay men, and poor Appalachian whites. I worked for a civil rights attorney who frequently sued the police on behalf of victims of police violence. After law school, I felt I could make a difference in the criminal justice system by working as a prosecutor in the Bay Area, because I could use my discretion to push the system in a progressive direction. I prioritized domestic violence, elder abuse, and consumer protection cases, all of which I felt traditional prosecutors often neglected. Often my most important work was dropping charges against the innocent, or advocating for rehabilitation over jail.

In 2008, I was recruited to work for a reform-oriented San Francisco Chief of Police, Heather Fong. She had been appointed in the wake of a scandal involving off-duty abuse of power, excessive force, and a cover-up by command staff members. My job as a member of her legal team was to successfully prosecute administrative disciplinary cases against police officers, despite opposition from traditionalists within SFPD. I worked for two more reform Chiefs after her, and then in the civilian oversight office, the Department of Police Accountability (DPA).



I was shocked at the entitlement and resistance to change I saw within SFPD. While I worked with many reform-minded police officers, I also saw others who believed that employment at SFPD was an inherited right, that civilian oversight was an evil to be undercut, and that anyone outside their own cultural circle was suspect. I saw Captains undercut discipline imposed by the Chief, I saw officers lie to cover up misconduct, and I saw officers mock the disciplinary system. I heard the term “testa-lie” – meaning to commit perjury to secure a conviction. I saw officers’ representatives use political connections to Police Commissioners to prevent discipline. I learned of Internal Affairs investigators who were threatened with violence unless they dropped specific investigations. I’ve seen horrifically racist text messages exchanged between police officers and their supervisors, all the way up to Captains.

In short, my experience in San Francisco was that even in a progressive city with a robust civilian oversight structure, police corruption resisted reform. While I deeply respect a good cop, nothing makes me angrier than a bad cop. And I can only imagine the anger – and fear – instilled in those who suffer from police violence at the hands of the bad cops. But I also saw that persistence in the face of these barriers can lead to substantial reform: I did see many bad cops fired, and progressive policies implemented, such as San Francisco’s groundbreaking Use of Force Policy.

In the short term, this decade of challenging experiences in a Commission-driven police discipline system give me the deep and detailed understanding of what it takes politically, legally, and practically to change police culture. I know I can contribute fair and professional investigations, legally pristine disciplinary cases, and practical tactics to defeat obstructionism. I have the experience in a parallel civilian oversight system – DPA – to educate, manage, and where needed reform, the CPRA.

In the medium term, my management experience in San Francisco gives me the skills with budgeting, personnel, internal policy, and culture changes to make any necessary changes in CPRA’s structure and operations to accomplish the above goals. These cultural and structural changes can be slow, but I have the persistence to continue to press forward on them. I also understand the need for deep listening and restorative justice to develop community trust and confidence in the discipline process, which may take a long time to build.

In the long run, I have the national relationships to bring the best and brightest techniques and policy ideas to Oakland. And I have the personal experience with creating long-term change to see through long-term initiatives.

**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?**

I see poverty in Oakland as primarily a result of structural racism. While the decline of industry in the last fifty years reduced Oakland’s employment base, it also true that housing discrimination, the construction of freeways through neighborhoods of color, and predatory lending targeting people of color eroded middle class wealth and concentrated poverty in Oakland during that same time. Mandatory minimum sentencing for minor narcotics offenses in the 1980s radically

increased incarceration among the poor in general in the United States, and especially of people of color in Oakland. While these forces especially hurt the African American community, the effect was similar for the Latino community, which also suffered from discriminatory immigration policies and language discrimination.

In my experience in police oversight, structural racism and the criminalization of poverty both continue to loom large in American policing. Historically, American policing arose in part to enforce the institution of slavery, and the penal system in general has been used to criminalize poverty. For these reasons, modern policing struggles to separate the very real need to protect the public from violent crime from the historical American tendency to fuse criminality with poverty and race. Progressive, constitutional policing requires awareness of these historical roots, and thoughtfully distinguishing the community's need for legitimate police services from long-standing regressive policing traditions.

I often see police discipline systems fail to separate the two. For example, I have often seen Internal Affairs investigators start officer involved shooting investigations by checking the past criminal history of the person shot, but not the prior disciplinary history of the officer who fired. In these cases, the prior criminal history (if any) of the person shot is then used to justify the officer's decision to shoot, even when the officer had no knowledge of that history when the incident occurred. Because prior criminal history is more often, in my opinion, an indicator of socio-economic status, and poverty is disproportionately experienced by people of color, this tendency places people of color in a position of structural disadvantage even before the shooting occurs. Constitutional policing requires the opposite approach: we should instead check the officer's prior disciplinary history, if any, first. The history of the person the officer shot should only be considered to the extent the officer knew that history, and that history had some rational reason to suggest the person was a danger in that moment.

In the work of the Executive Director, these principles also directly apply to the handling of complaints. For example, some complainants will have prior criminal history, suffer from conditions exacerbated by poverty such as mental illness, and possibly present with other indicators of the chronic stress caused by poverty. Too often police will use these conditions as justification to find a complainant not credible. I believe complainants from such backgrounds are more often the experts in police misconduct, because they are subjected to it more often than anyone else in the community. I believe credibility should thus turn on objective unbiased factors, such as corroboration from body-worn cameras or other witnesses. The Executive Director must provide the leadership to make such principles part of the culture of the CPRA and communicate the same to the community.

Likewise, it is important that complainants experience restorative justice when coming to CPRA. At a minimum, they must feel heard and valued when making their complaint to CPRA staff. Communicating clearly and frequently with complainants about the status of their case and the results is also essential. And especially communicating why cases are or are not sustained is key to building community trust.

Finally, when an officer does engage in misconduct, it is essential that the Executive Director be able to translate the experience of the community, especially that of people subjected to poverty,

into an investigative file that leads to officer discipline. I will never forget an officer in San Francisco who routinely bragged that he was not afraid of Police Commission discipline because, in his opinion, the Commission never successfully fired anyone. That officer later survived attempts to fire him, as he predicted. That result deeply undermined the ability of the Police Commission to change police culture, and undermined community trust. It is deeply important to me that that experience is not repeated in Oakland.

**EMPLOYMENT APPLICATION**



CITY OF OAKLAND  
 150 Frank H. Ogawa Plaza - 2nd Floor  
 Oakland, California 94612  
 (510) 238-3112  
<http://www.oaklandca.gov/>

Brown, Branford D  
 18-EM229-04 EXECUTIVE DIRECTOR, COMMUNITY POLICE REVIEW AGENCY  
 (CPRA) (CONTINUOUS)

Received: 7/23/18 4:55 PM  
 For Official Use Only:  
 QUAL: \_\_\_\_\_  
 DNO: \_\_\_\_\_  
 Experience  
 Training  
 Other: \_\_\_\_\_

**PERSONAL INFORMATION**

|  |  |  |
|--|--|--|
| POSITION TITLE:<br>EXECUTIVE DIRECTOR, COMMUNITY POLICE REVIEW AGENCY (CPRA)<br>(CONTINUOUS) |  | EXAM ID# :<br>18-EM229-04  |
| NAME: (Last, First, Middle)<br>Brown, Branford D   |  | SOCIAL SECURITY NUMBER:<br>N/A   |
| ADDRESS: (Street, City, State, Zip Code)<br>[REDACTED]                                       |  | EMAIL ADDRESS:<br>[REDACTED]   |
| HOME PHONE:<br>[REDACTED]  | ALTERNATE PHONE:<br>[REDACTED]         | NOTIFICATION PREFERENCE:<br>Email  |
| DRIVER'S LICENSE:<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No     | DRIVER'S LICENSE:<br>State: OH Number: | LEGAL RIGHT TO WORK IN THE UNITED STATES?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

**PREFERENCES**

|   |  |
|---|--|
| MINIMUM COMPENSATION:<br>\$140,000.00 per year  | ARE YOU WILLING TO RELOCATE?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe |
| WHAT TYPE OF JOB ARE YOU LOOKING FOR?<br>Regular  |  |
| TYPES OF WORK YOU WILL ACCEPT:<br>Full Time   |  |
| SHIFTS YOU WILL ACCEPT:<br>Day, Evening, Night, Rotating, Weekends, On Call (as needed)   |  |
| OBJECTIVE:<br>Seeking employment that aligns with my passion. Desirous of a leadership position in line with my past management experience. |  |

**EDUCATION**

|   |  |                                  |
|---|--|----------------------------------|
| DATES:                                      | SCHOOL NAME:<br>The Ohio State University  |                                  |
| LOCATION: (City, State)<br>Columbus, Ohio   | DID YOU GRADUATE?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | DEGREE RECEIVED:<br>Bachelor's   |
| MAJOR:<br>Sociology                         | UNITS COMPLETED:   |                                  |
| DATES:                                      | SCHOOL NAME:<br>University Of Cincinnati   |                                  |
| LOCATION: (City, State)<br>Cincinnati, Ohio | DID YOU GRADUATE?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | DEGREE RECEIVED:<br>Professional |
| MAJOR:<br>Juris Doctorate                   | UNITS COMPLETED:   |                                  |

**WORK EXPERIENCE**

|   |  |  |
|---|--|--|
| DATES:<br>From: 2/2013 To: 11/2015  | EMPLOYER:<br>Branford D. Brown                         | POSITION TITLE:<br>Attorney/Consultant   |
| ADDRESS: (Street, City, State, Zip Code)<br>10189 Amberwood Court, Cincinnati, Ohio, 45241  |  | COMPANY URL:   |
| PHONE NUMBER:<br>(513) 518-4988   | SUPERVISOR:<br>Donna Jones Baker - President & CEO     | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| HOURS PER WEEK:<br>15   | # OF EMPLOYEES SUPERVISED:<br>0                        |  |
| DUTIES:<br>PRESRESPONSIBLE FOR ARTICULATING A CLEAR STRATEGIC VISION, RAISING THE MARKETING AND PUBLIC VISIBILITY OF THE COMPANY'S BRAND, AND ENSURING THE PROVISION OF HIGH QUALITY CLIENT SERVICES. MANAGED ALL ASPECTS OF THE ORGANIZATION, INCLUDING RECRUITING, MANAGING AND RETAINING HIGH-QUALITY STAFF. DEVELOPED MANAGEMENT POLICIES THAT HELD THE ORGANIZATION ACCOUNTABLE TO ITS MISSION, BOARD, CLIENTS, AND FUNDERS. rivate Practice |  |  |
| REASON FOR LEAVING:<br>Better Opportunities   |  |  |
| DATES:<br>From: 12/2010 To: 2/2013  | EMPLOYER:<br>Greater Hartford Legal Aid                | POSITION TITLE:<br>Executive Director  |
| ADDRESS: (Street, City, State, Zip Code)<br>999 Asylum Avenue, Hartford, Connecticut, 06105   |  | COMPANY URL:<br>www.ghla.org   |
| PHONE NUMBER:<br>(860) 541-5000   | SUPERVISOR:<br>Board of Directors - Board of Directors | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

|   |   |
|---|---|
| HOURS PER WEEK:<br>55   | # OF EMPLOYEES SUPERVISED:<br>35                        |
| <b>DUTIES:</b><br>a. chief executive officer responsible for overall programmatic, personnel, administrative, and financial matters of the agency.<br>b. Provides advice to the board of directors on the establishment, development and implementation of policy.<br>c. Directs overall operation of the program in compliance with the policies and guidelines established by the board of directors and funding sources.<br>d. Maintains public relations activities of the program, i.e., communicating with the courts, Bar Associations, legislative bodies, governmental agencies, and community organizations will be performed by the executive director unless otherwise delegated by executive director to the deputy director.<br>e. Prepares narratives in grant reports and applications for ongoing reports.<br>f. Oversees work of program administrator.<br>g. Oversees professional staff employment hiring and termination, as well as all other personnel-related matters of the program.<br>h. Evaluates Program performance.<br>i. Involves staff in affirmative efforts to become aware of the legal, social, and economic problems of the local low-income community and of social agencies attempting to serve those needs.<br>j. Convenes regular office meetings to discuss cases, office problems and program-wide development. Holds meetings with the management team members to form agency's work plan for establishing policies and goals.<br>k. Prepares comprehensive annual report for the board of directors, reporting office activities, problem and futures.<br>L. Provides for and/or oversees staff development planning. |   |
| <b>REASON FOR LEAVING:</b><br>Needed direct access to Ohio  |   |
| <b>DATES:</b><br>From: 1/2008 To: 12/2009   | <b>EMPLOYER:</b><br>AppalReD Legal Services             |
| <b>POSITION TITLE:</b><br>Deputy Director   |   |
| <b>ADDRESS: (Street, City, State, Zip Code)</b><br>120 North Front Avenue, Prestonsburg, Kentucky, 41653  |   |
| <b>COMPANY URL:</b><br><a href="http://www.ardfky.org/">www.ardfky.org/</a>   |   |
| <b>PHONE NUMBER:</b><br>(606) 886-3876  | <b>SUPERVISOR:</b><br>Cynthia Elliot - Director         |
| <b>MAY WE CONTACT THIS EMPLOYER?</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |   |
| <b>HOURS PER WEEK:</b><br>40  | <b># OF EMPLOYEES SUPERVISED:</b><br>75                 |
| <b>DUTIES:</b><br>Assisted and acted on behalf of the Director See attachment   |   |
| <b>REASON FOR LEAVING:</b><br>Wanted a more diverse work environment  |   |
| <b>DATES:</b><br>From: 2/1997 To: 12/2008   | <b>EMPLOYER:</b><br>Legal Aid of Western Ohio           |
| <b>POSITION TITLE:</b><br>Managing Attorney   |   |
| <b>ADDRESS: (Street, City, State, Zip Code)</b><br>333 W. First Street, Dayton, Ohio, 45402   |   |
| <b>COMPANY URL:</b><br><a href="http://www.lawolaw.org/">http://www.lawolaw.org/</a>  |   |
| <b>PHONE NUMBER:</b><br>(937) 228-8088  | <b>SUPERVISOR:</b><br>Kevin Mulder - Executive Director |
| <b>MAY WE CONTACT THIS EMPLOYER?</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |   |
| <b>HOURS PER WEEK:</b><br>40  | <b># OF EMPLOYEES SUPERVISED:</b><br>28                 |
| <b>DUTIES:</b><br>Face of Legal Aid<br>Managed and developed Staff<br>Assisted with grants and budget<br>Presented to board<br>Collaborated w/community partners<br>Please note that due to a series of acquisitions and mergers my legal employment with "Legal Aid" appears more complex than it actually was. I was an employee of "Legal Aid" in Dayton for over ten years through its various legal names.   |   |
| <b>REASON FOR LEAVING:</b><br>Opportunity to advance  |   |

**CERTIFICATES AND LICENSES**

|                                   |  |
|-----------------------------------|--|
| <b>TYPE:</b><br>Ohio Bar          |  |
| <b>LICENSE NUMBER:</b><br>0021404 | <b>ISSUING AGENCY:</b><br>Ohio Supreme Court |

**Skills**

|  |
|--|
| <b>OFFICE SKILLS:</b><br>Typing: 72<br>Data Entry: 0 |
| <b>OTHER SKILLS:</b>                                 |
| <b>LANGUAGE(S):</b>                                  |

**ADDITIONAL INFORMATION**

Additional Information  
 Accomplishments  
 AppalReD Accomplishments:  
 Drafted Disaster Plan  
 Co-Drafted Management and Performance Standards  
 Facilitated Training on LSC Restrictions  
 Conducted First Ever Case Reviews for Directing Attorneys  
 Initiated Uniform Forms & Documents Program Wide  
 Assumed Responsibility for Client Grievances  
 Assumed Primary Responsibility for all Personnel Actions  
 COURT RELATED ACTIVITIES:  
 Felony Support Round Table  
 Juvenile Court Disproportionate Minority Content Committee--local  
 Disproportionate Minority Content--State  
 Common Pleas Court Inclusiveness Committee  
 Mock Trial Instructor  
 Domestic Violence Forum  
 CITY AND COUNTY ACTIVITIES:  
 City of Dayton Human Relations Council--Fair Housing Impediment Review  
 Community Wide Task Force on Prisoner Reentry  
 a. Co-Chair Legal Sub Committee  
 Fatherhood Initiative collaborators  
 County Commissioners Drug and Alcohol Task Force  
 BOARD MEMBERSHIPS:  
 MonDay Program --Board Member  
 Spirit of Peace Community Development Corporation -Board Member  
 Kin

| REFERENCES  |                             |                                |
|---|-----------------------------|--------------------------------|
| REFERENCE TYPE:<br>Professional   | NAME:<br>Donna Jones Baker  | POSITION:<br>President and CEO |
| ADDRESS: (Street, City, State, Zip Code)<br>3458 Reading Road, Cincinnati, Ohio 45229 |                             |                                |
| EMAIL ADDRESS:<br>DJBaker@ulgso.org   | PHONE NUMBER:<br>5135174877 |                                |

Agency-Wide Questions

1. I understand and acknowledge that attaching a resume or stating "see resume" is not sufficient to provide the required work history information and that if my application does not include required information, then my application may be rejected as incomplete and I may be disqualified from consideration.  
Yes
2. Are you an Oakland Resident?  
No
3. Are you a veteran or disabled veteran? (Must submit proof of honorable discharge Form - DD214 to receive Veteran's Credit.) You may scan a copy of the DD214 and submit as an attachment to your application.  
No
4. Are you a current City of Oakland employee?  
No
5. Other names used while employed by the City of Oakland:  
NA
6. Have you previously been employed by the City of Oakland?  
No
7. If you were previously employed by the City of Oakland, please list the dates and the titles of the positions previously held.  
Identify the language(s) for which you have bilingual conversational proficiency. If you do not have bilingual conversational proficiency in any of the identified languages, check the appropriate box. For positions that require it, bilingual skills will be tested prior to a final offer of employment; screening for bilingual skills may be conducted on the same day as a written exam or oral board interview.  
I do not have bilingual conversational proficiency in any of the identified languages, but I am still interested in the position.
9. Are you authorized to lawfully work in the United States?  
Yes
10. Will you now or in the future require the City of Oakland to commence an immigration case in order to employ you? (This is sometimes called "sponsorship" for an employment-based visa status.)  
No
11. Where did you first learn of this opportunity?  
Friend or Relative (not a City employee)
12. If you answered "Other", "Other Internet" or "Professional Organization - Website or Mailing List" in response to the question "Where did you first learn of this opportunity?", please list the exact source:  
NA
13. Do you have any known family relationships, consensual romantic, and/or cohabitant relationships with any existing City Official, manager or employee? (which includes City Council, Mayor's Office, Administrator, Attorney, Auditors as well as employees of City Agencies and Departments). Information concerning cohabitant and consensual romantic relationships will be treated as confidential and disclosed only on a need-to-know basis.  
No
14. If you answered "Yes" to the question "Do you have any known family relationships, consensual romantic, and/or cohabitant relationships with any existing City Official, manager or employee?", please indicate the name of the person, Department, Job Title and relationship. (Article IX, Sec. 907 of the City of Oakland Charter & Ordinance 12908)  
NA

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application and any supplemental questionnaire is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the City of Oakland and will not be returned. I understand the City of Oakland may contact prior employers and other references. I understand that I must notify the Human Resources Management Department of any changes in my name, address, email address, or phone number. I also understand that it is my responsibility to check my spam, junk and/or clutter folders for emails regarding my application status.

This application was submitted by Branford D Brown on 7/23/18 4:55 PM

Signature \_\_\_\_\_

Date \_\_\_\_\_

July 23, 2018

City of Oakland

Dear Search Committee Chairperson:

Please accept this letter as my application for the position of Executive Director, Community Police Review Agency. I became aware of this position from a colleague who is a member of the National Association for Civilian Oversight of Law Enforcement (N.A.C.O.L.E.). I believe that I have the credentials, background and experience to build on the current strengths of your city government and to take this division to the next level.

I bring over 25 years of experience in the legal profession working in governmental, entrepreneurial and nonprofit legal practice areas. I also have more than 20 years of leadership experience having worked in organizational management throughout my career.

I am currently employed with the Urban League of Greater Southwestern Ohio. As the Executive Director of the northern division. In this role I serve on the Community Police Council, The Citizens (Police) Review Board, and on the Justice Advisory Committee—a group that was appointed by Montgomery County, the city of Dayton and the Sheriff's office to evaluate and review the county jail based on several pending and alleged civil rights/liberties violations.

From my appointed civic work and as an advocate (both from the prosecutorial and defense perspectives) I have ample experience conducting civil, criminal and factual investigations where I've utilized my training and experience to analyze and evaluate evidence, policies and procedures.

I have substantial experience interacting with politicians, boards, constituents and other stakeholders to implement and fulfill organizational missions and visions. I have demonstrated my ability to successfully engage the community to form and strengthen partnerships and to maximize community impact. I am accustomed to utilizing the latest mechanisms to provide strategic direction for organizations.

On September 28, 2018, I will be attending the National Association for Civilian Oversight of Law Enforcement's Annual Conference. This will be my third consecutive conference and after the conference I intend to apply for full



accreditation as a Certified Practitioner of Oversight. I believe that my education, experience, training and passion makes me a prime candidate to fulfill the position.

I would welcome the opportunity to meet with you to discuss how I can contribute to your organization. Please feel free to contact me at [REDACTED]. Thank you for your consideration.

Sincerely,

Branford D. Brown  
Attorney at Law  
[REDACTED]

# BRANFORD D. BROWN

## EXECUTIVE DIRECTOR CANDIDATE

### QUALIFICATIONS PROFILE

Highly self-motivated and results-driven Legal professional with a Doctorate in Law and more than 25 years in the legal profession as an entrepreneurial legal practitioner with extensive experience providing leadership to daily business operations and numerous organizations. Focus on family, juvenile, probate and criminal law, a nonprofit director, consultant, defense attorney, and government prosecutor. Detail-oriented, analytical and methodical with insightful critical thinking to identify and resolve people-centric conflicts and issues with practical solutions even under stressful work conditions. Well-organized and resourceful with multitasking and prioritization skills that optimize resources to achieve outstanding results from concurrent tasks. Strong leadership, people management, and interpersonal communication skills that inspire confidence with clients while forging teamwork synergies with colleagues across diverse communities.

### KEY EXPERTISE

- Employee/Labor Relations
- Staff Administration & Development
- Public & Community Relations
- Legal Investigative Research
- Time and Resource Optimization
- Cultural Competency
- National Skills Trainer
- Change Implementation
- Strategic Business Planning
- Fiscal Management
- Fundraising Administration
- Budget Management
- Client Services Management
- Office Workflow Improvement
- People Management & Team Building

### MAJOR CAREER ACCOMPLISHMENTS

- Successfully written and prepared narratives and applications for maintaining and creating grant funding.
- Directed strategic planning processes and developed systems for evaluating program performance.
- Directed the overall operation of the organization in compliance with the policies and guidelines established by the board of directors and funding sources.
- Wrote and/or edited policies and procedures manuals that streamlined operations and management practices.
- Written emergency management manual that identified contact points, expectations and accountabilities.
- Actively participated on the National Training Team for Legal Services Managers.
- Worked with corporate leadership for successful board recruitment and development.
- [Appointed to Acting President & CEO of the Urban League of Greater Southwestern Ohio for two months](#)

### PROFESSIONAL EXPERIENCE

#### URBAN LEAGUE OF GREATER SOUTHWESTERN OHIO ☞ CINCINNATI, OH

##### EXECUTIVE DIRECTOR

NOV 2014-PRESENT

RESPONSIBLE FOR ARTICULATING A CLEAR STRATEGIC VISION, RAISING THE MARKETING AND PUBLIC VISIBILITY OF THE COMPANY'S BRAND, AND ENSURING THE PROVISION OF HIGH QUALITY CLIENT SERVICES. MANAGED ALL ASPECTS OF THE ORGANIZATION, INCLUDING RECRUITING, MANAGING AND RETAINING HIGH-QUALITY STAFF. DEVELOPED MANAGEMENT POLICIES THAT HELD THE ORGANIZATION ACCOUNTABLE TO ITS MISSION, BOARD, CLIENTS, AND FUNDERS.

#### BRANFORD D. BROWN, ATTORNEY AT LAW • CINCINNATI, OH

*Attorney/ Consultant*

Feb 2013 – Nov 20114

Responsible for providing and maintaining a Family, Juvenile, Criminal, and Probate based practice and offer consultations on Second Chance Act and New Business Incubations.

#### GREATER HARTFORD LEGAL AID • HARTFORD, CONNECTICUT, OH

*Executive Director*

Dec 2010 - Feb 2013

Responsible for articulating a clear strategic vision, raising the marketing and public visibility of the company's brand, and ensuring the provision of high quality legal services. Managed all aspects of the organization, including recruiting,

# BRANFORD D. BROWN

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managing and retaining high-quality staff. Developed management policies that held the organization accountable to its mission, Board, clients, and funders.

- Secured the organization's stability through sound financial planning and management.
- Developed, implemented and operationalized fundraising plans and programs to cover all operating costs.
- Developed relationships with community partners and stakeholders to secure additional public and private financial support.

## **BRANFORD D. BROWN, ATTORNEY AT LAW • CINCINNATI, OH**

*Attorney/Consultant*

**Dec 2009 - Dec 2010**

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Maintained and grew a private law practice in the areas of Family, Juvenile, Criminal, and Probate and offering consultations on Second Chance Act and New Business Incubations.

## **APPALACHIAN RESEARCH AND DEFENSE FUND • PRESTONSBURG, KY**

*Deputy Director*

**Jan 2009 - Dec 2009**

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Reported directly to the Executive Director and was a key member of the leadership team. Worked closely with the Executive Director and the Board on many key aspects of the administration, including strategic planning, staff oversight and personnel issues, recruiting and developing collaborative partnerships with other organizations.

## **LEGAL AID OF WESTERN OHIO/LEGAL AID SOCIETY • DAYTON, OH**

*Managing Attorney*

**Jan 2004 - Dec 2008**

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Responsible for providing leadership and direction to the Dayton branch of a 32-county nonprofit law firm, and for staff development, performance, evaluation and work discipline. Collaborated with community partners to meet the needs of legal aid clients. Managed several grants and promoted the company brand.

## **LEGAL AID SOCIETY, INC. • DAYTON, OH**

*Managing Attorney*

**Feb 1997 - Jan 2004**

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Responsible for case acceptance, supervision, and review. Supervised the Safety and Security team

## **LEGAL AID SOCIETY • LOUISVILLE, KY**

*Staff Attorney*

**Feb 1994 - Feb 1997**

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Maintained a practice concentrating on Housing, Juvenile, & Family law.

## **MONTGOMERY COUNTY PROSECUTOR'S OFFICE • DAYTON, OH**

*Assistant Prosecutor*

**Sep 1992 - Feb 1994**

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Prosecuted felony cases in the Juvenile Division.

## **LEGAL AID SOCIETY, INC., LEGAL AID SOCIETY OF DAYTON • DAYTON, OH *Staff Attorney***

**Jan 1990 - Sep 1992**

# BRANFORD D. BROWN

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Represented clients with Housing, Juvenile, and Family Law cases

**STARK COUNTY PROSECUTOR'S OFFICE • CANTON, OH**  
*Assistant Prosecuting Attorney*

Jun 1990 - Jan 1992

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Prosecuted abuse, neglect, and dependency cases.

## EDUCATION

UNIVERSITY OF CINCINNATI, COLLEGE OF LAW - Cincinnati, OH (1988)

**Juris Doctorate: Law**

*Treasurer:* Black Law Student Association • Honor Council

THE OHIO STATE UNIVERSITY - Columbus, OH (1981)

**Bachelor of Arts: Sociology**, Honor's College

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**Essay Questions (each answer not to exceed 750 words)**

**Branford D. Brown**

**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?**

The Oakland Police Department faces several challenges that need to be addressed in the near future. Like most police departments in major US cities, there is a deficiency in maintaining mutual trust between the community and the police department.

After 13 years, the department is still under federal oversight originally thought to last 7 years. This oversight was initiated in large part due to generally a marred history between the department and its practices and a horrific police misconduct case involving a group of veteran officers known as the “Riders,” who allegedly beat, kidnapped and planted evidence on residents.

The brittle relationship was recently challenged again when a sexually exploited teen allege that (as a minor) several officers had given her information and protection in exchange for sexual favors. Some in the community believe that the investigation into this matter was troubling and flawed.

There is some good news in that the number of homicides dropped from 93 in 2015 to 87 in 2016. Overall violent crime was down 5 percent in 2016. However, there are allegations that the department only investigates cases of extreme violence and sexual assault with any intensity.

There are issues with limited resources in the budget. The average number of residents per officer in Oakland is 573. For the 50 largest American cities, the average number of residents per officer is 487.3 in 2014, Oakland experienced 53 Part I crimes per officer (43 property crimes and 10 violent crimes). This was the highest in country and nearly twice the national average of 27.<sup>1</sup>

In 2014 the Oakland City Council commissioned a research group from Stanford University to analyze data relevant to the Oakland Police Department. Their findings were plenary and their recommendations were as follows:

The OPD has a culture whereby it's more acceptable to stop, search, handcuff, and arrest African Americans than Whites. They recommended that the OPD and other agencies institute monthly reviews of policies, practices, and procedures for evidence of disparate impacts.

As less-experienced officers show more racial disparities in their actions, better training of new officers could likely reduce disparate treatment. To this end, Strategies for Change presents several recommendations for how to improve officer training.

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<sup>1</sup> Oakland Police Department  
Strategic Plan 2016

Although the OPD collects copious amounts of data, few measures track the OPD's relationship with its community. In *Strategies for Change*, there were several recommendations specific call to actions that the OPD and other law enforcement agencies can take to measure what matters most.

- More broadly, the study suggests that OPD officers view data as evidence to be used for punishment, rather than as feedback to be used for improvement. Consequently, the department has been slow to collect and use data, including BWC footage. In *Strategies for Change*, we recommend more than a dozen actions that the OPD and other law enforcement agencies can take to better leverage data, especially BWC data.<sup>2</sup>

While I couldn't find any data to substantiate my assertion here, I've got to believe that the hiring of a progressive police chief who is from outside of the ranks and a woman has to be a challenge to some of the rank and file officers. Her agenda to change the culture of the department and to implement 21<sup>st</sup> Century policing principles is likely to be an arduous task.

I believe that the Executive Director must be the bridge between the Commission, the police department and the community. I believe that consistency in the application of policies and procedures of the agency, transparency in the work of the office (as much as State and local laws and ordinances allow) and working with the community will be a primary function of the Executive Director.

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<sup>2</sup> *Strategies for Change*  
Research Initiatives and Recommendations to Improve  
Police-Community Relations in Oakland, Calif.  
Edited by Jennifer L. Eberhardt  
June 15, 2016

**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?**

The evolution of social media and the recent deluge of incidents of police shootings of African American males have forced this nation to wrestle with the concepts of trust and accountability between police and the communities they serve. I believe that my background and experience will advance the establishment and support of trust between the police and the community.

I don't believe that I have to be creative in what the key factors are in building trust between the police department and the community it serves. I would reference the evidence base body of work put out by the International Association of Chiefs of Police as it attempted to apply President Obama's Task Force on 21<sup>st</sup> Century Policing Final Report

#### **BUILDING TRUST AND LEGITIMACY**

Numerous research studies validate the link among procedural justice, legitimacy, and community trust. While research on how law enforcement can increase procedural justice in practice is limited and, in some instances, inconsistent, a larger body of research exists on how procedural justice in law enforcement workplace practices affects employee legitimacy perceptions. Additionally, it is important for agencies to measure trust and legitimacy to assess perceptions and changes over time.

Building Trust and Legitimacy Evidence-Based Recommendations:



- Engage in strategic planning with personnel to balance a warrior mind-set with a guardian approach.
- Promote procedural justice in daily interactions with citizens. Perceptions of treatment can affect how citizens view interactions with authority figures.
- Promote examples of procedural justice and legitimacy by practicing these principles internally. This can be achieved, in part, by giving all ranks of officers a greater voice and by ensuring the fairness of disciplinary procedures.
- Whenever possible, recruit staff who represent the diversity of the community with attention to race, gender, language, life experience, and cultural background.
- Focus on positive, non-enforcement activities during citizen-police interactions such as problem-solving, situational prevention, and community collaboration.
- Implement periodic community surveys to obtain community feedback.
- Consider working with research partners to develop surveys and target the surveys to those communities most impacted by crime or police services.<sup>3</sup>

I believe my past work experience will help to support trust as I am:

- I am trained as an attorney and have served in the roles of prosecuting attorney as well as defense attorneys. I have successfully worked with police departments and community members to ensure that individuals have their fair day in Court. I

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<sup>3</sup> Website: International Association of Chiefs of Police  
Starting with What Works/Using Evidence Based Strategies

have worked with statistical analysis of data, case evaluation and preparation, witness investigation, legal research and mediating resolutions between opposing parties.

- I have also served as the head of a leading Civil Rights organization in the city of Dayton where I have represented the community in challenging police actions as well as bringing the police and community together to work together.
- From 2017- 2018, I have served as a member of the Jail Justice Board for Montgomery County Ohio which investigated and evaluated several issues relating to the processing of inmates, housing, civil rights, medical, women and youth issues, staff, policies and procedures of the jail and was a primary author of the finished report.
- I currently sit as a member of the Community Police Council whose mission is: The Dayton Community Police Council (CPC) is committed to expanding mutual responsibility for public safety through the development of accountability, respect and trust among and between residents and the police.
- I have conducted community presentations (in Partnership with the Dayton Police Chief) entitled “What Do I Tell My Son or Daughter about Interacting with an Officer on the Streets of Dayton.”
- I also Co-chair the Community Police Council’s policies and procedures subcommittee.
- I serve as a member of the Citizen’s Review Board which meets (minimally quarterly) to review appeals of community complaints against police officers.

- I am awaiting certification (I've completed the mandatory requirements) from the National Association for Civil Oversight of Law Enforcement.

### **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?**

The causes of poverty in Oakland are complicated and extensive. The simplistic explanation would assert that there is scarcity of resources combined with a lack of motivation, skills, education, and opportunities for the poor. Many who subscribe to this perspective believe that pursuant to the mythological American ideologies, that those who are poor are somehow responsible for their plight and that if they would only work harder or make better choices, they could improve their lot and pull themselves up the socioeconomic ladder and live the American dream. This dated and unachievable dream is called bootstrapping. The concept of bootstrapping dates back to at least the 1890s, when Horatio Alger wrote novels about boys who worked hard and rose up the social ladder from poverty and is intertwined with other mythical ideals of the American Dream.<sup>4</sup> Today, however, according to the recent Pew Study on the American Dream, social mobility between the lowest levels of American society and the middle class is increasingly difficult, if not impossible.<sup>5</sup>

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<sup>4</sup> Time Magazine: The Myth of Bootstrapping  
By Noliwe M. Rooks @nr rookie Sept. 07, 2012

<sup>5</sup> Pew Research Center:  
Most think the 'American dream' is within reach for them  
BY SAMANTHA SMITH OCTOBER 31, 2017

A more profound exploration into the root cause of poverty in Oakland and other American communities would posit that governmental, political, business, educational, and cultural institutions have with clear intent, designed, created and maintained systems, that have unfairly disadvantaged a portion of the citizenry. These organized efforts of those controlling forces have traditionally hindered the ability of those disadvantaged citizens to realistically move forward in society and those yet intact systems continue to morass progress.

Oakland is one of the most ethnically diverse major U.S. cities, ranking 4th in diversity with a diversity score of 91.4. The white population had fallen from 95.3% in 1940 to 32.5% in 1990, and it has become a center for the African American population of Northern California, although it has lost nearly 25% of its black community since 2000, with many leaving for the Southern U.S. or the Bay Area suburbs.<sup>6</sup> The growth of the African Americans in the area occurred in the 1940's with the advent of the Second World War. Oakland was producing ships and war related goods at record pace during the war years, and this impressive industrial growth led to a surge in the population.

As was typical in major city of this era, The Federal Housing Administration (FHA) intervened in Oakland to provide housing for the influx of migrant war-industry workers. The FHA created over 30,000 public housing units in the East Bay, housing 90,000 war workers, and their family members [4]. Important precedents were made in housing stock patterns and in racial segregation of housing units. The FHA promoted construction of all-white suburban developments and were not afraid to use redlining and racial covenants to carefully control the

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<sup>6</sup> World Population Review  
Oakland, California Population 2019

racial composition in the new developments. Overcrowding in West Oakland, the traditional black hub of the city, became a problem: instance of overcrowding doubled in West Oakland between 1940 and 1950 [5]. African Americans began to reject the slums, inequities and political slighting in West Dayton and in the mid 1960's frustration along with the birth of the National Black Panther Party; West Oaklanders began to reject the two tiered experiences and disparities that existed between White Oakland residents and those trapped in poverty of West Oakland. <sup>7</sup>

Poor and African Americans populations created major challenges for the Oakland Police Department. Rising crime rates, attacks on police and their headquarters, disintegrating police community relations, Federal Consent Decrees, racism, and issues with training, culture and policing models have contributed to an environment where those who are expected to serve and protect and those who see themselves in need of smarter, relevant, and an accountable police force are at odds.

As the Executive Director of the Community Police Review Agency, I believe that it important to work with the police department and the community (including and maybe especially poor and disenfranchised members) to resolve the disparities between both groups and to bridge the communications and practical gaps in order to make all more accountable and to build trust between adverse components. I also believe that a plan has to be developed to strengthen low income communities and to provide (social and others) services to the community to provide alternatives to criminal behavior. As Executive

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<sup>7</sup> Website: THE PLANNING HISTORY OF OAKLAND, CA

Director I would work with other city departments and community serving agencies to address community development needs in marginalized communities and to help change people's perceptions of their neighborhoods. Together we would work to identify infrastructure strategies that help people feel good about their community and increase the desire for them to make personal investments in public safety.

## EMPLOYMENT APPLICATION



CITY OF OAKLAND  
150 Frank H. Ogawa Plaza - 2nd Floor  
Oakland, California 94612  
(510) 238-3112

<http://www2.oaklandnet.com/Government/o/HumanResources/index.htm>

Jones, Saleemah S  
18-EM229-04 EXECUTIVE DIRECTOR, COMMUNITY POLICE REVIEW AGENCY  
(CPRA)

Received: 4/19/18 4:28 PM  
For Official Use Only:  
QUAL: \_\_\_\_\_  
DNO: \_\_\_\_\_  
 Experience  
 Training  
 Other: \_\_\_\_\_

## PERSONAL INFORMATION

|  |   |  |
|--|---|--|
| POSITION TITLE:<br>EXECUTIVE DIRECTOR, COMMUNITY POLICE REVIEW AGENCY (CPRA)             |   | EXAM ID# :<br>18-EM229-04  |
| NAME: (Last, First, Middle)<br>Jones, Saleemah S   |   | SOCIAL SECURITY NUMBER:<br>N/A   |
| ADDRESS: (Street, City, State, Zip Code)<br>[REDACTED]                                   |   | EMAIL ADDRESS:<br>[REDACTED]   |
| HOME PHONE:<br>[REDACTED]  | ALTERNATE PHONE:<br>[REDACTED]                    | NOTIFICATION PREFERENCE:<br>Email  |
| DRIVER'S LICENSE:<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | DRIVER'S LICENSE:<br>State: CA Number: [REDACTED] | LEGAL RIGHT TO WORK IN THE UNITED STATES?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

## PREFERENCES

|   |  |
|---|--|
| MINIMUM COMPENSATION:<br>\$100,000.00 per year  | ARE YOU WILLING TO RELOCATE?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Maybe |
| WHAT TYPE OF JOB ARE YOU LOOKING FOR?<br>Regular  |  |
| TYPES OF WORK YOU WILL ACCEPT:<br>Full Time   |  |
| SHIFTS YOU WILL ACCEPT:<br>Day, Rotating, Weekends, On Call (as needed)   |  |
| OBJECTIVE:<br>Accomplished Attorney with 15 years of experience working within fast-paced environments, with an emphasis on targeted plans, productive processes, and superior service to internal and external contacts. Knowledgeable and innovative professional who achieves desired outcomes for clients, colleagues, and the organization itself through excellent programs and services. Strong communication skills to work with individuals of all professional levels and personal backgrounds. |  |

## EDUCATION

|   |  |                                |
|---|--|--------------------------------|
| DATES:  | SCHOOL NAME:<br>Grambling State University   |                                |
| LOCATION: (City, State)<br>Grambling, Louisiana | DID YOU GRADUATE?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | DEGREE RECEIVED:<br>Bachelor's |
| MAJOR:<br>English                               | UNITS COMPLETED:   |                                |
| DATES:  | SCHOOL NAME:<br>Thurgood Marshall School Of Law  |                                |
| LOCATION: (City, State)<br>Houston, Texas       | DID YOU GRADUATE?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | DEGREE RECEIVED:<br>Doctorate  |
| MAJOR:  | UNITS COMPLETED:   |                                |

## WORK EXPERIENCE

|   |   |  |
|---|---|--|
| DATES:<br>From: 5/2017 To: Present  | EMPLOYER:<br>Bay Area Legal Aid                     | POSITION TITLE:<br>Staff Attorney  |
| ADDRESS: (Street, City, State, Zip Code)<br>1735 Telegraph Ave, Oakland, California, 94612  |   | COMPANY URL:   |
| PHONE NUMBER:<br>510-663-4744   | SUPERVISOR:<br>Ariella Hyman - Managing Attorney    | MAY WE CONTACT THIS EMPLOYER?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| HOURS PER WEEK:<br>35   | # OF EMPLOYEES SUPERVISED:                          |  |
| DUTIES:<br><ul style="list-style-type: none"> <li>• Work closely with each client. Build rapport and establish solid working relationships while outlining services and obtaining information. Counsel clients on applicable laws and next steps. Provide support throughout the process.</li> <li>• Communicate with other legal and government professionals on case information as well as schedules for meetings and court appearances. Negotiate terms and agreements if possible to resolve cases.</li> <li>• Draft legal documents that range from in-depth reports to general correspondence. Submit pleadings and other documentation to the courts. Maintain the highest level of accuracy and confidentiality on all documentation.</li> </ul> |   |  |
| REASON FOR LEAVING:   |   |  |
| DATES:<br>From: 9/2013 To: 1/2017   | EMPLOYER:<br>Linebarger Goggan Blair & Sampson, LLP | POSITION TITLE:<br>Associate Attorney  |
| ADDRESS: (Street, City, State, Zip Code)<br>1600 JFK Blvd, Philadelphia, Pennsylvania, 19103  |   | COMPANY URL:   |

|  |   |  |
|--|---|--|
| PHONE NUMBER:<br>215-790-1117  | SUPERVISOR:<br>Sharon Humble - Managing Attorney      | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| HOURS PER WEEK:<br>40  | # OF EMPLOYEES SUPERVISED:<br>4                       |  |
| DUTIES:<br><ul style="list-style-type: none"> <li>Oversee all aspects of client financial recovery efforts by representing multiple municipalities in disputes with debtors</li> <li>Litigate matters in Illinois Circuit Court, and administrative hearings</li> <li>Litigate trial and appeal matters in Commonwealth and Supreme Court of Pennsylvania</li> <li>Supervise support staff</li> <li>Draft necessary pleadings, memorandum, and conduct legal research</li> <li>Negotiate agreements with debtors and their legal counsel</li> <li>Assure compliance with local, state, and federal law throughout foreclosure proceedings</li> </ul>   |   |  |
| REASON FOR LEAVING:<br>Relocation  |   |  |
| DATES:<br>From: 2/2008 To: 8/2013  | EMPLOYER:<br>City Of Ft Worth                         | POSITION TITLE:<br>Prosecutor  |
| ADDRESS: (Street, City, State, Zip Code)<br>Ft Worth, Texas  |   | COMPANY URL:   |
| PHONE NUMBER:<br>(817) 392-1000  | SUPERVISOR:<br>Loretta Stone                          | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| HOURS PER WEEK:<br>40  | # OF EMPLOYEES SUPERVISED:                            |  |
| DUTIES:<br><ul style="list-style-type: none"> <li>Counsels with clients, victims, or police concerning the commencement of proceedings in court or related forums.</li> <li>Perform in-depth research for cases. Evaluate police reports and other case records. Identify, locate, and prepare evidence and witnesses. Analyze local, state, and federal laws in order to build a viable case for each client.</li> <li>Appears in court and/or related forums to select juries, present and cross-examine evidence, make legal arguments, and act as an oral advocate.</li> <li>Identifies, locates, and prepares witnesses to present testimony effectively in court or related forums.</li> <li>Counsels and advises witnesses within the bounds of confidentiality, when applicable, regarding legal issues in all phases of litigation or other contested matters.</li> <li>Identifies and prepares non-testimonial forms of evidence for use in court and related forums.</li> <li>Negotiates with attorneys/defendants to settle litigation or other contested matters or to assist in solving problems with legal implications.</li> <li>Responsible for developing and interpreting prosecution to defendants within community court with regard to homeless defendants.</li> <li>Continues legal education in applicable area of law to keep pace with constant developments and to impart this knowledge and skills to others in various settings.</li> <li>Performs all other related duties involved in the operation of the division as assigned or required.</li> </ul> |   |  |
| REASON FOR LEAVING:<br>Re-location   |   |  |
| DATES:<br>From: 9/2004 To: 1/2008  | EMPLOYER:<br>Legal Aid Of NorthWest Texas             | POSITION TITLE:<br>Staff Attorney  |
| ADDRESS: (Street, City, State, Zip Code)<br>Ft Worth, Texas  |   | COMPANY URL:   |
| PHONE NUMBER:<br>(817) 336-3957  | SUPERVISOR:<br>Monique Hinkley - Supervising Attorney | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| HOURS PER WEEK:<br>40  | # OF EMPLOYEES SUPERVISED:<br>4                       |  |
| DUTIES:<br><ul style="list-style-type: none"> <li>Gathered evidence, conducted civil lawsuits, drafted legal documents and advised clients of their legal rights.</li> <li>Interviewed clients and witnesses; as well as handled other details in preparation for client legal representation and assistance.</li> <li>Represented clients in court and before quasi-judicial or administrative agencies of government.</li> <li>Developed and implemented program to disseminate grant funds to the community for housing crisis.</li> <li>Served as a resource and liaison between Legal Aid and its clients in low-income areas.</li> <li>Interpreted laws, rulings, and regulations for clients and client community.</li> <li>Negotiated issues regarding property settlements, custody, and public benefits.</li> <li>Provided quality and competent advice and/or representation.</li> <li>Involved with outreach and community education</li> </ul>  |   |  |
| REASON FOR LEAVING:<br>Career Opportunity  |   |  |
| DATES:<br>From: 4/2003 To: 8/2004  | EMPLOYER:<br>Attorney General Of Texas                | POSITION TITLE:<br>Child Support Officer III   |
| ADDRESS: (Street, City, State, Zip Code)<br>Arlington, Texas   |   | COMPANY URL:   |
| PHONE NUMBER:  | SUPERVISOR:<br>Noah Cano                              | MAY WE CONTACT THIS EMPLOYER?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| HOURS PER WEEK:<br>40  | # OF EMPLOYEES SUPERVISED:                            |  |
| DUTIES:<br><ul style="list-style-type: none"> <li>Responded to routine and moderately complex inquiries and complaints regarding child support case processing and status, including contact with state and federal officials, the legislature, and agencies outside of Texas.</li> <li>Researched child support policies and procedures, Texas Family Law, federal regulations and other state regulations.</li> <li>Assessed child support cases to determine appropriate actions or documents needed to collect child support.</li> <li>Obtained documents needed to process cases and refer cases to the appropriate field office staff for needed establishment or enforcement actions.</li> <li>Explained Child Support Program policies, procedures, and regulations to clients.</li> </ul>   |   |  |



|   |
|---|
| REASON FOR LEAVING:<br>Career Opportunity |
|---|

#### CERTIFICATES AND LICENSES

|                             |  |
|-----------------------------|--|
| TYPE:<br>State Bar License  |  |
| LICENSE NUMBER:<br>315672   | ISSUING AGENCY:<br>State of Pennsylvania |
| TYPE:<br>State Bar License  |  |
| LICENSE NUMBER:<br>24040171 | ISSUING AGENCY:<br>State of Texas        |
| TYPE:<br>State Bar License  |  |
| LICENSE NUMBER:<br>6322237  | ISSUING AGENCY:<br>State Bar of Illinois |

#### Skills

Nothing Entered For This Section

#### ADDITIONAL INFORMATION

Professional Associations

- Tarrant County Bar Association
- JL Turner Legal Association
- Emmett J. Conrad Leadership Program

Black Women's Lawyers Association  
Barristers Legal Association  
Volunteer Experience  
Career day at various schools  
Worked legal clinics  
Assist homeless shelters  
Professional Memberships  
Pennsylvania State Bar Association

#### REFERENCES

|  |                              |  |
|--|------------------------------|--|
| REFERENCE TYPE:<br>Professional          | NAME:<br>Claudia Martinez    | POSITION:<br>Judge                       |
| ADDRESS: (Street, City, State, Zip Code) |                              |  |
| EMAIL ADDRESS:                           |                              | PHONE NUMBER:<br>(817) 875-0104          |
| REFERENCE TYPE:<br>Professional          | NAME:<br>Nakiba Williams     | POSITION:<br>Attorney                    |
| ADDRESS: (Street, City, State, Zip Code) |                              |  |
| EMAIL ADDRESS:                           |                              | PHONE NUMBER:<br>281-381-9377            |
| REFERENCE TYPE:<br>Professional          | NAME:<br>Crystal Brown-Tatum | POSITION:<br>Public Relations Specialist |
| ADDRESS: (Street, City, State, Zip Code) |                              |  |
| EMAIL ADDRESS:                           |                              | PHONE NUMBER:<br>(832) 867-4660          |
| REFERENCE TYPE:<br>Professional          | NAME:<br>Stephanie Beamer    | POSITION:<br>Attorney                    |
| ADDRESS: (Street, City, State, Zip Code) |                              |  |
| EMAIL ADDRESS:                           |                              | PHONE NUMBER:<br>(817) 307-1027          |

Agency-Wide Questions

1. Are you an Oakland Resident?  
No
2. Are you a veteran or disabled veteran? (Must submit proof of honorable discharge Form - DD214 to receive Veteran's Credit.) You may scan a copy of the DD214 and submit as an attachment to your application.  
No
3. Other names used while employed by the City of Oakland:
4. Are you a current City of Oakland employee?  
No
5. Have you previously been employed by the City of Oakland?  
No
6. If you were previously employed by the City of Oakland, please list the dates and the titles of the positions previously held.
7. Identify the language(s) for which you have bilingual conversational proficiency. If you do not have bilingual conversational proficiency in any of the identified languages, check the appropriate box. For positions that require it, bilingual skills will be tested prior to a final offer of employment; screening for bilingual skills may be conducted on the same day as a written exam or oral board interview.  
I do not have bilingual conversational proficiency in any of the identified languages, but I am still interested in the position.
8. Are you authorized to lawfully work in the United States?  
Yes
9. Will you now or in the future require the City of Oakland to commence an immigration case in order to employ you? (This is sometimes called "sponsorship" for an employment-based visa status.)  
No
10. Where did you first learn of this opportunity?  
City of Oakland Website
11. I understand and acknowledge that attaching a resume or stating "see resume" is not sufficient to provide the required work history information and that if my application does not include required information, then my application may be rejected as incomplete and I may be disqualified from consideration.  
Yes
12. If you answered "Other", "Other Internet" or "Professional Organization - Website or Mailing List" in response to the question "Where did you first learn of this opportunity?", please list the exact source:  
City of Oakland website

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application and any supplemental questionnaire is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the City of Oakland and will not be returned. I understand the City of Oakland may contact prior employers and other references. I understand that I must notify the Human Resources Management Department of any changes in my name, address, email address, or phone number. I also understand that it is my responsibility to check my spam, junk and/or clutter folders for emails regarding my application status.

This application was submitted by Saleemah S Jones on 4/19/18 4:28 PM

Signature \_\_\_\_\_

Date \_\_\_\_\_

**SALEEMAH JONES**

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April 19, 2018

The City of Oakland  
1 Frank H. Ogawa Plaza  
Oakland, CA 94612

Dear Hiring Manager:

Thank you for taking the time to review my resume. I would like to be considered for the Executive Director, Community Police Review Agency (CPRA) opportunity with the City of Oakland. After learning more about City of Oakland, I believe that my abilities can make an immediate and positive impact with both you and your organization. It appears that I have the qualifications necessary to be successful in this position.

For over 15 years I have had the opportunity to work in positions with regards to conducting criminal and civil investigations, interviewing and gathering information from witnesses, and working closely with the community in the private and public sector. Within these positions, I have gained valuable experience in dealing with handling problems with effective outcomes and developing my oral and interpersonal and written skills.

I am now looking to apply my skills and knowledge with the City of Oakland, where my experience will make me a valuable asset to your organization. Specifically, my transferable skills include:

- Uncovering needs and developing appropriate solutions to meet those needs.
- Creating solutions and then backing them with top-quality service.
- Managing detailed projects and programs from inception to completion.
- Building relationships with coworkers, clients, managers, and business partners.
- Developing processes and strategies that increase productivity and overall effectiveness.
- Leading teams that meet or exceed set goals and objectives.

The chance to meet with you would be a privilege and a pleasure. I look forward to examining any of the ways my background and skill set would benefit the City of Oakland. You can reach me at [REDACTED] to arrange an interview. Thank you for your time and consideration.

Sincerely,

Saleemah Jones

## SALEEMAH JONES

## SENIOR-LEVEL ATTORNEY AND LEGAL PROFESSIONAL

## SUMMARY OF QUALIFICATIONS

Accomplished **Attorney** with 15 years of experience working within fast-paced environments, with an emphasis on targeted plans, productive processes, and superior service to internal and external contacts. Knowledgeable and innovative professional who achieves desired outcomes for clients, colleagues, and the organization itself through excellent programs and services. Strong communication skills to work with individuals of all professional levels and personal backgrounds. Excellent management skills to lead successful teams, projects, and operations. Proven record in achieving goals.

## AREAS OF EXPERTISE

Strategy and Planning • Research and Data Collection • In-Depth Analysis • Legal Proceedings • Records and Reports Public, Private, and Non-Profit Sectors • High Volume Communications • Client Relationships • Ongoing Service and Support Project and Program Management • Team Training and Leadership • Operations Management • Standards and Compliance

## HIGHLIGHTED ACCOMPLISHMENTS

- ✓ Consistently met or exceeded objectives in all positions.
- ✓ Received high marks on employment reviews and excellent scores on surveys from internal and external contacts.
- ✓ Continually given leadership roles due to outstanding performance.
- ✓ Served as Lead Prosecutor for the City of Fort Worth.
- ✓ Managed special projects and programs, with responsibility for planning, direction, and results-tracking.
- ✓ Led teams of up to 4 members through detailed plans, comprehensive training, and motivational management.
- ✓ Gained valuable experience in a range of legal actions within the public and private sectors, assisting clients with financial recovery, property settlements, custody, public assistance, veteran's benefits, consumer law and legal aid.
- ✓ Developed and implemented a successful program that disseminated grant funding to qualified applicants.
- ✓ Regularly receive compliments from clients and colleagues for delivering excellent results and service.

## CURRENT AND RECENT LEGAL EXPERIENCE


**Attorney****2005 – Present****Bay Area Legal Aid, as Staff Attorney** | 5/2017 - Present**Linebarger Goggan Blair & Sampson, as Associate Attorney** | 9/2013 – 1/2017**City of Fort Worth, as Prosecuting Attorney** | 2/2008 – 8/2013**Legal Aid of Northwest Texas, as Staff Attorney** | 9/2005 – 1/2008

Represent clients in civil and criminal cases as well as for legal aid, overseeing the entire cycle from initial meetings and information gathering to legal representation and ongoing support.

- Work closely with each client. Build rapport and establish solid working relationships while outlining services and obtaining information. Counsel clients on applicable laws and next steps. Provide support throughout the process.
- Perform in-depth research for cases. Evaluate police reports and other case records. Identify, locate, and prepare evidence and witnesses. Analyze local, state, and federal laws in order to build a viable case for each client.
- Communicate with other legal and government professionals on case information as well as schedules for meetings and court appearances. Negotiate terms and agreements if possible to resolve cases.
- Draft legal documents that range from in-depth reports to general correspondence. Submit pleadings and other documentation to the courts. Maintain the highest level of accuracy and confidentiality on all documentation.

- Train and supervise legal teams of up to 4 employees. Mentor staff members on best practices for client services and legal procedures. Manage Human Resource functions such as orientation, personnel paperwork, and reviews.
- Assist with the management of office operations, financials, and administration.
- Take on additional duties, often working extra hours to manage special projects or assist with overflow work.

**SALEEMAH JONES**

Page 2 of 2 | 

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**SENIOR-LEVEL ATTORNEY AND LEGAL PROFESSIONAL**

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**ADDITIONAL EXPERIENCE**

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**Child Support Officer III** | Attorney General of Texas

**4/2003 – 8/2005**

Managed a wide range of duties that supported the child support system, working with clients as well as government officials and agencies to obtain information, explain policies and procedures, assess cases, determine actions, respond to issues, and manage records.

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**EDUCATION, LICENSES, AND TRAINING**

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**Juris Doctorate** | Thurgood Marshall School of Law | 2002

**Bachelor of Arts Degree** | Grambling State University | 1998

**Licensed to practice law in Illinois, Pennsylvania, and Texas**

Completed numerous coursework, seminars, and on-the-job training sessions on topics involving client services, business practices, administration, project/program management, and team leadership.

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**TECHNICAL SKILL SET**

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Windows Operating Systems and Microsoft Office (Word, Excel)

Database Systems (Oracle)

Industry and organization-specific applications for record-keeping and reporting

Web-based tools for online research and communications

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**PROFESSIONAL AFFILIATIONS**

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Black Women Lawyer’s Association of Greater Chicago, Inc.

Barristers’ Association of Philadelphia (Executive Board Member)

Pennsylvania Bar Association

Texas Bar Association

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**COMMUNITY OUTREACH**

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Active member of the community, serving as a board member, project manager, and volunteer for service projects that have included fun runs, low-income housing projects, food drives, health fairs, career fairs, and legal clinics.

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**MORE INFORMATION ON SALEEMAH JONES**

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<https://www.linkedin.com/in/saleemah-jones-33745066/>

**SALEEMAH JONES**

**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?**

The greatest challenges currently facing the Oakland Police Department (OPD) is that OPD has been subject to federal oversight since 2003. Despite several achievements towards compliance, OPD is still not in compliance with the Negotiated Settlement Agreement (NSA) from 2003, with an initial five (5) year timeline. The OPD also faces issues with under reporting the use of force incidents which also falls under a condition of the NSA. Due to misconduct and mishandling of investigations, OPD struggles to have creditability in the community.

As Executive Director of the Community Police Review Agency (CPRA), my primary vision is ensuring OPD comes into compliance with the NSA. Responsiveness to community complaints with prompt and impartial investigations of police misconduct and recommending appropriate discipline will mark a clear milestone towards compliance. My primary goal would be to engage the community and provide awareness that the CPRA is available to them to make complaints of police misconduct, and that all complaints will be taken seriously and dispositioned effectively. CPRA's duty is to ensure all officers who have been accused of police misconduct have a thorough and unbiased investigation into the complaint. The investigatory process will be managed in the best interest of the accused as well as the complaint to safeguard the process and report findings transparently.

It is imperative that the Executive Director, the Police Commission, and OPD goals and mission align. The task of protecting and serving the public is carried out differently by each department, but the underlying mission should be to move towards 21<sup>st</sup> century policing, resulting in a progressive police department that conforms to national standards and constitutional policing. As the Executive Director, my primary focus would be to work collaboratively with both the Police Commission and OPD leadership, and to have open communication with each department. I will clearly articulate the mandate of the CPRA, which is not to expose the Departments failures, but to ensure the communities voices heard and their rights are protected. The CPRA model aims to clear an officer of inappropriate actions or hold an officer accountable for actions if those actions violate constitutional policing.

CPRA investigations that lead to misconduct can ultimately assist OPD leadership in implementing policies and procedures that ensure compliance in the future. Moreover, as required policies and procedures are implemented, the Department would be closer to compliance with the NSA. Once compliance is achieved, OPD can pursue accreditation programs that mandate standards of excellence such as the Commission on Accreditation for Law Enforcement Agencies.

**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?**

The key factors in building trust between the community and the police department are communication, accountability, and transparency. Before a relationship can exist, there must be meaningful communication between the parties. Communication between the police and the community should be the first step to building the trust necessary to rebuild relationships and establish trust. As the Executive Director I would establish community listening sessions creating a safe space to discuss issues involving policing in the community and opportunities for improvement. The forum would also provide regular interaction between police and the community working together to bring about change to issues causing concern. CPRA would seek to partner with OPD to engage other organizations such as National Organization of Black Law Enforcement Executives (NOBLE) to improve communication methods. Both the community and the police department must understand that they may not agree on all issues, but that if a problem exist together they must find the best solution.

Most people in the community believe that the police department is not held accountable for their actions of misconduct. I believe that individuals may not file complaints of police misconduct if they feel inadequate action will be taken if any action at all. Lack of accountability further divides the trust of the community with the individuals who have sworn to protect and serve them. This is the reason the CPRA is vital to the linkage of community and the police department. The independent investigations lead by CPRA will hold the officers accountable for their actions if the officer's actions were in violation. Oversight of the police department will unquestionably lead to improved behavior. When the community recognizes that the police department will be held accountable for its misconduct and policing is held to the proper standard the divide of trust between the community and the police department can start to close.

Effective communication and accountability bring about transparency. Transparency allows the police department to show that they are here to protect and serve the community in the appropriate manner, and the community to discern if that is being done according to standard. Communities are more likely to respect law enforcement when they trust those who enforce it will treat them equally with dignity and respect, regardless of what they look like and where they live.

As an attorney for Legal Aid for over five years I had the opportunity to work with disadvantaged communities. I worked in several areas of law assisting individuals in veterans, housing, public benefits and family law. I provided more than legal assistance. I became a social worker, life coach and information guide. I formed a level of trust within the attorney client relationship and ensured them that I was working passionately for them. To achieve this trust, I fostered adequate communication, accountability for all parties involved, and being transparent about their case especially if the expected outcome was unattainable. As such, I understand the issues and people in the communities were complaints may stem from. I recognize they want someone to listen to them, their concerns, and sufficiently assist with their compliant.

As a prosecutor for over five years, I worked daily with police officers and developed positive relationships. Our interactions were constructive, and we worked together to achieve a common purpose. The relationship between the prosecutor and the police requires a level of trust and respect. The officers understood that as a prosecutor you are not fighting for the alleged violations they sought but seeking justice. That required communicating with the police officers effectively about a case, holding them accountable if a case could not be pursued because of their error, and being transparent about the entire process. Having grown up in Oakland, I



have firsthand knowledge of how policing impacts our city, but as a former prosecutor I also know it's necessary.

In the short-term, communication, accountability, and transparency will determine what relationship exist and how to foster the relationship between the police and the community. Intermediately, the key factors will nurture the community – police relationship and determine if the methods being used are bridging the trust between the community and the police department, and what changes need to be made. In the long term you want communities who trust law enforcement, as they are more likely to call for assistance when they need it, or to provide critical information that helps to prevent and solve crimes.



**SALEEMAH JONES**

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

Poverty exist in Oakland for various reasons: mental health, lack of jobs, lack of education, and violence, but the concern at the forefront is the housing crisis and lack of information. Housing is the foundation of living and without a proper foundation everything begins to crumble. There is a lack of housing in the Bay Area but more importantly a lack of affordable housing. Even if there were enough homes for everyone in need; if individuals can't afford the home it defeats the purpose. This of course doesn't mean that individuals shouldn't be able to make a living in the housing industry but there should be stricter housing laws that assist the community with housing concerns. If someone is without stable housing all other areas of their life become impacted, their physical and mental health, family life, and employment. Growing up in Oakland has afforded me an up-close view of the effects of gentrification on the community, and it's resulting impacts to the plight of poverty in Oakland. I have a unique vantage point of what Oakland was like when I was growing up; coming back to the Bay Area and witnessing tent cities as if it is normal life demonstrates that housing is inextricably linked to poverty in Oakland. Upgrading the value of property shouldn't force others out of their community and onto the streets.

Lack of information is directly tied to poverty. When the community isn't equipped with the knowledge to help themselves regarding housing concerns they become a vulnerable population. I have worked with clients who because of the lack of information they have been taken advantage of and become homeless. In other instances, the lack of information has led to individuals living in subpar conditions not wanting to invoke their rights for fear of retaliation in the form of raised rent or being evicted. Others may not speak up because they can't afford to rent anywhere else and are forced to be content with demeaning living conditions. When the community is empowered on their rights they are better equipped to handle the situations they encounter. Empowerment can be the difference of being able to stay in your home or living on the street.

The work of the Executive Director (ED) of the CPRA is directly connected to the vulnerable populations and communities discussed above. These are likely the same individuals that will make a complaint, are in fear of making a complaint, or just refuse to make a complaint regarding police misconduct. These are the individuals that the CPRA are here to assist, the disadvantaged community. The job of the ED can assist in empowering the community it serves. The ED can make sure the community knows that the CPRA is available to them and it is a safe place to lodge complaints regarding police misconduct. The ED can ensure that complaints are handled promptly, feedback is given timely, provide transparency regarding the process of how a complaint is handled and the reason for the outcome. The ED can also be involved in know your right seminars on various topics such as how to respond when encountering the police. We want the community we serve to be empowered when coming to the CPRA as it can be the difference between taking a stand and standing alone.

# Sokhom Mao

## COMMUNITY AGENCY EXECUTIVE

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### PROFILE SUMMARY

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Police accountability expert, civic engagement strategist, investigative oversight with more than 14 years of experience developing, planning, coordinating, investigating, inspecting, and implementing regional operations; Skilled in outreaching, police policies, general orders, community engagement, inspections, complaint intake, and promoting with multiple community stakeholders (including: academic institutions, public agencies, nonprofits, government officials and philanthropic foundations) to conduct strategic planning, civic engagement, board management, budget oversight, events, build & design and systems, create work plans, investigative procedures, monitor complaint process, develop evaluation tools to measure programs and outcomes; mobilized advocacy and community in support of local initiatives and policies which includes police reform, criminal justice, juvenile justice, poverty, and equity.

#### Core Competencies include:

- Investigations & Inspections
- Government Relations
- Communications
- Agency Management
- Community Relations & Engagement
- Executive Leadership
- Police Departmental Policy & General Orders
- Budgetary Oversight

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### EDUCATION & TRAINING

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- |  |                   |
|--|-------------------|
| <b>San Francisco State University</b>                                  | <b>May 2010</b>   |
| <i>Bachelor of Arts in Criminal Justice Administration</i>             |                   |
| <b>KDD Philanthropy</b>  | <b>April 2015</b> |
| <i>Fundraising Essentials Bootcamp 1.0 (Fund Development Training)</i> |                   |

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### PROFESSIONAL EXPERIENCE

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**Chief Development Officer** (*MANAGEMENT, ADMINISTRATIVE, & OPERATIONS*)      May 2018—*Present*  
*Senior Development Officer*      *January 2018—May 2018*

Lao Family Community Development | Oakland, California

- Leads the agency's strategic plan to create a set of organization-wide priorities that are backwards mapped from goals and priorities of the multi-year plan that will ensure achievement of agency's priorities and goals.
- In partnership with the Executive Team, lead an annual budget of over 9.5 million dollars with oversight and supervisory to over 70 staff; 7 direct service offices in 3 counties throughout Northern California.
- Advises the CEO, board members, and staff of current resources, trends, obstacles, and developments in revenue generation and donor relations.
- Develops and maintains positive relationships with community leaders and organizations, businesses, staff, and others contacted in the performance of duties.

**Director of Development** (*COMMUNICATIONS & ADMINISTRATION*)      January 2017—December 2017

Booker T. Washington Community Service Center | San Francisco, California

- Creates organizational and management practices and methods, program development, evaluation, and implementation; budget oversight; and personnel management and coaching.
- Presented recommendations and advice to the boards, development and finance committees; Administered the development budget which includes salaries and operating funds.

**Community Engagement Officer** (*COMMUNITY ENGAGEMENT & RELATIONS*) Feb. 2016—Dec. 2016  
Sunny Hills Services | San Anselmo, California

- Ensured successful implementation of a planned giving program both by informing marketing and prospecting strategy; Successfully created and implemented outreach strategies to increase public visibility of the agency and engage the community to the work of the agency.

**Chairman** (*Police Commissioner*) (*INVESTIGATION & POLICE ACCOUNTABILITY*) Jan. 2011—Jan. 2016  
Citizens' Police Review Board | Oakland, California

- Increased the agency staff capacity from 4 to 14 full time employee and successfully advocated to the city council for the need to increase the annual operating budget from \$697,269 to \$2,723,724.
- Developed and implemented the Citizens' Police Review Board Agency's goals, policies, and strategic plans; managed the allocation of resources and service levels to meet client needs.
- Oversaw the operation of the Agency's operations, activities and programs; outlined objectives and monitor the performance of Agency Director.
- Implemented administrative supervision, impartial analysis, compliance and judgment on highly specialized investigations with complexities and choices of action.
- Planned, conducted and supervised investigations, including those involving serious allegations of misconduct (such as officer involved shootings and in custody deaths), investigations involving large number of complaints, witnesses or officers, high profile investigations and those involving multiple law enforcement agencies or significant policy issues.
- Reviewed Criminal justice procedures, investigative techniques, and issues involving police and civilian oversight practices and police-community relations.

**Juvenile Justice Commissioner & Officer of the Courts** (*INSPECTIONS*) July 2009—Jan. 2011  
Superior Courts of the State of California / County of Alameda, California

- Court appointed authority to conduct investigations and inspections to over 26 lock-up facilities and law enforcement agencies in the County of Alameda; investigated allegations of misconduct or ethical violations (police officers or group home staff); investigations related to abuse of civil or human rights or abuse violations in accordance to federal, state, and municipal codes.
- Served as a liaison with the Superior Courts of California on Investigations and Inspections.
- Prepared, reviewed and coordinated the preparation of a wide variety of full reports for presentation to the California Superior Courts and state agencies.
- Responsible for conducting civil and factual investigation; gathered, analyzed and evaluated evidence, conducted interviews with a variety of witnesses, documented information in written form.
- Created, and implemented programs to increase public visibility of the Juvenile Justice Commission; Secured and maintained highly confidential information, records, and files.

**Assistant to the Chief of Police** (*GENERAL ORDERS & POLICE ADMINISTRATION*) Jan. 2005—June 2009  
San Francisco State University Police Department | San Francisco, California

- Attended meetings and observed, inspected, or monitored the behavior of office or field. personnel to determine and maintain compliance with departmental policies and procedures.; Coordinated Police Department's office daily operations and organizes work projects.

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#### AWARDS & RECOGNITIONS

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|--|---|
| • California State University Notable Alum, 2016 | • White House Champion of Change, 2015  |
| • United States Congressional Award, 2015        | • County of Alameda, Commendation, 2011 |
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#### ADDITIONALS

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- Language: Fluent in Cambodian (*Khmer language*)
- Specialized Skills: Legal Research Database (*LexisNexis*) and Investigatory Processes and Procedures

**Sokhom Mao, Candidate for the Executive Director of the Citizen Police Review Agency, City of Oakland**  
Essay Questions

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?

**Challenges in Policing Oakland**

For nearly two decades, the Oakland Police Department has been under federal court decree and the latest academic study on implicit racial bias merely reinforces community and police distrust. The department has been under federal watch since 2001 from a federal civil rights lawsuit filed against 4 four Oakland Police Officers. The outcome of the case required major reforms at the Oakland Police Department under a Negotiated Settle Agreement (NSA).

Drawing from the conclusion of the Federal Monitor's report, the Monitor sites major concern for task 30 of the Negotiated Settlement Agreement:

- Task 30: Executive Force Review Board (EFRB) *"The questioning lacked inquisitiveness, and served to support the officers' assertions of justification—rather than being directed towards resolving the inconsistencies between the officers' statements and available video evidence. The EFRB failed to address these deficiencies."*

The Oakland Police Department today is in jeopardy of failing to comply with Task 30 of the NSA. If the Oakland Police Department fails to meet Task 30, the department might be on the brink of federal receivership. Any resistance from reforms and major improvements in community policing, constitutional policing, cultural competency training, and other Negotiated s tasks will stop the department from making headways in reforms. The Negotiated Settlement Agreements and the implicit racial bias policing are the two major currently facing the Oakland Police Department.

**Relationship Between Government Entities**

Firstly, the role of the Executive Director should always represent the mission and goals of the Citizen Police Review Agency (CPRA). Secondly, the Executive Director must carry out the duties of impartial investigation of police officer misconduct, provide exemplarily leadership and support to CPRA staff, engage the community in the work of the Police Commission and CPRA, manage and prepare dockets, serve at the directive of the Police Commission, and be a committed public servant.

The connection between the Executive Director and the Police Commission should be in line with the commission's mission as the focus. The Executive Director should be a trusted advisor to the Police Commission and help carry out directives and requests to the Chief of Police and Command Staff. The relationship dynamic between the Executive Director and the Police Department should always be an independent working relationship, should always be focused on mission, mutual respect, and understanding.

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?

**Building Trust**

The key factors in building trust between police department and community are ensuring police accountability, independent investigations into any suspected misconduct, developing police policies addressing implicit racial biases, and holding officers accountable.

**Sokhom Mao, Candidate for the Executive Director of the Citizen Police Review Agency, City of Oakland**  
Essay Questions**Leveraging Personal Experience to Help CPRA**

My personal background as a former foster youth, person of color, Cambodian-American, and a born and raised Oakland native positions me seamlessly to achieve said factors. In the short term, being an Oakland native and understanding the challenges the community are faced with will allow me to convey and articulate the needs of the community to the police. The first short term goal is to hold community conversations with law enforcement of color and residents of color and providing spaces for racial healing by acknowledging the historical role of policing in the creation of racial inequities. And taking more incremental steps to strengthen ties between police and the community.

My intermediate strategy is to leverage and strengthen the CPRA's credibility by empowering the community to be in control of their police department through engagement with the help of city wide outlets (*NCPC, community based organization, faith based, etc*).

The ultimate long term strategy and goal is to make the Police Commission a well-known independent, respected, trusted community driven body that addresses all concerns of law enforcement within Oakland's diverse community across all boundaries.

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?

**Poverty and its Connection to CPRA**

The rising cost of living and decades of negligence for communities of color experiencing violence, historical trauma, inadequate school financing, and substance abuse have led to Oakland's rate of poverty over the years. The majority of the population who are living below the poverty rate happens to be African American and Latinos. The role of the Executive Director of CPRA will be critical in addressing the socioeconomic disparities, equity, emotional trauma, and how can the police utilize the department's resources to help customize their services to meet the needs of families and individuals living in poverty or below the poverty line in Oakland.



# OAKLAND POLICE COMMISSION

## Agenda Report

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|                 |   |
|-----------------|---|
| <b>Subject:</b> | <b>OPD Budget Update</b>                          |
| Date:           | June 7, 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 review and discuss the five priorities for hiring and for reducing overtime costs submitted by Chief Kirkpatrick.

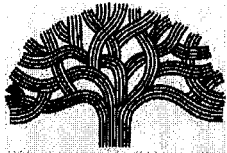
**Background:**

At the Police Commission’s May 23, 2019 meeting, Chief Kirkpatrick noted that at the next Police Commission meeting she would provide an update on the OPD budget and the five priorities for hiring and for reducing overtime costs.

Measure LL – Police Commission, City Charter Section 604(b)7, requires that, “The Commission shall conduct at least one public hearing on the Department budget per budget cycle and shall forward to the City Council and recommendations for change.”

**Attachments:**

OPD Budget Update Hiring Priorities



CITY OF OAKLAND

## AGENDA REPORT

TO: Oakland Police Commission

FROM: Anne E. Kirkpatrick  
Chief of PoliceSUBJECT: Budget Update  
Hiring Priorities

DATE: June 5, 2019

**Budget update:**

Since the OPD presentation at the May 23 Commission meeting, OPD has been responding to a series of Council questions about the budget. Those questions and responses are posted on the City's budget website. <https://www.oaklandca.gov/projects/fy-2019-2020-budget-process-1> Copies of the questions and answers accompany this memo. In Memo #1, the questions related to or referencing OPD are 2, 3, 4,5, 8, and 15; in Memo #2 the questions related to or referencing OPD are 17, 18, 27, 31, and 32.

The City Council President has proposed amendments to the Mayor's FY 2019-21 Proposed Budget. The list of proposed amendments is included in the agenda materials for the City Council special meeting on June 10.

<https://oakland.legistar.com/LegislationDetail.aspx?ID=3957477&GUID=1B53BD39-2B97-4457-90AA-8F31B33F42D9&Options=&Search=>

The following is a summary of items related to OPD contained on the Budget Spreadsheet:

## FUND 1010:

- Reductions:
  - \$7,000,000 for budget overspending (item #14 – see related Item #83)
  - \$150,000 Remove sworn officers assigned to council meetings (item #22)
  - \$460,000 OPD personnel for metal detector system (item #23)
  - \$1,000,000 Reduce number of people transported to Santa Rita (item #24)
- Additions:
  - \$280,000 for 2 Motorcycle officers (item #79)
  - \$200,000 to improve recruitment and retention of Police Officers (item #80)
  - \$100,000 expand staffing for non-emergency OPD lines (item #81)
  - \$180,000 add 2 (2) 911 Dispatchers (item #82)
  - \$7,000,000 - Create tracking and oversight system for police overtime with funds set aside that may not be used by OPD unless/until policy tracking is in place and approved by council. Once council receives this report funds can be allocated to police overtime or other vital needs. (item #83)
  - \$24,500 – NCPC O & M budget (Item #84)

## FUND 2252:

- Additions:
  - \$200,000 for startup costs for a coordinated point of support for families in the aftermath of serious violence (item #5)

Item: \_\_\_\_\_  
Police Commission  
June 13, 2019

- \$453,428 for two additional officers in the Homicide Unit (item #6)

Commission members asked for more information on the following items:

- The cost of having the Eastmont front desk staffed 24 hours per day.

Staffing the desk full time under current staffing levels would require two additional police officers working from 1700 – 0500 hours on overtime. The daily overtime for those two positions would be \$2,140.80 (2 Officers, 12 hours, \$89.02 OT rate.) The annual cost would be \$782,392.

- The number of CROs and CRTs in Measure Z proposed for FY 2019-20:

| Group                       | Classification                             | No. of Positions |
|-----------------------------|--|------------------|
| Special Victims Section     | Sergeant of Police                         | 1                |
| Special Victims Section     | Police Officer                             | 7                |
| Community Resource Officers | Sergeant of Police                         | 2                |
| Community Resource Officers | Police Officer                             | 20               |
| Crime Reduction Team        | Sergeant of Police                         | 1                |
| Crime Reduction Team        | Police Officer                             | 21               |
| Ceasefire                   | Sergeant of Police                         | 1                |
| Ceasefire                   | Police Officer                             | 6                |
| Ceasefire                   | Lieutenant                                 | 1                |
| Ceasefire                   | Project Manager II (Program Director)      | 1                |
| Ceasefire                   | Volunteer Specialist (Program Coordinator) | 1                |
| <b>Position Total</b>       |  | <b>62</b>        |



- Breakdown of grants:

| Grant Name   | Grantor            | Grant Year | Start Date | End Date   | Amount of Award |
|--|--------------------|------------|------------|------------|-----------------|
| COPS - CHP 2015  | DOJ/COPS           | 2015       | 9/1/2015   | 4/30/2020  | \$ 1,875,000    |
| JAG 2016 (local)   | DOJ/ACSO           | 2016       | 10/1/2015  | 9/30/2019  | \$ 579,291      |
| OPD Cadet Program  | Ed Fund            | 2015       | 12/17/2015 | 3/31/2020  | \$ 617,000      |
| COPS - CHP 2016  | DOJ/COPS           | 2016       | 9/1/2016   | 8/31/2019  | \$ 1,875,000    |
| JAG 2017 (local)   | DOJ/ACSO           | 2017       | 10/1/2016  | 9/30/2020  | \$ 508,557      |
| State COPS XX  | State of CA/ COPS  | 2017       | 9/11/2017  | 6/30/2019  | \$ 651,895      |
| JAG 2018 (local)   | DOJ/ACSO           | 2018       | 10/1/2017  | 9/30/2021  | \$ 450,292      |
| Vision 21: Supporting Collective Healing in the Wake of Harm | IACP/DOJ           | 2017       | 12/1/2017  | 9/30/2019  | \$ 750,000      |
| 2017 Coverdell - formula                                     | State of CA/CalOES | 2017       | 1/1/2018   | 6/30/2019  | \$ 16,382       |
| 2017 DNA Backlog Grant                                       | DOJ                | 2017       | 1/1/2018   | 12/31/2019 | \$ 246,237      |
| Glenview Crossing Guard Program - 2018                       | OUSD               | 2016       | 9/1/2018   | 12/29/2019 | \$ 122,484      |
| State COPS XXI   | State of CA/ COPS  | 2018       | 9/11/2018  | 6/30/2020  | \$ 651,743      |
| 2018 Selective Traffic Enforcement Program (STEP)            | State of CA/OTS    | 2017       | 10/1/2018  | 9/30/2019  | \$ 500,000      |
| Active Oakland: Safe Routes to School                        | OUSD               | 2018       | 10/1/2018  | 9/30/2020  | \$ 84,000       |
| 2018 Surrendered and Abandoned Vessel Exchange (SAVE)        | State of CA/Parks  | 2018       | 10/5/2018  | 9/30/2020  | \$ 50,000       |
| 2018 DNA Capacity/Efficiency Grant                           | DOJ                | 2018       | 1/1/2019   | 12/31/2019 | \$ 166,720      |
| 2018 DNA Backlog Grant                                       | DOJ                | 2018       | 1/1/2019   | 12/31/2020 | \$ 217,676      |
| 2018 Coverdell - formula                                     | State of CA/CalOES | 2018       | 2/28/2019  | 12/31/2019 | \$ 66,285       |
| POST Innovations Grant Program                               | State of CA-POST   | 2019       | 4/1/2019   | 3/31/2021  | \$ 200,000      |
| 2018 Tobacco Enforcement (prop 56)                           | State of CA/DOJ    | 2018       | TBD        | 6/30/2020  | \$ 100,000      |
| Sexual Assault Exam Kits Counting - 2019                     | State of CA/DOJ    | 2019       | TBD        | TBD        | \$ 38,088       |

### Overtime:

An OPD overtime report is scheduled to be presented to the June 11, 2019 Public Safety Committee. These recurring reports outline overtime expenses and overtime controls. The reports included on the June 11, 2019 agenda accompany this report. In addition, the City Auditor is about to release a comprehensive overtime analysis of OPD's overtime issues. Our understanding is that the report will be released in June. As soon as the audit is published we will send a copy to the Commission.

### Hiring Priorities:

The Oakland Police Department fills its civil service positions through the City's Human Resource Management (HRM) Department. The civil service positions include the professional staff and lateral police officers. HRM also manages the promotional process for the sworn classifications

of sergeant, lieutenant and captain. The entry-level Police Officer Trainee testing process is not a civil service process and has recently been transferred to OPD.

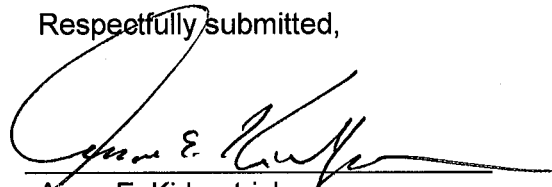
HRM staffing allows OPD to have five active processes (recruitments or promotions) at a time. OPD has vacancies in several job classifications and recruitments wait in the queue and become active once a recruitment or promotional process is completed. The priority list is updated monthly in a meeting between OPD and HRM.

The current active priorities for OPD are:

1. Criminalist II (job posting set to close June 10<sup>th</sup>)
2. Latent Fingerprint Examiner II
3. Police Performance Auditor
4. Intake Technician
5. Administrative Analyst II
6. Neighborhood Services Coordinator
7. Police Services Technician II
8. Accountant II
9. Police Communications Dispatcher, Senior
10. Office Assistant I
11. Criminalist I
12. Police Officer Lateral (continuous recruitment)
13. Police Cadet (continuous recruitment)
14. Crossing Guard (continuous recruitment)

The more detailed personnel report on hiring status and priorities is submitted quarterly to the Public Safety Committee. The most recent report accompanies this report.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Prepared by:  
Virginia Gleason  
Deputy Director, Bureau of Services

Item: \_\_\_\_\_  
Oakland Police Commission  
June 13, 2019

**BUDGET QUESTIONS AND RESPONSES**



DISTRIBUTION DATE: 4/26/2019



## MEMORANDUM

**TO:** Honorable Mayor & City Council

**FROM:** Katano Kasaine  
Director of Finance

**SUBJECT:** FY 2019-21 Budget Development  
Questions/Responses #1

**DATE:** April 26, 2019

### PURPOSE

The purpose of this memorandum is to transmit to the full City Council and public, responses to questions raised by City Councilmembers related to the Fiscal Year (FY) 2019-21 Proposed Biennial Budget. To the extent additional information becomes available on any of the responses below, updates will be provided.

### QUESTIONS AND RESPONSES

- 1) **Who in the Administration is responsible for enforcing implementation of the budget as legally adopted? [Kaplan]**

Per the City Charter, the City Administrator, "shall have the power and it shall be his duty [...] to control and administer the financial affairs of the City."

- 2) **What specific steps are being taken to remedy the non-compliance of the one department which is overspending its current budget by over \$19 million? By what date is compliance expected to be achieved? Will that unauthorized expenditure be remedied in time for the Q3 update? Will it be remedied in time for those funds to be restored for the FY 2019-2021 budget? Who is overseeing the remedy of this unauthorized over-spending? [Kaplan]**

Both OPD and OFD have provided City Council with an analysis of overtime expenditures along with the quarterly revenue and expenditure report since the Fiscal Year 2016-17 Fourth Quarter Revenue and Expenditure report was presented to the Finance and Management Committee on October 24, 2017. OPD has taken the following specific actions to reduce its overspending (as outlined in those reports): issued a patrol staffing directive; substantially altered tactical squad deployment in patrol, changed the way that mandatory training is scheduled; implemented a city-wide minimum staffing mandate that requires time off request to be approved on a city-wide basis rather than just the bureau or division level; and, formed an overtime working group.



## HONORABLE MAYOR AND CITY COUNCIL

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OPD staff will be bringing an overtime report to the Finance and Management Committee on May 28, 2019. This report will detail the actions they are taking to reduce overtime overspending and other key considerations. As outlined previously, several factors contribute to OPD's overtime overspending such as the service-levels established by the City Council, unanticipated events (e.g., sideshow response), negotiated MOU provisions as approved by the City Council, backfill for vacancies and leaves, and historical under-budgeting of overtime. OPD overtime issue cannot be addressed without first addressing the above listed issues.

**3) What is the status of implementation of Oakland's adopted law prohibiting leaving guns loose, such as unsecured in unattended vehicles? How many enforcement actions thus far have been brought under this Ordinance? [Kaplan]**

Below are the 2017 and 2018 statistics for stolen guns (OMC Sections 9.39 and 9.37).

**2017**

- 59 guns reported stolen
  - 30 guns taken from vehicles
  - 28 guns taken from residences
  - 1 gun taken from a business
- 26 of 59 guns taken were properly stored
  - Many of the remaining reports did not contain enough information to determine whether the guns were properly stored
- Two citations issued for three stolen guns
- One case was forwarded to the City Attorney after charges were declined by DA

**2018**

- 45 guns reported stolen
  - 30 guns taken from vehicles
  - 8 guns taken from residences
  - 5 guns taken from businesses
  - 1 taken during a home invasion robbery and 1 taken as petty theft
- 35 of 46 guns taken were properly stored
  - Some of the remaining reports did not contain enough information to determine whether the guns were properly stored.
- 2 guns have since been recovered
- No citations issued

**4) What is the status of deployment of neighborhood beat officers? How many FTEs are supposed to be in this role? What percentage is actually being provided? [Kaplan]**

There are 35 Community Resource Officer (CRO) positions. As of April 12, 2019, all 35 positions are filled with the officers deployed to their assignments. There are an additional five Community Resource Officer (CRO) supervisor positions (Sergeants) and all five positions are currently filled.





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**5) What percentage of ShotSpotter alerts receive an immediate police deployment?  
[Kaplan]**

The median time for OPD to respond to the exact location is seven (7) minutes based on the last three months of data. It is important to note that response times can be impacted by the following:

- Officers have SST Alerts on their phones and they don't always have to wait for a dispatched call to respond to the alert, leading to shorter response times;
- Officers are given the exact coordinate location (address) as opposed to circling several blocks based upon where a caller says the shots may have come from;
- Based upon being given the exact coordinates, casings are being consistently recovered as evidence to be submitted to the crime lab which downloads the casing profile within 48 hours;
- The casings link gun violence incidents locally and throughout the region;
- The process increases the solvability of cases and through this method, it leads to more recovery of guns with subsequent search warrants and arrests;
- SST trends lead to better deployment of resources as the alerts become a "tell" or precursor of where there might be an ongoing feud;
- ATF just came to the crime lab for a mandatory audit and reported we are recovering casings and entering more casing profiles into the computer system (IBIS) at a rate faster than most agencies throughout the nation they have audited in recent months

**6) Fire prevention inspection fees (wildfire prevention), how much are we charging, and at what stage of inspection (second time? Third?) are we charging? What would we need to charge to fully cover costs? [Kaplan]**

As of FY 2018-19 wildfire prevention inspection fees are currently \$330.27 per property. This fee is charged only on a failed re-inspection (i.e., second inspection). Property owners who are compliant on an initial inspection or re-inspection are not charged. In the FY 2019-20 Master Fee Schedule, OFD is proposing to increase this fee to \$409.04 per property for cost recovery.

**7) Parks and Rec fees, especially for aquatic center/boathouse, can we charge higher fees for non-Oakland residents? What would the amounts need to be to enable cost-recovery? [Kaplan]**

The City's 2018-19 Master Fee Schedule (MFS) for OPRYD's rental facilities provides for non-resident and resident rates. OPRYD's facility rental fees for non-resident are set at cost recovery with resident rates at a 20 percent discount from the non-resident rates. The Jack London Aquatic Center (JLAC) and the Lake Merritt Sailboat House facility rental rates include non-resident and resident rates. Please see the Adopted FY 2018-19 MFS OPRYD's Rental Facilities beginning on page I-4 (<https://www.oaklandca.gov/documents/fy-2018-19-adopted-master-fee-schedule>). Specifically, please see page I-13 for JLAC and I-5 for Sailboat House non-resident and resident rates.

**8) How many hours per year of police time are used for special events/parades etc? What is the cost of this service? How much of it is reimbursed? Where in the budget**



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**do those reimbursements appear? What would be the cost to provide this service with civilian personnel? [Kaplan]**

In FY 2017-18 (the most recent full fiscal year), approximately 81,801 hours of overtime were used for special events. It cost the City approximately \$6,596,317 in direct sworn personnel costs, all of which was reimbursed. The reimbursements are reported as GPF (1010) revenues in the "service charges" category.

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

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

**9) Status report on budget vs. actual for last budget cycle. Which of past things have/have not been done. [Kaplan]**

Budget versus actuals are provided in the City's Comprehensive Annual Financial Report (CAFR). The CAFR for the year-ending June 30, 2018, can be found on the City's website: <https://www.oaklandca.gov/documents/2018-comprehensive-annual-financial-report>. The FY 2018-19 Second Quarter Revenue and Expenditure report was delivered to the Finance and Management Committee on February 26, 2019. The FY 2018-19 Third Quarter Revenue and Expenditure report will be presented to the Finance and Management Committee on May 28, 2019. This report will include comparisons of projected revenues and expenditures against budgeted revenues and expenditures. Audited data for the current fiscal year (FY 2018-19) will not be available until December 2019.

**10) Please provide racial demographic breakdown of proposed budget expenditures and explanation of equity analysis of the proposed budget. [Kaplan]**

The Budget does not track expenditures by race. However, key programs (e.g., 3-Year Paving Plan, Measure KK) require that an equity framework be used as part of an evaluation.

**11) What is the proposed annual cost for the additional security measures that are proposed for the city hall complex, such as the metal detectors and related systems? One-time startup costs? [Kaplan]**

The one-time startup costs for the equipment related to the proposed enhanced security measures is approximately \$76,000. This includes the purchase of walk-through metal detectors, x-ray machines, scanners, stanchions, delivery, set-up and calibration and training for maintenance staff and equipment operators.



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The annual or ongoing costs for equipment is approximately \$10,000 this includes a 12-month maintenance plan after the one year warranty period expires. The annual costs for security personnel to operate the equipment and OPD personnel to provide a higher level of authority and support to the security officers, these costs are provided below in the response to question #12.

**12) Who is going to staff/secure the metal detector system? What is the cost for the staffing? [Kaplan]**

The metal detectors and scanners will be operated by security personnel, there will be three unarmed security guards at each entrance (14th Street and 15th Street/ Plaza side). OPD officers will provide an armed presence and higher level of authority and support to the unarmed security officers.

**Security Personnel** costs for two entry points with three guards at each from 8am - 5pm; and additional security personnel to cover evening meetings (one evening per week) is estimated at: \$374,353 for 8am - 5pm and \$23,643 for evening meetings for a total annual cost of \$397,996

**OPD Personnel** costs are estimated at: \$460,000

**13) What is the cost of 24-hour security for the city hall complex? What hours/days are currently provided? [Kaplan]**

**Current Days/Hours:** Dalziel Building has 24/7 coverage currently. City Hall has Monday through Friday coverage from 7 am - 11 pm. Lionel Wilson has Monday through Friday coverage from 7 am – 7 pm.

**Cost of 24/7:** The additional cost to provide 24/7 security (88 hours per week / 4,576 hours annual) at City Hall is: \$115,589 The additional cost to provide 24/7 security (108 hours per week / 5,616 hours annual) for Lionel Wilson is: \$141,860. The total annual cost to add 24/7 coverage to Civic Center Complex is \$259,449.

**14) What hours/days do we currently have security outside in Ogawa plaza? What would be the cost for doing this 24/7? [Kaplan]**

FHOP has Monday through Friday coverage from 7 am - 11 pm. The additional cost to provide 24/7 security (88 hours per week / 4,576 hours annual) at FHOP is: \$115,589.

**15) Measure Z - CRO and CRTs are being pulled to other things – need to know how often this is happening and options to remedy it. [Kaplan]**

The Department is currently evaluating how best to track CRO and CRT time and productivity. Past results are not uniformly documented or retained in a way that can be easily produced, compared and evaluated.



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Community Resource Officer (CRO) and Crime Reduction Team (CRT) work is generally spent addressing violence through proactive directed patrol, focused operations, and performing follow-up investigation and related arrests associated with serious or violent crimes. This specialized work is firmly geared toward defined Measure Z goals even though the work may pull a CRO or CRT from their assigned geographic area at various times.

Time may be spent away from an assigned geographic area to support citywide crime reduction operations, including operations to address serious and violent offenses, known suspects, search warrants, and surveillance operations. CROs are often needed to supplement CRT work so that operations can be completed safely. Time may be spent "off beat" to support the work of neighboring CRO where a strategy or response requires surveillance officers, arrest teams, search warrant services, or any other activity that is beyond the capabilities of an individual CRO. These operations – and the time necessary by all to safely complete them - are not typically evenly dispersed across all beats. Higher crime beats require more officers, more time, and higher prioritization. Even so, we often find that the resulting crime reduction and efforts positively impact other beats because crime trends and offenses may overlap and affect the health and safety of all beats citywide.

CROs and CRTs may also spend time away from their beat for any unstaffed and unplanned crowd management or crowd control event, or any planned crowd management event that is short of staffing (e.g., sideshows, permitted or unpermitted protests or marches, sports parades or celebrations, or supplementary staffing for permitted events with inadequate staffing.)

**16) Why is our vacancy rate so high and how do we create solutions for faster hiring, who has been tasked with this issue? [Kaplan]**

There is intense competition for public sector talent. The nation's unemployment rate is 3.8%, the California unemployment rate is 4.2% and the unemployment rate for San Francisco, Oakland and Richmond region is 2.8%. These are 50 year lows. The City's budgeted vacancy factor is 0% to 4%.

The Human Resources Management Department, working in conjunction with City Departments, is tasked with filling vacancies. The recruitment process is subject to the rules of the Civil Service Board and agreements in labor contracts. Solutions to hiring faster include regulatory relief that requires agreement with labor groups. There have been occasional agreements but nothing significant that would provide a competitive advantage in this tight labor market. HR has streamlined recruitment processing, expanded marketing efforts and hired a recruitment consultant to increase capacity.

The City has done well in its retention efforts. Voluntary resignations for non-sworn, full-time employees are down from 110 last fiscal year to a projected 91 for this fiscal year, which is a 4.01% resignation rate. A typical resignation rate for local government during normal economic times ranges between 4.5% to 5.5%. Given the historically low unemployment, it would be anticipated that the rate would be significantly higher, perhaps 6% to 8% percent. A key strategy to reduce the vacancy rate is to improve retention rates.





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HRM continues to focus on identifying efficiencies, proposing changes to the labor agreements, improving marketing and working with departments to more efficiently fill vacancies.

**17) What is the cost for TPT conversions for any roles which are not genuinely short-term? [Kaplan]**

The cost of converting a Temporary Part-Time will vary based upon a number of factors, including: 1) whether it is being converted to a full-time position or permanent part-time position; 2) the job classification being converted; and, 3) the step in the salary schedule.

For questions, please contact Adam Benson, Budget Administrator, at (510) 238-2026.

Respectfully submitted,

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KATANO KASAINÉ  
Director of Finance



DISTRIBUTION DATE: 5/15/2019



## *MEMORANDUM*

**TO:** Honorable Mayor & City Council

**FROM:** Katano Kasaine  
Director of Finance

**SUBJECT:** FY 2019-21 Budget Development  
Questions/Responses #2

**DATE:** May 15, 2019

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### PURPOSE

The purpose of this memorandum is to transmit to the full City Council and public, responses to questions raised by City Councilmembers related to the Fiscal Year (FY) 2019-21 Proposed Biennial Budget. To the extent additional information becomes available on any of the responses below, updates will be provided.

### QUESTIONS AND RESPONSES #2

- 1) **Regarding the \$32.68 million of estimated remaining Measure KK funds from FY17-19, which projects had been allocated those funds? [Bas]**

The table on the next page shows the allocation of unspent Measure KK affordable housing funds:



## HONORABLE MAYOR AND CITY COUNCIL

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Date: May 15, 2019

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| Program Name  | Project Name   | Total Amount Awarded    | Total Amount Spent      | Balance Remaining (available to spend) |
|---|--|-------------------------|-------------------------|--|
| Acquisition of Transitional Housing Facility*                                     |  | \$ 14,000,000.00        | \$ 7,018,041.55         | \$ 6,981,958.45                        |
| Bond Measure KK Site Acquisition Program  | Highland Palms                                       | \$ 3,000,000.00         | \$ 2,920,000.00         | \$ 80,000.00                           |
|   | 10th Ave Eastlake                                    | \$ 5,000,000.00         | \$ 4,700,000.00         | \$ 300,000.00                          |
|   | 2530 9th Avenue                                      | \$ 1,342,375.00         | \$ -                    | \$ 1,342,375.00                        |
|   | 812 East 24th Street                                 | \$ 974,150.00           | \$ 974,150.00           | \$ -                                   |
|   | The Wolery and San Antonio Terrace                   | \$ 3,500,000.00         | \$ 3,500,000.00         | \$ -                                   |
|   | Longfellow Corner (aka Northwest MacArthur/ MLK TOD) | \$ 3,175,000.00         | \$ 3,175,000.00         | \$ -                                   |
|   | ADMIN COST   | \$ 1,008,475.00         | \$ -                    | \$ 1,008,475.00                        |
| Notice of Funding Availability (NOFA) for Housing Rehabilitation and Preservation | Howle Harp   | \$ 3,000,000.00         | \$ -                    | \$ 3,000,000.00                        |
|   | Empyrean   | \$ 4,688,000.00         | \$ -                    | \$ 4,688,000.00                        |
|   | Fruitvale Studios                                    | \$ 1,800,000.00         | \$ -                    | \$ 1,800,000.00                        |
|   | ADMIN COST   | \$ 512,000.00           | \$ -                    | \$ 512,000.00                          |
| NOFA for New Construction of Affordable Rental and Ownership Housing              | 7th & Campbell                                       | \$ 801,900.00           | \$ -                    | \$ 801,900.00                          |
|   | Carmelo 23   | \$ 100,000.00           | \$ 30,000.00            | \$ 70,000.00                           |
|   | West Grand & Brush                                   | \$ 1,318,000.00         | \$ -                    | \$ 1,318,000.00                        |
|   | 3268 San Pablo                                       | \$ 100,000.00           | \$ -                    | \$ 100,000.00                          |
|   | Coliseum Place                                       | \$ 1,600,000.00         | \$ -                    | \$ 1,600,000.00                        |
|   | 657 W. MacArthur Apts                                | \$ 800,000.00           | \$ -                    | \$ 800,000.00                          |
|   | Fruitvale Transit Village II-B                       | \$ 1,400,000.00         | \$ -                    | \$ 1,400,000.00                        |
| ADMIN COST  | \$ 880,100.00  | \$ -                    | \$ 880,100.00           |  |
| 1-4 Unit Housing Programs   |  | \$ 6,000,000.00         | \$ -                    | \$ 6,000,000.00                        |
| <b>Total</b>  |  | <b>\$ 55,000,000.00</b> | <b>\$ 22,317,191.55</b> | <b>\$ 32,682,808.45</b>                |

2) How much in carry over funds will be deployed in 2019-2020? [Bas]

All the unspent Measure KK appropriations for affordable housing in FY 2017-19 will be carried forward to FY 2019-20.

3) Why is \$30 million allocated when there is \$45 million of Measure KK funds unallocated for affordable housing? Can we allocate the remaining \$15 million in this budget cycle. [Bas]

Yes, we propose the additional \$15 million in Measure KK funds be allocated, and there will be an amendment proposed in the Errata on June 4th. Note that given that these are taxable general obligation bonds supported by additional property tax levies, it is important that developers have sufficient funding capacity from all sources (federal, state, and private) prior to issuance of the bonds to ensure timely spend of the proceeds. The proposed \$45 million in new Measure KK affordable housing funds are in addition to the \$32.68 million that is allocated, but unspent in FY 2018-19 (see response to Question 2 below).

4) Some of the Measure KK allocations support small site acquisition and thus permanent affordability, but how do the NOFA for housing rehabilitation and preservation and NOFA for new construction categories contribute to permanently affordable homes in Oakland? [Bas]

Measure KK allocations that support the NOFA are used directly in the new construction of affordable rental and ownership housing and affordable housing rehabilitation and preservation through low interest, residual receipts and loans to affordable housing developers. Units assisted with City funds are restricted as affordable to low-to-moderate income households for the term of the loan (55 years) through the recording of a regulatory



## HONORABLE MAYOR AND CITY COUNCIL

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agreement on the property. In addition, the NOFA funds have leveraged Alameda County Measure A1 bond fund set asides for affordable housing developments in Oakland.

Note that residual receipts mean that loan payments are due to the extent there is excess cash flow; if there is no excess cash flow then repayment is deferred for the term of the loan, which is 55 years.

**5) Is there an existing total unit or building count that KK funds are being leveraged to produce? [Bas]**

These projects are estimated to result in a total of 915 units, which do not include the number of units from the small site acquisition program that is being developed.

**6) Regarding HOME Funds, Fund 2109, about \$6.1 million is available for FY19-21, why are these funds not included in the Mayor's summary as part of the City's affordable housing development funding sources? Are these funds being utilized for something other than affordable housing development? [Bas]**

The summary included in the FY 2019-21 Proposed Budget called out NEW resources available toward affordable housing. Since the HOME program is baselined it was not called out separately. However, these grant funds are restricted to affordable housing related activities (e.g., building, buying, rehabilitating affordable housing) and continue to be available for these purposes in the FY 2019-21 Proposed Budget in the amounts stated above.

**7) Regarding the Affordable Housing Trust Fund, Fund 1870: What are the specific revenue source amounts for FY19-20 and FY20-21? How much is being allocated for City staff time versus funding housing projects and anti-displacement services? [Bas]**

The ongoing revenues in the Affordable Housing Trust Fund reflect the twenty-five percent of the City's distribution from the Redevelopment Property Tax Trust Fund (RPTTF or "boomerang") pursuant to OMC §15.62.030. No other revenue sources are baselined in the AHTF in the FY 2019-21 Proposed Budget. \$643,162 is budgeted for non-project staffing costs in FY 2019-20 (of total proposed appropriations of \$7.9 million) and \$666,327 in FY 2020-21 (of total proposed appropriations of \$8.5 million).

**8) The Mayor's budget letter proposes allocating \$6.7 million from Fund 1870 for affordable housing development. Please provide the specific revenue source amounts that make up the \$6.7 million. Please specify how much is coming from each revenue source, i.e. housing boomerang funds, Housing Impact Fees, Jobs/Housing Fee, and the Foreclosed Properties program. [Bas]**

This appropriation comes from RPTTF revenues. As mentioned previously, no other revenue sources are baselined in the AHTF in the FY 2019-21 budget, such as the Affordable Housing Impact Fees or the Jobs/Housing Impact Fees, as they can be volatile and are not easy to predict. Resolution No. 87469 provides HCD with the authority to appropriate the Affordable Housing Impact Fees and Jobs/Housing Impact fees as they are received throughout the year without returning to Council.





## HONORABLE MAYOR AND CITY COUNCIL

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- 9) Regarding Housing Impact Fees, the Impact Fees Annual Report from the January 29, 2019 CED Committee specified that over \$6 million had been collected and over \$21 million has been assessed. What is the status of the collected revenue? How much of the \$6 million had been expended in previous budgets and how much is being budgeted for FY19-21? [Bas]**

In FY 2018-19, HCD has authorized appropriations of \$2,463,805 from the Jobs/Housing Impact Fees and \$4,894,717 from the Affordable Housing Impact Fees (impact fees collected through June 30, 2018), for a total of \$7,358,522. These impact fees are allocated to projects as follows: Oak Hill Apartments (NOVA Apts)/445 – 30<sup>th</sup> Street, 95<sup>th</sup> and International Blvd., and Friendship Senior Rental Housing/1904 Adeline Street. However, as of May 9, 2019, the impact fees have not been spent. Any unspent impact fees will be carried forward into future fiscal years for affordable housing development projects. That said, all three projects have received planning entitlements and are seeking a building permit. The projects have differing timelines for start of construction based on amount of funding assembled to date. We expect Oak Hill to be completed first, with an anticipated completion date of October 2020.

- 10) What is the status of the assessed revenue? Does the Planning Department have an estimated collection schedule? [Bas]**

Assessed revenues (“invoiced revenues”) become due and are recorded as revenues when a building permit is issued (50 percent) and when a certificate of occupancy has been issued (50 percent). Collection of these revenues is dependent upon the construction schedule of the applicant which PBD cannot track. Historically, projects are finishing within 2-4 years from the time of permitting.

- 11) What has been the City's past and current practice regarding budgeting based upon assessment, not just collection, of revenue, such as budgeting practices in Planning & Building or Public Works Departments? [Bas]**

The City generally budgets based on an estimate of the actual revenues received in the fiscal year, not the assessment due. The total assessments due for Affordable Housing Impact Fees and Jobs/Housing Impact Fees may not be received for several years from the initial issuance of a permit. It is also possible that a development falls through and the assessed revenues due at the issuance of a certificate of occupancy are never actually paid to the City and the revenues already received at the time of issuance of a building permit are required to be refunded. Authorizing appropriations against the assessed impact fees is not a recommended approach because the City cannot count on the receipt of all the revenues from developments that are issued a building permit.

- 12) How much of the Transit Occupancy Tax revenue is coming from the AirBnB tax? [Bas]**

Financial information of individuals and businesses provided to the Finance Department's Revenue Management Bureau in connection with the collection of taxes is considered confidential and cannot be disclosed.



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- 13) Regarding the \$3.89 million revenue from the Vacant Land Tax in FY20-21, please explain how this figure was arrived at. We believe that previous City information had the revenue level at \$10 million. [Bas]**

The proposed FY 2020-21 budget anticipates revenues of approximately \$7 million from the VPT. The administration of the tax begins in the FY 2019-20, even though no revenue will be collected until FY 2020-21. The total two-year administrative cost equates to \$1.81 million, leaving \$5.19 million remaining for allocation in FY 2020-21. Of this amount, \$3.89 million has been programmed in the Mayor's budget for homelessness, and the remaining \$1.3 million (25 percent) was programmed for managing illegal dumping and blight. The actual amount of Vacancy Tax revenues will vary based on the implementing regulations and factors relating to property owner exemptions. The ballot specifically said that the Finance Department estimated annual revenues between \$6.6 million and \$10.6 million (see impartial analysis of Measure W by the City Auditor). At a high-level, this estimate assumed that approximately 25% of vacant properties would be subject to the parcel tax. Again, as implementing regulations are further developed and defined, the Finance Department will have more reliable estimates of revenues.

- 14) Regarding the Mayor's summary letter proposing \$3.8 million from the Vacancy Tax for different homeless services and displacement prevention, please specify the proposed allocation for each service listed. [Bas]**

The Vacancy Tax does not go into effect until the second year of the two-year budget (effective July 1, 2020). As such, the Mayor's FY 2019-21 Proposed Budget does not allocate these resources toward specific projects. Staff recommends that allocations be determined during the FY 2020-21 Midcycle Amendment when implementation regulations are established that will help to refine the City's vacancy tax revenue projections and when the City Council has more information concerning the total homelessness resources available from all sources (State, County, etc.) in order to maximize the use of vacancy tax resources.

- 15) Regarding the Service Impacts information, B-1, proposing \$3 million from the fund balance in the Affordable Housing Trust Fund for services and interventions aimed at rehousing for homeless residents: What is the source of the fund balance--were these unallocated funds? Is any of the fund balance derived from the \$2.2 million of anti-displacement services funds that the Council had appropriated in FY17-19? Please specify the specific services and interventions and funding levels contemplated. [Bas]**

This appropriation from AHTF fund balance comes from RPTTF revenues. The fund balance is not derived from the \$2.2 million appropriation for anti-displacement services approved by Council in the FY 2017-19 Adopted Budget, of which any unspent amount will continue to carry forward into future fiscal years for anti-displacement services.

- 16) There seems to be a substantial proposed increase in the Mayor's Office Budget of about \$600,000 for FY19-20 and about \$700,000 for FY20-21. It is not apparent from the budget documents what is being funded by the proposed budget increase. Can you please provide more information on what's being funded through the budget**



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increases as the budget document shows that the staff level is the same for FY19-20 and actually declines by 1 for FY20-21? [Bas]

The increase in the Mayor's Office Budget is primarily attributed to wage and fringe rate increases, removal of the vacancy credit to align with similarly small-sized elected departments, and a one-time give back of salary savings in FY2018-19 that was restored in the FY2019-21 budget.

The growth in FY2020-21 is primarily attributed to wage and fringe rate increases. There was a decline of 1.0 FTE due to a grant-funded position that was end-dated in FY2019-20. The budget does not reflect the cost reduction because both the personnel costs and offsetting grant carryforward were removed (net of \$0).

17) Please provide 5-years of historical OPD overtime hours. [Taylor]

| Overtime Hours |            |            |
|----------------|------------|------------|
| Fiscal Year    | Hours -GPF | Hours -ALL |
| FY 2012-13     | 351,247    | 362,044    |
| FY 2013-14     | 382,930    | 399,917    |
| FY 2014-15     | 457,905    | 459,228    |
| FY 2015-16     | 388,810    | 395,849    |
| FY 2016-17     | 373,977    | 382,410    |
| FY 2017-18     | 350,432    | 376,271    |

18) Please provide 5-year historical of citywide overtime dollars. [Taylor]

| Department                                    | ALL FUNDS OVERTIME    |                       |                       |                       |                       |                                 |                                  |                                  |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---------------------------------|----------------------------------|----------------------------------|
|   | FY 2013-14<br>Actuals | FY 2014-15<br>Actuals | FY 2015-16<br>Actuals | FY 2016-17<br>Actuals | FY 2017-18<br>Actuals | FY 2018-19<br>Midyear<br>Budget | FY 2019-20<br>Proposed<br>Budget | FY 2020-21<br>Proposed<br>Budget |
| Mayor   | -                     | -                     | -                     | 1,743                 | 18                    | 8,960                           | 8,960                            | 8,960                            |
| City Council                                  | -                     | -                     | -                     | 708                   | -                     | -                               | -                                | -                                |
| City Administrator                            | 35,233                | 249,200               | 292,112               | 362,395               | 177,631               | -                               | -                                | -                                |
| City Attorney                                 | 1,023                 | 928                   | 524                   | 2,547                 | 9,644                 | -                               | -                                | -                                |
| City Auditor                                  | 1,188                 | 288                   | 556                   | 15,490                | 6,196                 | -                               | -                                | -                                |
| City Clerk                                    | 15,923                | 16,610                | 35,001                | 64,333                | 63,949                | 11,570                          | 11,570                           | 11,570                           |
| Police Commission                             | -                     | -                     | -                     | -                     | 36,900                | -                               | -                                | -                                |
| Public Ethics Commission                      | -                     | -                     | -                     | 382                   | 28                    | -                               | -                                | -                                |
| Finance Department                            | 33,479                | 30,860                | 196,113               | 221,524               | 263,752               | 56,691                          | 56,691                           | 56,691                           |
| Information Technology                        | 158,422               | 145,305               | 165,124               | 143,620               | 131,408               | 10,710                          | 10,710                           | 10,710                           |
| Human Resources Management Department         | 31,756                | 23,111                | 31,428                | 18,360                | 36,965                | 26,390                          | 26,390                           | 26,390                           |
| Police Department                             | 27,336,037            | 31,690,464            | 28,331,393            | 29,047,077            | 30,660,353            | 12,353,982                      | 15,160,116                       | 15,507,936                       |
| Fire Department                               | 19,195,836            | 22,757,669            | 22,997,934            | 21,366,911            | 20,216,616            | 3,850,533                       | 4,049,610                        | 4,081,851                        |
| Oakland Public Library                        | 3,519                 | 4,769                 | 12,960                | 7,837                 | 3,273                 | 6,260                           | 6,260                            | 6,260                            |
| Oakland Parks, Recreation & Youth Development | 13,496                | 19,773                | 39,328                | 64,050                | 50,663                | -                               | -                                | -                                |
| Human Services                                | 26,343                | 6,681                 | 13,629                | 41,209                | 35,198                | -                               | -                                | -                                |
| Economic & Workforce Development              | 49,865                | 71,967                | 21,046                | 21,696                | 16,870                | -                               | -                                | -                                |
| Housing & Community Development               | 28,746                | 39,755                | 44,218                | 74,681                | 96,848                | -                               | -                                | -                                |
| Planning & Building                           | 615,456               | 716,577               | 945,249               | 985,916               | 1,106,983             | 307,520                         | 307,520                          | 307,520                          |
| Oakland Public Works                          | 2,428,822             | 2,564,838             | 3,165,346             | 3,344,483             | 2,880,337             | 1,709,264                       | 1,949,264                        | 1,949,264                        |
| Transportation                                | -                     | -                     | -                     | -                     | 1,432,179             | 321,810                         | 321,810                          | 321,810                          |
| <b>Grand Total</b>                            | <b>149,975,146</b>    | <b>138,338,797</b>    | <b>156,291,962</b>    | <b>155,704,962</b>    | <b>157,225,811</b>    | <b>118,663,690</b>              | <b>121,908,901</b>               | <b>122,288,962</b>               |



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**19) Will the administration be providing a racial demographic breakdown of proposed budget expenditures and equity analysis of the proposed budget? [Kaplan]**

Please see the response to Question 10 in the FY 2019-21 Budget Development Questions/Responses #1 dated April 26, 2019.

**20) How much total is spent per year on the initial (first) wildfire prevention inspections for privately-owned properties? (For which no fee is currently charged). How much would the inspection fee have to be, for it to be cost-recovering? [Kaplan]**

The initial wildfire prevention inspections for privately-owned properties are currently performed by the Engine Companies (sworn Fire personnel) during regularly scheduled shift assignments. Since this work is performed during regularly scheduled hours, there is no additional cost for the City to perform the first vegetation inspections. A more detailed analysis would need to be performed on the specific staffing structure prior to the adoption of this type of fee to ensure compliance with Proposition 26. However, the Finance Department would estimate that the cost recovery would be approximately \$591 to \$676 per property.

**21) What steps would be necessary to give Fire Department employees and/or other non-sworn personnel authority to issue parking tickets, especially where vehicles are blocking emergency access? What would this cost? [Kaplan]**

Citations relating to the parking, standing, or stopping of vehicles are generally performed by Parking Control Technicians in the Department of Transportation. The authority to issue such citations are granted to these civilian classifications pursuant to OMC Section 10.08.080.

At a minimum, in order for sworn Fire and other civilian classifications to issue parking tickets the City would need to:

- Identify the expanded list of classifications that would be eligible to issue parking citations;
- Analyze and assess the operational impact of this change on the work those classifications are currently performing (e.g., what is the loss of productive time in the employees' current role?) and the potential policy impacts;
- Bargain with the affected unions representing the classifications that would be either losing or gaining work; and,
- Provide adequate training to the new classifications performing the parking citation function relating to the Oakland Municipal Code, state regulations, radio operation procedures, citation issuance, code enforcement, and report writing, that may not be inherent to their existing job.

**22) The proposed budget shows nearly all of the soda tax dollars going to the Parks and Rec department, but does not provide a breakdown of specific uses of those funds. Please provide an explanation/breakdown of proposed uses of the soda tax funds. [Kaplan]**





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The proposed ongoing allocations of SSBT resources are as follows (by department). These amounts do not include any proposed one-time allocations of FY 2018-19 resources.

| <b>Proposed Ongoing Funding Allocations for FY 2019-21</b>                         |                   |                   |              |
|--|-------------------|-------------------|--------------|
|  | FY 2019-20        | FY 2020-21        | % Allocation |
| <b>Revenue</b>   | <b>10,626,000</b> | <b>10,626,000</b> |              |
| <b>Expenses</b>  |                   |                   |              |
| <b>Administrative</b>  | <b>608,005</b>    | <b>620,932</b>    | <b>6%</b>    |
| Personnel  | 358,005           | 370,932           |              |
| O&M  | 250,000           | 250,000           |              |
| <b>Human Services Department</b>   | <b>1,223,983</b>  | <b>1,245,880</b>  | <b>12%</b>   |
| New & Expanded Food Programs (OPL, OPRYD, HSD)                                     | 1,223,983         | 1,245,880         |              |
| <b>OPRYD</b>   | <b>4,036,035</b>  | <b>4,102,031</b>  | <b>38%</b>   |
| Sustainably Funded and Expanded Programs (Aquatics, Youth Sports, Town Camp, EOSC) | 4,036,035         | 4,102,031         |              |
| <b>Economic &amp; Workforce Development</b>  | <b>400,000</b>    | <b>400,000</b>    | <b>4%</b>    |
| Summer Jobs for Youth  | 400,000           | 400,000           |              |
| <b>SSBT Advisory Board</b>   | <b>4,000,000</b>  | <b>4,000,000</b>  | <b>38%</b>   |
| RFP Set-aside  | 4,000,000         | 4,000,000         |              |

**23) What are the staffing levels for Fire Inspection now and would fully staffed pay for itself? [Kaplan]**

The FY 2019-21 Proposed Budget includes 26.0 FTE Fire Prevention Bureau Inspectors, Civilian (both code inspection and vegetation management).

**24) What is the status of implementation of having non-sworn enforcement personnel for low-level offenses like food truck permit issues, which was directed in the previous budget? [Kaplan]**

Two Municipal Code Enforcement Officers have been working within the Special Activity Permits/Nuisance Abatement Division since June of 2018. Their work has consisted of education and enforcement of mobile food vending ordinances and special activity permit requirements, as well as investigating nuisance abatement cases.

**25) Which positions which have lasted longer than 2 years are still listed at TPTs? What would the cost to convert those positions be? [Kaplan]**

Data is not available to determine which TPT positions have lasted longer than 2 years. The cost of convert all budgeted part-time positions to full time equivalents would be \$9.84 million in the GPF and \$30.23 million in non-GPF funds across both years of the budget, for a two year all funds total of \$40.07 million.

**26) How much would it cost to develop an online resource center hosted by the City of Oakland for families of crime victims who are seeking services? (Gibson-McElhaney)**



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Based on initial conversations between HSD and City's Digital Services team in the Communications Office, the cost to develop an online resource center hosted on the City's current web platform is estimated somewhere between \$60,000 and \$80,000. These estimates are based on a 4-6-month process of research and design, led by the City's Online Services team. The costs include a design researcher to solicit input from individuals impacted by serious violence about their information needs and preferences, and develop design recommendations based on their feedback. Funds at the upper end of the range could be used to stipend research participants for their time and transportation costs. City Digital Services staff, working with HSD, would then finalize content, develop, and test the online site. Ongoing site maintenance would be provided by the City Digital Services team. Based on Council direction, staff could also explore alternative options during the research phase, such as text communication or engagement with impacted individuals.

**27) How much would it cost to also integrate this service/information into the City's existing 311 call services? (Gibson-McElhaney)**

HSD staff have done an initial exploration of possible options to develop a more coordinated point-of-support for families in the aftermath of serious violence, though this initial response is not able to provide a complete picture of costs and options. The need identified by the Councilmember for a broader system of support across City and County systems is an important one that was echoed by participants in HSD's recent Oakland Unite listening sessions, and would benefit from additional research and discussion with internal and external partners.

In developing a preliminary response, HSD staff have consulted with City 311 Call Center staff, OPD Dispatch staff, County 211 staff, County Victim-Witness Assistance Division staff, and community providers involved in crisis response services. In doing so, a range of possible options and considerations were identified. Further research would be needed to accurately determine expected volume of calls, a critical metric for any cost estimates. As a point of reference, OPD reports an average of 30,874 Part I crimes annually, OPD Dispatch receives over 700,000 calls annually, and the City 311 Call Center receives roughly 150,000 calls related to infrastructure annually. Current call volume at one existing local domestic violence crisis line (run by the Family Violence Law Center) is roughly 7,000 call per year.

311 Call Center

In conversation with City 311 Call Center staff, several considerations were discussed. As in other municipalities, 311 is designed to support infrastructure maintenance. Current staffing is low for assigned task, with 7 FTE in Oakland compared to 10 FTE in City of Berkeley (population 122,324 in Berkeley vs. 425,195 in Oakland). Significant additional training would be needed to enable staff to respond to calls related to traumatic events. It is also important to note that 311 staff do not currently provide intensive coordination or follow-up as would likely be necessary to address caller needs related to violence. Given combination of above factors, adding new intake services to existing 311 center is anticipated as high cost and low feasibility. If directed, staff could explore the costs of creating a parallel, but separate, call center structure within the City; start-up and ongoing costs would likely be resource intensive.

Alternate Options to Explore



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Other options the City could explore include integrating Oakland-specific support into County 211 services, and/or building on the capacity of existing Oakland-based crisis response centers. Eden I&R 211 staff shared thoughts on several options for integrating additional Oakland-specific support into County 211 services. A lower-cost option would be to contract with 211 to add additional screening questions for Oakland callers, additional staff training if needed, include triage/referral to Oakland's network of providers, and report data on calls to the City. A higher-cost option could involve 211 providing a dedicated Oakland crisis line with specially trained and assigned staff to help callers navigate to appropriate services in Oakland and Alameda County.

Oakland could also consider developing additional capacity to respond at existing crisis lines (such as the domestic violence crisis hotline operated by the Family Violence Law Center) to fully meet need of victims of violence and their families. This option would allow leveraging of existing relationships between community providers and partners such as OPD, Oakland Unite and the County Victim-Witness Assistance program. Oakland could explore including dedicated City support to enhance or coordinate response to specific types of incidents such as homicides. This option is in-line with a similar structure in Chicago, see example below.

Overarching considerations

In addition to the specific considerations listed above, several overarching notes related to costs and feasibility were mentioned by all local and national partners consulted. These include:

- The City would need to clearly identify who the resource center/hotline is intended to serve (e.g. all victims of crime, or those who have been impacted by specific forms of violence);
- Resource center/hotline staff must be well-trained to ensure response is trauma-informed, and the City would need to clarify intended level of response (e.g. triage and information-sharing versus more intensive coordination and follow-up);
- One of the most critical issues identified was the need to ensure that current resources are sufficient to meet the need of callers, should the City pursue any of the options above – while there are significant investments to support victims of crime at the City and County level, investment in additional resources would be needed to fully meet the needs of callers; and
- Lastly, all partners highlighted the importance of investing funds in ongoing promotion and advertising to ensure utilization of any of the possible options.

With additional Council direction, staff could further explore these options, with the support of a consultant if funds are available (an estimated cost of \$50,000-60,000), and provide a more complete and accurate assessment of specific options and costs.

**28) (Lead Paint Remediation) How much is left in the previous settlement money from the paint company and what are the allowable uses? Is the City allowed to use this money to prepare internal permitting systems so that it is easier for people to quickly qualify for lead paint remediation grants from the over \$20 million of pending lead paint funds? (Gibson-McElhaney)**



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The final receiver order has not been entered, and the court may provide further clarifications regarding the scope of work that may be reimbursed from the fund. It is likely that it will be permissible to use the lead paint fund “to prepare internal permitting systems so that it is easier for people to quickly qualify for lead paint remediation grants” with the following caveat: the City will NOT be reimbursed for funds it spends before judgment is entered. Thus, any money the City spends before the receiver enters his/her order and before the abatement fund is created (by the defendants depositing money into the fund) cannot be reimbursed from the fund. It is also advised that any expenditures from the fund may be subject to challenge by defendants. Finally, the Court has not determined Oakland’s portion of the fund; the City is still litigating about attorneys’ fees and discussing the division of the fund with Alameda County.

**29) Provide examples of other cities that have successfully implemented victim advocacy or support services for victims/surviving families/witnesses. How were those cities’ programs structured in terms of staffing and related resources? (Gibson-McElhaney)**

HSD staff consulted with colleagues familiar with the national landscape, and with leaders of victim support services in Milwaukee, Chicago, and an international example from Israel. Summaries of these models are included below. As context, a summary of existing Oakland/Alameda County structures is also included. With direction from Council, staff could pursue additional research about program models in these and other areas. On initial review, Chicago’s model seems most promising in terms of comprehensiveness and feasibility of replicating locally.

| City        | Description of Services  |
|-------------|--|
| Chicago, IL | <ul style="list-style-type: none"> <li>• Chicago offers a website and 24-hour hotline for families of homicide</li> <li>• Hotline calls are routed to the domestic violence center hotline, next-of-kin calls for every homicide are sent to this hotline by Chicago Police</li> <li>• Hotline dispatcher connects survivor to crisis responder employed by Chicago Survivors (a local community-based organization), their staff are the family liaison and mediator with police</li> <li>• Various tiers of service are provided for families of homicide:               <ul style="list-style-type: none"> <li>○ Immediate crisis response 2-5 days after a homicide;</li> <li>○ In home family support and case management;</li> <li>○ triage, counseling and referral for children and youth;</li> <li>○ peer to peer survivor support group, workshops, family dinners, memorial events and advocacy opportunities; and</li> <li>○ Court based criminal justice advocacy and unsolved case meetings</li> </ul> </li> <li>• Website: <a href="https://chicagosurvivors.org/">https://chicagosurvivors.org/</a></li> </ul> |





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|  |   |
|--|---|
| Milwaukee, WI                                  | <ul style="list-style-type: none"> <li>• Similar to Oakland, Milwaukee offers various services for victims of violence, but does not have central hub to field calls and coordinate services for victims</li> <li>• Through the District Attorney's Office, victims can access protection services, burial and relocation support, similar to victim services offered in other jurisdictions</li> <li>• Hospital-based services include crisis intervention, case management, and mental health support for youth victims of violence, as well as mobile behavioral health counseling for children and families exposed to violence</li> <li>• Some staff are based at the City's Office of Violence Prevention and some at County health agencies (more staffing detail could be provided with time)</li> <li>• Website: <a href="https://spark.adobe.com/page/CsDD3qWrxADwj/">https://spark.adobe.com/page/CsDD3qWrxADwj/</a></li> </ul>  |
| NATAL Trauma Center for Victims of War, Israel | <ul style="list-style-type: none"> <li>• Provides a 24-hour hotline for survivors of war and violence</li> <li>• Hotline provides mental health support over the phone and can link to short or long-term support based on need</li> <li>• Volunteers are assigned to callers and speak with them on a weekly basis for 20 minutes; volunteers receive 6-month trauma training and supervision and guidance from NATAL staff</li> <li>• Callers who require more comprehensive treatment are assigned to the clinical unit, staffed by clinicians</li> <li>• Website: <a href="https://www.natal.org.il/en/about-us/our-helpline/">https://www.natal.org.il/en/about-us/our-helpline/</a></li> </ul>  |
| Oakland, CA                                    | <ul style="list-style-type: none"> <li>• Oakland has a range of services and supports for victims of violence, but does not have a single coordinated point of entry, as noted by the Councilmember</li> <li>• The Victim-Witness Assistance Division of the District Attorney's Office provides advocacy to victims through trained victim advocates, and offers referrals to appropriate service based on assessment</li> <li>• Other County services for victims include crisis intervention by Behavioral Health Care Services and resources at the Family Justice Center for individuals and families experiencing domestic violence, stalking, sexual assault and exploitation, child abuse, child abduction, elder and dependent adult abuse, and human trafficking</li> <li>• Oakland-based victim resources, partially supported by Oakland Unite funding, include crisis response and long-term support services for victims of gender-based violence and gun violence; these resources are based at community-based organizations including the Family Violence Law Center, Youth ALIVE!, Catholic Charities of the East Bay, BAWAR, MISSSEY, and Covenant House</li> <li>• Websites: <a href="https://www.alcoda.org/victim_witness/available_services">https://www.alcoda.org/victim_witness/available_services</a> and <a href="http://oaklandunite.org/violent-incident-crisis-response/">http://oaklandunite.org/violent-incident-crisis-response/</a></li> </ul> |



**30) (Ghostship Reforms) What progress has the City made with the post ghost ship reforms? Under current funding levels, when will they be completed and what are options for greater investment to expedite the process? To put this another way, over the next two-year budget cycle, what are the outcomes that are expected from the ghost-ship reform process begun under Executive Order 2017-01 and presented to Council in the report "Displacement Prevention and Safe Habitation" dated January 31, 2017? (Gibson-McElhaney)**

**Improve Interdepartmental Coordination and Communication:**

- Fire Prevention, Code Enforcement, and the City Attorney's Office meets weekly to identify, mitigate, and manage progress for unpermitted commercial or industrial spaces.
- Fire Prevention, Code Enforcement and the Housing Department has developed a workflow and notification process concerning Housing Habitability Violations and coordinates our efforts to prevent tenant displacement.

**Notice to Tenants:**

- The department posts on all entry ways a Code Enforcement Action notice in 3 languages when an Order to Abate – Habitability and Substandard Public Nuisance notice is issued.
- As of February 1st all Notice of Violation's are available to the public on the Accela Citizens Access Portal.
- Notices are available by request at the Inspections Counter to tenants.

**Update Zoning and Building Codes:**

- The Department has examined best practices from other jurisdictions and currently is in the process of engaging a consultant to provide alternate code provisions as a pathway to legalize live-work occupancy of commercial and industrial buildings. We are finalizing the terms of the contract with the Consultant and our goal is to commence work in June.

**Increase Staffing Capacity:**

- The department currently has 14 Code Enforcement Inspectors, 2 Senior Code Enforcement Inspectors and a Supervisor. There is one additional inspector position that recently was vacated and interviews are currently underway to fill.
- The FY 2019-2021 Budget request includes an additional 2 Inspectors, 1 Supervisor, 1 Admin Analyst II and an Office Assistant PT to assist with Code Enforcement Services.
- This budget also proposes assigning one of the existing Process Coordinators III vacant positions to expediting permit issuance and assisting property owners with obtaining the required permits necessary to remove unpermitted/unsafe construction items and legalize undocumented dwelling units.

**31) Please respond with an operational assessment of what it would take to restore a Metro division to OPD so that officers are no longer pulled away from adjacent neighborhood issues to address the increasing number of incidents Downtown.**



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**Please respond with the fiscal implications of creating a Metro Division along with the expected improvements in service to the downtown/uptown area. (Gibson-McElhaney)**

The role of the Metro Area Unit would be to provide police coverage in the immediate downtown area. The area boundaries would be East of Interstate 980, West of Lake Merritt, North to W. Grand, and South to Embarcadero. The preliminary resources needed to stand this plan up are as follows:

- 1 Captain
- 2 Lieutenants
- 6 Sergeants
- 4 Foot Patrol squads (32 officers)
- 2 Late Tac squads (16 officers)

The schedule will be as follows:

- Day Watch Foot Patrol Squads: Monday - Thursday, 0600-1600 and Tuesday - Friday, 0700-1700
- Swing Shift Foot Patrol Squad: Tuesday - Friday or Monday - Thursday, 1400-0000
- Dog Watch Foot Patrol Squad: Monday - Thursday, 2100-0700
- Late Tactical Squads: Friday - Sunday/ Monday, 1800-0600

The aforementioned resources would require approximately 24 vehicles.

These times are subject to change based on the need for coverage. Based on the information provided, the cost would be approximately \$11.3M for personnel and \$1.4M for vehicles.

**32) How successful has the partnership with Alameda County been pairing social workers with OPD officers to respond to 5150 calls? What improved outcomes would we realize by expanding this program? Are all OPD officers trained to de-escalate and respond to a person experiencing psychological distress? (Gibson-McElhaney)**

The Alameda County Behavioral Health Care Services (BHCS) partnership with OPD that pairs a mental health clinician with an OPD Officer is known as the Mobile Evaluation Team (MET). For clarification, mental health clinicians are paired with an OPD officer, not social workers.

The partnership with BHCS has been widely accepted by officers and the community. In the near future, a second team will be deployed and eventually there will be a total of four (4) teams in the field co-responding to mental health calls for service.

MET is a first responder model which provides a Crisis Intervention Trained officer and specialized mobile clinician who use effective and compassionate methods of approaching psychiatric emergencies in the field which often make the process more efficient.

The MET unit responds as first responders to crisis calls suspected of involving some level of psychiatric need on average eight (8) times per shift. The ability of the team to respond to



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emergency calls in real time increases the odds of positive outcomes and prevent crisis escalation and sometimes serious crimes.

The MET unit also responds to calls which are not routed through the 9-1-1 system, instead are County Crisis Line generated...which prevents them from escalating and entering the 9-1-1 system.

When the scene is safe, the benefits of pairing an officer with a clinician gives the community the ability to communicate with whom they are more comfortable. Trust of law enforcement and trust of "doctors" vary for individuals in crisis. Successful encounters are dependent upon the understanding and cooperation, of not only the subject experiencing the crisis, but also family members and care workers. Depending on the scenario, a clinician or an officer can be more effective in de-escalating a crisis scenario.

Collaboration and direct open lines of communication with case managers, social workers and facilities ensures continuation of care and reduced chances of recidivism, escalation in behaviors and decompensation. This is only possible because of the program's Memorandum of Understanding.

The MET officer has experienced a great deal of success with subjects encountered by utilizing the individuals case manager. In doing so, they are often able to divert subject to alternative services that would not be an immediate option without the clinicians knowledge/connection to the system. The officer's ability to access previous criminal history to determine trends and likelihood of violent behavior is also critical to safely navigating a crisis call.

The MET model allows beat officers to be available to respond to non-mental health related calls for service.

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Yes, all OPD officers are trained to deescalate and respond to persons experiencing psychological distress. OPD Basic Academy covers de-escalation and persons experiencing mental health challenges (including crisis) in Learning Domain (LD) #37.

The OPD Continuous Police Training (CPT) cycle often offers additional de-escalation and mental health related classes on a rotating basis.

Attached are the current numbers for Alameda County officers trained in Crisis Intervention Training (CIT), an advanced level of training for officers in the field.

- OPD, by far, has the highest number of officers trained in the County
- The patrol division is a rotating assignment and often staffed by the most junior officers.
- Classes are offered 6-8 times per year and OPD consistently registers officers to attend.

The Mental Health and CIT Unit is in the process of creating an 8-hour CIT Update course for officers.

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## HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

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The Department currently has Domestic Violence Advocates available to respond to a victim upon request. However, they will not respond if the suspect is out of custody and at the victim's residence. The advocates will arrive at hospitals or public places unknown to the suspect.

OPD would need to consult staff at Family Violence Law Center (FVLC) to determine if they are open to riding along with an officer, like the Mental Health Unit, and respond to Domestic Violence calls. It is unknown if FVLC has the personnel to implement this type of partnership.

**33) Has the City begun the work of a nexus study to examine replacing the current inefficient condo conversion system with an impact fee? If not, how much would it cost for a nexus study and a feasibility analysis to undergird policy development of such a system (like Berkeley's)? (Gibson-McElhaney)**

The current effort to update and revise the city's condo conversion ordinance is being led by the office of Council District 1. The Planning Bureau would welcome a larger role in this effort, including but not limited to looking at what the cost would be to undertake a nexus study and a feasibility analysis to examine replacing the current "conversion rights" system with an impact fee.

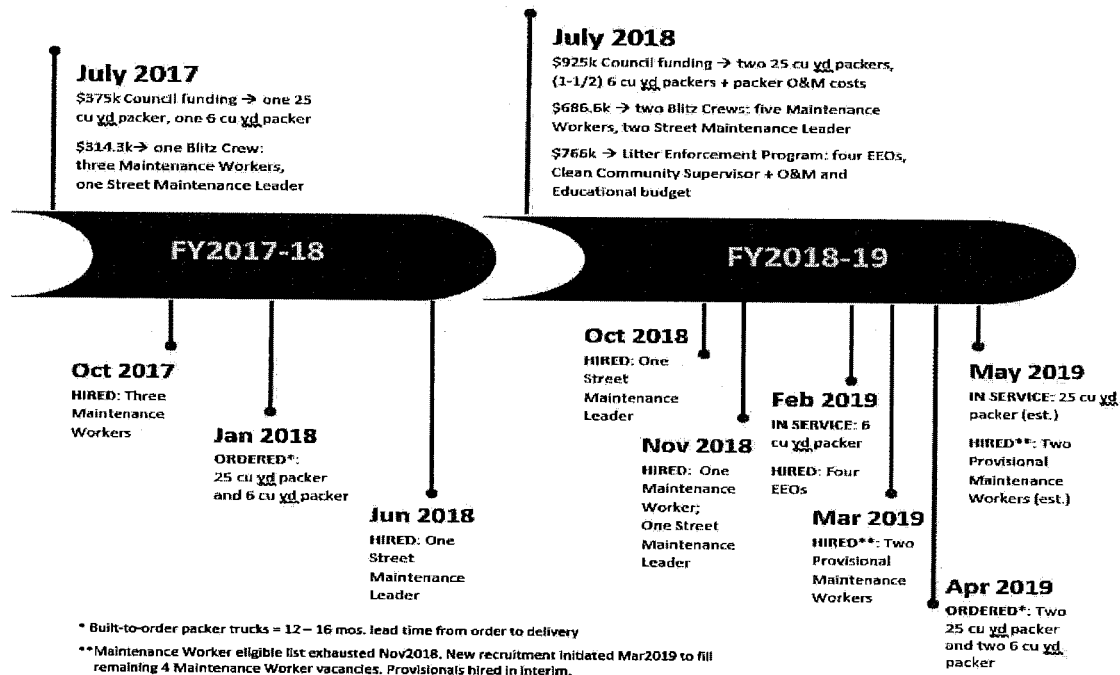
As background, the Planning Bureau recently received a \$60,000 bid from Linda Hausrath Associates for an SRO Impact Fee Study. It took about 4 months for her to work on the project with Bob Spencer from Urban Economics as a sub. The SRO Impact Fee Study did not include an economic feasibility analysis, so a Condo Conversion nexus study and a feasibility analysis could take additional time and money.

**34) What investments did the City make in the FY17-19 budget cycle towards reducing illegal dumping in the City? How much have those investments been implemented, what outcomes can be attributed to those investments, and how do those outcomes compare to what the Administration expected? (Gibson-McElhaney)**

See attached infographic for the most current update:



**COUNCIL-APPROVED ILLEGAL DUMPING RESOURCES TIMELINE**



35) How did the City fund graffiti abatement in the past two budget cycles and what were the outcomes and impacts? (Gibson-McElhaney)

In the last two (2) budget cycles this was the graffiti abatement funding and outcomes.

|                            | FY 2015-16         | FY 2016-17         | FY 2017-18       | FY 2018-19       |
|----------------------------|--------------------|--------------------|------------------|------------------|
| Electrical Painter         | 3                  | 3                  | 0 a              | 0                |
| Painter                    | 4                  | 4                  | 3 b              | 3                |
| Public Works Supervisor I  | 1                  | 1                  | 1                | 1                |
| Labor Cost                 | \$954,935          | \$968,607          | \$717,158        | \$739,998        |
| O & M                      | \$90,000           | \$70,000           | \$70,000         | \$70,000         |
| <b>Total</b>               | <b>\$1,044,935</b> | <b>\$1,038,607</b> | <b>\$787,158</b> | <b>\$809,998</b> |
| Service Requests Completed | 3,437              | 2,044              | 2,489            | 2,227 c          |
| Square Footage Abated      | 617,304            | 798,446            | 610,553          | 491,307 c        |

a = Electrical Painters (2.00 FTEs) were eliminated in FY17-19 Budget and electrical poles are no longer repainted. The remaining painters are now responsible for painting over graffiti on public assets.

b = One (1) Painter position was frozen until 7-1-19

c = Data through March 2019

**Note:** The electrical painters (EP) primarily repainted street light poles, but they also abated graffiti on public property when their equipment was down or during inclement weather.



## HONORABLE MAYOR AND CITY COUNCIL

Subject: FY 2019-21 Budget Development Questions/Responses #2

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**36) When does the tracking system for vacant lot registration expect to become available? (Gibson-McElhaney)**

The vacant property parcel tax is effective July 1, 2020 (second year of the two-year budget). Staff will work on developing implementing regulations during FY 2019-20 (first year of the budget) and anticipates having more refined data at that time.

**37) In the FY15-17 budget cycle, the City Council directed the City Administrator to return to the Finance and Management Committee regularly with an informational report to track the implementation of Council priorities. This practice was not continued in the FY17-19 budget cycle. What are considered the best practices in publicly reporting on progress towards implementing City priorities? Based on these best practices, what does the City Administrator recommend that Council consider implementing and what are the costs of each of them? (Gibson-McElhaney)**

Council may consider designating a single point of contact to coordinate and report on budget implementation or require the responsible departments to report back to Council separately. We suggest that this be done through a public Information Memo in order to achieve cost efficiencies and not have to go through full Council agenda process, which is costly. Centralizing this function would require a 1.00 full time employee and cost approximately \$198K annually. The Budget Bureau currently lacks the capacity without augmenting the existing day to day budget work.

To avoid duplicity, Council should also consider the current level of informational reports provided by departments, since these reports may already be communicating implementation of Council priorities. Furthermore, inconsistencies may arise if multiple sources are reporting on budget implementation which may lead to confusion.

**38) What systems or processes will be put in place to provide timely information on all contracts and spending undertaken under the Administrator's authority during recess? (Gibson-McElhaney)**

As part of the City Council Meeting schedule for the calendar year, the Summer Recess Agenda is included. For example, the 2019 calendar year includes Summer Recess Agenda dates of August 6, 13, 20 and 27. Staff prepares written reports for these agenda dates similar to those prepared during the regular legislative session. Each Summer Recess Agenda is posted for public access. In addition, staff prepares an agenda report that summarizes all actions taken during the Summer Recess and requests City Council ratify all actions taken. Staff forwards that report to the City Council within the first month upon their return from the Summer Recess..

**39) If the City were to established camp zones and standards (e.g., KOA model) for the homeless, how much would it cost to administer these zones? Assume each zone provides enough space for 100 people. (Gibson-McElhaney)**

Estimated costs for establishing KOA style campground for 100 people can be found below. In this model, we have based staffing on what we recommend for a site this large (double staffing at all times) and somewhat similar to our model for community cabins but without flex funds. However, you could scale this model down with more minimal staffing and/or use



## HONORABLE MAYOR AND CITY COUNCIL

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elements of self-governed models. We do, however, recommend, extra staffing in the early stages and recommend minimal staffing and/or security at all times. We have seen in other communities, where a large loosely regulated campground models have suffered from illegal activity and violence and had to be disbanded. However, if a site were to open and be stable for a period of time, the second staff person could potentially be replaced with a campground member who plays this role in an internship/job training position thus reducing costs. This model also does not include any services or flex funds. So, while it may address immediate health and safety needs of unsheltered individuals and their sheltered neighbors, it is not likely to result in many positive housing outcomes.

| KOA MODEL Proposed Budget (100 participants) |                  |      |   |
|--|------------------|------|---|
| BUDGET CATEGORY                              |                  |      |   |
| Personnel                                    | Amount           | FTE  |   |
| <b>Staff Wages and Salaries</b>              |                  |      |   |
| Site Manager                                 | \$87,360         | 2.00 | Two fulltime Site Managers at \$43,680 per year per manager   |
| Maintenance                                  | \$15,000         | 0.50 | Includes time purchasing supplies, setting up generators and lights, and other site maintenance.  |
| Site Security                                | \$270,560        |      | Includes two on-site personnel for all hours when the Site Manager is not present (128 hours/week) to ensure resident comfort and safety. Base cost \$20/hour x two people x 128 hours weekly x 52 weeks in a year = \$266,240. Extra \$10/hour for nine 24-hour holidays for 2 people = \$4,320. |
| Subtotal wages and salaries                  | \$372,920        |      |   |
| Benefits (28%)                               | \$104,418        |      |   |
| <b>Total Personnel</b>                       | <b>\$477,338</b> |      |   |
| <b>Operations &amp; Maintenance</b>          |                  |      |   |
| Water  | \$20,400         |      | based on \$1,700 per month cost   |
| Portapotties                                 | \$80,400         |      | based on \$6,700 per month (based on Northgate baseline x 150%)   |
| Site Set Up                                  | \$75,000         |      | estimate  |
| <b>Total O&amp;M Cost</b>                    | <b>\$175,800</b> |      |   |
| <b>Total Budget</b>                          | <b>\$653,138</b> |      |   |

**40) What is the cost of a high level administrator to focus exclusively on homelessness? (Gibson-McElhaney)**

Staff believes that a high-level project management type position – at a cost of approximately \$395,411 in FY 2019-20 and \$408,757 in FY 2020-21 (fully burdened) – would be sufficient to provide administration and coordination of homelessness services and programs.

For questions, please contact Adam Benson, Budget Administrator, at (510) 238-2026.

Respectfully submitted,

/s/

KATANO KASAINÉ  
Director of Finance





**OVERTIME REPORTS**





FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2019 FEB 13 AM 11:31

## AGENDA REPORT

TO: Sabrina B. Landreth  
City Administrator

FROM: Anne E. Kirkpatrick  
Chief of Police

SUBJECT: Monthly Report on Police Overtime

DATE: January 22, 2019

City Administrator  
Approval

Date

2/7/19

### RECOMMENDATION

**Staff Recommends That The City Council Receive This Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.**

### EXECUTIVE SUMMARY

The purpose of this informational report is to provide data on overtime policy, use, and accountability in OPD as of December 28, 2018.

### BACKGROUND AND LEGISLATIVE HISTORY

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

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

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

On January 9, 2018, staff presented the first supplemental report to the Finance and Management Committee as well as the Public Safety Committee. Members of both committees stated that they were unable to locate the information they were seeking in the report. One of the concerns expressed by committee members was that it was difficult to distinguish

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Finance and Management Committee  
February 19, 2019

information concerning OPD from information concerning OFD. In response, OPD and OFD each drafted standalone comprehensive overtime reports that were responsive to the initial questions posed by Finance and Management Committee members on October 24, 2017 as well as the concerns expressed by Finance and Management Committee members and Public Safety Committee members on January 9, 2018.

On February 27, 2018, staff presented the second supplemental report to the Finance and Management Committee and the Public Safety Committees. In response, the Public Safety Committee requested a monthly report from both OPD and OFD, and additional information from OPD. The information below was previously been provided to the Public Safety Committee:

- The different categories in the overtime budget including actual amounts.
- A breakdown of the areas where overtime is budgeted.
- An explanation of who approves overtime expenditures.
- What amount is approved for each commander (such as area captains) and how this amount is tracked to ensure that it is not overspent.
- An explanation of the service level demands that have resulted in an insufficient overtime budget including a justification for critical work that has resulted in an appreciable decrease in crime.
- An explanation of why reimbursable events are included in the list of Special Event/ Enforcement overtime and what the tracking mechanisms concerning reimbursement.
- Specific Negotiated Settlement Agreement (NSA) requirements and actual overtime costs created by each.
- Overtime reduction strategies and tracking to ensure reduction.

On April 24, 2018, staff presented a monthly overtime report to the Public Safety Committee. In response, the Public Safety Committee requested information concerning the effectiveness of OPD's overtime reduction strategies as well as clarification concerning OPD Special Events and Special Enforcement as well as reimbursable overtime. On May 22, 2018, OPD presented an overtime report that included information on overtime reduction strategies and clarification about OPD Special Events and Special Enforcement as well as reimbursable overtime. On June 26, 2018, OPD presented information about the impact on patrol staffing when filling positions for special events on overtime as well as negative impacts on the performance and conduct of individual officers who work large amounts of overtime. On October 23, 2018, OPD presented an overtime report that included information about overtime spending for OPD through June 30, 2018.

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### **ANALYSIS AND POLICY ALTERNATIVES**

As of December 28, 2018, OPD spent \$18,714,791 in General Purpose Fund (GPF) overtime for FY 2018-19. **Attachment A** provides breakdowns by element and by organizational code (org).

The OPD overtime policy has been rewritten and is expected to go into effect by March 2019. This policy should serve to provide greater accountability for overtime use by requiring additional overtime monitoring and documentation by commanders and managers.

### **FISCAL IMPACT**

The adopted GPF overtime budget for OPD for FY 2018-19 is \$12.3 million. The adjusted GPF overtime budget for OPD is \$14 million. The internal GPF overtime budget for OPD for FY 2018-19 is \$21 million.

### **PUBLIC OUTREACH / INTEREST**

This item does not require additional public outreach, other than posting on the City's website.

### **COORDINATION**

This report was prepared by OPD Research and Planning in coordination with OPD Fiscal Services.

### **SUSTAINABLE OPPORTUNITIES**

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

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

**Social Equity:** There are no social equity opportunities associated with this item. All members of the Oakland community deserve the best service available. Overtime is sometimes used to ensure service delivery.

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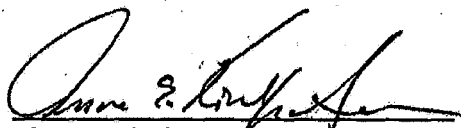
Sabrina B. Landreth, City Administrator  
Monthly Report on Public Safety Overtime  
Date: January 22, 2019

**ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE**

Staff Recommends That The City Council Receive This Monthly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.

For questions regarding this report, please contact Timothy Birch, Police Services Manager I, at (510) 238-6443.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Prepared by:  
Timothy Birch, Police Services Manager I  
OPD, Training Division, Research and Planning

Reviewed by:  
Oliver Cunningham, Deputy Chief of Police  
OPD, Bureau of Investigations

D. Nell Wallington, Police Services Manager I  
OPD, Bureau of Services, Fiscal Section

Attachments (1):  
A – Overtime spent in the Oakland Police Department as of December 28, 2018

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Attachment A

## Oakland Police Department GPF Overtime Expended July 1, 2018 to December 28, 2018

| OPD OT BY ELEMENT:           | Jul              | Aug              | Sep              | Oct              | Nov              | Dec              | Jan | Feb | Mar | Apr | May | Jun | Total             |
|------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|-----|-----|-----|-----|-----|-----|-------------------|
| Acting Higher Rank           | 42,200           | 89,234           | 49,322           | 36,854           | 51,160           | 39,096           |     |     |     |     |     |     | 307,867           |
| Administrative Investigation | 103,300          | 101,002          | 124,448          | 137,366          | 148,425          | 118,166          |     |     |     |     |     |     | 732,707           |
| Backfill                     | 616,507          | 577,003          | 498,533          | 546,282          | 568,061          | 541,253          |     |     |     |     |     |     | 3,347,640         |
| Callback                     | 107,474          | 85,378           | 89,849           | 85,130           | 77,970           | 72,222           |     |     |     |     |     |     | 518,023           |
| Canine                       | 3,220            | 3,182            | 2,711            | 2,994            | 2,787            | 3,144            |     |     |     |     |     |     | 18,037            |
| Community Meetings           | 376              |                  | 376              | 435              |                  | 392              |     |     |     |     |     |     | 1,580             |
| Comp Time Earned             | 33,309           | 39,495           | 46,140           | 28,948           | 25,576           | 19,349           |     |     |     |     |     |     | 192,817           |
| Court                        | 26,882           | 42,378           | 24,913           | 29,716           | 17,546           | 24,096           |     |     |     |     |     |     | 165,530           |
| Extension of Shift           | 484,522          | 509,088          | 523,672          | 491,366          | 391,233          | 345,260          |     |     |     |     |     |     | 2,745,140         |
| FLSA                         | 105,135          | 151,956          | 151,966          | 162,982          | 145,342          | 135,486          |     |     |     |     |     |     | 852,867           |
| Holiday                      | 286,049          | (461)            | 505,965          | (2,104)          | 676,288          | 205,180          |     |     |     |     |     |     | 1,670,917         |
| Recruiting/Background        | 74,441           | 61,783           | 56,458           | 44,848           | 46,447           | 33,219           |     |     |     |     |     |     | 317,196           |
| Special Events/Enforcement   | 796,685          | 1,334,211        | 1,788,782        | 989,023          | 824,367          | 925,798          |     |     |     |     |     |     | 6,658,867         |
| Training                     | 202,003          | 163,017          | 170,382          | 228,767          | 228,560          | 192,855          |     |     |     |     |     |     | 1,185,605         |
| <b>Total</b>                 | <b>2,882,103</b> | <b>3,157,266</b> | <b>4,033,517</b> | <b>2,782,606</b> | <b>3,203,782</b> | <b>2,655,517</b> |     |     |     |     |     |     | <b>18,714,791</b> |

Attachment A

## Oakland Police Department GPF Overtime Expended July 1, 2018 to December 28, 2018

OPD OT BY  
ORG:

| Organizational Unit                       | Jul     | Aug     | Sep     | Oct     | Nov     | Dec    | Jan | Feb | Mar | Apr | May | Jun | Total     |
|---|---------|---------|---------|---------|---------|--------|-----|-----|-----|-----|-----|-----|-----------|
| 101110 - Office of Chief - Administration | 5,802   | 5,441   | 6,882   | 3,819   | 4,001   |        |     |     |     |     |     |     | 25,945    |
| 101112 - Public Information Unit          |         | 4,746   | 957     | 5,267   | 5,402   | 2,654  |     |     |     |     |     |     | 19,026    |
| 101120 - Internal Affairs                 | 31,559  | 41,728  | 71,849  | 64,287  | 57,179  | 37,945 |     |     |     |     |     |     | 304,548   |
| 101130 - Office of the Inspector General  | 2,097   |         | 291     | 142     | 1,808   | 1,356  |     |     |     |     |     |     | 5,693     |
| 101140 - Intelligence Unit                | 577     | 6,804   | 8,277   | 2,927   | 7,310   | 917    |     |     |     |     |     |     | 26,811    |
| 102120 - Property and Evidence            | 12,161  | 10,125  | 13,602  | 10,968  | 8,560   | 9,452  |     |     |     |     |     |     | 64,868    |
| 102130 - Special Victims Section          | 51,622  | 50,974  | 79,026  | 68,414  | 89,033  | 78,828 |     |     |     |     |     |     | 417,898   |
| 102280 - Crime Analysis Section           |         | 609     | 827     |         | 305     | 2,292  |     |     |     |     |     |     | 4,032     |
| 102310 - Criminal Investigations          |         |         |         |         |         |        |     |     |     |     |     |     | 0         |
| 102320 - Homicide                         | 25,117  | 11,132  | 24,577  | 6,577   | 33,173  | 22,814 |     |     |     |     |     |     | 123,390   |
| 102321 - Misdemeanor Crimes & Task Forces | 107,767 | 288,497 | 379,476 | 194,756 | 106,791 | 69,045 |     |     |     |     |     |     | 1,146,331 |
| 102324 - Felony Assault & Gang Section    | 57,455  | 71,691  | 66,275  | 61,769  | 72,406  | 53,025 |     |     |     |     |     |     | 382,620   |
| 102330 - Robbery & Burglary Section       | 73,917  | 52,655  | 54,791  | 68,152  | 58,705  | 59,207 |     |     |     |     |     |     | 367,428   |

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Attachment A

## Oakland Police Department GPF Overtime Expended July 1, 2018 to December 28, 2018

| Organizational Unit                               | Jul     | Aug     | Sep     | Oct     | Nov     | Dec     | Jan | Feb | Mar | Apr | May | Jun | Total     |
|---|---------|---------|---------|---------|---------|---------|-----|-----|-----|-----|-----|-----|-----------|
| 102341 - ID Unit                                  | 2,668   | 3,252   | 3,855   | 2,565   | 3,573   | 3,003   |     |     |     |     |     |     | 18,916    |
| 102350 - Youth & School Services Section          | 14,020  | 10,336  | 4,152   | 226     | 3,873   | 2,059   |     |     |     |     |     |     | 34,665    |
| 102610 - Criminalistics Unit                      | 272     | 947     | 1,651   | 558     | 1,793   | 970     |     |     |     |     |     |     | 6,191     |
| 103110 - Bureau of Services - Administration Unit |         |         |         |         | 775     | 423     |     |     |     |     |     |     | 1,197     |
| 103242 - Records & Warrants                       | 36,404  | 31,812  | 37,869  | 30,910  | 34,596  | 30,212  |     |     |     |     |     |     | 201,803   |
| 103310 - Communications Unit                      | 176,405 | 160,520 | 210,981 | 157,581 | 245,818 | 183,512 |     |     |     |     |     |     | 1,134,816 |
| 103430 - Training Unit                            | 221,136 | 193,839 | 192,254 | 264,780 | 269,492 | 211,671 |     |     |     |     |     |     | 1,353,172 |
| 106210 - Police Personnel                         | 11,868  | 10,682  | 9,434   | 8,112   | 7,406   | 8,368   |     |     |     |     |     |     | 55,870    |
| 106410 - Police Information Technology            | 6,417   | 14,551  | 5,930   | 7,115   | 16,316  | 14,148  |     |     |     |     |     |     | 64,476    |
| 106510 - Fiscal Services                          | 370     |         |         |         |         | 1,756   |     |     |     |     |     |     | 2,125     |
| 106610 - Background & Recruiting                  | 79,210  | 73,597  | 67,867  | 51,277  | 64,067  | 34,028  |     |     |     |     |     |     | 370,047   |
| 106810 - PAS Administration                       | 4,391   | 4,349   | 6,277   | 10,142  | 4,254   | 3,169   |     |     |     |     |     |     | 32,582    |
| 107410 - Support Operations                       | 1,530   |         |         |         | 2,983   | (827)   |     |     |     |     |     |     | 3,687     |

Attachment A

## Oakland Police Department GPF Overtime Expended July 1, 2018 to December 28, 2018

| Organizational Unit                      | Jul              | Aug              | Sep              | Oct              | Nov              | Dec              | Jan | Feb | Mar | Apr | May | Jun | Total             |
|--|------------------|------------------|------------------|------------------|------------------|------------------|-----|-----|-----|-----|-----|-----|-------------------|
| 107510 - Traffic Operations              | 63,558           | 63,768           | 54,993           | 45,858           | 59,028           | 53,234           |     |     |     |     |     |     | 340,438           |
| 107710 - Special Operations              | 539,814          | 848,548          | 1,184,301        | 744,694          | 594,718          | 745,693          |     |     |     |     |     |     | 4,657,768         |
| 108010 - District Command Administration | 2,682            | 2,516            | 6,701            | 3,256            | 5,553            | 5,813            |     |     |     |     |     |     | 26,521            |
| 108110 - Area 1                          | 372,795          | 317,865          | 385,056          | 272,757          | 366,723          | 280,534          |     |     |     |     |     |     | 1,995,731         |
| 108120 - Area 2                          | 184,136          | 136,701          | 212,428          | 131,419          | 189,087          | 122,695          |     |     |     |     |     |     | 976,468           |
| 108130 - Area 3                          | 211,680          | 236,731          | 287,649          | 186,885          | 269,183          | 183,574          |     |     |     |     |     |     | 1,375,704         |
| 108140 - Area 4                          | 139,550          | 158,249          | 202,890          | 118,333          | 191,800          | 134,446          |     |     |     |     |     |     | 945,268           |
| 108150 - Area 5                          | 297,194          | 222,482          | 322,578          | 203,104          | 281,892          | 187,799          |     |     |     |     |     |     | 1,515,050         |
| 108630 - Ceasefire                       | 147,168          | 120,007          | 128,669          | 55,949           | 145,409          | 110,691          |     |     |     |     |     |     | 707,894           |
| 108710 - Neighborhood Services Section 1 | 517              |                  | 768              |                  | 384              |                  |     |     |     |     |     |     | 1,669             |
| 108820 - Neighborhood Services Section 2 | 243              | 2,110            | 384              | 9                | 384              | 391              |     |     |     |     |     |     | 3,521             |
| <b>Total</b>                             | <b>2,882,103</b> | <b>3,157,266</b> | <b>4,033,517</b> | <b>2,782,606</b> | <b>3,203,782</b> | <b>2,655,517</b> |     |     |     |     |     |     | <b>18,714,791</b> |



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OAKLAND

2019 FEB 21 AM 11: 19

## AGENDA REPORT

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

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

**SUBJECT:** Supplemental Quarterly Report on  
Police Overtime

**DATE:** February 19, 2019

City Administrator  
Approval

Date

2/20/19

### RECOMMENDATION

**Staff Recommends That The City Council Receive This Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.**

### REASON FOR SUPPLEMENTAL

On February 19, 2019, the Finance and Management Committee requested additional information from OPD:

- A detailed accounting of all reimbursements for Special Event and Special Operation overtime
- An explanation of how the proposed overtime policy differs from the current overtime policy

The detailed accounting of all reimbursements for the first and second quarters of Fiscal Year (FY) 2018-19 are provided as **Attachment A**.

**Attachment B** is the current version of OPD Department General Order (DGO) D-01, Overtime Policy, Accounting and Compensation. **Attachment C** is a draft version of the same document. The draft is essentially a complete rewrite of the current document. The draft still requires further review by OPD staff as well as all three OPD bargaining units prior to completion and implementation. The primary objectives in rewriting DGO D-01 are:

- To improve accountability and management of overtime use
- To simplify a complicated policy and provide better instruction for OPD personnel
- To eliminate language that is covered by – and potentially conflicts with provisions of labor Memoranda of Understanding (MOU)
- To eliminate unnecessary and confusing language such as that addressing court appearance overtime (court appearances are addressed in DGO E-01, Departmental Subpoena Service and court appearance compensation is addressed in MOU)

Item: \_\_\_\_\_  
City Council  
February 26, 2019

Sabrina B. Landreth, City Administrator  
Supplemental Quarterly Report on Police Overtime  
Date: February 19, 2019

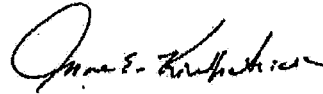
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**ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE**

Staff Recommends That The City Council Receive This Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.

For questions regarding this report, please contact Timothy Birch, Police Services Manager I, at (510) 238-6443.

Respectfully submitted,



---

Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Prepared by:  
Timothy Birch, Police Services Manager I  
OPD, Training Division, Research and Planning

Reviewed by:  
Oliver Cunningham, Deputy Chief of Police  
OPD, Bureau of Investigations

D. Nell Wallington, Police Services Manager I  
OPD, Bureau of Services, Fiscal Section

Attachments (1):

- A – Detailed accounting of reimbursable Special Events/Special Operations overtime spent in the Oakland Police Department for the third and fourth quarters of FY 2018-19
- B – Current version of OPD DGO D-01 Overtime Policy, Accounting and Compensation
- C – Draft version of OPD DGO D-01, Overtime

Item: \_\_\_\_\_  
City Council  
February 26, 2019

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OAKLAND

OPD Special Events and Special Enforcement Overtime July 1 – December 31, 2018

| Event                          | Amount    | 2019 FEB 21 AMT: 19 Event | Amount   |
|--------------------------------|-----------|---------------------------|----------|
| AC Transit Project             | \$526,192 | Warriors vs. Raptors      | \$21,284 |
| Rolling Loud Music             | \$191,668 | Warriors vs. Trail        | \$21,210 |
| Raiders vs. Steelers           | \$133,501 | A's vs. Dodgers 8/08      | \$21,106 |
| Raiders vs. Browns             | \$127,989 | Warriors vs. Magic        | \$20,993 |
| Raiders vs. Broncos            | \$123,209 | Warriors vs. Pelican      | \$20,977 |
| Raiders vs. Colts              | \$121,609 | Warriors vs. Grizzlies    | \$20,973 |
| Raiders vs. Chiefs             | \$121,111 | Warriors vs. Clipper      | \$20,913 |
| Raiders vs. Chargers           | \$114,489 | Warriors vs. Hawks        | \$20,854 |
| Raiders vs. Rams               | \$109,147 | First Friday              | \$20,789 |
| Raiders vs. Packers            | \$105,946 | Warriors vs. Wolves       | \$20,662 |
| All Day & A Night              | \$105,808 | Warriors vs. Timberwolves | \$20,544 |
| Raiders vs. Lions              | \$105,741 | Warriors vs. Suns         | \$20,532 |
| BANK OF AMERICA                | \$79,862  | A's vs. Twins 9/22        | \$20,518 |
| Aubrey & 3 Amigos              | \$69,495  | Warriors vs. Nets         | \$20,511 |
| PG&E San Leandro St            | \$64,422  | Wonder Woman Run          | \$20,458 |
| Marriott Hotel Strike          | \$54,469  | Warriors vs. Mavericks    | \$20,350 |
| A's vs. Giants 7/21            | \$46,123  | PG&E Construction         | \$20,331 |
| A's vs. Giants 7/20            | \$41,309  | A's vs. Twins 9/23        | \$20,320 |
| Treasure Island Music Festival | \$40,453  | Warriors vs. Wizards      | \$20,173 |
| LANEY SWAP MEET                | \$40,158  | Warriors vs. Grizzlies    | \$20,151 |
| Bed Bath & Beyond              | \$39,792  | Warriors vs. Lakers       | \$20,085 |
| A's vs. Giants 7/22            | \$39,454  | Twenty One Pilots         | \$19,617 |
| A's vs. Yankees 9/03           | \$35,737  | Warriors vs. Suns         | \$19,334 |
| Levy Restaurants               | \$35,660  | A's vs. Padres 7/3        | \$19,333 |
| A's vs. Yankees 9/04           | \$35,300  | Warriors vs. Bucks        | \$19,188 |
| Oakland Zoo Traffic            | \$34,779  | Disney on Ice             | \$18,350 |
| Oaktown 5K and Half            | \$32,974  | A's vs. Tigers            | \$17,865 |
| CONSTRUCTION                   | \$32,241  | Warriors vs. Trail B      | \$17,865 |
| Día De Los Muertos             | \$30,282  | Travis Scott              | \$17,510 |
| Oakland Triathlon              | \$26,821  | A's vs. Astros 8/18       | \$17,388 |
| PG&E Construction              | \$26,244  | A's vs. Yankees 9/05      | \$16,482 |
| A's vs. Dodgers 8/07           | \$24,613  | J. Cole Concert           | \$16,092 |
| First Friday                   | \$24,043  | Childish Gambino          | \$15,810 |
| Warriors vs. Timber            | \$22,596  | Nick Cannon               | \$15,490 |
| Warriors vs. Thunder           | \$22,294  | 385 14th St               | \$14,677 |
| Warriors vs. Thunder           | \$22,108  | Hiero Day                 | \$14,595 |
| Warriors vs. Kings             | \$21,694  | A's vs. Twins 9/21        | \$14,073 |
| TBS World Tour                 | \$21,500  | A's vs. Astros 8/19       | \$13,999 |
| A's vs. Mariners               | \$21,351  | A's vs. Mariners          | \$13,912 |

## Attachment 10

| Event                    | Amount   | Event                 | Amount  |
|--------------------------|----------|-----------------------|---------|
| Jeff Lynne's ELO         | \$13,830 | Raiderville           | \$9,600 |
| Fleetwood Mac            | \$13,738 | A's vs. Blue Jays     | \$9,497 |
| Sam Smith Concert        | \$13,713 | A's vs. Rangers 8/20  | \$9,429 |
| A's vs. Rangers 9/07     | \$13,711 | Hilton Hotel          | \$9,321 |
| A's vs. Indians 7/01     | \$13,650 | Oakland Black Cowboy  | \$8,185 |
| Oakland Pride            | \$13,564 | A's vs. Rangers 8/22  | \$8,141 |
| AR Rahman                | \$13,520 | Oaktoberfest          | \$7,978 |
| Warrriors Open Practice  | \$13,505 | Mike Epps             | \$7,883 |
| A's vs. Tigers           | \$13,481 | 5110 Broadway         | \$7,718 |
| A's vs. Astros 8/17      | \$13,310 | 532 39th St           | \$7,442 |
| Phil Collins             | \$13,120 | COPA Festival         | \$7,125 |
| NA LCS 9/08              | \$13,030 | Bad Bunny             | \$6,985 |
| A's vs. Angels 9/18      | \$12,747 | Raider Image          | \$6,748 |
| Kevin Hart               | \$12,066 | Oakland A's Watch Pa  | \$5,956 |
| Art & Soul Fest          | \$11,937 | Oakland Turkey Trot   | \$5,132 |
| Trans Siberian Orchestra | \$11,893 | My Culture            | \$5,104 |
| A's vs. Blue Jays        | \$11,868 | BIG 3                 | \$4,942 |
| A's vs. Mariners         | \$11,831 | Family Bridges        | \$4,861 |
| J. Balvin Concert        | \$11,586 | Our Lady of Guadalupe | \$4,685 |
| Hall & Oates and Train   | \$11,482 | WWE Live Holiday Tour | \$4,295 |
| A's vs. Mariners         | \$11,391 | Alameda Point Antique | \$3,879 |
| A's vs. Tigers 8/05      | \$11,360 | Warriors Practice     | \$3,481 |
| A's vs. Padres 7/4       | \$11,241 | All Day I Dream Fest  | \$3,435 |
| A's vs. Indians 6/29     | \$11,097 | Raider Escort         | \$3,400 |
| First Friday 10/05       | \$11,041 | Burger Boogaloo       | \$3,354 |
| A's vs. Rangers 9/09     | \$11,010 | Slam Magazine         | \$3,139 |
| NA LCS 9/09              | \$10,927 | Apple TV Show         | \$2,949 |
| First Friday             | \$10,861 | 1100 Broadway         | \$2,931 |
| A's vs. Rangers 8/21     | \$10,608 | John Legend           | \$2,811 |
| A's vs. Rangers 9/08     | \$10,595 | Brownies & Lemonade   | \$2,768 |
| A's vs. Blue Jays        | \$10,493 | 2126 MLK Jr. Way      | \$2,719 |
| First Friday             | \$10,363 | Oakland Grand Prix    | \$2,604 |
| A's vs. Angels 9/20      | \$10,324 | Tenacious D           | \$2,239 |
| A's vs. Mariners         | \$10,254 | Oakland Fam Bam       | \$2,058 |
| A's vs. Mariners         | \$10,222 | Myittar               | \$1,881 |
| Smashing Pumpkins        | \$10,167 | CJ Group              | \$1,784 |
| A's vs. Mariners         | \$10,014 | C.H Wines             | \$1,756 |
| Eat Real Festival        | \$9,994  | Niantic Labs Video    | \$1,661 |
| A's vs. Angels 9/19      | \$9,885  | FESTAC                | \$1,499 |
| Chinatown Street Fes     | \$9,649  | ESPN MNF              | \$1,450 |

## Attachment 10

| Event                 | Amount  | Event                | Amount              |
|-----------------------|---------|----------------------|---------------------|
| Championship Boxing   | \$9,649 | W. VS. CAV'S         | \$1,432             |
| Oakland Natives Give  | \$1,356 | Feed Oakland         | \$452               |
| Subaru                | \$1,318 | KD Fantasy Exp       | \$435               |
| Money Mondays         | \$1,314 | Uber Driver Ambition | \$435               |
| And1 Paint In the Pa  | \$1,154 | Oversize Load        | \$435               |
| Comcast               | \$1,153 | The Connected Car    | \$389               |
| Alameda Point Antique | \$1,128 | Raider Image         | \$376               |
| 1032 Full Throttle    | \$1,088 | A's vs. Angels 6/15  | \$247               |
| Near Future           | \$1,071 | A's vs. RAYS         | \$115               |
| EBRHA                 | \$1,069 | W. VS. CAV'S         | \$87                |
| First Friday          | \$1,054 | AEG 602L Ops         | \$75                |
| Blindspotting         | \$1,044 | W VS. ROCKETS        | \$71                |
| PINK Concert          | \$958   | DIRTYBIRD BBQ        | \$28                |
| SantaCon              | \$930   | Warriors vs. Spurs   | \$25                |
| Saweezie Fan Event    | \$870   | A's vs. Astros 6/13  | \$22                |
| Bishop O'Dowd HS      | \$870   | Black Cowboy Parade  | \$5                 |
| COPA Festival         | \$856   | A's vs. Angels 6/16  | \$0                 |
| Nina Cried Power      | \$798   | PINK Concert         | -\$19               |
| Levi's                | \$785   | BLURRY VISION MUSIC  | -\$44               |
| Joe Biden             | \$765   | AC Transit Project   | -\$85               |
| Fitbit                | \$754   | Warriors Watch Party | -\$87               |
| A's vs. Indians 6/30  | \$735   | A's vs. Royals 6/08  | -\$87               |
| W VS. ROCKETS         | \$696   | WARRIORS W. PARTY    | -\$87               |
| W VS. PELICANS        | \$674   | Oakland Zoo Traffic  | -\$339              |
| Sorry To Bother You   | \$622   | Oakland Zoo Traffic  | -\$464              |
| PG&E Construction     | \$609   | First Friday         | -\$502              |
| True Buddha Vljaya    | \$479   | W VS. PELICANS       | -\$827              |
| Warriors Watch Party  | \$452   | First Friday         | -\$954              |
|                       |         | <b>Total</b>         | <b>\$ 4,304,789</b> |



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Index as:

Ref: CALEA  
Standards 17.4.1;  
22.1.1; 26.1.1

Court Overtime  
Deferred Overtime Payment  
Grant or Project Overtime, Procedures  
Overtime Policy, Accounting and  
Compensation  
Overtime Categories and Codes  
Overtime Deferral  
Overtime Reporting – Time Reports

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## OVERTIME POLICY, ACCOUNTING AND COMPENSATION

The purpose of this order is to set forth policy and procedures regarding overtime management, eligibility for compensation, and reporting and retention of overtime documentation.

### I. OVERTIME WORKED (OTW)

#### A. Policy

Because of its fiscal impacts and possible effects on member/employee wellness, overtime worked must be minimized and controlled. The annual performance evaluation of supervisors and commanders shall be based, in part, on their efforts and results in keeping controllable overtime expenditures within budgeted appropriations. Overtime worked is not a right.

#### B. Definitions

1. **Overtime Worked or OTW** refers to hours worked by members and employees in excess of their normal daily or weekly tours of duty.
2. **Overtime Rate** is one and one-half times the base hourly rate and approved premium pay for eligible members and employees.

#### C. General Regulations



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1. Bureau commanders shall assign and train one or more members and/or employees to audit the weekly overtime authorization forms before they are sent to the appropriate payroll data entry unit for input. City Auditor staff shall provide the training.
2. Unit commanders and section supervisors permitting personnel to work overtime shall provide a specific and detailed written notification on the overtime authorization form.
  - a. Unit commanders are responsible for analyzing the costs and benefits of scheduled overtime, staffing special events, or conducting special projects.
  - b. Improper requests for overtime shall be rejected and incorrect overtime hours shall be corrected. The member or employee shall be notified of the denial or correction of overtime hours.
3. Members and employees shall not work overtime on the same date that they take time off for Overtime Allowed (OTA).
4. Overtime assignments completed for other units such as conducting background investigations, teaching Academy classes, and backfilling vacancies, etc., shall be coded to the organization code of the division/section/unit receiving the overtime service. Other project numbers and/or overtime codes also shall be used to further define that overtime activity. See Part X of this order for overtime and project codings.
5. The Training Section shall include overtime and fiscal management training in the curricula of the annual in-service training of supervisors and commanders.
6. With the exception of 3<sup>rd</sup> Watch Patrol Officer lineup pay, all other requests for approval of lineup pay shall be submitted to the Chief of Police or his/her designated representative.
7. Unit commanders and section supervisors shall receive monthly reports of all active members and employees receiving premium and lineup pay and review them for accuracy before submitting them to the bureau commander for approval. The approved reports shall be forwarded to the Research, Planning and Budget

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Division (RP&B) Manager, who shall audit and correct payroll records to ensure that only authorized personnel receive specific premium pay.

8. Whenever designated overtime appropriations (grants, contracts, special one-time funding, etc.), are available to fund special projects, the responsible project manager shall ensure that overtime authorization forms are properly coded before submitting them to the appropriate payroll unit for data entry. Copies of overtime forms shall be forwarded to the RP&B Manager for billing.
  - a. For the purposes of this order, a Project Manager is a designated sworn or civilian supervisor or commander responsible for managing the daily activities of a service, project, or grant agreement.
  - b. The Project Manager shall monitor all expenditures to ensure that they do not exceed the authorized funding for the project.
  - c. The RP&B Manager shall:
    - 1) Provide written instructions on coding grant/project overtime to the Project Manager, respective payroll units, and bureau overtime auditors whenever a new grant or project is approved.
    - 2) Send a copy of the monthly project overtime expenditure report and copies of all budget and expenditure transfer documents to the Project Manager.
    - 3) Review the monthly financial reports and correct errors promptly. If grant or contract overtime expenditures are temporarily coded to a non-project General Fund account, direct the responsible account clerk to immediately transfer the expenditures to the proper fund and/or project.

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8. The RP&B Manager shall ensure that overtime information is properly captured and reported in the payroll and financial systems.

D. Compensation

1. Overtime shall be compensated as follows: (Per City Auditor)

|               |                              |
|---------------|------------------------------|
| 1-7 minutes   | No overtime compensation     |
| 8-22 minutes  | ¼ hour overtime compensation |
| 23-37 minutes | ½ hour overtime compensation |
| 38-52 minutes | ¾ hour overtime compensation |
| 53-60 minutes | 1 hour overtime compensation |

2. Members and employees shall be compensated for OTW in pay or accrued compensatory time off, subject to the following conditions:
- a. The Chief of Police (Unit N), deputy chiefs, and civilian management employees in Unit M are **ineligible** to receive overtime compensation.
  - b. Police Officer Trainees (Unit T) shall be compensated for overtime worked (OTW) at the rate of 1-1/2 times their hourly pay if they work more than 171 hours in the established 28-day work period. All overtime shall be paid in cash.
  - c. Employees in Units B, C, D, H, and W shall be **eligible** to receive overtime compensation.
  - d. Crossing Guards in Unit I are eligible to receive overtime when they work more than 40 hours per Saturday through Friday work week.
  - e. Police Cadets in Unit G are also eligible to receive overtime if they work more than 40 hours per Saturday through Friday work week.
  - f. Members who are required to work while on paid leave (OTA, sick leave, etc.), except for vacation leave, shall be ineligible to receive overtime compensation. Employees

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who are on vacation or on other paid leave of up to 30 days shall be eligible to receive overtime compensation. However, members and employees are not permitted to work overtime on the same date that they take time off for Overtime Allowed (OTA).

- g. Members who are required to attend court in response to a Department-related subpoena while they are on suspension leave shall be compensated at their normal straight time rate. If a second appearance is required on that same day, said member will be compensated for the actual time served. (City/OPOA agreement on 23 Jul 97)
- h. The maximum amount of compensatory time (in lieu of overtime pay) which may be accrued shall be:
  - 1) 480 hours - police officers, sergeants, lieutenants, captains, correctional officers, and Jailer III.
  - 2) 240 hours for all other full-time eligible civilian employees.

Overtime hours earned in excess of the above maximums will be automatically paid in cash.

- 3. Overtime worked (OTW) is divided into three categories for the purposes of determining minimum compensation and meal allowances. The categories are defined as follows:
  - a. **Call-Back:** Members and employees work overtime on a call-back basis if they are instructed to return to work after completing their shift and leaving their work site.
  - b. **Extension:** Members and employees work overtime on an extension or hold-over basis if they are instructed to work more than the normal number of hours, immediately prior to or beyond their shift.
  - c. **Day Off:** Members and employees work overtime on a day-off basis if they are instructed to report for an unscheduled tour of duty on a regular day off.

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4. Overtime minimum allowances as allowed by current sworn and civilian Memoranda of Understanding are summarized below:

| Category             | Personnel                                 | Regular OT Minimums                                     |
|----------------------|---|---|
| Call Back            | Member and full-time employees            | 2.5 OTW hours   |
| Call Back            | Crossing Guards                           | 1.0 OTW hour  |
| Call Back            | Police Cadet                              | No minimum, actual time worked                          |
| Extension            | Member, full-time and part-time employees | No minimum, actual time worked                          |
| Day Off/<br>Vacation | Member                                    | 5.0 OTW hours in addition to any other overtime worked. |
| Day Off/<br>Vacation | Full-time employees                       | 2.5 OTW hours in addition to any other overtime worked. |

Any questions relating to negotiated overtime benefits shall be directed to the Personnel Section Commander. Citizen Police Review Board Hearings - see Part III, C, for minimum allowances.

5. Meal allowances during overtime shall be as follows:

a. Members or Employees

- 1) No meal allowance shall be granted if the City furnishes meals or if the member or employee is notified 24 hours in advance that overtime is required on a call-back or day-off basis. However, a member or employee who works beyond the scheduled overtime 7.5-, 8-, or 10-hour shift shall be entitled to receive meal allowances.
- 2) One meal allowance shall be paid for every 2 or more hours worked on an extension basis. Additional allowances shall be granted for every 4-hour period thereafter provided that this time does not overlap into the individual's regular shift.

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- 3) One meal allowance shall be paid for each 4 hours of continuous work on a **call-back** basis.
- 4) Meal allowances shall be earned and paid according to amounts specified in the pertinent Memoranda of Understanding.

b. Members

One meal allowance shall be paid to a member for each 4 hours of work on a **day-off** basis if less than 24 hours notice was given.

c. Employees

An employee who works **scheduled overtime on a day-off** basis shall receive one meal allowance for the first 4 hours of work, if less than 24 hours notice was given. A second allowance shall be paid when an employee works 2 hours or more beyond the scheduled overtime 7.5- or 8-hour shift. Thereafter, a meal allowance shall be paid for each 4 hours of continuous work.

d. Crossing Guards and Police Cadets

Crossing Guards and Police Cadets are not entitled to receive meal allowances when working overtime.

6. Meal Break: Except for an employee whose work schedule provides a paid lunch period, all employees who work a full 7.5- or 8-hour shift on an overtime basis shall take at least one 1/2 hour meal break. The mealtime shall be deducted from the total number of overtime hours worked.

## II. OVERTIME (OTW) PROCEDURES

### A. Authorization

1. Members and employees shall obtain written advance approval from a supervisor or commander before working overtime except when overtime is necessary to:

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- a. Complete a radio-dispatched assignment.
- b. Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.)
- c. Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.
- d. Complete a pre-approved overtime assignment for scheduled events and special/grant funded activities.

## 2. Members and Employees

To request regular overtime compensation, members and employees shall complete and submit one copy of the Overtime Worked Requisition (TF-3081).

- a. Members and employees shall submit completed OTW Requisitions to their immediate supervisors or commanders who shall, in turn, submit the OTW Requisitions to the bureau commander for approval.
- b. Non-BFO members and employees shall enter overtime hours worked on their Time Reports (536-924 or 536-925) only after the OTW Requisitions have been approved by the bureau commander.

## B. Commanders and Supervisors

1. Commanders and supervisors shall reject unnecessary or improper requests for overtime, destroy the request forms, notify the member or employee that his/her request for overtime has been denied, and ensure that the OTW is not reflected on the member or employee's time sheet.
2. Commanders and supervisors shall also verify codings on OTW forms and ensure that the approved hours are properly recorded on the member or employee's time reports before forwarding.

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3. Non-BFO commanders and supervisors shall ensure that OTW Requisition forms approved by their bureau commanders are retained in their units for a minimum of six years. OTW Requisition forms rejected by the non-BFO bureau commanders shall be returned, through channels, to the person's commander.

C. Bureau of Field Operations (BFO)

1. Designated BFO personnel shall verify overtime hours reported on the OTW Requisitions before forwarding them to the bureau commander for approval.
2. Incorrectly completed OTW Requisitions shall be returned through channels to the member or employee's supervisor.
3. Bureau of Field Operations commander(s) shall return disapproved OTW Requisitions to the person's supervisor.
4. BFO payroll clerks shall audit all overtime forms (OTW and OTWC) for accuracy and proper codings (see Part X) before entering the approved hours from the OTW Requisition forms into the City's Time and Attendance System.
5. BFO OTW Requisition forms shall be attached to the time reports and organized in alphabetical order by pay period before they are forwarded to the Budget and Accounting Section for archiving.

### III. COURT OVERTIME (OTWC): DEFINITION, COMPENSATION

A. Definition

Court overtime (OTWC) refers to overtime by members or employees for court appearances before or after regular duty hours. A court appearance is attendance at a civil or criminal proceeding on a matter that arises from Departmental business. Proceedings include trials, hearings, depositions, and attorney conferences, or interviews.

B. Overtime Compensation Forfeited

1. Members who fail to contact the Court Liaison Coordinator in accordance with Departmental General Order E-1,



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DEPARTMENTAL SUBPOENA SERVICE, shall forfeit all rights to court overtime compensation for appearances that are subject to the provisions of that order. [All court overtime shall be submitted on the Court Overtime Worked Requisition (TF-455)].

2. Subpoenaed members and employees shall call the appropriate court cancellation telephone number provided by the Court Liaison Unit at the end of their last tour of duty on work days and before going on days off or vacation. No overtime shall be granted if their subpoena was included on the telephone recording notice of cancellation.

C. Court Overtime Compensation and Minimum Allowances

| Category                                     | Associated Condition   | Personnel                         | Court OT/Minimum  |
|--|--|-----------------------------------|---|
| Call Back                                    | None   | Members and full-time employees   | 2.5 OTWC hours  |
| Call Back Extension                          | Court appearance begins less than 2.5 hours before and after regular shift | Members and full-time employees   | No minimum. Actual OTWC hours worked.   |
| Day Off Vacation                             | None   | Member                            | 4 OTWC hours  |
| Day Off Vacation                             | None   | Full-time employees               | 4 OTWC hours  |
| CPRB Hearings                                | None   | Members                           | 4 OTWC hours minimum regardless if the hearing is the 2 <sup>nd</sup> appearance on the same day.                           |
| Day Off Vacation                             |  | Full-time and part-time employees | 4 OTWC hours; same for members.   |
| Members/ Employees on OTA (Overtime Allowed) | None   | Members and full-time employees   | No minimum for 2 <sup>nd</sup> Watch OTA, reduce OTA hours. 1 <sup>st</sup> /3 <sup>rd</sup> Watch, 2.5 OTWC hours minimum. |
| Members on Suspension Leave                  | 1 <sup>st</sup> and/or 2 <sup>nd</sup> court appearance on same day        | Members                           | Straight time for actual time worked.   |

Note: Any questions relating to court overtime benefits shall be directed to the Court Liaison Detail and/or the Accounting Section Supervisor.

IV. COURT OVERTIME (OTWC): AUTHORIZATION, PROCEDURES

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## A. Criminal and Civil Proceedings

The following procedures apply to both criminal and civil proceedings. Additional requirements for civil proceedings are described under Part IV, B.

## 1. Signing the Trial Attendance Record (TF-438)

All members and employees shall sign the Trial Attendance Record at the Patrol Division desk immediately before and after all overtime appearances at any proceeding held in Court or City Buildings.

## 2. Verification of Overtime Court Attendance

- a. The subpoenaed member/employee shall obtain the signature of the attorney, investigator, or hearing officer requesting the appearance, verifying his/her attendance at the hearing, on the OTWC Requisition in the verification box. All boxes on the OTWC Requisition form shall be completed, including case name and docket number.
- b. If a subpoena was not issued, request the court clerk to stamp and write the court date and attendance times on the reverse side of an OTWC slip in lieu of attaching a subpoena. All boxes on the OTWC requisition form shall be completed, including the case name and docket number.

## 3. Attire for Court Appearances

All members and employees shall be suitably attired for all court appearances, in accordance with the provisions of Manual of Rules Section 398.16, COURT APPEARANCES.

## 4. Proceedings Continued After the Subpoena Date

- a. When time permits, all cases continued beyond the original subpoena date will be re-subpoenaed and members and employees will be issued a new subpoena

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for each continuance that requires a new appearance date.

- b. When time does not permit the issuance of a new subpoena, members and employees will be advised of any change in their appearance date on the Court Cancellation telephone recording.
- c. A member or employee who has been ordered back to court by a hearing officer, commissioner, or judge shall request another subpoena for the next appearance. If another subpoena cannot be issued, the member or employee shall make a copy of the original subpoena for use at the next court appearance and have the copy stamped and attendance times written in by the court clerk.

5. Completion of Overtime Slip for Compensation

- a. One OTWC Requisition (TF-455) shall be completed for each day's court appearance at a continuous court session (e.g., no breaks) for the same case.
- b. If an extended break occurs between court sessions for the same case, or if attending different sessions on the same day for different cases, the subpoenaed member or employee shall complete additional OTWC Requisitions to document appearances at each of these sessions and attach the completed OTWC Requisitions to the original subpoena.
- c. A member or employee not receiving a subpoena for a criminal proceeding but attending a proceeding after being called to testify, shall complete an OTWC Requisition and attach it to the proper documentation.
- d. All members and employees shall file completed OTWC Requisitions and subpoenas with the Trial Attendance Record (TF-438) at the Patrol Division Administrative Office.

6. Bureau of Field Operations

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- a. The Court Liaison Coordinator shall also audit all OTWC Requisitions. Properly completed forms shall be forwarded to the BFO payroll clerk for entry into the Time and Attendance System.
- b. Payroll clerks shall review all OTWC slips for accuracy and make the necessary corrections to overtime hours and codings (see Part X) before they are entered into the Time and Attendance System.
- c. At the conclusion of the weekly time entry, BFO payroll clerks shall attach OTWC forms to the time reports, organize them in alphabetical order by pay period, and deliver them to the Budget and Accounting Section for archiving.

7. Other Organizational Units (Non-BFO)

- a. Members and employees shall submit OTWC Requisition forms to the Court Liaison Coordinator for approval.
- b. When the Court Liaison Coordinator returns the approved OTWC Requisition forms to the member or employee, he/she shall enter the approved court overtime hours on his/her time reports in straight hours.
- c. Unit commanders shall verify overtime hours claimed on OTWC forms and ensure that the correct hours and codings (see Part X) are referenced on the time reports before signing and forwarding them to the Budget and Accounting Section for data entry and archiving.

B. Civil Proceedings

Members and employees attending a civil proceeding also shall complete the Civil Action Attendance Record (TF-196) and OTWC Requisition (TF-455) in accordance with the provisions of Departmental General Order E-3, CIVIL ACTION PROCEEDINGS.

V. OVERTIME ALLOWED (OTA)

A. Definitions

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Overtime allowed or OTA is authorized leave using accrued compensatory time off.

**B. Authorization**

1. Members and Employees shall request OTA by submitting a Request for Overtime Allowed form (TF-3097) to their supervisor. The form shall normally be submitted at least 48 hours in advance. The member or employee shall state on the OTA form how many hours of accrued compensatory time are in his/her account at the time of the request.
2. Bureau of Field Operations (BFO)
  - a. Approved OTA forms shall be forwarded to the appropriate BFO payroll clerk for entry into HRIS.
  - b. Payroll clerks shall attach the OTA forms to the proper time reports when forwarding them to the Accounting Section for archiving.
3. Other Organizational Units (Non-BFO Units)
  - a. Members and employees shall record approved OTA on their time reports.
  - b. Unit commanders shall **retain approved OTA forms for six years.**
4. Unit commanders and section supervisors shall not allow members and employees to work overtime on the same date that OTA is used to be off.
5. Unit commanders and section supervisors shall not schedule a member or employee to work overtime on his/her days off on the same date(s) that OTA was granted. Exceptions are scheduled backfilling assignments, special events, projects, etc..

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To request overtime corrections, members and employees shall complete Payroll Correction Forms (TF-2062) and submit them to their bureau commanders for approval via the assigned overtime auditors. (See Part I, B, 1.) Approved correction forms shall be forwarded directly to the Budget and Accounting Section for processing.

**VII. MIDWEEK ASSIGNMENT TRANSFERS**

If the member or employee earns overtime prior to being transferred during mid-week to another unit, he/she shall obtain the signature of the former unit commander on his/her time reports before turning it over to the new unit commander.

**VIII. PERSONNEL SECTION RESPONSIBILITIES**

The Personnel Section shall be responsible for updating each member or employee's unit of assignment (e.g., Organization Code, Fund, Project and/or Cost Center) and exemption status as he/she is hired, transferred or promoted. This includes Departmental internal files and City personnel and payroll files.

**IX. OVERTIME DEFERRAL FOR MEMBERS**

Non-exempt members may defer the difference between actual regular and line-up hours worked and 171 hours for each 28-day work cycle. There is no limit to the number of overtime hours an exempt member may defer.

| Classifications            | 28-Day Cycle<br>Total Regular Hrs | 28-Day Cycle<br>Total Lineup Hrs<br>(8-hr shifts) | 28-Day Cycle<br>Maximum<br>Deferral |
|----------------------------|-----------------------------------|---|-------------------------------------|
| Police Officers, Sergeants | 160                               | 10  | 1                                   |
| Police Officers, Sergeants | 160                               | None  | 11 hours                            |
| Lieutenants, Captains      | 160                               | 10  | No limit                            |
| Lieutenants, Captains      | 160                               | None  | No limit                            |

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## A. Procedures

1. Members who wish to defer their overtime pay shall mark the "Defer" box on the Overtime Worked Requisitions (TF-3081) or Court Overtime Worked Requisitions (TF-455).
2. Bureau of Services and Bureau of Investigation members shall also enter deferred overtime in straight hours on their Time Reports.
3. Meal allowances cannot be deferred.

## B. Deferred Overtime Payment

1. Deferred overtime payments are made on separate checks payable on the first Friday in December which is not a payday. Any remaining or unclaimed deferred overtime will be paid at the end of each fiscal year by separate check on the first Friday in July which is not a payday.
2. Members who wish to receive payment in December for deferred overtime accrued shall submit a memorandum to the Accounting Section by November 1. The memorandum shall include the following information:
  - a. Member's full name and serial number.
  - b. Unit of assignment.
  - c. The dollar amount to be paid.
2. Deferred overtime may not be carried forward from one fiscal year to the next.
3. Payments are made at the rate the deferred overtime was earned.

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**X. SPECIAL OVERTIME CODES**

- A. The following letter codes should be recorded on weekly time reports and/or overtime slips to identify reasons for overtime worked in addition to any special project, cost center, and work order numbers.

| Letter Code | Explanation of Use   | Corresponding Project or Cost Center Numbers*   |
|-------------|--|---|
| B           | Backfilling – Overtime to fill a position during the absence of the regularly assigned person  | None  |
| C           | Call Backs – Overtime for persons who are on standby or are called back to duty.   | None  |
| D           | Disturbances or Civil Disorders – Overtime in response to a possible or actual civil disorder or demonstration. (Includes extension of shift due to the incident, unless the member or employee has been dispatched to a different overtime assignment on an extension basis.) | None  |
| E           | Extension of Shift – Overtime prior to or at the end of a shift to complete an assignment.   | None  |
| G           | Games/Events at Coliseum – Overtime at the Oakland Coliseum for sports events, concerts, or other events, including overtime for planning, traffic control and enforcement activities.   | None  |
| H           | Holiday Overtime – Overtime earned for working normal duties on a holiday. If working on a holiday for other reasons or on a day off, use this code if no other code better describes the overtime.  | None  |
| J           | Court Overtime – Responding to a subpoena or giving a deposition.  | None  |
| L           | Lineup Pay – Half-hour straight pay for daily lineups.   | None  |
| M           | Meetings with Public, including home alert meetings, neighborhood council meetings   | None  |
| N           | Natural Disaster – Emergency response to a major natural disaster.   | Use pre-assigned City cost center or project numbers.   |
| P           | Parades/Festivals – Overtime to provide security/traffic control at parades, short-term encroachments, festivals, visits by dignitaries, and other City, community and promotion events that are funded through permit fees, reimbursement, or a City promotional budget.      | Special Events Coordinator submits cost summary and copies of overtime authorization forms to Budget and Accounting for billing or transfer to City Promotional Budget. |
| R           | Recruiting/Backgrounds – Overtime to recruit members and employees and conduct background investigations for Departmental employment.  | None.   |
| S           | Special Enforcement Actions – Overtime for special actions such as violence suppression projects, special task forces, etc.  | Obtain proper project and codings from Budget and Accounting if outside funding is available.   |
| T           | Training – Overtime to prepare or present a training course, prepare or participate in Police Academy critical incidents.  | None  |
| W           | Review Panel – Overtime to participate on a Departmental review board or administrative hearing.   | None  |
| Y           | Mayor/City Manager – Overtime for events, actions, or  | None  |



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| Letter Code | Explanation of Use   | Corresponding Project or Cost Center Numbers |
|-------------|--|--|
|             | other unfunded activities conducted at the request of the Mayor or the City Manager.                             |  |
| Z           | Citizens' Police Review Board – Overtime for attendance at the Citizens' Police Review Board meeting or hearing. | None   |
| U           | Unspecified – Overtime that does not fit any of the above categories.  |  |

- B. BFO personnel shall enter the letter code on every overtime form. Personnel in other Departmental Units shall enter the letter code on the overtime form and in the "DEPT SPEC" field on their weekly time sheets and circle the overtime hours to which the code(s) applies.
- C. Payroll clerks shall hold overtime requisitions submitted without the appropriate letter codes and notify the affected member or employee immediately. (In the absence of the member or employee, the payroll clerk may contact the designated bureau overtime auditor for the correct letter codes.)

Corrected overtime forms will be entered the following week on payroll adjustment forms if they can no longer be posted/entered in the current pay week. Cost centers or project numbers shall also be used if one has been assigned for the overtime project.

- D. The RP&B Manager shall issue written instructions to all personnel whenever the codings and explanations under Part X, A, of this order change.

By order of

Joseph Samuels, Jr.  
Chief of Police

GO46/D-1



DEPARTMENTAL GENERAL ORDER

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

D-01: OVERTIME

2019 FEB 21 AM 11: 19

Effective Date: XX Mar 19  
Coordinator: Fiscal Services

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The purpose of this order is to set forth policy and procedures regarding overtime management, approval, and reporting.

**A. OVERTIME WORKED (OTW)**

**A – 1. Policy**

Due to budgetary constraints, overtime worked must be used only as absolutely necessary. The annual performance evaluation of supervisors, commanders, and managers will include an assessment of managing overtime expenditures.

**A – 2. Definitions**

1. Overtime Worked or OTW refers to hours worked by members according to the Memorandum of Understanding (MOU) and law (including the Fair Labor Standards Act).
2. Overtime Rate is one and one-half times the base hourly rate.

**A – 3. General Provisions**

1. Members shall refer to labor agreements for details on exempt and non-exempt positions, circumstances in which overtime pay may be granted, rates of payment for all overtime that qualifies for payment at the premium rate and related matters.
2. Members working reimbursable events shall claim paid time – not compensatory time.
3. Members working large-scale natural disasters or federally reimbursable events (e.g., Urban Shield) shall claim paid time only – not compensatory time or deferred compensation.

**B. OVERTIME PROCEDURES**

**B – 1. Overtime Authorization**

**1. Approval Process**

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

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

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

## 2. Commander and Manager Fiscal Responsibilities

Commanders and managers are responsible for ensuring any approved overtime is within their approved budgets. In all instances when an org's overtime expenditures are expected to exceed – or actually exceed – budget, the commander or manager shall make every effort to monitor and minimize this overage.

Commanders and managers shall provide the following information in a written memo to their deputy chief or equivalent quarterly when there is a projected or actual overage in the commander's or manager's overtime budget in accordance with Attachment A. This memo shall include:

- a. The reason for the overage.
- b. A plan to get the overtime back within budget.

## 3. Correct Overtime Forms

- a. Members shall sign the mass overtime form (TF-3504) when working a special event, special enforcement, designated training assignment, or other assignment or event where a mass overtime form has been provided.

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Members shall not use individual overtime forms when a mass overtime form has been provided for the overtime worked.

- b. Members shall use the individual overtime form (TF-3171) for all overtime not directly associated with an assignment or event where mass overtime forms have been provided.

## **B – 2. Overtime Coding**

The City's Financial System, Oracle, requires that each member input their Hours Type (pay element), Project, Task, Award (if applicable) and Organization (org) to record their time and attendance.

### **1. Using the Correct Project, Task and Org**

It is imperative that members enter the correct project, task and org codes for all hours worked. This ensures accurate reporting, transparency and proper reimbursement for special events and approved projects and programs.

- a. Members shall charge their home org for all overtime worked related to their normal duties.
- b. Members shall charge the requesting org for overtime worked outside of their normal duties. Members shall receive advance approval from the commander or manager who has oversight and control of the org code or the on-duty Watch Commander.
- c. Members assigned to the Criminal Investigation Division (CID) shall charge CID for all callouts.
- d. Members shall charge their overtime to the Special Operations Section org and the provided task for all special events (i.e. games, parades, festivals, etc.). Members shall ensure their hours and corresponding task entered in Oracle are the same as the hours and task on the mass overtime form.
- e. Members who drive to a location for line-up other than where they are assigned shall add an appropriate amount of travel time in both directions, which is generally fifteen minutes in each direction. **This applies only to events when a member is mandated to work – not events for which the member has volunteered.**
- f. Attachment B provides the current orgs.
- g. Below is a chart of tasks that should be entered in Oracle when working overtime.

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| When Performing This Task   | Use this Task Name           |
|---|------------------------------|
| Interview of a victim, subject or witness   | Administrative Investigation |
| General task for routine overtime performed by OCOP, OIG, Personnel, IT, Fiscal and PAS members   | Agency-Wide Administration   |
| General task for routine overtime performed by Communications members   | Communications               |
| General task for routine overtime performed by CID members  | Criminal Investigation       |
| General task for routine overtime performed by Crime Lab members  | Criminalistics               |
| General task for routine overtime performed by IAD members.   | Internal Affairs             |
| General task for routine patrol assignment  | Patrol                       |
| General task for routine overtime performed by Records members  | Police Records               |
| General task for routine overtime performed by Training members   | Police Training              |
| General task for routine overtime performed by R&P members  | Research & Planning          |
| General task for routine overtime performed by Special Ops members  | Special Operations           |
| General task for routine overtime performed by Traffic Operations members   | Traffic Operations           |
| Overtime related to primary sergeant patrol backfill  | Primary Sgt Backfill         |
| An arrest late in the shift that caused the member to exceed their normal shift hours due to processing protocol by an outside agency (e.g. long line at Santa Rita and heavy vehicular traffic during return to the City of Oakland) | In-Custody Arrest            |
| Transport of a victim, suspect or witness   | Transport                    |
| Overtime caused by a UOF incident   | Use Of Force                 |
| Overtime caused by a pursuit  | Pursuit                      |
| Overtime related to a crime suppression plan (e.g. violence suppression or robbery suppression)   | Crime Suppression            |
| Critical incident such as an OIS, crime scene, in-custody death   | Critical Incident            |
| Overtime caused by retrieving and/or downloading videos, gathering witness statements, etc.   | Con't Investigation          |
| Hospital Guard not connected to shift   | Hospital Guard               |

When overtime is related to multiple tasks, members shall select the task that initially triggered the overtime worked.

## 2. Using the Correct Pay Element

Pay Elements (Hours Type) allow the Department to appropriately categorize overtime. It is important that the overtime pay element used matches the type of overtime worked.

- a. **Backfill pay elements shall be used when filling an open shift (WODOP). Members shall not use Extension of Shift pay elements when working Backfill overtime.**

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Backfill overtime may be incurred because the regularly assigned member is unavailable due to:

- Sick/Injured
- Vacation
- Comp time
- Training
- Loan
- Special assignment

b. Extension of Shift pay elements shall be used when completing work that started during a member's regular shift. The member working Extension of Shift overtime may be doing so due to:

- In-custody arrest
- Transport of victim, suspect or witness
- Critical incident such as an Officer Involved Shooting (OIS), crime scene, in-custody death
- Use of Force
- Pursuit
- Natural disaster
- Interview of a victim, suspect of witness
- Continuing investigation
- Report writing
- Training

### 3. Supervisor Responsibilities

- a. Supervisors shall verify correct fund codes and ensure that the approved hours are properly recorded before approval.
- b. Supervisors and managers shall ensure that approved OT forms are sent to the Personnel Section to be retained for one year.

### 4. Bureau of Field Operations (BFO)

- a. Designated BFO personnel shall verify overtime hours reported on OT forms before forwarding them to the bureau commander for approval.
- b. Incorrectly completed or disapproved OT forms shall be returned to the member's supervisor.

- 
- c. BFO payroll clerks shall audit all overtime forms for accuracy and proper coding.

**B - 3. Managing Overtime**

1. OPD Fiscal Services shall provide detailed overtime reports on a regular basis to commanders and managers.
2. All commanders and managers are responsible for managing overtime.
3. Commanders and managers shall take measures, whenever reasonably possible, to reduce or limit the need for overtime. These measures include, but are not limited to, the following.
  - a. Confirming that the work needing to be performed cannot be performed on straight time.
  - b. Ensuring that all other resources have been assigned and cannot be shifted to mitigate the need for overtime. (e.g., confirming that no other patrol officers are available City-wide to fill an open beat).
  - c. Anticipating and managing workload to best utilize regular duty hours.
  - d. Managing and coordinating planned leave, training and special assignments to minimize the need for overtime.
  - e. Members shall have at least eight hours rest between work periods unless authorized by a commander or manager.
  - f. Members shall notify the authorizing commander or manager any time the member is projected to have less than eight hours rest between work periods.

**B - 4. Overtime Corrections**

1. To request overtime corrections, members shall complete Payroll Correction Forms (TF-2062) and submit them to their bureau commanders for approval via the assigned Payroll Coordinator. Approved correction forms shall be forwarded directly to the Personnel Section for processing.
2. The OPD Personnel Section is responsible for updating each member's unit of assignment (e.g., Organization Code, Fund, Project and/or Cost Center) and exemption status as he/she is hired, transferred, loaned, or promoted. This includes Departmental internal files and City personnel and payroll files.

**DEPARTMENT GENERAL ORDER D-01  
OAKLAND POLICE DEPARTMENT**

**Effective Date  
XX Mar 19**

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**By order of**

**Anne E. Kirkpatrick  
Chief of Police**

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





## AGENDA REPORT

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

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

**SUBJECT:** Second Supplemental Quarterly Report on Police Overtime  
**DATE:** March 4, 2019

City Administrator  
Approval

Date

4/4/19

### RECOMMENDATION

**Staff Recommends That The City Council Receive This Second Supplemental Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.**

### REASON FOR SUPPLEMENTAL

On February 26, 2019, City Council requested additional information from OPD:

- Additional information on advance budgetary approval for the \$18.7 million in overtime spent in the first two quarters of Fiscal Year (FY) 2018-19
- Clarification concerning advance departmental approval on overtime use in policy -- what situations do require advance departmental approval
- Explanation of how much overtime is related to crime prevention, response, and investigation
- Analysis of overtime as it supports the mission of OPD, particularly as it is related to the time of day that crime occurs and whether shift changes create vulnerabilities in relation to crime occurring
- Explanation and information concerning special enforcement versus special events
- Additional information on special events, including the number of officers assigned to events; the cost of the event; the amount of overtime reimbursed; information on the reimbursement process from the Coliseum; and how the filling of overtime positions for special events impacts assigned schedules
- Additional explanation of which expenditures are reimbursed within the budget
- Information on Community Resource Officers (CROs) -- whether Measure Z funds overtime for positions that are otherwise funded by Measure Z and when and how often CROs are being deployed in ways that are perceived as being unrelated to their primary duties
- Explanation of how overtime expenditures are forecasted for the budget process -- is accurate forecasting being performed to provide appropriate overtime funding

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Public Safety Committee  
April 9, 2019

*Advance Budgetary Approval for Overtime Spent*

There has been no approval by Oakland City Council for the Oakland Police Department to exceed its adjusted FY 2018-19 budget of \$14 million by \$4.5 million in the first half of the fiscal year. OPD does not generally make a request of Council for additional budgetary approval when exceeding the overtime budget, and the Department's day-to-day operations exceed the adjusted overtime budget allocated. In addition, per California labor laws, all time worked must be paid.

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

Overtime Approval

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

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

*Advance Approval for Overtime per Policy*

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

**B. OVERTIME PROCEDURES**

**B – 1. Overtime Authorization**

1. Approval Process

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

- a. Complete a radio-dispatched assignment.

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

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

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

- a. *Complete a radio-dispatched assignment.* If an OPD employee was required to obtain approval before working overtime to complete a radio-dispatched assignment, the involved employee would need to stop performing whatever interaction the employee is engaged in – such as interviewing the victim of a crime or attempting to locate a suspect in a crime – and request approval from their watch commander with sufficient time before the end of their normally scheduled shift. If the watch commander could not be contacted or approval obtained, the employee would be required to immediately desist from the action undertaken and return to the employee's respective work site with sufficient time to perform all end of shift functions.
- b. *Complete an assignment provided by a supervisor (e.g. follow up to an incident that cannot wait until the next shift).* If an OPD employee was required to obtain approval before completing an assignment provided by a supervisor (such as following up an incident that cannot wait until the next shift), the employee might be placed in the position of being insubordinate to the employee's supervisor if the employee's commander or manager denied such request. Generally speaking, supervisors only provide important assignments to employees if overtime is required. In the example in the policy, an arrest may have been made and documentation may be legally required to keep an arrested individual in custody. Failure to complete the documentation may result in the arrested individual being released.

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This is of particular concern in domestic violence situations where releasing an arrested individual could result in catastrophic consequences for the victim.

- c. *Self-dispatch to a required emergency response (e.g. an officer in need of immediate assistance).* The necessity of an employee obtaining approval from a commander or manager to respond to an emergency situation – such as an officer in need of immediate assistance – is impractical. Such approval would require an employee (or, more likely, a number of employees) to contact a commander or manager who is managing a critical incident to obtain approval to respond if such response would incur overtime. Such a communication would almost certainly be very dangerous to all involved.
- d. *Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.).* Similar to completing a radio-dispatched assignment, but to a greater degree, the realities of police work would make approval in this situation very problematic. Employees engaged in actions such as civil disturbances, serious traffic accidents, or homicide investigations cannot usually just stop working while they seek approval to continue. Such a requirement would put the public – and employees – at great and unnecessary risk.
- e. *Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.* OPD has little to no authority to prohibit employees from attending a court session or judicial or administrative proceeding. Employees are generally compelled to appear by subpoena. Payment for appearances related to employees' course and scope of employment is provided through memoranda of understanding.
- f. *Fill unplanned vacancies in the Patrol, Communications, or Records Divisions that would bring the division under minimum staffing levels.* Prior approval to fill an unplanned vacancy cannot be obtained, as the vacancy is unplanned and often the result of staff calling in sick or other unforeseen circumstance. As provided in **Attachment A** of the supplemental agenda report on overtime policies, procedures, and controls presented to the February 27, 2018 Public Safety Committee, failure to fill a sufficient number of unplanned vacancies in patrol would likely result in:
  - Decreased safety to the public due to an inadequate number of patrol officers being able to address situations in which community residents are threatened with harm.
  - Increases in crime due to officers being unable to respond to calls for service and perform sufficient preliminary investigations.
  - Longer response times because an inadequate number of officers are able to respond to the 500,000-plus calls for service each year.
  - Increased number of community complaints due to increased response times and other reductions in service.
  - Diminished officer safety due to an inadequate number of officers being able to deal with violent individuals.

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*Overtime Related to Crime Prevention, Response, and Investigation*

In order to respond to the question about how much overtime OPD spends in efforts related to crime prevention, response, and investigation, it is important to understand how OPD classifies overtime expenditures. OPD uses 15 categories to assist in the monitoring and accountability of overtime. The below list was provided in **Attachment A** of the second supplemental overtime agenda report provided to the February 27, 2018 Public Safety Committee. In order to address the present question of how much overtime OPD spends on crime prevention, response, and investigation, the amount spent on each category has been added to the respective category. (These amounts were previously provided in **Attachment A** of the overtime agenda report to the February 29, 2019 Finance and Management Committee.)

- *Acting Higher Rank* overtime is paid to individuals who act in a higher rank on overtime, such as a Sergeant of Police serving as an acting Lieutenant of Police. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$307,867.
- *Administrative Investigation* overtime allows OPD to conduct investigations into potential misconduct or other malfeasance by a member of OPD. Such an investigation may result from a personnel complaint or other Internal Affairs matter. It is also used to perform use of force investigations. Failure to conduct – or complete – such investigations will result in increased mistrust in OPD, lack of compliance with the NSA, and a potential increase in misconduct or other malfeasance. This category is also used for other administrative functions. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$732,707.
- *Backfill* overtime allows OPD to fill a position during the absence of the regularly assigned person and meet minimum staffing levels in Patrol. Failure to meet minimum staffing levels in Patrol will result in even longer delays in responding to calls for service and an increased inability to take incident reports and perform preliminary investigations. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$3,347,640.
- *Callback* overtime allows OPD to request an employee return to work after completing his/her shift and leaving the work site. For example, an investigator may be called back to work to interview a suspect in custody. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$518,023.
- *Canine* overtime allows OPD to meet the requirements of the Memorandum of Understanding between the City of Oakland and the OPOA pursuant to Article III, Section G 1 c, hereof, Each employee regularly assigned and working as a Canine Handler is authorized to spend and shall be deemed to have spent fifteen (15) hours per month, over and above his/her regularly scheduled hours of work, in ordinary care and informal training of the assigned dog for such ordinary care and training that cannot be performed during regularly scheduled work hours. For those overtime hours incident to caring for the dog only, the employee shall receive overtime compensation at the rate of one and one-half (1 1/2) times the hourly rate of the State of California or City of

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Oakland minimum wage whichever is higher. This same overtime compensation rate of one and one-half times the State of California or City of Oakland minimum wage whichever is higher per hour shall also be paid for hours in addition to the above referenced fifteen hours for extraordinary care of the dog. Any duly authorized additional work performed by such individual not related to caring for the dog, shall be compensated pursuant to Article III, Section E, paragraph 1 at the rate of one and one-half (1 1/2) times the employee's hourly base rate of pay. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$18,037.

- *Community Meeting* overtime allows OPD to attend general community meetings while ensuring staffing levels are met. OPD's participation in community meetings are an intricate part of the overall goal to strengthen community trust and build relationships. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$1,580.
- *Comp Time Earned* overtime allows OPD to compensate employees for overtime worked by allowing the employee to earn time off in lieu of receiving overtime pay. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$192,817.
- *Court* overtime allows OPD to respond to subpoena or give depositions in job-related court appearance on off-duty hours. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$165,530.
- *Extension of Shift* overtime allows OPD to extend the current shift of an employee to complete critical tasks on an extension or hold-over basis. For example, an employee's shift may be extended to complete an on-scene investigation or report related to an incident that just occurred. Extension of Shift also includes the filling of open beats in order to maintain minimum patrol staffing – similar to Backfill overtime. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$2,745,140.
- *FLSA* overtime allows OPD to comply with the Federal Labor and Standards Act (FLSA). The City's obligations related to FLSA are contained in Administrative Instruction 124. The amount for July 1, 2018 to December 28, 2018 was \$852,867. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$852,867.
- *Holiday* overtime allows OPD to maintain minimum staffing levels during scheduled holidays. OPD must comply with overtime requirements outlined in applicable Memorandums of Understanding for represented employees. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$1,670,917.
- *Recruiting/Background* overtime allows OPD to recruit members and employees and conduct background investigations for Departmental employment. This task is critical to

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ensure acceptable staffing levels. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$317,196.

- *Special Enforcement* overtime allows OPD to plan and participate in special actions such as violence suppression projects (such as those related to Ceasefire), special task forces, human trafficking operations, and crowd management events that are not covered by Special Events overtime. In FY 2017-18, Special Enforcement also includes many reimbursable special events. Special Events and Special Enforcement have been combined for FY 2018-19. The combined amount of overtime expended in these categories for July 1 to December 28, 2018 was \$6,658,867.
- *Special Events* overtime allows OPD to provide police services at sporting events and parades. Special Events are often captured in Special Enforcement. Special Events and Special Enforcement have been combined for FY 2018-19. The combined amount of overtime expended in these categories for July 1 to December 28, 2018 was \$6,658,867. As provided in the agenda report for the February 26, 2019 City Council meeting, the reimbursed amount for the period was \$4,304,789.
- *Training* overtime allows OPD to prepare or present a training course and prepare or participate in Police Academy critical incidents. The amount of overtime expended in this category for the period of July 1 to December 28, 2018 was \$1,185,605.

#### *Relating Overtime to Department Mission and Deployment Scheduling*

As provided in the 2016 OPD Strategic Plan<sup>1</sup>, the OPD mission statement is:

The Oakland Police Department is committed to reducing crime and serving the community through fair, quality policing.

The language below concerning patrol deployment scheduling is from the supplemental agenda report on overtime policies, procedures, and controls presented to the January 9, 2018 Public Safety Committee:

OPD presently has 294 officer positions assigned to Patrol. 240 of these positions are assigned to provide 24-hour a day coverage in each of the 35 patrol beats. The additional patrol officer positions are assigned to supplement coverage during peak call times and times when certain resource-intensive incidents (such as shootings and sideshow) occur most frequently. The additional patrol officer positions are assigned to tactical squads and are also used to help reduce overtime by filling vacancies in the 35 patrol beats. Most of the additional patrol officer positions are currently vacant due to severe staffing shortages.

All 240 regular patrol officer positions are assigned to three shifts in five patrol areas, as provided below. Depending on the patrol area, day shift is 6:00 am

<sup>1</sup> <http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak056503.pdf>

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until 4:00 pm or 7:00 am until 5:00 pm and night shift is 9:00 pm until 7:00 am or 10:00 pm until 8:00 am. Swing shift is 2:00 pm until 2:00 am in every patrol area.

| Area 1      | Sunday     | Monday     | Tuesday    | Wednesday  | Thursday   | Friday     | Saturday   |
|-------------|------------|------------|------------|------------|------------|------------|------------|
| Day Shift   |            | 8 officers | 8 officers | 8 officers | 8 officers |            |            |
|             | 8 officers | 8 officers |            |            |            | 8 officers | 8 officers |
| Swing Shift |            |            | 8 officers | 8 officers | 8 officers | 8 officers |            |
|             | 8 officers | 8 officers | 8 officers |            |            |            | 8 officers |
| Night Shift |            | 8 officers | 8 officers | 8 officers | 8 officers |            |            |
|             | 8 officers | 8 officers |            |            |            | 8 officers | 8 officers |
| Area 2      | Sunday     | Monday     | Tuesday    | Wednesday  | Thursday   | Friday     | Saturday   |
| Day Shift   | 8 officers | 8 officers | 8 officers | 8 officers |            |            |            |
|             | 8 officers |            |            |            | 8 officers | 8 officers | 8 officers |
| Swing Shift |            |            | 8 officers | 8 officers | 8 officers | 8 officers |            |
|             | 8 officers | 8 officers | 8 officers |            |            |            | 8 officers |
| Night Shift | 8 officers | 8 officers | 8 officers | 8 officers |            |            |            |
|             | 8 officers |            |            |            | 8 officers | 8 officers | 8 officers |
| Area 3      | Sunday     | Monday     | Tuesday    | Wednesday  | Thursday   | Friday     | Saturday   |
| Day Shift   |            |            |            | 8 officers | 8 officers | 8 officers | 8 officers |
|             | 8 officers | 8 officers | 8 officers |            |            |            | 8 officers |
| Swing Shift |            |            | 8 officers | 8 officers | 8 officers | 8 officers |            |
|             | 8 officers | 8 officers | 8 officers |            |            |            | 8 officers |
| Night Shift |            |            |            | 8 officers | 8 officers | 8 officers | 8 officers |
|             | 8 officers | 8 officers | 8 officers |            |            |            | 8 officers |
| Area 4      | Sunday     | Monday     | Tuesday    | Wednesday  | Thursday   | Friday     | Saturday   |
| Day Shift   |            | 8 officers | 8 officers | 8 officers | 8 officers |            |            |
|             | 8 officers |            |            |            | 8 officers | 8 officers | 8 officers |
| Swing Shift |            |            | 8 officers | 8 officers | 8 officers | 8 officers |            |
|             | 8 officers | 8 officers | 8 officers |            |            |            | 8 officers |
| Night Shift |            | 8 officers | 8 officers | 8 officers | 8 officers |            |            |
|             | 8 officers |            |            |            | 8 officers | 8 officers | 8 officers |
| Area 5      | Sunday     | Monday     | Tuesday    | Wednesday  | Thursday   | Friday     | Saturday   |
| Day Shift   |            |            | 8 officers | 8 officers | 8 officers | 8 officers |            |
|             | 8 officers | 8 officers |            |            |            | 8 officers | 8 officers |
| Swing Shift |            |            | 8 officers | 8 officers | 8 officers | 8 officers |            |
|             | 8 officers | 8 officers | 8 officers |            |            |            | 8 officers |
| Night Shift |            |            | 8 officers | 8 officers | 8 officers | 8 officers |            |
|             | 8 officers | 8 officers |            |            |            | 8 officers | 8 officers |
| TOTAL       | Sunday     | Monday     | Tuesday    | Wednesday  | Thursday   | Friday     | Saturday   |

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|             |                |                |                |             |                |                |                |
|-------------|----------------|----------------|----------------|-------------|----------------|----------------|----------------|
| Day Shift   | 48<br>officers | 48<br>officers | 40<br>officers | 40 officers | 48<br>officers | 48<br>officers | 48<br>officers |
| Swing Shift | 40<br>officers | 40<br>officers | 40<br>officers | 40 officers | 40<br>officers | 40<br>officers | 40<br>officers |
| Night Shift | 48<br>officers | 48<br>officers | 40<br>officers | 40 officers | 48<br>officers | 48<br>officers | 48<br>officers |

*Italics indicate rotational day (only one group works at a time)*

There are substantial and staggered overlaps between OPD patrol shifts. Due to these overlaps, officers are available to respond to calls 24 hours a day, seven days a week. The following is a list of overlaps between shifts:

- There is a one-hour overlap every morning between the night shift and day shift
- Night shift and day shift hours are staggered across patrol areas to effectively create a two-hour overlap within each field operations bureau
- There is a two- to three-hour overlap between each day shift and swing shift
- There is a four- to five-hour overlap between each swing shift and night shift

In addition to the above overlaps, OPD generally deploys patrol officers in tactical squads to provide additional coverage during hours associated with staff-intensive events such as shootings and sideshow. These tactical squads also provide overtime mitigation, as officers from tactical squads are assigned to fill vacancies created by shortages from regular police shifts. For 2019, patrol officers are assigned to the following tactical squads:

| Area 1          | Sunday     | Monday     | Tuesday    | Wednesday  | Thursday   | Friday     | Saturday   |
|-----------------|------------|------------|------------|------------|------------|------------|------------|
| 6:00 pm-4:00 am |            |            |            | 8 Officers | 8 Officers | 8 Officers | 8 Officers |
| Area 5          | Sunday     | Monday     | Tuesday    | Wednesday  | Thursday   | Friday     | Saturday   |
| 6:00 pm-4:00 am | 8 Officers | 8 Officers | 8 Officers |            |            |            | 8 Officers |

In addition to the above nighttime tactical squads, there is one daytime tactical squad that was created specifically to assist with overtime mitigation. This squad works the days and hours most affected by officers assigned to continuous professional training (CPT):

| Area 5           | Sunday | Monday     | Tuesday    | Wednesday  | Thursday   | Friday | Saturday |
|------------------|--------|------------|------------|------------|------------|--------|----------|
| 10:00 am-8:00 pm |        | 8 Officers | 8 Officers | 8 Officers | 8 Officers |        |          |

OPD had additional tactical squads assigned to patrol deployment staffing in 2017. Severe department staffing shortages have resulted in the removal of these squads from patrol.

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### *Special Enforcement Versus Special Events*

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

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

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

### *Additional Information on Special Event Enforcement*

**Attachment A** provides a list of all Special Events for the period of July 1 to December 31, 2018 that includes amount spent on overtime and the number of OPD employees assigned.

The language below concerning Special Enforcement and Special Events is from **Attachment A** of the supplemental agenda report on overtime policies, procedures, and controls presented to the February 27, 2018 Public Safety Committee:

The Department is responsible for recovering costs for reimbursable Special Events. The average turnaround time from event to invoice is 23 days. Per the Master Fee Schedule, customers are billed at top step for officers plus central service overhead costs (currently 14.32% for OPD). OPD has been extremely successful recovering costs. *Table 4* provides invoice amounts for the last four fiscal years.

**Table 4: OPD Invoiced Overtime for Last Four Fiscal Years**

| Fiscal Year | Amount Billed |  | Fiscal Year | Amount Billed |
|-------------|---------------|--|-------------|---------------|
| 2017-18     | \$7,373,866   |  | 2015-16     | \$4,449,479   |
| 2016-17     | \$4,976,304   |  | 2014-15     | \$3,927,914   |

The internal OPD process for Special Events overtime is as follows:

1. The Special Events unit scans a copy of the Mass OT slip signed by each Officer working the event to the Departments internal shared drive.
2. Once available, the Fiscal Division reconciles the Mass OT slip with the City's payroll system, ensuring invoice accuracy.
3. If there are discrepancies additional research is done to correct any errors.
4. Any discrepancies are resolved
5. The invoice is created, reviewed, and signed by the Fiscal Manager.
6. The invoice is mailed to the customer.

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The customer has 30 days to pay the invoice. After 90 days, unpaid invoices are automatically sent to collections.

The language below concerning the filling of overtime positions for special events and its impact on patrol is from the supplemental agenda report on overtime policies, procedures, and controls presented to the June 26, 2018 Public Safety Committee:

At the April 24, 2018 Public Safety Committee meeting, the Committee expressed concern about the filling of overtime positions for special events impacting patrol overtime. There is no direct method to determine if filling overtime for special events impacts the ability of command staff to fill overtime openings in patrol. However, anecdotally, it does appear that it is much easier to fill openings for special events overtime than it is for patrol overtime. The reasons are fairly obvious; special events overtime generally involves officers being at a specific location performing duties associated with keeping an event secure and orderly. Patrol overtime requires officers to respond to a large number of calls throughout a geographic area. Special events overtime is usually for a limited number of hours whereas patrol overtime is often 10 or more hours.

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

The Public Safety Committee recently expressed concern about negative impacts on the performance and conduct of individual officers who work large amounts of overtime. The July – September 2017 Quarterly Progress Report completed by the OPD Office of Inspector General (OIG) included an audit titled, "Oversight of Police Department Overtime Expenditures."<sup>2</sup> One of the observations from this audit was:

The [performance] records of the ten officers who worked an above average number of overtime hours during the audit period [July 16 through December 16, 2016] were reviewed. The PAS review did not indicate any adverse performance trends or patterns. Overtime hours worked did not appear to correlate with increases in potentially adverse performance.<sup>3</sup>

#### *Overtime Reimbursement in Budget*

The Department created an internal budget for overtime that takes into account reimbursable events. Special Operations Org, 107710, has an internal budget of \$4.65 million, which is

<sup>2</sup> <http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak067719.pdf>

<sup>3</sup> Ibid, p. 43

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slightly more than the average amount billed for Special Events in FY 2014-15 to FY 2016-17. In FY 2017-18, reimbursable events were significantly higher than prior years so it was initially considered an anomaly. However, FY 2018-19 reimbursable events are trending higher as well (projected to spend \$8.6 million). The FY 2018-19 revenue budget for Special Events is \$5.2 million. The additional revenue, projected at \$3.4 million, will offset some of the overtime overspending.

Also, reimbursable overtime is reflected in the overtime reports distributed to OPD Command staff and the Finance Department, as all overtime expenditures are reported. This practice provides the Department a complete picture of the overtime worked.

#### *Community Resource Officers*

For FY 2017-18, overtime for CROs was paid from Measure Z funds. For FY 2018-19, all overtime for CROs is being paid from the General Purpose Fund. There is insufficient funding in Measure Z to pay for CRO overtime in FY 2018-19.

Concerning deployment of CROs, this issue is addressed in the Resource Development Associates (RDA) Evaluation of Measure Z: 2018 Community Policing Neighborhood Services Annual Report. This report was presented to the Public Safety Committee on March 19, 2019; the Committee requested additional information and OPD is analyzing deployment data to provide the committee with data regarding time CROs are spending on their assigned beats.

#### *Budgetary Overtime Forecasting*

The language below concerning budgetary overtime forecasting is updated from its original inclusion in the supplemental agenda report on overtime policies, procedures, and controls presented to the January 9, 2018 Public Safety Committee to include current figures:

**Past annual expenditures have not resulted in corresponding initial approved budget amounts.** OPD has consistently spent between \$26 million and \$32 million every year on overtime since FY 2013-14 (see *Table 1*, below). Rather than receiving an overtime budget based on this consistent expenditure pattern (with increases based on employee raises), OPD continues to receive between \$12 million and \$16 million every fiscal year.

*Table 1: OPD Overtime Approved and Actual Budget FY 2013-14 through FY 2017-18*

| Fiscal Year | Initial Approved Budget | Actual Expenditure |
|-------------|-------------------------|--------------------|
| FY 2013-14  | \$13,435,458            | \$26,112,356       |
| FY 2014-15  | \$15,571,768            | \$31,690,464       |
| FY 2015-16  | \$12,935,458            | \$27,779,646       |
| FY 2016-17  | \$12,935,458            | \$28,265,038       |
| FY 2017-18  | \$12,435,458            | \$28,515,402       |

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As provided in the *Police Overtime Audit for Fiscal Year 2012-13*<sup>4</sup> by the Oakland City Auditor's Office ("audit," published January 2015), "OPD should work with the Administration to develop an overtime budget to submit to the City Council that reflects realistic estimates of overtime costs, without reducing service levels." The City Administrator agreed and stated, in part, "The overtime budget recommendations will be presented in conjunction with OPD staffing and levels, to the City Council as part of the FY [20]15-17 biannual budget development process."

#### *Overtime Costs*

**OPD has not received increases in overtime funding even though hourly overtime rates have substantially increased.** The City of Oakland has provided a number of raises to members of OPD over the last several years. This has resulted in a higher per-hour overtime cost, but there has been no corresponding increase in the OPD overtime budget to match cost increases. In FY 2006-07, OPD used 505,214 hours of overtime (sworn and civilian) at a cost of \$28.55 million. In FY 2016-17, OPD used 390,033 hours (sworn and civilian), but spent \$29.05 million. **Even though OPD reduced the number of hours of overtime by more than 20 percent from FY 2006-07 to FY 2016-17, the cost has actually increased.**

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

#### ***Why OPD Continuously Exceeds Its Overtime Budget?***

There are a number of reasons why OPD continuously exceeds its overtime budget:

- Despite actual yearly General-Purpose Fund (GPF) overtime expenditures from \$20 to nearly \$30 million, insufficient funds are budgeted for OPD each year.
- Despite frequent wage increases, OPD's overtime budget does not increase and it has actually decreased for the past three fiscal years – despite officers receiving step increases that result in higher hourly wages, OPD's overtime budget remains insufficient.
- Service level demands – including minimum staffing levels for patrol – incur overtime.
- Mandates, such as the Negotiated Settlement Agreement (NSA) and state-required training, result in overtime.
- Based on the amount of crime per officer, OPD continues to be the most understaffed large-city police department in the United States and relies on overtime to help meet a large number of competing demands.

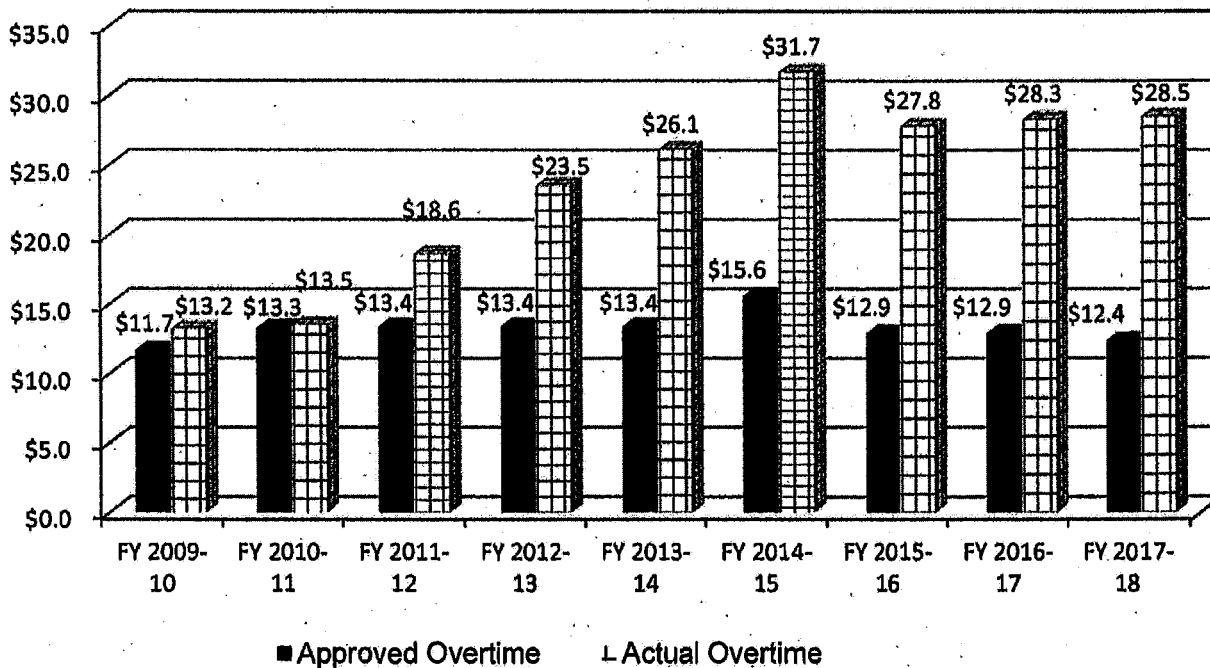
<sup>4</sup> <http://www.oaklandauditor.com/images/oakland/auditreports/policeot.pdf>

- Crowd management requires tremendous human resources to protect the public and property.

**Insufficient Overtime Budget**

The table below provides approved versus actual overtime spent for the GPF from Fiscal Year (FY) 2009-10 to present. Approved overtime is the amount initially approved prior to any budget adjustments. OPD has overspent its approved GPF budget every year for nearly a decade and is expected to do so again this year. Rather than the initial approved amount reflecting the previous year expenditure, the annual overtime budget is continuously underfunded as related to service level demands.

Chart 1: GPF Overtime in OPD – Approved versus Actual (in Millions)



As can be seen in *Chart 1*, above, OPD has increased its overtime spending nearly every year since FY 2009-10 due to the performance of critical police operations. In spite of these increases, City Council has budgeted less than 50 percent of the annual expenditure.

For FY 2015-17, the initial overtime amount was actually *reduced* by \$1 million to fund a Council-recommended gun tracing program. This budget change was approved in spite of a finding by the Oakland City Auditor's Office that "OPD should work with the Administration to develop an overtime budget to submit to the City Council that reflects realistic estimates of overtime costs, without

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reducing service levels.”<sup>5</sup> As part of this same audit, the City Administrator agreed and stated, in part, “The overtime budget recommendations will be presented in conjunction with OPD staffing and levels, to the City Council as part of the FY [20]15-17 biannual budget development process.”

#### **Cost of Living Adjustments**

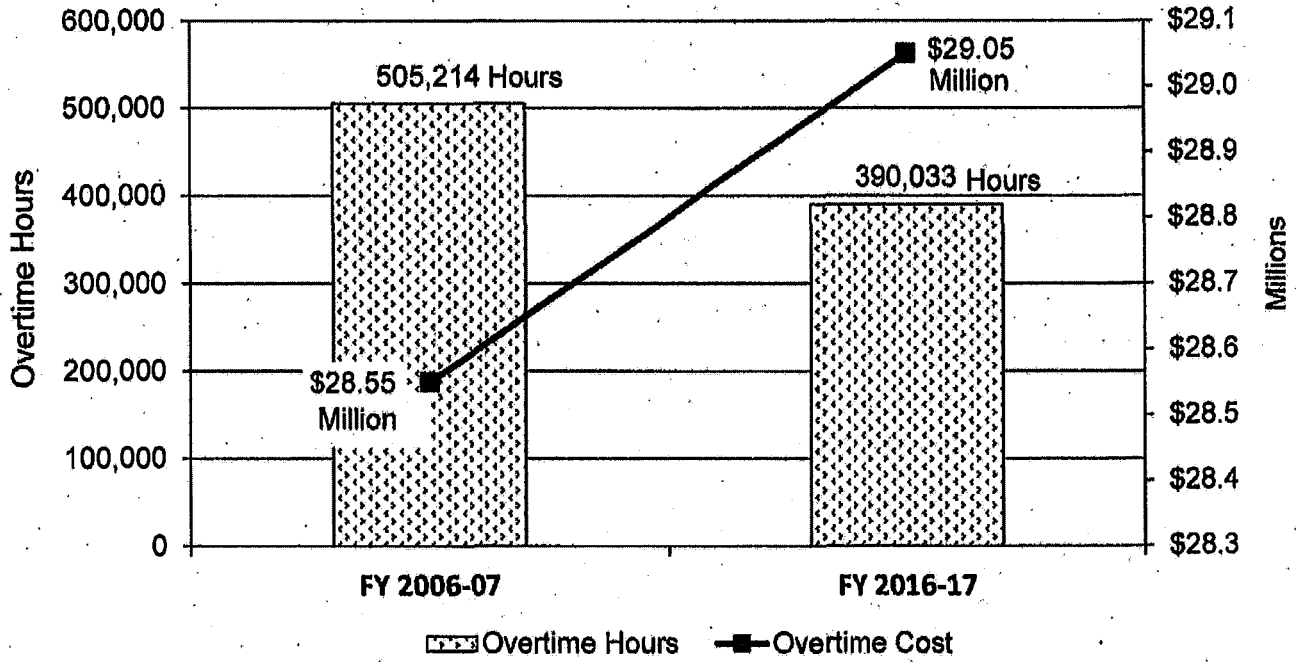
With few exceptions, employee bargaining units generally receive wage increases (Cost of Living Adjustments or COLAs) that take effect annually. The City of Oakland has provided a number of COLAs to members of OPD over the last several years through its negotiations with the Oakland Police Officers’ Association (OPOA) and both professional staff bargaining units. While this has inherently resulted in a higher per-hour overtime cost, there has been no corresponding increase in the OPD overtime budget to match cost increases caused by COLAs. This has created a structural imbalance between what is budgeted for OPD’s overtime versus the actual overtime expenditures.

Chart 2, below, provides a comparison of overtime hours used and costs for all funds for FYs 2006-07 and FY 2016-17. In FY 2006-07, OPD used 505,214 hours of overtime (sworn and professional staff) across all funds at a cost of \$28.55M. In FY 2016-17, OPD used 390,033 hours (sworn and professional staff), but spent \$29.05M. Even though OPD reduced the number of hours of overtime by more than 20 percent from FY 2006-07 to FY 2016-17, the cost actually increased by \$.5M (\$500K).

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<sup>5</sup> *Police Overtime Audit for Fiscal Year 2012-13* by the Oakland City Auditor’s Office (“audit,” published January 2015), <http://www.oaklandauditor.com/images/oakland/auditreports/policeot.pdf>

Chart 2: Overtime Hours Used and Cost for All Funds – Ten Year Comparison



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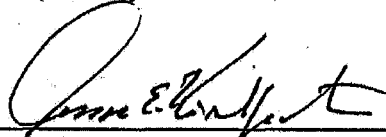
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**ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE**

Staff Recommends That The City Council Receive This Second Supplemental Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies, Procedures, And Controls.

For questions regarding this report, please contact Timothy Birch, Police Services Manager I, at (510) 238-6443.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Prepared by:  
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OPD, Bureau of Services, Fiscal Section

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OPD, Bureau of Services, Fiscal Section

**Attachments (1):**

A – Detailed accounting of reimbursable Special Events/Special Operations overtime spent in the Oakland Police Department for the first and second quarters of FY 2018-19

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Public Safety Committee  
April 9, 2019

## OPD Special Events and Special Enforcement Overtime July 1 – December 28, 2018

| Event                     | Amount    | # of Hours | # of Employees | Event                  | Amount   | # of Hours | # of Employees |
|---------------------------|-----------|------------|----------------|------------------------|----------|------------|----------------|
| AC Transit Project        | \$524,960 | 6322.25    | 51             | Warriors vs. Raptors   | \$21,284 | 240.75     | 35             |
| Rolling Loud Music        | \$191,668 | 2233.5     | 135            | Warriors vs. Trail     | \$21,210 | 242.25     | 35             |
| Raiders vs. Steelers      | \$133,188 | 1597.25    | 145            | A's vs. Dodgers 8/08   | \$21,106 | 250.4      | 34             |
| Raiders vs. Browns        | \$127,989 | 1546.5     | 137            | Warriors vs. Magic     | \$20,989 | 240.25     | 34             |
| Raiders vs. Broncos       | \$123,137 | 1482.75    | 150            | Warriors vs. Pelican   | \$20,977 | 245.5      | 34             |
| Raiders vs. Colts         | \$121,609 | 1452.5     | 139            | Warriors vs. Grizzlies | \$20,973 | 242.5      | 35             |
| Raiders vs. Chiefs        | \$119,482 | 1435       | 135            | Warriors vs. Hawks     | \$20,854 | 235.5      | 35             |
| Raiders vs. Chargers      | \$114,991 | 1374.5     | 139            | Warriors vs. Wolves    | \$20,662 | 234        | 32             |
| Raiders vs. Rams          | \$109,147 | 1309.75    | 135            | Warriors vs. Wolves    | \$20,540 | 232.5      | 35             |
| Raiders vs. Packers       | \$105,946 | 1278       | 129            | Warriors vs. Suns      | \$20,532 | 237        | 35             |
| All Day & A Night         | \$105,808 | 1310       | 66             | A's vs. Twins 9/22     | \$20,518 | 238.75     | 28             |
| Raiders vs. Lions         | \$105,741 | 1266.75    | 127            | Warriors vs. Nets      | \$20,511 | 236.25     | 33             |
| Bank of America           | \$79,862  | 1023       | 20             | Wonder Woman Run       | \$20,458 | 257.5      | 50             |
| Aubrey & 3 Amigos         | \$69,495  | 800.5      | 61             | Warriors vs. Mavericks | \$20,350 | 236.5      | 33             |
| PG&E San Leandro St       | \$64,422  | 822        | 11             | First Friday           | \$20,334 | 261.5      | 33             |
| Marriott Hotel Strike     | \$54,469  | 640        | 43             | PG&E Construction      | \$20,331 | 251        | 10             |
| A's vs. Giants 7/21       | \$46,123  | 561        | 54             | A's vs. Twins 9/23     | \$20,320 | 248        | 30             |
| A's vs. Giants 7/20       | \$41,309  | 503.5      | 54             | Warriors vs. Wizards   | \$20,173 | 229.25     | 34             |
| Treasure Isl. Music Fest. | \$40,453  | 489.25     | 27             | Warriors vs. Grizzlies | \$20,151 | 227        | 34             |
| A's vs. Giants 7/22       | \$39,454  | 468.5      | 52             | Warriors vs. Lakers    | \$20,085 | 237        | 34             |
| Laney Swap Meet           | \$38,505  | 458        | 22             | Twenty One Pilots      | \$19,617 | 227.5      | 28             |
| Bed Bath & Beyond         | \$36,985  | 455.75     | 5              | A's vs. Padres 7/3     | \$19,333 | 229.5      | 31             |
| A's vs. Yankees 9/03      | \$35,737  | 416.25     | 51             | Warriors vs. Suns      | \$19,274 | 219.25     | 33             |
| Levy Restaurants          | \$35,575  | 428.5      | 32             | Warriors vs. Bucks     | \$19,188 | 222        | 33             |
| A's vs. Yankees 9/04      | \$35,305  | 426.6      | 52             | Disney on Ice          | \$18,350 | 209.25     | 17             |
| Oakland Zoo Traffic       | \$34,344  | 441        | 26             | A's vs. Tigers         | \$17,865 | 215        | 29             |
| Oaktown 5K and Half       | \$32,974  | 410.5      | 61             | Warriors vs. Trail B   | \$17,865 | 204        | 29             |
| Dia De Los Muertos        | \$30,282  | 385.25     | 36             | Travis Scott           | \$17,510 | 205.5      | 28             |
| Oakland Triathlon         | \$26,821  | 332        | 65             | A's vs. Astros 8/18    | \$17,388 | 205.5      | 27             |
| PG&E Construction         | \$26,244  | 335        | 17             | A's vs. Yankees 9/05   | \$16,482 | 194.25     | 29             |
| A's vs. Dodgers 8/07      | \$24,613  | 293        | 34             | J. Cole Concert        | \$16,092 | 181.75     | 23             |
| First Friday              | \$24,043  | 297.25     | 35             | Childish Gambino       | \$15,810 | 183        | 27             |
| Warriors vs. Timber       | \$22,596  | 254.25     | 34             | Nick Cannon            | \$15,490 | 174.5      | 24             |
| Warriors vs. Thunder      | \$22,294  | 254.25     | 35             | 385 14th St            | \$14,677 | 182        | 16             |
| Warriors vs. Kings        | \$22,294  | 253.5      | 35             | Hiero Day              | \$14,595 | 178        | 17             |
| Warriors vs. Thunder      | \$21,583  | 242.5      | 35             | A's vs. Twins 9/21     | \$14,073 | 166        | 21             |
| TBS World Tour            | \$21,500  | 249.25     | 28             | Fleetwood Mac          | \$14,063 | 160        | 23             |
| Warriors vs. Clipper      | \$21,356  | 249        | 34             | A's vs. Astros 8/19    | \$13,999 | 162        | 20             |
| A's vs. Mariners          | \$21,351  | 256.25     | 31             | A's vs. Mariners       | \$13,912 | 164.5      | 22             |

| Event                    | Amount   | # of Hours | # of Employees | Event                | Amount  | # of Hours | # of Employees |
|--------------------------|----------|------------|----------------|----------------------|---------|------------|----------------|
| Jeff Lynne's ELO         | \$13,830 | 156        | 22             | A's vs. Blue Jays    | \$9,497 | 121.5      | 17             |
| Sam Smith Concert        | \$13,713 | 155.75     | 24             | A's vs. Rangers 8/20 | \$9,429 | 107        | 18             |
| A's vs. Rangers 9/07     | \$13,711 | 155.25     | 21             | Hilton Hotel         | \$9,321 | 105.5      | 9              |
| A's vs. Indians 7/01     | \$13,650 | 159.5      | 22             | Raiderville          | \$9,073 | 114.5      | 6              |
| Oakland Pride            | \$13,564 | 170.5      | 17             | Oakland Black Cowboy | \$8,185 | 105        | 20             |
| AR Rahman                | \$13,520 | 156.5      | 20             | A's vs. Rangers 8/22 | \$8,141 | 96.25      | 14             |
| Warriors Open Practice   | \$13,505 | 163        | 32             | Oaktoberfest         | \$7,978 | 100.25     | 12             |
| A's vs. Tigers           | \$13,481 | 161.75     | 21             | Mike Epps            | \$7,883 | 92.5       | 13             |
| A's vs. Astros 8/17      | \$13,310 | 153.5      | 19             | 5110 Broadway        | \$7,718 | 98         | 11             |
| Phil Collins             | \$13,120 | 145.75     | 21             | 532 39th St          | \$7,442 | 91         | 10             |
| NA LCS 9/08              | \$13,030 | 148.5      | 15             | COPA Festival        | \$7,125 | 87         | 8              |
| A's vs. Angels 9/18      | \$12,747 | 145.25     | 18             | Bad Bunny            | \$6,985 | 83.5       | 14             |
| Kevin Hart               | \$12,066 | 136.75     | 20             | Raider Image         | \$6,748 | 82.25      | 14             |
| Art & Soul Fest          | \$11,937 | 137.25     | 12             | Oakland A's Watch Pa | \$5,956 | 67.25      | 9              |
| Trans Siberian Orchestra | \$11,893 | 132.25     | 21             | Oakland Turkey Trot  | \$5,132 | 60         | 12             |
| A's vs. Blue Jays        | \$11,868 | 134        | 18             | My Culture           | \$5,104 | 68.5       | 6              |
| A's vs. Mariners         | \$11,831 | 141.5      | 18             | BIG 3                | \$4,942 | 56.75      | 7              |
| J. Balvin Concert        | \$11,586 | 136.25     | 18             | Family Bridges       | \$4,861 | 57         | 8              |
| Hall & Oates and Train   | \$11,482 | 130.5      | 17             | Lady of Guadalupe    | \$4,685 | 54         | 9              |
| A's vs. Mariners         | \$11,391 | 129.75     | 18             | WWE Live Holld. Tour | \$4,295 | 49.25      | 8              |
| A's vs. Tigers 8/05      | \$11,360 | 133.5      | 19             | Alameda Pt. Antique  | \$3,879 | 45         | 8              |
| A's vs. Padres 7/4       | \$11,241 | 140        | 20             | Warriors Practice    | \$3,481 | 39         | 6              |
| A's vs. Indians 6/29     | \$11,097 | 130        | 20             | All Day I Dream Fest | \$3,435 | 42.5       | 6              |
| First Friday 10/05       | \$11,041 | 172.5      | 15             | Raider Escort        | \$3,400 | 38         | 7              |
| A's vs. Rangers 9/09     | \$11,010 | 126        | 16             | Burger Boogaloo      | \$3,354 | 40.5       | 6              |
| NA LCS 9/09              | \$10,927 | 120.75     | 15             | Slam Magazine        | \$3,139 | 35         | 5              |
| First Friday             | \$10,861 | 158.25     | 15             | Apple TV Show        | \$2,949 | 33         | 4              |
| A's vs. Rangers 8/21     | \$10,608 | 119.75     | 18             | 1100 Broadway        | \$2,931 | 37         | 4              |
| A's vs. Rangers 9/08     | \$10,595 | 124.25     | 16             | John Legend          | \$2,811 | 30         | 4              |
| A's vs. Blue Jays        | \$10,493 | 118.5      | 18             | Brownies & Lemonade  | \$2,768 | 30.5       | 4              |
| First Friday             | \$10,363 | 141        | 16             | 2126 MLK Jr. Way     | \$2,719 | 33.5       | 4              |
| A's vs. Angels 9/20      | \$10,324 | 126.25     | 17             | Oakland Grand Prix   | \$2,604 | 29         | 4              |
| A's vs. Mariners         | \$10,254 | 127.5      | 19             | Tenacious D          | \$2,239 | 25.5       | 4              |
| A's vs. Mariners         | \$10,222 | 117.25     | 19             | Oakland Fam Bam      | \$2,058 | 24.5       | 3              |
| Smashing Pumpkins        | \$10,167 | 115        | 15             | Myittar              | \$1,881 | 25         | 2              |
| A's vs. Mariners         | \$10,014 | 115.5      | 18             | CJ Group             | \$1,784 | 19.5       | 3              |
| Eat Real Festival        | \$9,994  | 111        | 9              | C.H Wines            | \$1,756 | 23         | 2              |
| A's vs. Angels 9/19      | \$9,885  | 111.75     | 18             | Niantic Labs Video   | \$1,661 | 21         | 2              |
| Chinatown Street Fes     | \$9,649  | 120        | 11             | FESTAC               | \$1,499 | 16         | 2              |
| Championship Boxing      | \$9,649  | 114.25     | 13             | ESPN MNF             | \$1,450 | 16.5       | 3              |

| Event                  | Amount  | # of Hours | # of Employees | Event                | Amount              | # of Hours | # of Employees |
|------------------------|---------|------------|----------------|----------------------|---------------------|------------|----------------|
| Warriors VS. Cavaliers | \$1,432 | 15.75      | 2              | Warriors Watch Party | \$452               | 4.5        | 1              |
| Oakland Natives Give   | \$1,356 | 17         | 2              | Feed Oakland         | \$452               | 6          | 1              |
| Subaru                 | \$1,318 | 16         | 2              | KD Fantasy Exp       | \$435               | 5          | 1              |
| Money Mondays          | \$1,314 | 15         | 3              | Uber Driver Ambition | \$435               | 5          | 1              |
| And1 Paint in the Pa   | \$1,154 | 15         | 3              | Oversize Load        | \$435               | 5          | 1              |
| Comcast                | \$1,153 | 13.25      | 1              | The Connected Car    | \$389               | 5          | 1              |
| Alameda Point Antiques | \$1,128 | 15         | 3              | Raider Image         | \$376               | 5          | 1              |
| 1032 Full Throttle     | \$1,088 | 15         | 2              | A's vs. Angels 6/15  | \$247               | 1.75       | 2              |
| Near Future            | \$1,071 | 14         | 2              | A's vs. RAYS         | \$115               | 1.5        | 3              |
| EBRHA                  | \$1,069 | 12         | 2              | W. VS. CAV'S         | \$87                | 1          | 1              |
| First Friday           | \$1,054 | 10.5       | 1              | AEG 602L Ops         | \$75                | 1          | 1              |
| Blindspotting          | \$1,044 | 12         | 2              | DIRTYBIRD BBQ        | \$28                | 0          | 2              |
| PINK Concert           | \$958   | 8.25       | 1              | Warriors vs. Spurs   | \$25                | 0.25       | 1              |
| SantaCon               | \$930   | 10.5       | 2              | A's vs. Astros 6/13  | \$22                | 0.25       | 1              |
| Saweetie Fan Event     | \$870   | 10         | 2              | Black Cowboy Parade  | \$5                 | 0          | 1              |
| Bishop O'Dowd HS       | \$870   | 10         | 2              | A's vs. Angels 6/16  | \$0                 | 0          | 1              |
| COPA Festival          | \$856   | 11         | 1              | PINK Concert         | -\$19               | -0.25      | 1              |
| Nina Cried Power       | \$798   | 11         | 1              | BLURRY VISION MUSIC  | -\$44               | -0.5       | 1              |
| Levi's                 | \$785   | 11         | 2              | Warriors Watch Party | -\$87               | -1         | 2              |
| Joe Biden              | \$765   | 10         | 2              | A's vs. Royals 6/08  | -\$87               | -1         | 1              |
| Fitbit                 | \$754   | 9.5        | 2              | WARRIORS W. PARTY    | -\$87               | -1         | 1              |
| A's vs. Indians 6/30   | \$735   | 8.5        | 3              | Oakland Zoo Traffic  | -\$339              | -4.5       | 1              |
| W VS. ROCKETS          | \$696   | 8          | 1              | Oakland Zoo Traffic  | -\$464              | -6         | 2              |
| W VS. PELICANS         | \$674   | 7.75       | 1              | First Friday         | -\$502              | -5         | 1              |
| Sorry To Bother You    | \$622   | 8          | 1              | W VS. PELICANS       | -\$827              | -9.5       | 1              |
| PG&E Construction      | \$609   | 7          | 1              | First Friday         | -\$954              | -9.5       | 1              |
| True Buddha Vljaya     | \$479   | 5.5        | 1              | <b>Total</b>         | <b>\$ 4,264,635</b> |            |                |



CITY OF OAKLAND

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 OAKLAND, CA  
 2019 MAY 30 PM 6:13

# AGENDA REPORT

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

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

**SUBJECT:** Quarterly Report on Police Overtime  
 Supplemental #3

**DATE:** May 17, 2019

City Administrator  
 Approval

Date

5/30/19

## RECOMMENDATION

**Staff Recommends That The City Council Receive A Supplemental Quarterly Report From The Oakland Police Department (OPD) That Includes Overtime Policies, Procedures, and Controls.**

## REASON FOR SUPPLEMENTAL

The City Council at the April 9, 2019 meeting asked for a supplemental report to include the following information:

1. Additional information for which expenditures are reimbursed within the budget, including the net overtime spent;
2. Additional information related to the number of hours worked per year and the salary increases each year;
3. Additional information related to the Department's internal budget;
4. Additional information on the amount of overtime pre-approved by the Chief or supervisor and the amount of overtime that does not require advance approval;
5. Analysis of how much overtime by category can be managed in advance;
6. Analysis on how professional staff can be utilized more for special events;
7. Analysis of how police officers are assigned to Council meetings, community events, Neighborhood Crime Prevention Council meetings, etc;
8. Analysis of how special enforcement can be performed on regular time versus overtime (e.g. Ceasefire);
9. Additional information related to the minimum overtime amounts approved in the Oakland Police Officers Association Memorandum of Understanding (MOU) versus the actual number of hours worked; and
10. Explanation from the City Administrator's Office on why police overtime is budgeted at levels consistently lower than historical actual expenditures.

This report addresses the concerns raised by the City Council.

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**Overtime Expenditures That Are Reimbursed**

As of March 31, 2019, OPD spent \$27,404,422 in General Purpose Fund overtime (\$21,487,506 excluding reimbursable overtime). Table 1 below provides a snapshot of the overtime spent by category.

**Table 1: General Purpose Fund Overtime from July 1, 2018 – March 31, 2019**

| Row Labels                   | #2018            |                  |                  |                  |                  |                  | #2019            |                  |                  | Grand Total       |
|------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------------|
|                              | Jul              | Aug              | Sep              | Oct              | Nov              | Dec              | Jan              | Feb              | Mar              |                   |
| Acting Higher Rank           | 48,329           | 91,543           | 49,322           | 36,854           | 52,063           | 46,102           | 32,784           | 21,196           | 30,523           | 408,717           |
| Administrative Investigation | 103,300          | 101,085          | 124,267          | 137,510          | 151,829          | 132,021          | 125,423          | 83,591           | 117,746          | 1,076,773         |
| Backfill                     | 621,228          | 578,007          | 499,537          | 547,420          | 569,668          | 585,840          | 502,687          | 427,049          | 641,944          | 4,973,380         |
| Callback                     | 107,474          | 85,378           | 90,071           | 85,130           | 77,970           | 76,042           | 92,480           | 91,666           | 84,038           | 790,249           |
| Canine                       | 3,220            | 3,182            | 2,711            | 2,994            | 2,787            | 3,521            | 3,559            | 3,231            | 3,152            | 28,355            |
| Community Meetings           | 376              |                  | 376              | 435              |                  | 392              |                  | 279              | 239              | 2,098             |
| Comp Time Earned             | 34,661           | 39,495           | 46,140           | 29,644           | 26,505           | 22,428           | 31,752           | 28,895           | 16,889           | 276,409           |
| Court                        | 28,543           | 43,338           | 25,217           | 31,901           | 17,546           | 25,873           | 36,776           | 29,492           | 32,406           | 271,093           |
| Extension of Shift           | 486,928          | 513,781          | 522,469          | 494,791          | 398,100          | 378,773          | 443,885          | 323,531          | 397,623          | 3,959,879         |
| FLSA                         | 110,405          | 160,567          | 160,934          | 170,594          | 150,569          | 140,379          | 134,933          | 124,134          | 105,903          | 1,258,417         |
| Holiday                      | 313,031          | (461)            | 525,110          | (1,814)          | 697,759          | 216,316          | 503,559          | 626,187          | 198,584          | 3,078,271         |
| Recruiting/Background        | 73,320           | 64,829           | 57,763           | 48,329           | 46,447           | 36,357           | 51,570           | 36,256           | 66,454           | 481,326           |
| Special Events/Enforcement   | 804,036          | 1,339,701        | 1,776,183        | 983,482          | 821,399          | 1,016,370        | 923,268          | 621,015          | 759,776          | 9,045,230         |
| Training                     | 202,003          | 163,017          | 170,704          | 228,767          | 228,580          | 220,513          | 196,778          | 126,529          | 217,332          | 1,754,225         |
| <b>Grand Total</b>           | <b>2,936,855</b> | <b>3,183,463</b> | <b>4,050,806</b> | <b>2,796,037</b> | <b>3,241,222</b> | <b>2,900,925</b> | <b>3,079,453</b> | <b>2,543,051</b> | <b>2,672,610</b> | <b>27,404,422</b> |

OPD spent \$9,045,230 in the Special Events/Enforcement category. This category includes overtime expenditures associated with reimbursable special events. The total amount associated with reimbursable overtime, as of March 31, 2019, is \$5,916,916. The table below language concerning the definition of special enforcement and special event overtime is from the supplemental agenda report on overtime policies, procedures, and controls presented to the January 9, 2018 Public Safety Committee:

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

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

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**Attachment A** provides a list of all reimbursable overtime for the period of July 1, 2018 to March 31, 2019 and includes amount spent on overtime, number of hours claimed and the number of OPD employees assigned.

### Historical Overtime

As mentioned in previous reports, past annual expenditures have not resulted in corresponding initial approved budget amounts. OPD has consistently spent over \$20 million every year on overtime since FY 2012-13 (see *Table 2*, below). Rather than receiving an overtime budget based on this consistent expenditure pattern (with increases based on employee raises), OPD continues to receive between \$12 million and \$16 million every fiscal year.

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

| Fiscal Year | Adopted Budget | Actual       | Amount Invoiced | Non-Reimbursed Overtime | (Over) / Under Adopted Budget* |
|-------------|----------------|--------------|-----------------|-------------------------|--------------------------------|
| 2012-13     | \$13,435,458   | \$23,491,096 | \$2,849,014     | \$20,642,082            | (7,206,624)                    |
| 2013-14     | \$13,435,548   | \$26,112,356 | \$2,884,679     | \$23,227,677            | (9,792,129)                    |
| 2014-15     | \$15,571,768   | \$31,690,464 | \$3,927,914     | \$27,762,550            | (12,190,782)                   |
| 2015-16     | \$12,935,458   | \$27,779,646 | \$4,449,479     | \$23,330,167            | (10,394,709)                   |
| 2016-17     | \$12,935,458   | \$28,265,038 | \$4,976,304     | \$23,288,734            | (10,353,276)                   |
| 2017-18     | \$12,435,458   | \$28,515,402 | \$7,373,866     | \$21,141,536            | (8,706,078)                    |
| 2018-19**   | \$12,335,458   | \$36,166,883 | \$8,628,414     | \$27,538,469            | (15,203,011)                   |

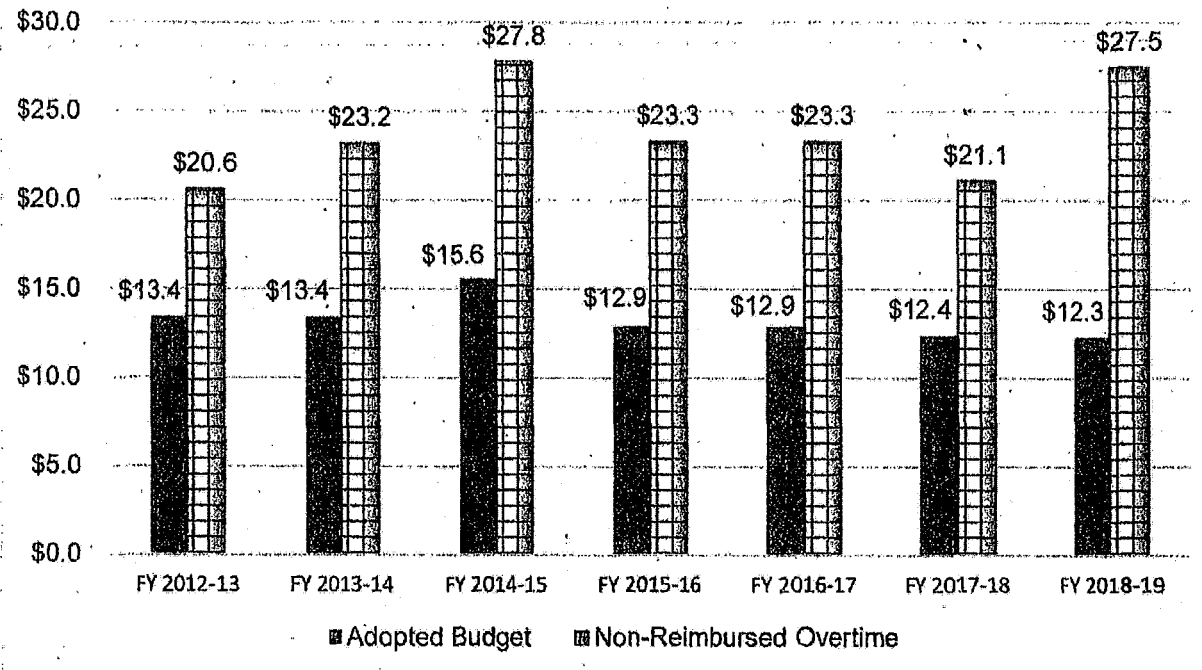
\*Does not include the adjusted overtime budget

\*\*Projected as of 05 APR 19

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The chart below illustrates the initial adopted overtime budget versus the non-reimbursable overtime spent from FY2012-13 through FY2018-19 (projected expenditures).

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



**Overtime Hours**

The *Overtime Expenditures in the Fire and Police Departments* report, dated November 17, 2017 and subsequent reports, referenced 505,214 overtime hours used in FY2006-07. During the April 9, 2019 Public Safety Committee meeting, it was requested that the overtime hours for each of the past 10 years be included in this supplemental report. Unfortunately, the Department does not have readily available data associated with historical overtime hours prior to FY2012-13. Therefore, the Department provided, in *Table 3* below, the actual overtime hours for the past six years and the projected overtime hours for FY2018-19.

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**Table 3: Overtime Hours Worked**

| Fiscal Year | GPF     | All Funds |
|-------------|---------|-----------|
| FY 2012-13  | 351,247 | 362,044   |
| FY 2013-14  | 382,930 | 399,917   |
| FY 2014-15  | 457,905 | 459,228   |
| FY 2015-16  | 388,810 | 395,849   |
| FY 2016-17  | 373,977 | 382,410   |
| FY 2017-18  | 350,432 | 376,271   |
| FY 2018-19* | 406,466 | 416,636   |

\*projected as of April 5, 2019

The projected increases in overtime hours in FY2018-19 is associated with increase service level demands and enforcement (crime reduction strategies, downtown club detail, hospital guard, sideshow operations, homeless outreach, etc.).

### Salary Increases

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

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

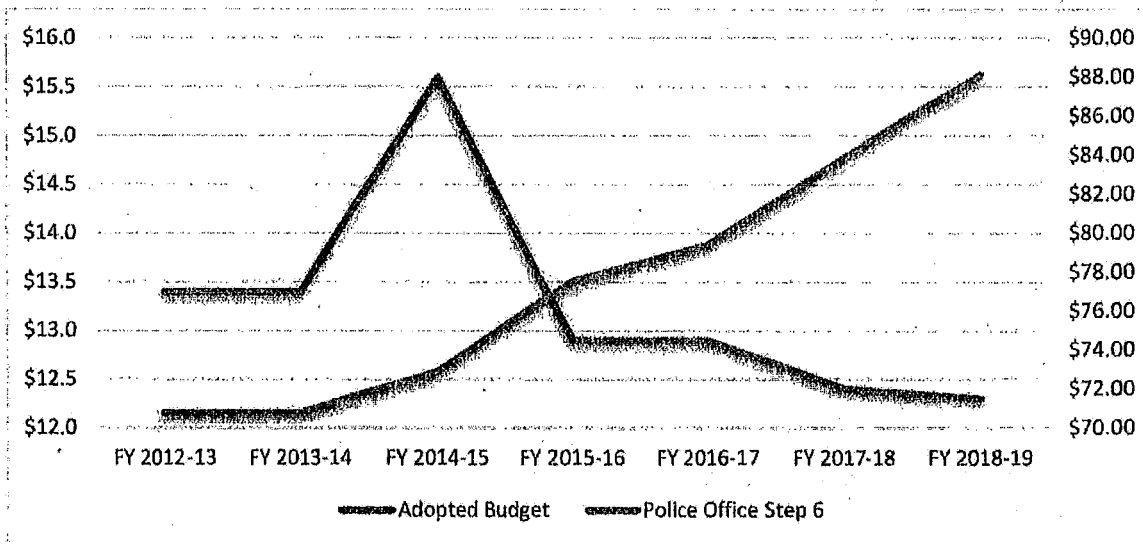
| Classification        | FY* 2012-13 | FY 2013-14 | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 | FY 2018-19 |
|-----------------------|-------------|------------|------------|------------|------------|------------|------------|
| Police Officer Step 1 | \$50.51     | \$50.51    | \$52.04    | \$55.34    | \$56.68    | \$59.88    | \$62.92    |
| Police Officer Step 2 | \$58.94     | \$58.94    | \$60.73    | \$64.58    | \$66.14    | \$69.88    | \$73.42    |
| Police Officer Step 3 | \$61.20     | \$61.20    | \$63.05    | \$67.05    | \$68.67    | \$72.55    | \$76.23    |
| Police Officer Step 4 | \$63.22     | \$63.22    | \$65.13    | \$69.26    | \$70.94    | \$74.95    | \$78.75    |
| Police Officer Step 5 | \$65.48     | \$65.48    | \$67.45    | \$71.74    | \$73.47    | \$77.63    | \$81.56    |
| Police Officer Step 6 | \$70.74     | \$70.74    | \$72.88    | \$77.50    | \$79.38    | \$83.86    | \$88.11    |
| Sergeant of Police    | \$81.62     | \$81.62    | \$84.08    | \$89.42    | \$91.58    | \$96.76    | \$101.66   |
| Lieutenant of Police  | \$94.40     | \$94.40    | \$97.26    | \$103.42   | \$105.93   | \$111.92   | \$117.58   |

FY = Fiscal Year

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There has been a 20 percent cost of living and equity increase for sworn members from FY2012-13 to FY2018-19. Salaries also increased, by approximately 13 percent, for professional staff from FY2012-13 to FY2018-19. In FY2018-19, the adopted budget was \$12,335,458, which is nine percent less than the adopted overtime budget of \$13,435,458 in FY2012-13. The chart below illustrates the adopted budget and Police Officer Step 6 overtime rate from FY2012-13 through FY2018-19.

**Chart 2: Adopted Budget (in Millions) Versus Step 6 Police Officer Overtime Rate**



**Department's Internal Overtime Budget**

The Department created an internal overtime budget of \$21 million which is \$8,664,542 higher than the Council approved overtime budget of \$12,335,458 and \$6,947,766 higher than the FY18-19 adjusted overtime budget of \$14,052,234.

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

The \$21 million internal budget also incorporates reimbursable Special Events. The adjusted overtime budget and the projected reimbursable overtime is how the Department arrived at an internal overtime budget of \$21 million.

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**Pre-approved Overtime**

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

**Overtime Approval**

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

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

**Advance Approval for Overtime per Policy**

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

**B. OVERTIME PROCEDURES****B – 1. Overtime Authorization****1. Approval Process**

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

- a. Complete a radio-dispatched assignment.
- b. Complete an assignment provided by a supervisor (e.g. follow up to an incident that cannot wait until the next shift).
- c. Self-dispatch to a required emergency response (e.g. an officer in need of immediate assistance).

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- d. Complete an on-view assignment that requires immediate and continuing police action (e.g., civil disturbances, serious traffic accidents, homicide investigations, etc.)
- e. Attend a court session, judicial or administrative proceeding related to Departmental business in response to a subpoena or lawful order of a superior officer.
- f. Fill unplanned vacancies in the Patrol, Communications, or Records Divisions that would bring the division under minimum staffing levels.

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

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

Given current systems and data, it is not possible to provide the exact amount of overtime pre-approved and the amount that does not require advance approval. The member enters his/her hours, task, organization and element the City's time and attendance system, Oracle. There is not designated space for additional information to be entered, nor is there a special box to check to identify if the overtime was pre-approved. However, based on the element used, we can get an idea of how much overtime is associated with pre-approved overtime and overtime that does not require advance approval.

Acting Higher Rank, Court, Extension of Shift, Fair Labor Standard Act (FLSA), Holiday and half of Backfill overtime is most likely related to overtime that does not require advance approval. The total amount for these categories, as of March 31, 2019, is \$11,463,067. Administrative Investigation, Callback, Canine, Community Meetings, Comp Time Earned, Recruiting/Background, Special Events/Enforcement, Training and half of Backfill overtime is most likely related to overtime that is pre-approved by a supervisor. The total amount for these categories, as of March 31, 2019, is \$15,941,355.

### ***Managing Overtime***

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

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***Professional Staff for Special Events***

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

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

***Members Assignments at Community Events***

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

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

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***Special Enforcement Staffing***

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

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

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

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

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

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

***City Administrator's Office Response on Police Overtime Annual Budget***

The projected increases in overtime hours in FY 2018-19 is associated with increased demands for policing services. This report also explains that the City of Oakland has provided a number of raises to members of OPD over the last several years. The City must now manage higher per-hour overtime costs. The Mayor's proposed FY 2019-21 Budget now reflects an increase of 22.71% for the FY 2019-20 year and an additional 2.29% for the FY 2020-21 year.

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Sabrina B. Landreth, City Administrator  
Third Supplemental Quarterly Report on Police Overtime  
Date: May 17, 2019

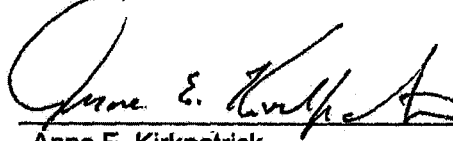
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**ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE**

Staff Recommends That The City Council Receive This Third Supplemental Quarterly Report From The Oakland Police Department (OPD) That Includes Information On Overtime Policies And Procedures.

For questions regarding this report, please contact D. Nell Wallington, Police Services Manager I, at (510) 238-3288.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Prepared by:  
D. Nell Wallington, Police Services Manager I  
OPD, Bureau of Services, Fiscal Section

Attachments (1):

A – List of reimbursable Special Events/Special Operations overtime spent in the Oakland Police Department for the first, second and third quarters of FY 2018-19

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## OPD Special Events Overtime July 1, 2018 – March 31, 2019

| Event                 | Amount  | # of Hours | # of Employees | Event                      | Amount | # of Hours | # of Employees |
|-----------------------|---------|------------|----------------|----------------------------|--------|------------|----------------|
| AC Transit Project    | 674,946 | 8,049.00   | 50             | A's vs. Dodgers 8/07       | 24,613 | 293.00     | 34             |
| PORT-JLS OT SECURITY  | 214,951 | 2,483.50   | 31             | First Friday               | 24,043 | 297.25     | 35             |
| Rolling Loud Music    | 191,668 | 2,233.50   | 135            | Warriors vs. Timber        | 23,368 | 261.75     | 35             |
| Kamala Harris Event   | 156,171 | 1,803.90   | 193            | Warriors vs. Clipper       | 22,487 | 258.25     | 36             |
| Raiders vs. Steelers  | 134,264 | 1,608.00   | 147            | Warriors vs. Thunder       | 22,294 | 254.25     | 35             |
| Raiders vs. Browns    | 127,989 | 1,546.50   | 137            | Warriors vs. Rockets       | 22,245 | 244.75     | 36             |
| Raiders vs. Broncos   | 127,769 | 1,531.75   | 155            | Warriors vs. Pelican       | 22,163 | 246.00     | 35             |
| Raiders vs. Chiefs    | 121,763 | 1,454.75   | 137            | Warriors vs. Thunder       | 22,125 | 248.75     | 35             |
| Raiders vs. Colts     | 121,609 | 1,452.50   | 139            | Warriors vs. Jazz          | 22,104 | 241.25     | 35             |
| Raiders vs. Chargers  | 114,431 | 1,369.00   | 138            | Warriors vs. Rockets       | 22,003 | 246.25     | 34             |
| Raiders vs. Rams      | 109,147 | 1,309.75   | 135            | Warriors vs. Mavericks     | 21,953 | 251.75     | 35             |
| Raiders vs. Packers   | 105,946 | 1,278.00   | 129            | Warriors vs. Suns          | 21,556 | 237.75     | 35             |
| All Day & A Night     | 105,808 | 1,310.00   | 66             | Warriors vs. Kings         | 21,523 | 237.50     | 35             |
| Raiders vs. Lions     | 105,741 | 1,266.75   | 127            | TBS World Tour             | 21,500 | 249.25     | 28             |
| Oakland Running Fest. | 81,700  | 954.90     | 128            | Warriors vs. Heat          | 21,448 | 238.50     | 35             |
| BANK OF AMERICA       | 79,862  | 1,023.00   | 20             | Warriors vs. Lakers        | 21,383 | 240.00     | 34             |
| Aubrey & 3 Amigos     | 69,495  | 800.50     | 61             | A's vs. Mariners           | 21,351 | 256.25     | 31             |
| Monster Supercross    | 65,872  | 748.00     | 63             | Warriors vs. Raptors       | 21,265 | 240.50     | 35             |
| PG&E San Leandro St   | 64,422  | 822.00     | 11             | Warriors vs. Trail Blazers | 21,241 | 240.75     | 34             |
| Marriott Hotel Strike | 54,366  | 639.00     | 43             | Warriors vs. Trail         | 21,210 | 242.25     | 35             |
| Bed Bath & Beyond     | 52,801  | 646.00     | 6              | Warriors vs. Kings         | 21,193 | 241.00     | 35             |
| LANEY SWAP MEET       | 47,383  | 558.00     | 25             | Warriors vs. Hornets       | 21,146 | 235.00     | 35             |
| A's vs. Giants 7/21   | 46,123  | 561.00     | 54             | Warriors vs. Pistons       | 21,121 | 236.75     | 35             |
| Monster Jam           | 44,224  | 507.75     | 59             | A's vs. Dodgers 8/08       | 21,106 | 250.40     | 34             |
| Oakland Zoo Traffic   | 42,957  | 546.50     | 37             | Warriors vs. Lakers        | 21,075 | 245.00     | 35             |
| Monster Jam           | 42,223  | 476.75     | 60             | Warriors vs. Magic         | 21,029 | 240.75     | 34             |
| A's vs. Giants 7/20   | 41,309  | 503.50     | 54             | Warriors vs. Pelican       | 20,977 | 245.50     | 34             |
| A's vs. Angels        | 41,174  | 491.50     | 53             | Warriors vs. Grizzlies     | 20,973 | 242.50     | 35             |
| Treasure Island Music | 40,453  | 489.25     | 27             | Warriors vs. Grizzlies     | 20,871 | 234.00     | 35             |
| A's vs. Giants 7/22   | 39,454  | 468.50     | 52             | Warriors vs. Celtics       | 20,841 | 230.00     | 36             |
| CONSTRUCTION          | 39,002  | 493.00     | 18             | Warriors vs. Hawks         | 20,767 | 234.50     | 35             |
| Levy Restaurants      | 36,967  | 444.25     | 32             | Warriors vs. Wolves        | 20,662 | 234.00     | 32             |
| A's vs. Yankees 9/03  | 35,737  | 416.25     | 51             | Warriors vs. Spurs         | 20,620 | 227.50     | 35             |
| A's vs. Yankees 9/04  | 35,260  | 426.10     | 52             | Warriors vs. 76ers         | 20,592 | 227.00     | 35             |
| Oaktown 5K and Half   | 32,974  | 410.50     | 61             | Warriors vs. Timberw       | 20,584 | 233.00     | 35             |
| Día De Los Muertos    | 29,607  | 376.50     | 36             | Warriors vs. Suns          | 20,532 | 237.00     | 35             |
| Disney on Ice         | 29,361  | 325.75     | 26             | A's vs. Twins 9/22         | 20,518 | 238.75     | 28             |
| Oakland Triathlon     | 26,821  | 332.00     | 65             | Warriors vs. Nets          | 20,511 | 236.25     | 33             |
| PG&E Construction     | 26,244  | 335.00     | 17             | Warriors vs. Bulls         | 20,479 | 226.25     | 31             |



Need Line

Attachment 10

Attachment A

| Event                  | Amount | # of Hours | # of Employees | Event                    | Amount | # of Hours | # of Employees |
|------------------------|--------|------------|----------------|--------------------------|--------|------------|----------------|
| Wonder Woman Run       | 20,458 | 257.50     | 50             | A's vs. Angels 9/18      | 12,747 | 145.25     | 18             |
| PG&E Construction      | 20,331 | 251.00     | 10             | Kevin Hart               | 12,697 | 144.00     | 21             |
| A's vs. Twins 9/23     | 20,320 | 248.00     | 30             | Art & Soul Fest          | 11,937 | 137.25     | 12             |
| Twenty One Pilots      | 20,293 | 236.25     | 28             | Trans Siberian Orchestra | 11,893 | 132.25     | 21             |
| Warriors vs. Wizards   | 20,173 | 229.25     | 34             | Oakland Pride            | 13,564 | 170.50     | 17             |
| Warriors vs. Knicks    | 19,977 | 220.50     | 34             | AR Rahman                | 13,520 | 156.50     | 20             |
| Home Depot             | 19,916 | 248.50     | 19             | Warriors Open Practice   | 13,505 | 163.00     | 32             |
| Warriors vs. Suns      | 19,876 | 226.00     | 34             | A's vs. Tigers           | 13,481 | 161.75     | 21             |
| Travis Scott           | 19,699 | 228.50     | 31             | A's vs. Astros 8/17      | 13,310 | 153.50     | 19             |
| A's vs. Padres 7/3     | 19,333 | 229.50     | 31             | Phil Collins             | 13,120 | 145.75     | 21             |
| Warriors vs. Bucks     | 19,188 | 222.00     | 33             | NA LCS 9/08              | 13,030 | 148.50     | 15             |
| A's vs. Angels         | 19,124 | 227.50     | 28             | A's vs. Blue Jays        | 11,868 | 134.00     | 18             |
| Warriors vs. Nuggets   | 19,006 | 213.25     | 34             | A's vs. Mariners         | 11,831 | 141.50     | 18             |
| First Friday           | 18,718 | 246.00     | 36             | J. Balvin Concert        | 11,586 | 136.25     | 18             |
| A's vs. Angels         | 18,427 | 211.40     | 29             | Hall & Oates and Train   | 11,482 | 130.50     | 17             |
| Disney on Ice          | 18,372 | 209.50     | 17             | A's vs. Mariners         | 11,391 | 129.75     | 18             |
| Warriors vs. Pacers    | 18,298 | 202.65     | 35             | A's vs. Tigers 8/05      | 11,360 | 133.50     | 19             |
| Warriors vs. Mavericks | 18,192 | 207.00     | 33             | A's vs. Padres 7/4       | 11,241 | 140.00     | 20             |
| Santa Cruz Warriors    | 18,036 | 199.50     | 32             | A's vs. Indians 6/29     | 11,097 | 130.00     | 20             |
| A's vs. Tigers         | 17,865 | 215.00     | 29             | First Friday 10/05       | 11,041 | 172.50     | 15             |
| A's vs. Astros 8/18    | 17,388 | 205.50     | 27             | A's vs. Rangers 9/09     | 11,010 | 126.00     | 16             |
| A's vs. Giants         | 17,311 | 196.00     | 32             | NA LCS 9/09              | 10,927 | 120.75     | 15             |
| First Friday           | 17,258 | 226.50     | 27             | Oakland A's FanFest      | 10,917 | 120.00     | 18             |
| Elton John             | 17,063 | 187.25     | 26             | First Friday             | 10,861 | 158.25     | 15             |
| Justin Timberlake      | 17,056 | 186.50     | 24             | A's vs. Rangers 8/21     | 10,608 | 119.75     | 18             |
| Panic at the Disco     | 16,594 | 179.75     | 24             | A's vs. Rangers 9/08     | 10,595 | 124.25     | 16             |
| A's vs. Yankees 9/05   | 16,482 | 194.25     | 29             | A's vs. Blue Jays        | 10,493 | 118.50     | 18             |
| Muse                   | 16,467 | 183.75     | 24             | First Friday             | 10,363 | 141.00     | 16             |
| J. Cole Concert        | 16,092 | 181.75     | 23             | A's vs. Angels 9/20      | 10,324 | 126.25     | 17             |
| Childish Gambino       | 15,810 | 183.00     | 27             | A's vs. Mariners         | 10,254 | 127.50     | 19             |
| A's vs. Angels         | 15,795 | 180.00     | 26             | A's vs. Mariners         | 10,222 | 117.25     | 19             |
| Nick Cannon            | 15,490 | 174.50     | 24             | Kelly Clarkson           | 10,209 | 113.00     | 15             |
| 385 14th St            | 14,677 | 182.00     | 16             | Smashing Pumpkins        | 10,167 | 115.00     | 15             |
| Hiero Day              | 14,595 | 178.00     | 17             | MTC Comm. Parking        | 10,156 | 128.00     | 11             |
| A's vs. Twins 9/21     | 14,073 | 166.00     | 21             | The Phone                | 10,107 | 115.00     | 7              |
| A's vs. Astros 8/19    | 13,999 | 162.00     | 20             | Raiderville              | 10,102 | 124.75     | 7              |
| A's vs. Mariners       | 13,912 | 164.50     | 22             | A's vs. Mariners         | 10,014 | 115.50     | 18             |
| Jeff Lynne's ELO       | 13,830 | 156.00     | 22             | Eat Real Festival        | 9,994  | 111.00     | 9              |
| Fleetwood Mac          | 13,738 | 155.00     | 23             | A's vs. Angels 9/19      | 9,885  | 111.75     | 18             |
| Sam Smith Concert      | 13,713 | 155.75     | 24             | Chinatown Street Fest.   | 9,649  | 120.00     | 11             |
| A's vs. Rangers 9/07   | 13,711 | 155.25     | 21             | Championship Boxing      | 9,649  | 114.25     | 13             |
| A's vs. Indians 7/01   | 13,650 | 159.50     | 22             | A's vs. Blue Jays        | 9,497  | 121.50     | 17             |

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| Event                   | Amount | # of Hours | # of Employees | Event                  | Amount | # of Hours | # of Employees |
|-------------------------|--------|------------|----------------|------------------------|--------|------------|----------------|
| Black Joy Parade        | 9,455  | 110.65     | 20             | Alan Walker            | 2,873  | 30.50      | 3              |
| A's vs. Rangers 8/20    | 9,429  | 107.00     | 18             | John Legend            | 2,811  | 30.00      | 4              |
| Hilton Hotel            | 9,321  | 105.50     | 9              | Brownies & Lemonade    | 2,768  | 30.50      | 4              |
| Steph Curry UA Event    | 8,832  | 98.50      | 13             | 2126 MLK Jr. Way       | 2,719  | 33.50      | 4              |
| Oakland Black Cowboy    | 8,185  | 105.00     | 20             | Warriors STH Event     | 2,669  | 29.00      | 5              |
| A's vs. Rangers 8/22    | 8,141  | 96.25      | 14             | Oakland Grand Prix     | 2,604  | 29.00      | 4              |
| Oaktoberfest            | 7,978  | 100.25     | 12             | Apple TV Show          | 2,949  | 33.00      | 4              |
| Mike Epps               | 7,883  | 92.50      | 13             | 1100 Broadway          | 2,931  | 37.00      | 4              |
| 5110 Broadway           | 7,718  | 98.00      | 11             | Breakin Bread MC       | 2,338  | 26.50      | 4              |
| 532 39th St             | 7,442  | 91.00      | 10             | Tenacious D            | 2,239  | 25.50      | 4              |
| La Arrolladora          | 7,216  | 83.75      | 9              | Oakland Fam Bam        | 2,058  | 24.50      | 3              |
| COPA Festival           | 7,125  | 87.00      | 8              | Clayton Valley HS      | 1,895  | 21.25      | 2              |
| Bad Bunny               | 6,985  | 83.50      | 14             | 2820 Broadway          | 1,886  | 23.25      | 2              |
| Raider Image            | 6,770  | 82.50      | 14             | Myittar                | 1,881  | 25.00      | 2              |
| Lunar New Year Baza     | 6,499  | 71.00      | 6              | 2820 Broadway          | 1,862  | 24.50      | 3              |
| 5110 Telegraph Ave      | 6,240  | 76.50      | 9              | CJ Group               | 1,784  | 19.50      | 3              |
| Harlem Globetrotters    | 5,965  | 66.00      | 6              | Comcast                | 1,775  | 21.50      | 1              |
| Oakland A's Watch Party | 5,956  | 67.25      | 9              | C.H Wines              | 1,756  | 23.00      | 2              |
| 447 17th St             | 5,713  | 68.25      | 6              | Niantic Labs Video     | 1,661  | 21.00      | 2              |
| Harlem Globetrotters    | 5,594  | 62.00      | 6              | FESTAC                 | 1,499  | 16.00      | 2              |
| Alameda Point Antique   | 5,286  | 60.00      | 9              | ESPN MNF               | 1,450  | 16.50      | 3              |
| Oakland Turkey Trot     | 5,132  | 60.00      | 12             | Lil Baby               | 1,441  | 16.50      | 2              |
| My Culture              | 5,104  | 68.50      | 6              | W. VS. CAV'S           | 1,432  | 15.75      | 2              |
| 447 17th St             | 4,990  | 57.00      | 6              | 3093 Broadway          | 1,427  | 16.00      | 2              |
| PG&E (66th Ave @ Oak)   | 4,958  | 61.00      | 4              | Oakland Natives Give   | 1,356  | 17.00      | 2              |
| BIG 3                   | 4,942  | 56.75      | 7              | TriNet                 | 1,338  | 15.00      | 2              |
| Family Bridges          | 4,861  | 57.00      | 8              | Subaru                 | 1,318  | 16.00      | 2              |
| Tyler Perry             | 4,834  | 55.00      | 6              | Money Mondays          | 1,314  | 15.00      | 3              |
| College Football Pla    | 4,712  | 51.25      | 5              | And1 Paint in the Park | 1,154  | 15.00      | 3              |
| Our Lady of Guadalup    | 4,685  | 54.00      | 9              | Comcast                | 1,153  | 13.25      | 1              |
| WWE Live Holiday Tour   | 4,315  | 49.50      | 8              | Alameda Point Antiques | 1,128  | 15.00      | 3              |
| Supercross Futures      | 4,261  | 46.00      | 5              | Monte Vista HS Prom    | 1,115  | 12.50      | 2              |
| PG&E (Fruitvale Ave)    | 4,132  | 50.75      | 3              | Brothers Osbourne      | 1,113  | 12.00      | 2              |
| Grand Theft Auto        | 3,664  | 39.00      | 3              | 1032 Full Throttle     | 1,088  | 15.00      | 2              |
| Warriors Practice       | 3,481  | 39.00      | 6              | Near Future            | 1,071  | 14.00      | 2              |
| All Day I Dream Fest    | 3,435  | 42.50      | 6              | San Ramon Valley HS    | 1,070  | 12.00      | 2              |
| Raider Escort           | 3,400  | 38.00      | 7              | EBRHA                  | 1,069  | 12.00      | 2              |
| Burger Boogaloo         | 3,354  | 40.50      | 6              | First Friday           | 1,054  | 10.50      | 1              |
| Butler Amusement        | 3,324  | 36.00      | 6              | Blindspotting          | 1,044  | 12.00      | 2              |
| PBR Oakland Classic     | 3,293  | 36.00      | 6              | PINK Concert           | 958    | 8.25       | 1              |
| Slam Magazine           | 3,139  | 35.00      | 5              | Harvest                | 892    | 12.00      | 1              |
| Joe Biden               | 3,104  | 40.00      | 3              | SantaCon               | 890    | 10.00      | 2              |
| Genesis 6               | 3,014  | 32.50      | 2              | Sawetie Fan Event      | 870    | 10.00      | 2              |

*not use*

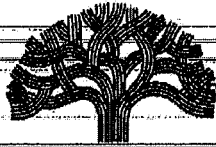
Attachment A

| Event                | Amount | # of Hours | # of Employees | Event                | Amount | # of Hours         | # of Employees |
|----------------------|--------|------------|----------------|----------------------|--------|--------------------|----------------|
| Bishop O'Dowd HS     | 870    | 10.00      | 2              | Raider Image         | 376    | 5.00               | 1              |
| COPA Festival        | 856    | 11.00      | 1              | A's vs. Angels 6/15  | 247    | 1.75               | 2              |
| Nina Cried Power     | 798    | 11.00      | 1              | A's vs. RAYS         | 115    | 1.50               | 3              |
| Levi's               | 785    | 11.00      | 2              | W. VS. CAV'S         | 87     | 1.00               | 1              |
| Fitbit               | 754    | 9.50       | 2              | AEG 602L Ops         | 75     | 1.00               | 1              |
| A's vs. Indians 6/30 | 735    | 8.50       | 3              | DIRTYBIRD BBQ        | 28     | 0.00               | 2              |
| WARRIORS VS BULLS    | 720    | 7.00       | 1              | Warriors vs. Spurs   | 25     | 0.25               | 1              |
| Johnstone Moyer, Inc | 717    | 9.00       | 1              | A's vs. Astros 6/13  | 22     | 0.25               | 1              |
| W VS. ROCKETS        | 714    | 8.00       | 1              | Black Cowboy Parade  | 5      | 0.00               | 1              |
| W VS. ROCKETS        | 696    | 8.00       | 1              | A's vs. Angels 6/16  | 0      | 0.00               | 1              |
| W VS. PELICANS       | 674    | 7.75       | 1              | PINK Concert         | -19    | -0.25              | 1              |
| Sorry To Bother You  | 622    | 8.00       | 1              | BLURRY VISION MUSIC  | -44    | -0.50              | 1              |
| PG&E Construction    | 609    | 7.00       | 1              | Warriors Watch Party | -87    | -1.00              | 2              |
| Ridge Communications | 520    | 7.00       | 1              | A's vs. Royals 6/08  | -87    | -1.00              | 1              |
| True Buddha Vijaya   | 479    | 5.50       | 1              | WARRIORS W. PARTY    | -87    | -1.00              | 1              |
| Warriors Watch Party | 452    | 4.50       | 1              | Oakland Zoo Traffic  | -339   | -4.50              | 1              |
| Feed Oakland         | 452    | 6.00       | 1              | Oakland Zoo Traffic  | -464   | -6.00              | 2              |
| KD Fantasy Expo      | 435    | 5.00       | 1              | First Friday         | -502   | -5.00              | 1              |
| Uber Driver Ambition | 435    | 5.00       | 1              | W VS. PELICANS       | -827   | -9.50              | 1              |
| Oversize Load        | 435    | 5.00       | 1              | AC Transit Project   | -847   | -9.50              | 1              |
| The Connected Car    | 389    | 5.00       | 1              | First Friday         | -954   | -9.50              | 1              |
|                      |        |            |                | <b>Total</b>         |        | <b>\$5,916,916</b> |                |



**STAFFING REPORTS**





CITY OF OAKLAND

 FILED  
 OFFICE OF THE CITY CLERK  
 OAKLAND

# AGENDA REPORT

2019 MAY -2 PM 6:50

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

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

**SUBJECT:** Quarterly Police Staffing Report

**DATE:** April 15, 2019

City Administrator Approval

Date:

5/1/19

## RECOMMENDATION

Staff Recommends That The City Council Receive The Oakland Police Department's (OPD) Quarterly Informational Report On Recruiting And Sworn Staffing Levels As Of March 31, 2019.

## EXECUTIVE SUMMARY

This informational report provides data on the demographics and staffing levels of OPD sworn and professional staff and recruiting and hiring data as of March 31, 2019.

## BACKGROUND/LEGISLATIVE HISTORY

In 2009, the City Council requested a report on staffing levels from OPD to address current staffing for both sworn and professional staff. OPD previously provided this information on a monthly basis; however, effective 2019, the information is being provided on a quarterly basis. This report addresses recruitment activities and assignments for both sworn and professional staff positions.

## ANALYSIS AND POLICY ALTERNATIVES

### *Overview*

Over an eleven-year timespan, OPD sworn staffing levels have gone from a high of 830 officers in 2009 to a low of 613 officers in 2013. The department has been building its numbers since 2013, and as of January 1, 2019, the Department had 749 sworn officers. Table 1 below, provides the sworn staffing data numerically, and Figure 1 below, does so visually.

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Table 1: Actual Staffing Levels as of January 1, 2009 through January 1, 2019

|                                    | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|------------------------------------|------|------|------|------|------|------|------|------|------|------|------|
| Sworn Staffing Levels as of Jan. 1 | 830  | 780  | 656  | 642  | 613  | 626  | 695  | 721  | 744  | 747  | 749  |

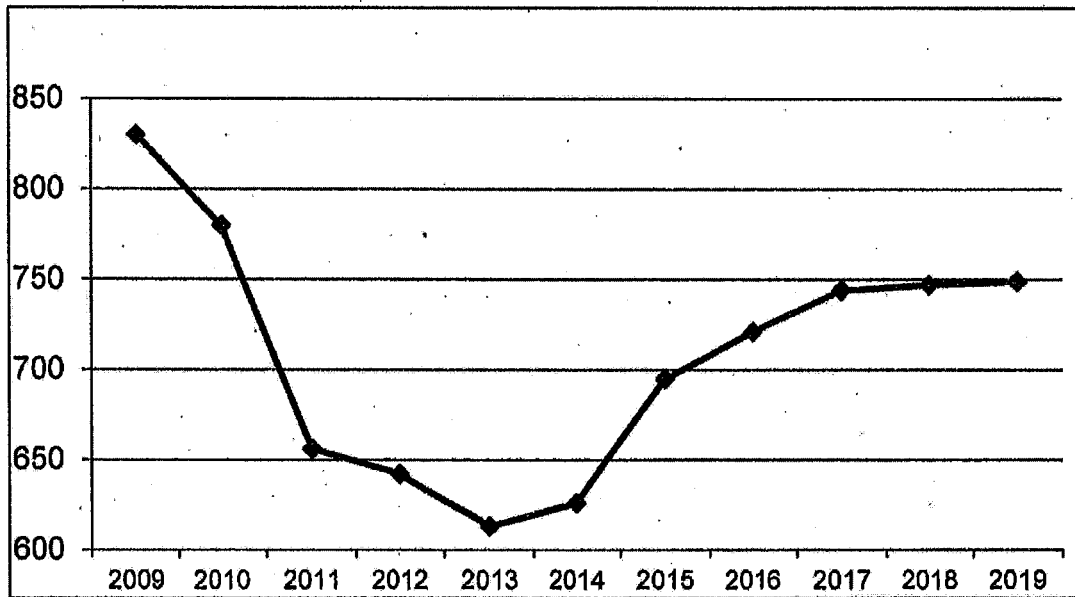


Figure 1: Sworn Staffing on January 1, 2009 through January 1, 2019

On January 1, 2019, actual sworn staffing was 749. However, due to attrition, as of March 31, 2019, the number of sworn officers was 738 (Table 9 provides details).

The authorized staffing level per the Approved Fiscal Year (FY) 2018-19 Budget is 792 sworn positions. The 792 authorized positions include the following grant-funded positions:

- 15 officer positions from the 2015 DOJ/COPS Hiring Grant;
- 15 officer positions from the 2016 DOJ/COPS Hiring Grant; and
- 66 officer positions funded by Measure Z, a public safety measure passed by Oakland voters in 2014.

Tables 9 through 11 of this report provide additional information on funding and officer attrition.

**Demographics – Oakland Residents**

OPD has prioritized attracting a racially diverse and multilingual workforce of qualified officers that includes Oakland residents. Figure 2 below, shows that as of March 31, 2019, 74 sworn members or ten percent (10%) of sworn staffing were Oakland residents. Table 2, below, provides details about the top ten cities where officers live; the greatest percentage live in Oakland.

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Figure 2: Residency by County and City of Oakland, of Sworn OPD Members

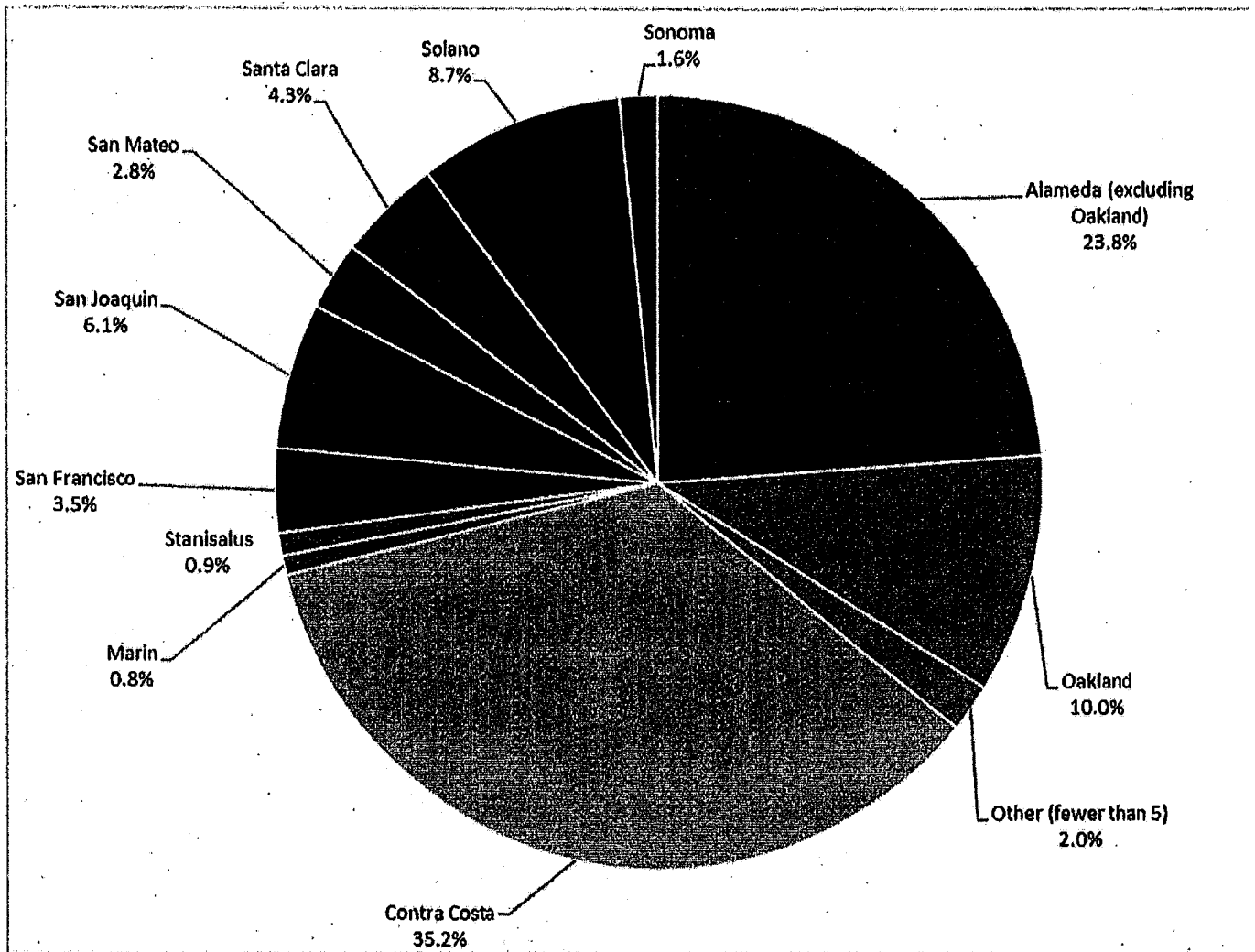


Table 2: Residency by Top 10 Cities, of Sworn OPD Members

| City          | Count | Department Percentage | City          | Count      | Department Percentage |
|---------------|-------|-----------------------|---------------|------------|-----------------------|
| Oakland       | 74    | 10.3%                 | San Francisco | 26         | 3.52%                 |
| Concord       | 31    | 4.2%                  | Brentwood     | 25         | 3.39%                 |
| Castro Valley | 30    | 4.07%                 | Hayward       | 23         | 3.12%                 |
| San Leandro   | 29    | 3.93%                 | Dublin        | 22         | 2.98%                 |
| Oakley        | 27    | 3.66%                 | Vallejo       | 22         | 2.98%                 |
| <b>Total</b>  |       |                       | <b>Total</b>  | <b>309</b> | <b>41.87%</b>         |

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Table 3 below shows that four (4) Police Officer Trainees (POTs) or 10.25% of the 182<sup>nd</sup> Police Academy were Oakland residents.

*Table 3: OPDs 182<sup>nd</sup> Basic Academy (OPDs Latest Academy)*

| Gender       |           | Race/Ethnicity            |           | Residency    |           | Language     |           | Education       |           |
|--------------|-----------|---------------------------|-----------|--------------|-----------|--------------|-----------|-----------------|-----------|
| Female       | 9         | Asian                     | 9         | Oakland      | 4         | Mandarin     | 1         | Some College    | 18        |
| Male         | 30        | Black or African American | 6         | Other        | 35        | Spanish      | 11        | Associate's     | 2         |
|              |           | Hispanic or Latino        | 15        |              |           | English Only | 20        | Bachelor's      | 11        |
|              |           | White or Caucasian        | 7         |              |           | Other        | 6         | Master's        | 4         |
|              |           | Other                     | 2         |              |           | Cantonese    | 1         | High School/GED | 4         |
| <b>Total</b> | <b>39</b> | <b>Total</b>              | <b>39</b> | <b>Total</b> | <b>39</b> | <b>Total</b> | <b>39</b> | <b>Total</b>    | <b>39</b> |

**Demographics – Race, Ethnicity, and Gender**

Tables 4 and 5 provide current and past demographic information for all OPD sworn staff.

*Table 4: Race/Ethnicity and Gender – All OPD Sworn Staff as of March 31, 2019*

| Race/Ethnicity            | Female     |             | Male       |             |
|---------------------------|------------|-------------|------------|-------------|
| Asian                     | 7          | 7.0%        | 90         | 14.0%       |
| Black or African American | 20         | 20.0%       | 106        | 16.5%       |
| Filipino                  | 1          | 1.0%        | 23         | 3.6%        |
| Hispanic or Latino        | 31         | 31.0%       | 162        | 25.2%       |
| Native American           | 1          | 1.0%        | 2          | 0.3%        |
| Undeclared-Other          | 4          | 4.0%        | 13         | 2.0%        |
| White or Caucasian        | 36         | 36.0%       | 245        | 38.2%       |
| <b>Total</b>              | <b>100</b> | <b>100%</b> | <b>642</b> | <b>100%</b> |

*Table 5: Race/Ethnicity by Year – All OPD Sworn Staff as of March 31, 2019*

Note: "Asian" includes Filipino; "Other" includes Native American and Undeclared

| Race/Ethnicity | US 2010 Census-Oakland Pop. | OPD 2016 | OPD 2017 | OPD 2018 | OPD 2019 |
|----------------|-----------------------------|----------|----------|----------|----------|
| White          | 34.5%                       | 39.7%    | 38.8%    | 38.4%    | 37.9%    |
| Black          | 28.0%                       | 18.0%    | 17.3%    | 16.7%    | 16.9%    |
| Asian          | 16.8%                       | 15.1%    | 15.3%    | 16.9%    | 16.3%    |
| Hispanic       | 25.4%                       | 23.7%    | 24.6%    | 25.2%    | 26.0%    |
| Other          | --                          | 3.5%     | 4.0%     | 2.7%     | 2.8%     |

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Table 6 shows the gender breakdown and provides a national comparison.

Table 6: OPD Gender Percentages by Year Compared With 2007 National Percentage<sup>1</sup>

| Gender | National Percentage, 2007 | OPD 2016 | OPD 2017 | OPD 2018 | *OPD 2019 |
|--------|---------------------------|----------|----------|----------|-----------|
| Female | 14.3%                     | 13.0%    | 13.0%    | 13.0%    | 13.6%     |
| Male   | 85.7%                     | 87.0%    | 87.0%    | 87.0%    | 86.4%     |

\*2019 figure shows all OPD sworn staff as of March 31, 2019

### Actual and Projected Sworn Staffing

On December 10, 2013, the Oakland City Council passed Resolution No. 84767 C.M.S., which requires the OPD staffing report to contain an analysis of any deviations between the expected and actual staffing levels, the expected hiring methods, and alternative hiring options for achieving budgeted staffing as quickly as possible. Table 7 below provides actual and projected sworn staffing for a twelve-month period. This data is accurate as of March 31, 2019.

Table 7: Actual Sworn Staffing (as of March 31, 2019) and Sworn Staffing Projections

| Year                    | 2018                                    |      | 2019                                    |      |      |      |      |      |      |      |      |      |
|-------------------------|---|------|---|------|------|------|------|------|------|------|------|------|
| Month                   | Nov                                     | Dec  | Jan                                     | Feb  | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct  |
| Authorized              | 792                                     | 792  | 792                                     | 792  | 792  | 792  | 792  | 792  | 792  | 792  | 792  | 792  |
| Filled                  | 731                                     | 729  | 750                                     | 749  | 747  | 742  | 763  | 758  | 753  | 748  | 768  | 763  |
| Attrition               | (2)                                     | (1)  | (1)                                     | (2)  | (5)  | (4)  | (5)  | (5)  | (5)  | (5)  | (5)  | (5)  |
| Hires                   | 0                                       | 22   | 0                                       | 0    | 0    | 25   | 0    | 0    | 0    | 25   | 0    | 0    |
| Ending Filled**         | 729                                     | 750  | 749                                     | 747  | 742  | 763  | 758  | 753  | 748  | 768  | 763  | 758  |
| Over (Under) Authorized | (63)                                    | (42) | (43)                                    | (45) | (50) | (29) | (34) | (39) | (44) | (24) | (29) | (34) |
| New POT Hiring Pipeline | 180th Academy (ends Dec 2018 = 24 POTs) |      | 181st Academy (ends Mar 2019 = 30 POTs) |      |      |      |      |      |      |      |      |      |

\*\* Numbers in the "Ending Filled" row provide actual sworn staffing numbers at the close of each month.

<sup>1</sup> 2007 data: gender ratio of police officers in the U.S. (Source: U.S. Department of Justice, Office of Justice Programs Bureau of Justice Statistics, Local Police Departments, 2007)

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Table 8 below provides a listing of authorized and filled positions in OPD.

Table 8: OPD Positions - Authorized and Filled Positions (as of March 31, 2019)

| Type               | Budget Authorized Positions | Authorized     | Filled         | +/-           |
|--------------------|-----------------------------|----------------|----------------|---------------|
| Sworn              | Chief of Police             | 1              | 1              | 0             |
|                    | Assistant Chief             | 1              | 0              | 0             |
|                    | Deputy Chief                | 4              | 3              | -1            |
|                    | Captain                     | 10             | 10             | 0             |
|                    | Lieutenant                  | 27             | 27             | -1            |
|                    | Sergeants                   | 129            | 116            | -11           |
|                    | Police Officers             | 620            | 581            | -48           |
|                    | Total Sworn                 | 792            | 738            | -61           |
| Professional Staff | Full-time and Part-time     | *400.00        | 316.50         | 72.50         |
|                    | <b>Total Personnel</b>      | <b>1182.00</b> | <b>1055.50</b> | <b>126.50</b> |

\*The City Administrator has approved OPD to hire ten (10) Police Communications Dispatchers above it authorized staffing level, which is reflected in the total number of authorized professional staff positions listed above.

### Attrition

As noted in Table 9 below, OPD experienced an average attrition rate of 3.7 officers per month (45 officers over the 12-month period), which is below the current projected attrition rate of 6 officers per month (72 per year).

Table 9: Sworn Attrition Data: April 1, 2018 through March 31, 2019

|  | 2018     |          |          |          |          |          |          |          |          | 2019     |          |          | Total     |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
|  | Apr      | May      | Jun      | Jul      | Aug      | Sep      | Oct      | Nov      | Dec      | Jan      | Feb      | Mar      |           |
| Disability Retirement                        | 1        | 1        | -        | 1        | -        | 2        | -        | -        | -        | -        | 3        | -        | 8         |
| Resignation (not during Field Training)      | 3        | 2        | 1        | 1        | -        | -        | -        | -        | -        | -        | -        | -        | 7         |
| Resignation during Field Training            | -        | -        | -        | -        | -        | -        | 1        | -        | -        | -        | -        | 3        | 4         |
| Resignation (to other agency)                | 1        | -        | 1        | -        | 1        | -        | 1        | -        | -        | -        | -        | -        | 4         |
| Service Retirement                           | 1        | 1        | 1        | 3        | 1        | -        | 1        | 2        | -        | 3        | 2        | 1        | 16        |
| Termination                                  | -        | -        | -        | 1        | 1        | -        | -        | -        | -        | -        | -        | -        | 2         |
| Release from Probation during Field Training |          |          |          |          |          |          |          |          |          |          |          |          |           |
|  |          |          |          |          |          |          |          |          |          |          |          |          |           |
| <b>Grand Total</b>                           | <b>6</b> | <b>4</b> | <b>4</b> | <b>7</b> | <b>3</b> | <b>3</b> | <b>3</b> | <b>2</b> | <b>1</b> | <b>3</b> | <b>5</b> | <b>4</b> | <b>45</b> |

\*Updated to accurately reflect attrition

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Table 10 provides additional information on the reasons for sworn separations.

Table 10: Sworn Attrition Analysis April 1, 2018 through March 31, 2019

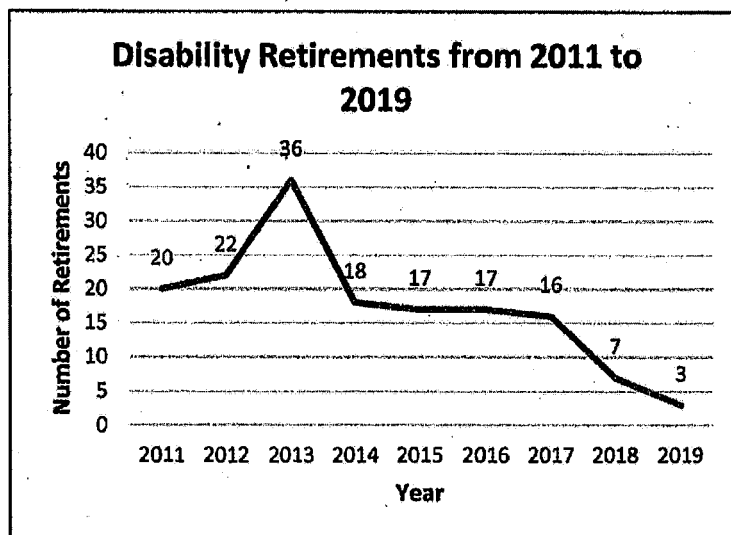
| Reason for Separation                        | Average Age at Separation | Number of Separations |
|--|---------------------------|-----------------------|
| Disability Retirement                        | 49.5                      | 7                     |
| Resignation (not during Field Training)      | 33.7                      | 8                     |
| Resignation (during Field Training)          | 31.0                      | 3                     |
| Resignation - Other Agency                   | 30.6                      | 4                     |
| Service Retirement                           | 51.3                      | 17                    |
| Termination                                  | 35.2                      | 2                     |
| Release from Probation during Field Training | 28.7                      | 4                     |

### Disability/Retirement

Officers who experience on-duty injuries may be placed on disability leave or on modified work assignments. Some of these officers eventually retire. Officers may retire from disability leave because their injuries do not allow them to return to their prior non-injury type of assignment. Officers on injury leave may also choose a service retirement rather than returning to regular assignments, because they do not wish to return to a modified assignment or for any number of personal reasons.

Figure 3 below shows data on disability retirements between 2011 and 2019. The data shows that in 2013, annual disability retirements rose to 36 from a prior average of approximately 21. Since 2013, they have decreased to approximately 15 per year. The peak in 2013 was a result of the resolution of outstanding on-assignment injury claims.

Figure 3: Disability Retirements from 2011 to March 31, 2019



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**Recruitment**

Tables 11, 12 and 13, below, provide information on recruitments, both outreach and hiring stage data. Table 11 shows the outreach activity that occurred in the month of March 2019. Table 12 provides information for the 179<sup>th</sup> Academy, Tables 13 for the 180<sup>th</sup> Academy, Table 14 for the 181<sup>st</sup> Academy and Table 15 for the current 182<sup>nd</sup> Academy.

Table 11: Current Recruitment – Outreach and Media Activity

| Date      | Event                                   | Location  | Attendees | Inquiries:<br># And Type         |
|-----------|---|---|-----------|----------------------------------|
| 2-Mar-19  | Practice P.A.T.                         | 12500 Canyon Oaks Dr.<br>Oakland, CA  | 6         | POT 6<br>Cadet 0<br>Explorer 0   |
| 4-Mar-19  | Criminal Justice Class<br>Presentation  | Diablo Valley College<br>321 Golf Club Rd., Room<br>#P-103<br>Pleasant Hill, CA | 35        | POT 15<br>Cadet 5<br>Explorer 0  |
| 5-Mar-19  | Meet and Greet                          | Cal State East Bay<br>25800 Carlos Bee Blvd.<br>Hayward, CA                     | 40        | POT 6<br>Cadet 0<br>Explorer 0   |
| 6-Mar-19  | Career Fair                             | Envision Academy<br>1515 Webster St. Oakland,<br>CA                             | 250       | POT 8<br>Cadet 5<br>Explorer 0   |
| 11-Mar-19 | Criminal Justice Class<br>Presentation  | Diablo Valley College<br>321 Golf Club Rd., Room<br>#P-102<br>Pleasant Hill, CA | 35        | POT 20<br>Cadet 0<br>Explorer 0  |
| 13-Mar-19 | Career Day                              | Leadership Public School<br>8601 Macarthur Blvd.<br>Oakland, CA                 | 100       | POT 0<br>Cadet 14<br>Explorer 27 |
| 14-Mar-19 | 7th Annual All Things<br>Law Expo       | San Francisco State<br>University<br>1650 Holloway Ave<br>San Francisco, CA     | 150       | POT 7<br>Cadet 2<br>Explorer 0   |
| 16-Mar-19 | Evolution Sports Expo                   | Santa Clara Convention<br>Center<br>5001 Great America Pkwy.<br>Santa Clara, CA | 5,000     | POT 37<br>Cadet 11<br>Explorer 0 |
| 16-Mar-19 | Physical Training<br>Workshop           | Police Administration Bldg.<br>455 7th St.<br>Oakland, CA                       | 45        | POT 45<br>Cadet 0<br>Explorer 0  |
| 16-Mar-19 | Women in Law<br>Enforcement<br>Workshop | Police Administration Bldg.<br>455 7th St.<br>Oakland, CA                       | 24        | POT 24<br>Cadet 0<br>Explorer 0  |

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|           |  |   |        |                                 |
|-----------|--|---|--------|---------------------------------|
| 20-Mar-19 | Merritt College Cadet Presentation                                 | Merritt College<br>12500 Canyon Oaks Dr.<br>Oakland, CA                   | 30     | POT 7<br>Cadet 9<br>Explorer 0  |
| 21-Mar-19 | Association for Criminal Justice Research CA Conference            | Center for Healthy Communities<br>2000 Franklin St.<br>Oakland, CA        | 100    | POT 1<br>Cadet 0<br>Explorer 0  |
| 24-Mar-19 | Oakland Marathon   | 3200 Blk Lakeshore Ave.<br>Oakland, CA                                    | 10,000 | POT 9<br>Cadet 2<br>Explorer 1  |
| 27-Mar-19 | Government and Policy Careers POP-UP (University of San Francisco) | University of San Francisco<br>2335 Golden Gate Ave.<br>San Francisco, CA | 150    | POT 14<br>Cadet 1<br>Explorer 0 |
| 31-Mar-19 | Oral Board Workshop  | Police Administration Bldg.<br>455 7th St.<br>Oakland, CA                 | 45     | POT 45<br>Cadet 0<br>Explorer 0 |

Table 12: OPD Recruitment Data – 179<sup>th</sup> Academy

| Police Hiring Steps:<br>179 <sup>th</sup> Academy | Testing/<br>Time Frame  | Total | Percent<br>of Total | Percent<br>Not<br>Advanced | Number of<br>Oakland<br>Residents | Oakland<br>Residents | Oakland<br>Residents<br>Not<br>Advanced |
|---|-------------------------|-------|---------------------|----------------------------|-----------------------------------|----------------------|---|
| Applications Received                             | 3/7/2017-<br>6/9/2017   | 1198  | 100%                | 0%                         | 176                               | 15%                  | 0%                                      |
| Invited to PAT*                                   |                         | 480   | 40%                 | 60%                        | 160                               | 13%                  | 9%                                      |
| Attended PAT                                      | 5/13/2017-<br>7/8/2017  | 280   | 23%                 | 77%                        | 44                                | 4%                   | 75%                                     |
| Invited to Written Exam                           |                         | 270   | 23%                 | 77%                        | 33                                | 3%                   | 81%                                     |
| Attended Written Exam                             | 5/13/2017-<br>7/8/2017  | 270   | 23%                 | 7%                         | 33                                | 3%                   | 81%                                     |
| Invited to Oral Interview                         |                         | 208   | 17%                 | 83%                        | 21                                | 2%                   | 88%                                     |
| Attended Oral Interview                           | 6/6/2017-<br>8/1/2017   | 159   | 13%                 | 87%                        | 19                                | 2%                   | 89%                                     |
| Referred to OPD on Eligibility List               | 6/27/2017-<br>8/17/2017 | 104   | 9%                  | 91%                        | 10                                | 1%                   | 94%                                     |
| Invited to Academy                                | 1/8/2018                | 24    | 2%                  | 8%                         | 3                                 | 0.25%                | 98%                                     |
| Graduated Academy                                 | 7/27/2018               | 14    | 1%                  | 99%                        | 1                                 | 0.21%                | 99%                                     |

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Table 13: OPD Recruitment Data – 180<sup>th</sup> Academy

| Police Hiring Steps:<br>180 <sup>th</sup> Academy | Testing/<br>Time Frame   | Total | Percent<br>of Total | Percent<br>Not<br>Advanced | Number of<br>Oakland<br>Residents | Oakland<br>Residents | Oakland<br>Residents<br>Not<br>Advanced |
|---|--------------------------|-------|---------------------|----------------------------|-----------------------------------|----------------------|---|
| Applications Received                             | 7/3/2017-<br>2/9/2018    | 2330  | 100%                | 0%                         | 308                               | 13%                  | 0%                                      |
| Invited to PAT*                                   |                          | 801   | 34%                 | 66%                        | 114                               | 5%                   | 63%                                     |
| Attended PAT                                      | 8/29/2017-<br>3/3/2018   | 460   | 20%                 | 80%                        | 81                                | 3%                   | 74%                                     |
| Invited to Written Exam                           |                          | 575   | 25%                 | 75%                        | 70                                | 3%                   | 77%                                     |
| Attended Written Exam                             | 9/16/2017-<br>3/3/2018   | 575   | 25%                 | 75%                        | 70                                | 3%                   | 77%                                     |
| Invited to Oral Interview                         |                          | 515   | 22%                 | 78%                        | 57                                | 2%                   | 81%                                     |
| Attended Oral Interview                           | 10/10/2017-<br>3/13/2018 | 402   | 17%                 | 83%                        | 47                                | 2%                   | 85%                                     |
| Referred to OPD on Eligibility List               | 10/19/2017-<br>3/15/2018 | 307   | 13%                 | 87%                        | 37                                | 2%                   | 88%                                     |
| Invited to Academy                                | 5/21/2018                | 34    | 1%                  | 99%                        | 4                                 | 0.17%                | 99%                                     |
| Graduated Academy                                 | 12/14/2018               | TBD   | TBD                 | TBD                        | TBD                               | TBD                  | TBD                                     |

Table 14: OPD Recruitment Data – 181<sup>st</sup> Academy

| Police Hiring Steps:<br>181 <sup>st</sup> Academy | Testing/<br>Time Frame  | Total | Percent<br>of Total | Percent<br>Not<br>Advanced | Number of<br>Oakland<br>Residents | Oakland<br>Residents | Oakland<br>Residents<br>Not<br>Advanced |
|---|-------------------------|-------|---------------------|----------------------------|-----------------------------------|----------------------|---|
| Applications Received                             | 3/5/2018-<br>8/10/2018  | 1811  | 100%                | 0%                         | 252                               | 14%                  | 0%                                      |
| Invited to PAT*                                   |                         | 715   | 39%                 | -61%                       | 231                               | 13%                  | 8%                                      |
| Attended PAT                                      | 5/12/2018-<br>9/8/2018  | 281   | 16%                 | -84%                       | 55                                | 3%                   | 78%                                     |
| Invited to Written Exam                           |                         | 715   | 39%                 | -61%                       | 52                                | 3%                   | 79%                                     |
| Attended Written Exam                             | 5/12/2018-<br>9/8/2018  | 175   | 10%                 | -90%                       | 52                                | 3%                   | 79%                                     |
| Invited to Oral Interview                         |                         | 406   | 22%                 | -78%                       | 47                                | 3%                   | 81%                                     |
| Attended Oral Interview                           | 6/5/2018-<br>10/2/2018  | 282   | 16%                 | -84%                       | 35                                | 2%                   | 86%                                     |
| Referred to OPD on Eligibility List               | 6/12/2018-<br>10/5/2018 | 212   | 12%                 | -88%                       | 27                                | 1%                   | 89%                                     |
| Invited to Academy                                | 10/1/2018               | 33    | 2%                  | -98%                       | 6                                 | 0.33%                | 98%                                     |
| Graduated Academy                                 | 3/29/2019               | TBD   | TBD                 | TBD                        | TBD                               | TBD                  | TBD                                     |

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Table 15: OPD Recruitment Data – 182<sup>nd</sup> Academy

| Police Hiring Steps:<br>182 <sup>nd</sup> Academy | Testing/<br>Time Frame  | Total | Percent<br>of Total | Percent<br>Not<br>Advanced | Number of<br>Oakland<br>Residents | Oakland<br>Residents | Oakland<br>Residents<br>Not<br>Advanced |
|---|-------------------------|-------|---------------------|----------------------------|-----------------------------------|----------------------|---|
| Applications Received                             | 6/8/2018-<br>12/14/2018 | 1703  | 100%                | 0%                         | 249                               | 15%                  | 0%                                      |
| Invited to PAT*                                   |                         | 646   | 38%                 | -62%                       | 70                                | 4%                   | -72%                                    |
| Attended PAT                                      | 9/8/2018-<br>1/12/2019  | 400   | 23%                 | -77%                       | 53                                | 3%                   | -79%                                    |
| Invited to Written Exam                           |                         | 646   | 38%                 | -62%                       | 51                                | 3%                   | -80%                                    |
| Attended Written Exam                             | 9/8/2018-<br>1/12/2019  | 128   | 8%                  | -92%                       | 51                                | 3%                   | -80%                                    |
| Invited to Oral Interview                         |                         | 356   | 21%                 | -79%                       | 44                                | 3%                   | -82%                                    |
| Attended Oral Interview                           | 10/12/2018-<br>2/5/2019 | 428   | 25%                 | -75%                       | 37                                | 2%                   | -85%                                    |
| Referred to OPD on Eligibility List               | 11/1/2018-<br>3/24/2019 | 186   | 11%                 | -89%                       | 27                                | 2%                   | -89%                                    |
| Invited to Academy                                | 3/25/2019               | 39    | 2%                  | -98%                       | 4                                 | 0.23%                | -98%                                    |
| Graduated Academy                                 | 9/20/2019               | TBD   | TBD                 | TBD                        | TBD                               | TBD                  | TBD                                     |

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Table 16 below provides information on OPDs authorized sworn permanent staffing.

Table 16: Authorized Sworn Permanent Assignments within OPD

|  | Chief    | Asst. Chief | Deputy Chief | Capt.     | Lieut.    | Sgt.       | Officer    | Sum        |
|--|----------|-------------|--------------|-----------|-----------|------------|------------|------------|
| Office of the Chief  | 1        | 1           |              |           |           |            |            | 3          |
| Public Information Office  |          |             |              |           |           |            | 2          | 2          |
| Internal Affairs Division  |          |             |              | 1         | 2         | 12         | 5          | 20         |
| Office of the Inspector General  |          |             |              |           | 1         |            | 1          | 2          |
| Intelligence Unit  |          |             |              |           |           | 1          | 7          | 8          |
| Training Division  |          |             |              | 1         | 1         | 3          | 18         | 23         |
| Ceasefire  |          |             |              | 1         | 2         | 6          | 32         | 41         |
| Recruiting and Background Unit   |          |             |              |           |           | 1          | 8          | 9          |
| Policy & Publication   |          |             |              |           |           |            | 1          | 1          |
| Bureau of Field Ops Administration                                       |          |             | 2            |           |           | 1          |            | 3          |
| Patrol Area 1  |          |             |              | 1         | 3         | 19         | 90         | 113        |
| Patrol Area 2  |          |             |              | 1         | 3         | 13         | 63         | 80         |
| Patrol Area 3  |          |             |              | 1         | 3         | 14         | 70         | 88         |
| Patrol Area 4  |          |             |              | 1         | 3         | 16         | 85         | 105        |
| Patrol Area 5  |          |             |              | 1         | 3         | 17         | 89         | 110        |
| Support Operations Division  |          |             |              | 1         | 1         | 1          | 16         | 19         |
| Traffic Section  |          |             |              |           | 1         | 4          | 26         | 31         |
| ABAT/Homeless/CIT  |          |             |              |           |           | 2          | 9          | 11         |
| Bureau of Services Administration  |          |             | 1            |           |           |            |            | 1          |
| Information Technology   |          |             |              |           |           |            | 3          | 3          |
| Bureau of Investigations   |          |             | 1            | 1         |           |            |            | 2          |
| Criminal Investigations Division (CID): Special Victims Section          |          |             |              |           | 1         | 6          | 39         | 46         |
| CID: Homicide Section  |          |             |              |           | 1         | 5          | 10         | 16         |
| CID: General Misdemeanor Crimes/<br>Task Forces & Felony Assault Section |          |             |              |           | 1         | 4          | 27         | 32         |
| CID: Robbery, Burglary, Section  |          |             |              |           | 1         | 2          | 15         | 18         |
| Evidence Technician Unit   |          |             |              |           |           | 1          | 4          | 5          |
| <b>Total Sworn</b>   | <b>1</b> | <b>1</b>    | <b>4</b>     | <b>10</b> | <b>27</b> | <b>129</b> | <b>622</b> | <b>792</b> |

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Table 17, below, shows professional staff vacancies and the status of work being done to fill those vacancies. Please note, DHRM stands for Department of Human Resource Management.

Table 17: Professional Staff Vacancies in OPD

| Classification                       | Vacancies | FTE Authorized | Date Assigned to DHRM for Hiring | Status   |
|--------------------------------------|-----------|----------------|----------------------------------|--|
| Account Clerk II                     | 1         | 4              | 12/31/18                         | OPD – Interview scheduled for 04 Apr 19.   |
| Accountant II                        | 1         | 2              | 3/16/16                          | OPD – Pre-recruitment documents to hiring manager on 28 Mar 19 and pre-recruitment meeting scheduled for 02 Apr 19.  |
| Administrative Analyst II            | 1         | 16             | 9/24/18                          | OPD – Start date 22 Apr 19.  |
| Administrative Assistant I           | 1         | 2              | 06/07/18                         | OPD – One (1) candidate referred to background the week of 06 Aug 18.  |
| Crime Analyst (18 Month Duration)    | 1         | 2              | 4/11/16                          | OPD – A request was made on 21 Mar 19 to ensure the end date for these positions is 30 Jun 19. Fiscal is waiting for a response from Budget.               |
| Criminalist I (Grant Funded)         | 1         | 1              | 8/23/17                          | OPD - Hiring manager decided to leave position unfilled until January 2020, and will use the remaining funding to purchase acceptable items per the grant. |
| Criminalist II                       | 1         | 14             | 8/4/18                           | HRM - Waiting for analyst to be assigned.  |
| Criminalist III (Forensic Chemistry) | 1         | 5              | 7/7/17                           | OPD – Start date is 06 Apr 19.   |
| Crossing Guard (PPT)                 | 1         | 2              | Various                          | OPD - Analyst will work to convert positions into FTE once the add/delete moratorium is lifted.  |
| Crossing Guard (PT)                  | 3         | 17             | Various                          | OPD - Eight (8) candidates in background.  |

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|  |   |    |              |  |
|--|---|----|--------------|--|
| Crossing Guard (PT) Measure BB Funds                             | 7 | 10 | Various      | OPD – Eight (8) candidates in background.  |
| Intake Technician  | 1 | 4  | 1/21/16      | OPD – Candidate to background on 28 Mar 19.  |
| Latent Fingerprint Examiner II                                   | 1 | 5  | 04/24/18     | HRM – Waiting for analyst to be assigned.  |
| Neighborhood Services Coordinator (Chinese)                      | 1 | 10 | 12/11/18     | HRM – HRM will survey a near list and provide results the week of 15 Apr 19.   |
| Office Assistant I   | 1 | 1  | 12/21/16     | OPD – Once moratorium is lifted an add/delete will be processed to add Courier classification.   |
| Police Cadet – private funding/grant funding                     | 6 | 12 | Various      | OPD/HRM - Eight (8) candidates in background. Next test scheduled for 06 Apr 19 and 17 candidates have been invited.   |
| Police Cadet – General Funding                                   | 3 | 9  | Various      | OPD/HRM - Eight (8) candidates in background. Next test scheduled for 06 Apr 19 and 17 candidates have been invited.   |
| Police Communications Dispatcher (unauthorized for 10 positions) | 9 | 63 | Various      | OPD – Seven (7) candidates in background.  |
| Police Communications Dispatcher, Senior                         | 2 | 2  | Not Assigned | HRM - Once the moratorium is lifted, an add/delete will be processed to add the Police Communications Dispatcher, Senior classification.                     |
| Police Communications Operator                                   | 8 | 11 | Not Assigned | OPD – Once the moratorium is lifted an add/delete will be processed to convert these positions to Police Communications Dispatcher.                          |
| Police Evidence Technician                                       | 2 | 20 | Not Assigned | OPD/HRM – Eligible list to hiring manager 29 Mar 19 for one (1) position. Requisitions for the 2 <sup>nd</sup> position will be processed week of 01 Apr 19. |

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|  |    |    |              |  |
|--|----|----|--------------|--|
| Police Performance Auditor                                       | 1  | 3  | 10/2/18      | OPD – On 29 Mar 19 analyst asked HRM if there is another classification that will satisfy this vacancy. Waiting for a response.  |
| Police Personnel Operations Specialist                           | 2  | 3  | Not Assigned | OPD – Two (2) candidates to start 20 Apr 19.   |
| Police Program and Audit Supervisor (PAS Unit)                   | 1  | 2  | 1/20/17      | OPD – As of 29 Mar 19, four (4) candidates have submitted applications.  |
| Police Property Specialist                                       | 1  | 5  | 9/17/15      | OPD – Candidate to background on 03 Apr 19.  |
| Police Records Specialist (One position selective cert. Chinese) | 10 | 53 | Various      | OPD – Eight (8) in background on various dates.  |
| Police Records Specialist (18 Months Duration)                   | 1  | 1  | Various      | OPD – on 21 Mar 19 OPD analyst reached out to Fiscal. Fiscal to get confirmation on the status of the position from Budget to ensure that the position is either general funded or remain ELDE position. |
| Police Services Manager I  | 1  | 5  | 3/11/19      | HRM – Announcement posted to the City website on 22 Mar 19 and will close on 05 Apr 19.  |
| Police Services Technician II                                    | 11 | 59 | Not Assigned | OPD – Waiting for interview dates.   |
| Project Manager II (Ceasefire)                                   | 1  | 1  | 12/27/18     | HRM – As of 29 Mar 19 six (6) candidates submitted applications.   |
| Project Manager III  | 1  | 1  | Not Assigned | HRM – Waiting for analyst to be assigned.  |

### Sworn Staffing by Area and Patrol Detail

Tables 18 and 19 provide information on beats by area and patrol data.

Table 18: Beats by Area

| Area   | Beat        |
|--------|-------------|
| Area 1 | Beats 1-7   |
| Area 2 | Beats 8-14  |
| Area 3 | Beats 15-22 |
| Area 4 | Beats 23-28 |
| Area 5 | Beats 29-35 |

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Table 19: Patrol Data

|  | Area 1   | Area 2  | Area 3  | Area 4  | Area 5   |
|--|--|---|---|---|--|
| Number of officers assigned to patrol: 260                 | 1st Watch: 16<br>2nd Watch: 17<br>Late Tac: 8<br>3rd Watch: 18 | 1st Watch: 16<br>2nd Watch: 16<br>3rd Watch: 16 | 1st Watch: 16<br>2nd Watch: 16<br>3rd Watch: 16 | 1st Watch: 15<br>2nd Watch: 16<br>3rd Watch: 17 | 1st Watch: 16<br>Early Tac: 5<br>2nd Watch: 17<br>Late Tac: 8<br>3rd Watch: 16 |
|  | Total 59   | Total 48  | Total 48  | Total 48  | Total 57   |
| Number of officers assigned to evening shifts              | 43   | 32  | 32  | 33  | 41   |
| Number of officers assigned as Community Resource Officers | 7  | 7   | 8   | 6   | 7  |
| Number of officers assigned to the Crime Reduction Team    | 8  | 7   | 6   | 6   | 5  |
| Number of open beats not filled by overtime in March       | 1st Watch: 1<br>2nd Watch: 0<br>3rd Watch: 1                   | 1st Watch: 2<br>2nd Watch: 1<br>3rd Watch: 1    | 1st Watch: 1<br>2nd Watch: 1<br>3rd Watch: 1    | 1st Watch: 1<br>2nd Watch: 4<br>3rd Watch: 1    | 1st Watch: 2<br>2nd Watch: 10<br>3rd Watch: 1                                  |

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### **FISCAL IMPACT**

This report is for informational purposes only and does not have a direct fiscal impact or cost. However, decisions to fund additional sworn or non-sworn positions beyond levels approved in the Policy Budget will require additional funding through a budget process.

### **PUBLIC OUTREACH / INTEREST**

OPD continues to actively recruit candidates for the positions of police officer trainee and lateral police officers. Recruitment efforts focus on selective language candidates, diversity, and Oakland residency throughout the testing and selection process.

Staff continues to seek input from community members. Staff is also researching targeted marketing strategies that will assist in ensuring the public is aware of opportunities within the organization. Staff continues to work with community organizations to conduct hiring workshops and obtain input on how to remain visible and available within the community.

### **COORDINATION**

This report was reviewed by the Budget Bureau.

### **SUSTAINABLE OPPORTUNITIES**

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

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

***Social Equity:*** This report provides valuable information to the residents and visitors of Oakland regarding OPD personnel. The Oakland Police Department strives to increase the diversity of its workforce.

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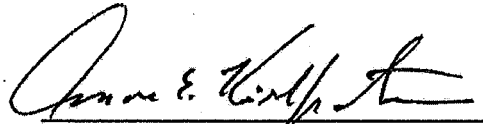
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**ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE**

Staff Recommends that the Public Safety Committee accept the Oakland Police Department's (OPD) Monthly Informational Report On Recruiting And Sworn Staffing Levels As Of March 31, 2019.

For questions regarding this report, please contact Kiona Suttle, Personnel Manager, OPD Personnel Section, at (510) 238-6971.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Prepared by:  
Kiona Suttle, Personnel Manager  
OPD Personnel Section

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May 14, 2019





# OAKLAND POLICE COMMISSION

## Agenda Report

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|                 |  |
|-----------------|--|
| <b>Subject:</b> | <b>CPRA Agency Report on Investigation Processes</b> |
| Date:           | June 21, 2019  |
| Requested by:   | Vice Chair Harris                                    |
| Prepared by:    | Mike Nisperos, CPRA Interim Executive Director       |
| Approved by:    | Mike Nisperos, CPRA Interim Executive Director       |

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### Action Requested:

The Community Police Review Agency asks that the Oakland Police Commission accept this written report on: CPRA Investigation Processes and Workload

#### 1. Information Item – Commissioner Inquiry

##### Background

The information in this report was compiled, and presented to all Commissioners, in response to inquiries made by Vice Chair Harris. She further directed that an agenda report of the information be prepared for greater transparency to the public.

#### 2. Information Item – Have I started to do auditing of my own?

I have not started “auditing” and I do not intend to do so. I am going to be here for too short a time to engage in an extended process like auditing. I am observing and evaluating staff, the work they do and the way it is done. My goal in this regard is to create recommendations for the new Executive Director, and for the Commission where appropriate.

#### 3. Information Item – How many active cases does each investigator have?

- a. Emma Dill: 11 cases active; 3 tolled
- b. Joan Saupe: 10 cases active; 3 tolled
- c. Nikki Greer: 11 cases active; 0 tolled
- d. Andrew Lee: 8 cases active; 0 tolled

For future reference this information is available to you on the Pending List routinely submitted to the Commission.

Complaint Investigator III is a supervisory position and usually will not be assigned cases. There may be instances in the future where serious/complex cases need the attention of the most experienced investigator available. Currently the Investigator III position is responsible for supervising the intake process as well as the investigation process. That is an overly burdened role for one person and the reason I will be recommending that an additional Complaint Investigator III position be created so that the responsibility of supervising Intake and Investigations is bifurcated.

**4. Information Item –** What are the guidelines that the investigators currently follow for investigations?

Currently there are no written guidelines for an investigation. Usually the process is self-evident from an analysis of the complaint (e.g. what potential violations of the regulations governing conduct of OPD officers are raised by the fact pattern presented). That is augmented by a review and analysis of the evidence collected in the intake process. The goal is to determine if any additional evidence needs to be collected to clearly establish the conduct of the OPD officer(s) to make a full and accurate evaluation of the conduct as measured against those regulations governing that behavior.

An investigations manual is in the process of being developed. CI 3 Karen Tom has been working on creating the Investigation Manual since her time as interim executive director, on or about December of last year. The work is unorganized notes on a variety of subjects that should be included. It reflects brainstorming efforts rather than actual drafting. As such it is not ready for distribution or publication of any kind. Attached are THE INTAKE CHECKLIST and the DRAFT INVESTIGATION FLOW CHARTS.

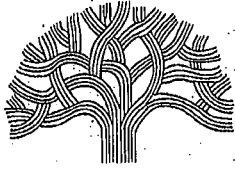
The current CPRA investigative process is consistent with standard investigative processes and with IAD's processes, which were approved by the NSA monitor. Some of the relevant OPD policies include, but are not limited to: DGO M-3 (Complaints Against Departmental Personnel or Procedures), Training Bulletin V-T.3 (Reporting Misconduct) and DGO M-3.1 (Informal Complaint Resolution Process), and Training Bulletin V-T.1 (Internal Investigation Manual), Procedure 1010 (Personnel Complaints: Case Record), and Training Bulletin V-T.4 (Due Process Hearings).

The current workload and staffing level preclude prioritizing the completion of the manual. The permanent Executive Director will be able to hire three (3) new investigators. That should account for the relief of a significant part of the strain on staff, and provide time to work on the manual. The manual should be a high-quality product, thoughtfully researched and developed. I strongly encourage you to discuss this further the new Director. It is only appropriate that the permanent Executive Director have input and editorial authority over the manual throughout its development until completion.

**5. Information Item – “Low Ready” complaints**

While I have your attention, I am reporting to you that I have recently reviewed cases wherein one of the complaints was that the officer drew their weapon against the complainant. The PDRD video and the witness statements confirm that the officers took their guns out of their holsters and pointed them at the ground. OPD calls this the “low ready” position and it is not regarded as a “use of force” in their regulations. Pointing the gun at someone is a “use of force”. The complainants have indicated they felt force was used against them. This presents the policy question: Is the use of force that which is defined by the department or that which is perceived by the public?

-end-



**CITY OF OAKLAND  
POLICE COMMISSION  
COMMUNITY' POLICE REVIEW AGENCY**

**Intake Checklist**

250 FRANK H. OGAWA PLAZA \* SUITE 6302 \* OAKLAND, CA 94612 \* 510-238-3159 \* FAX 510-238-6834 \* TTY 510-238-2007

**Case Number:**

**Intake Completed:**

**Date of Complaint:**

**3304 Date:**

**Intake Technician:**

**Investigator:**

**Complaint Form Mailed**

**Chronological Log**

**Complaint Date Confirmed**

**Complaint Investigation Report (CIR)**

**REPORTS:**

**Police Report**

**OPS Plan**

**Citation**

**Arrest Report (CAR)**

**Telestaff Roster**

**ICR Log**

**Unit Log**

**5150 Hold**

**Search Warrant**

**PDRD**

**LRMS**

**Stop Data**

**Dispatch Recording**

**CAD Printout**

**Juvenile 606 / NT**

**Use of Force Report**

**Traffic/Collision**

**MISC**

**Complainant Injury Inquiry:**

**Medical Release**

**Photos**

**Provided by the Complainant**

**Provided by the Complainant**

**Medical Release Waiver**

**Provided by CPRA or IAD**

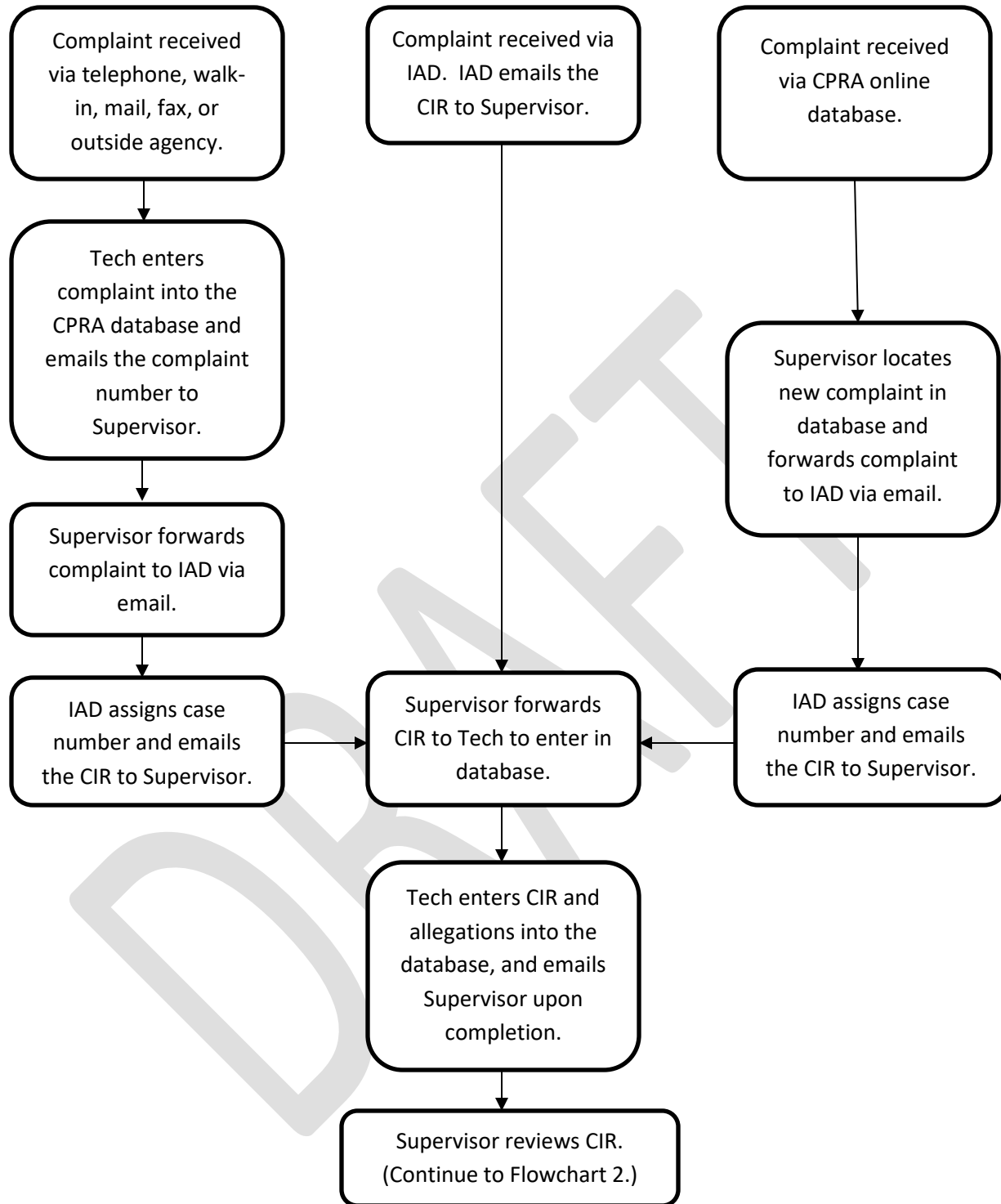
**Complainant Statement:**

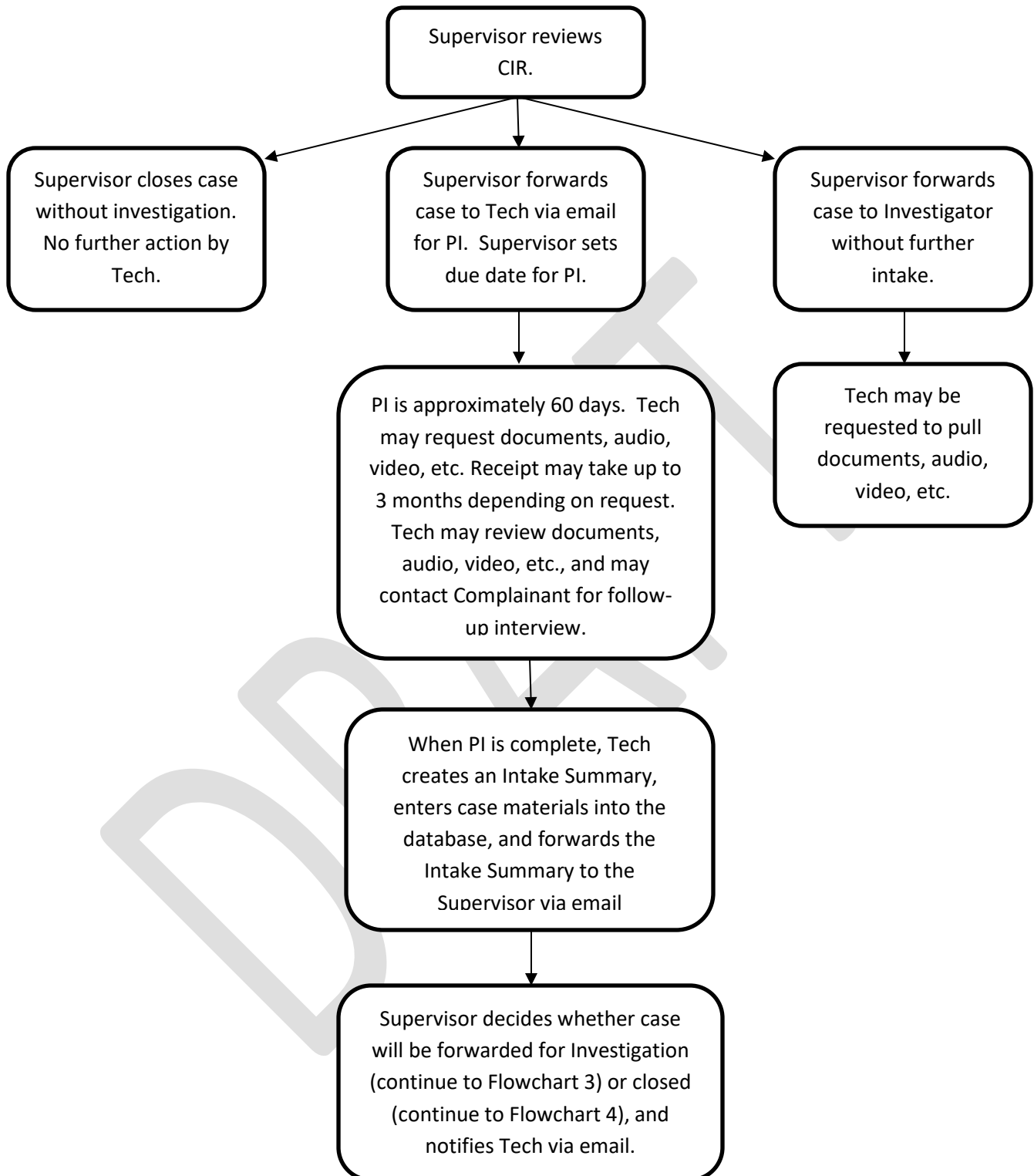
**Audio**

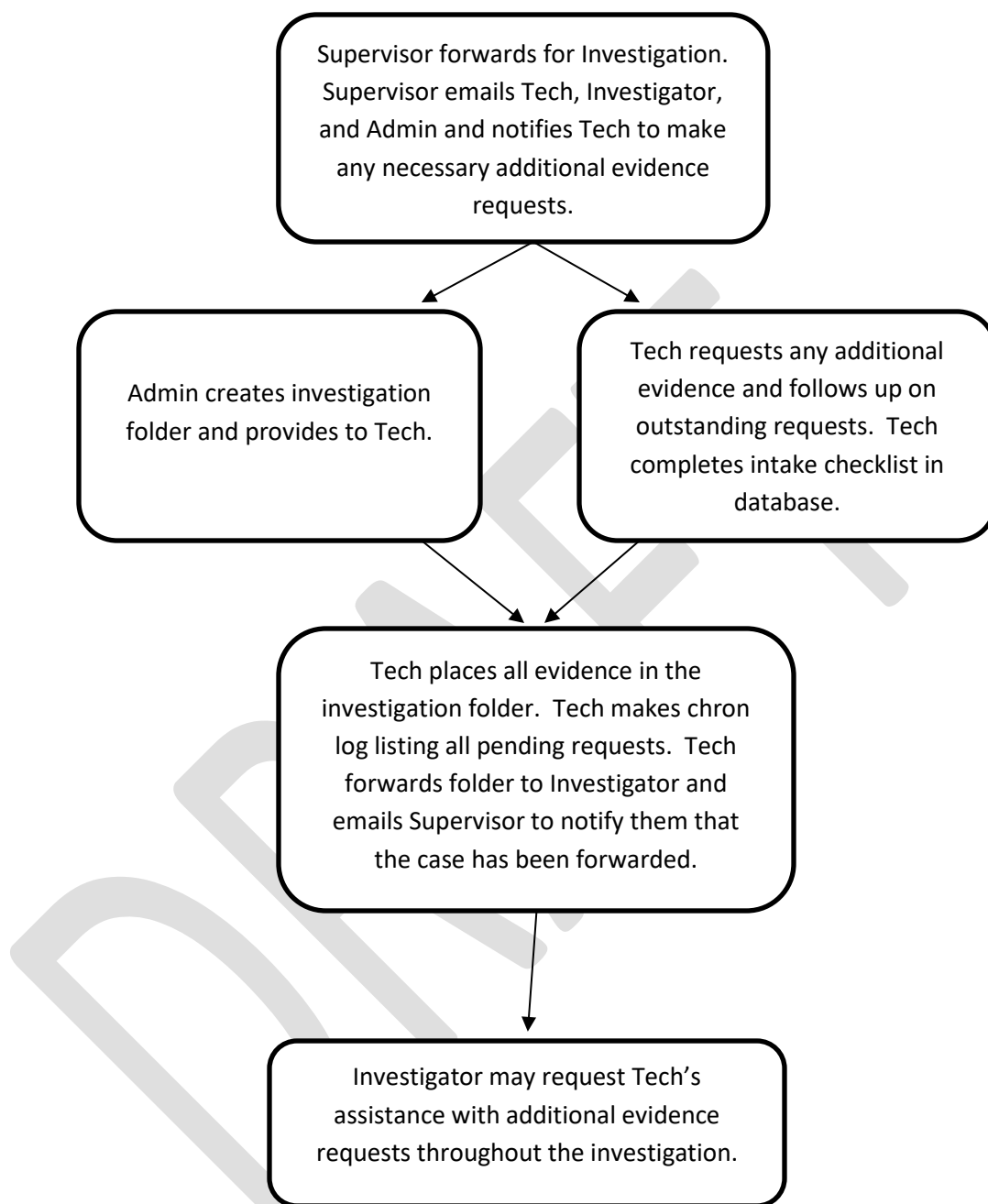
**Video**

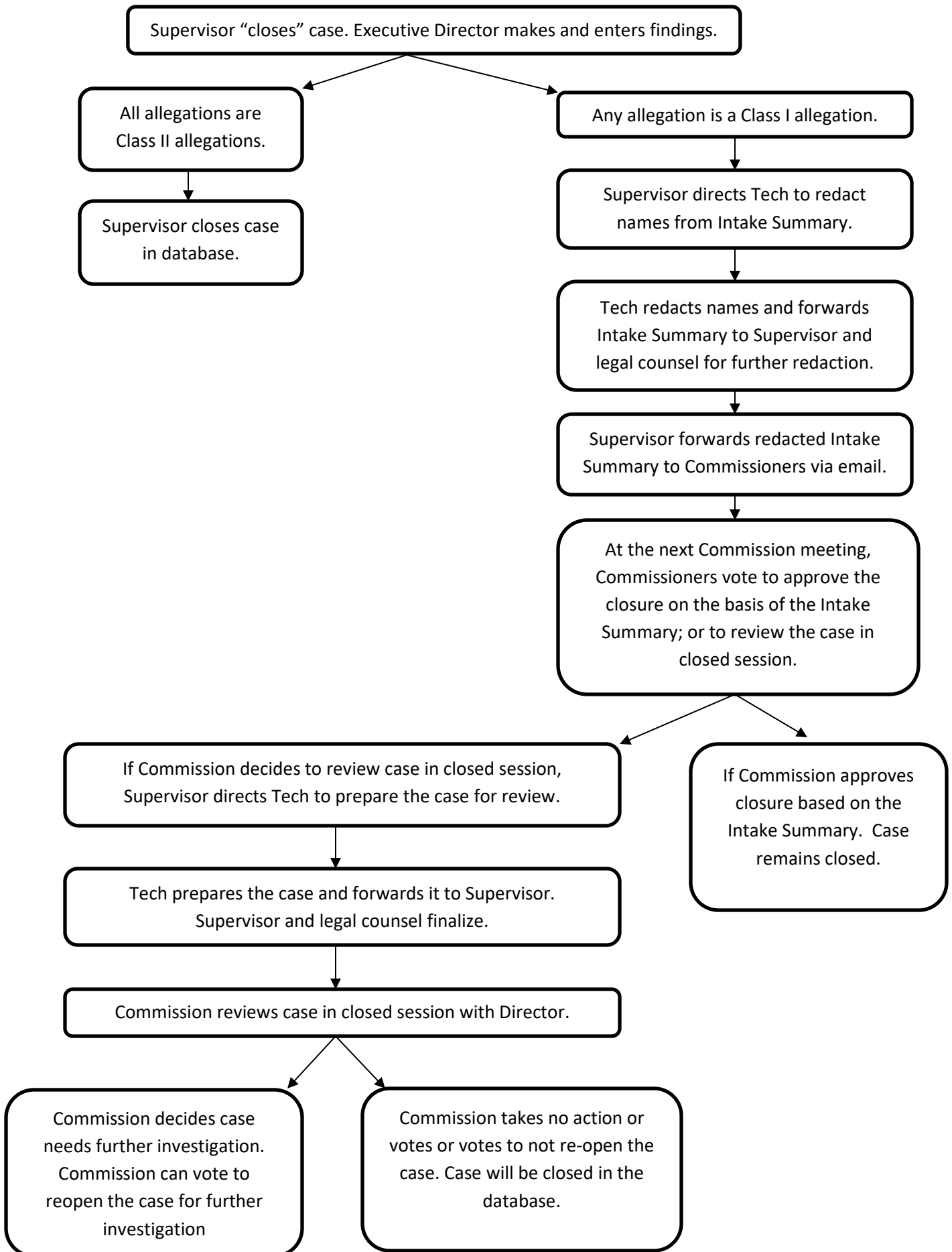
**Written**

***This Investigative File CONTAINS Investigative Notes***

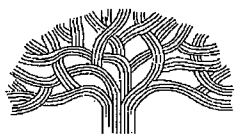








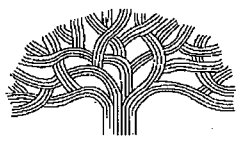




CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases*

| Case #  | Incident Date | Rcv'd CPRA | Rcv'd IAD | Assigned Inv. | 180-day Goal | 3304 Deadline | Type * (604(f)(1) or Other) | Class | Description  |
|---------|---------------|------------|-----------|---------------|--------------|---------------|-----------------------------|-------|--|
| 18-0345 | 04/09/18      | 04/12/18   | 04/09/18  | NG            | 10/09/18     | 04/08/19      | Use of Force                | 1     | Excessive force.   |
| 18-0942 | 08/27/18      | 08/27/18   | 08/27/18  | NG            | 02/23/19     | 08/26/19      | Use of Force                | 1     | Excessive force; improper search.  |
| 18-0954 | 08/30/18      | 09/17/18   | 8/30/2018 | NG            | 03/18/19     | 08/29/19      | Use of Force                | 1     | Pointing of firearm during arrest.   |
| 18-0964 | 09/03/18      | 09/03/18   | 9/3/2018  | AL            | 03/04/19     | 09/02/19      | Other                       | 1     | General conduct.   |
| 18-0970 | 09/04/18      | 09/04/18   | 9/4/2018  | NG            | 03/04/19     | 09/03/19      | Other                       | 1     | Racial slur.   |
| 18-0971 | 09/04/18      | 09/17/18   | 9/4/2018  | NG            | 03/18/19     | 09/03/19      | Use of Force                | 1     | 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                | 1     | Excessive force.   |
| 18-0989 | 09/09/18      | 09/09/18   | 9/9/2018  | JS            | 03/08/19     | 09/08/19      | Use of Force                | 1     | Excessive force; harassment; illegal tow.                                  |
| 18-0991 | 09/09/18      | 09/12/18   | 9/9/2018  | ED            | 03/11/19     | 09/08/19      | Profiling                   | 1     | Racial profiling; lying to complainant.                                    |
| 18-1030 | 09/16/18      | 09/20/18   | 9/16/2018 | AL            | 03/19/19     | 09/15/19      | Use of Force                | 1     | Excessive force.   |
| 18-1013 | 09/17/18      | 09/17/18   | 09/17/18  | JS            | 03/18/19     | 09/16/19      | DUI                         | 1     | Officer arrested for DUI.  |
| 18-1049 | 09/23/18      | 09/23/18   | 09/23/18  | ED            | 03/22/19     | 09/22/19      | Use of Force                | 1     | Excessive force; demeanor.   |
| 18-1054 | 09/25/18      | 10/15/18   | 09/25/18  | NG            | 04/13/19     | 09/24/19      | Use of Force                | 1     | Excessive force; demeanor.   |
| 18-1095 | 10/03/18      | 10/15/18   | 10/03/18  | JS            | 04/13/19     | 10/02/19      | Use of Force                | 1     | Excessive force.   |
| 18-1143 | 10/10/18      | 10/18/18   | 10/15/18  | JS            | 04/16/19     | 10/14/19      | Other                       | 1     | Harassment; racial discrimination; improper search.                        |
| 18-1156 | 10/16/18      | 10/30/18   | 10/16/18  | AL            | 04/28/19     | 10/15/19      | Use of Force                | 1     | Excessive force (Taser); racial profiling; ethnic profiling; false arrest. |

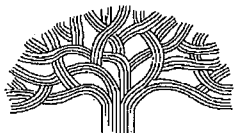
\* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly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



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

| Case #  | Incident Date | Rcv'd CPRA | Rcv'd IAD | Assigned Inv. | 180-day Goal | 3304 Deadline | Type * (604(f)(1) or Other) | Class | Description   |
|---------|---------------|------------|-----------|---------------|--------------|---------------|-----------------------------|-------|---|
| 18-1137 | 09/01/18      | 10/18/18   | 10/18/18  | AL            | 04/16/19     | 10/17/19      | Use of Force                | 1     | Excessive force.  |
| 18-1016 | 09/14/18      | 09/17/18   | 9/15/2018 | ED            | 03/18/19     | 10/29/19      | Other                       | 1     | Racial bias; care of property.  |
| 18-0302 | 02/27/18      | 04/11/18   | 03/26/18  | ED            | 10/09/18     | 11/20/19      | Other                       | 1     | Inappropriate sexual contact.   |
| 18-1282 | 10/16/18      | 11/28/18   | 11/27/18  | ED            | 05/27/19     | 11/26/19      | Other                       | 1     | Performance of duty; discrimination based on religion.  |
| 18-0524 | 05/21/18      | 05/29/18   | 05/19/18  | ED            | 07/07/19     | 01/07/20      | Other                       | 1     | Unlawful activity.  |
| 19-0051 | 01/10/19      | 01/22/19   | 01/11/19  | ED            | 07/21/19     | 01/10/20      | Use of Force                | 1     | Excessive force.  |
| 19-0083 | 01/17/19      | 01/22/19   | 01/17/19  | JS            | 07/21/19     | 01/16/20      | Use of Force                | 1     | Excessive force; harassment; discrimination.  |
| 19-0416 | 04/17/19      | 04/19/19   | 04/17/19  | NG            | 10/16/19     | 04/15/20      | Use of Force                | 1     | Excessive force (K-9 bite); Authority and responsibilities (Commanding officers); Authority and responsibilities (Supervisors). |
| 17-1009 | 09/03/17      | 10/17/17   | 10/11/17  | ED            | N/A          | Tolled        | Use of Force                | 1     | 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                | 1     | Improper pointing of firearm; false arrest.   |
| 18-0249 | 03/11/18      | 03/13/18   | 03/12/18  | JS            | N/A          | Tolled        | Use of Force                | 1     | Officer-involved shooting.  |
| 18-0335 | 04/04/18      | 04/12/18   | 04/04/18  | JS            | N/A          | Tolled        | Use of Force                | 1     | Use of Taser; PDRD violation.   |
| 18-0972 | 09/04/18      | 09/07/18   | 9/4/2018  | ED            | N/A          | Tolled        | Use of Force                | 1     | Attacked by officers.   |
| 18-1241 | 10/31/18      | 11/14/18   | 11/11/18  | ED            | N/A          | Tolled        | Other                       | 1     | Improper dissemination of computer information; unauthorized use of electronic systems.   |
| 18-0538 | 05/06/18      | 05/29/18   | 5/23/2018 | NG            | 11/26/18     | 05/22/19      | Use of Force                | 2     | Handcuffs too tight; false arrest; delay in Miranda Rights admonition; inaccurate police report.                                |

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



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

| Case #  | Incident Date | Rcv'd CPRA | Rcv'd IAD | Assigned Inv. | 180-day Goal | 3304 Deadline | Type * (604(f)(1) or Other) | Class | Description   |
|---------|---------------|------------|-----------|---------------|--------------|---------------|-----------------------------|-------|---|
| 18-1218 | 11/01/18      | 11/01/18   | 11/01/18  | ED            | 12/10/18     | 06/13/19      | Other                       | 2     | PDRD.   |
| 18-0949 | 08/06/18      | 09/07/18   | 8/30/2018 | AL            | 03/06/19     | 08/29/19      | Other                       | 2     | False arrest; improper search; illegal tow of vehicle.  |
| 18-0997 | 08/03/18      | 09/13/18   | 9/12/2018 | JS            | 03/12/19     | 09/11/19      | Other                       | 2     | 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                       | 2     | Rudeness.   |
| 18-1260 | 11/08/18      | 11/28/18   | 11/15/18  | JS            | 05/27/19     | 11/14/19      | Other                       | 2     | Demeanor; false arrest.   |
| 18-1305 | 12/01/18      | 12/07/18   | 12/03/18  | NG            | 06/05/19     | 12/02/19      | Other                       | 2     | 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                       | 2     | Demeanor.   |
| 18-1364 | 12/06/18      | 12/19/18   | 12/19/18  | AL            | 06/17/19     | 12/18/19      | Other                       | 2     | Wrongful detention; performance of duty; service complaint.   |
| 19-0149 | 02/02/19      | 02/05/19   | 02/02/19  | AL            | 08/04/19     | 02/01/20      | Other                       | 2     | Care of property.   |
| 19-0541 | 03/25/19      | 06/07/19   | 03/25/19  | ED            | TBD          | TBD           | Other                       | 2     | Failure to accept or refer a complaint. (This case is a spinoff case, addressing allegations that the CPRA discovered in case 18-1049. 3/25/19 is the date the CPRA first notified IAD of the discovered allegations. 6/7/19 is the date IAD sent a CIR to the CPRA with the new case number. The 3304 date is still being calculated.) |

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



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

6/20/19  
**Page 1 of 2**

| Case #            | Incident Date   | Assigned Inv. | Completion Date | Officer           | Disposition   |
|-------------------|---|---------------|-----------------|-------------------|---|
| 18-0346           | 4/8/18  | NG            | 4/5/19          | Subject Officer 1 | 1. Obedience to Laws – Driving Under the Influence <i>Sustained</i>                   |
|                   |   |               |                 | Subject Officer 2 | 1. Reporting Violation of Laws, Ordinances Rules or Orders (Class 1) <i>Sustained</i> |
| 18-0678           | 6/20/18   | JS            | 4/12/19         | Subject Officer 1 | 1. Performance of Duty <i>Exonerated</i>  |
|                   |   |               |                 |                   | 2. Performance of Duty <i>Sustained</i>   |
|                   |   |               |                 |                   | 3. Use of force <i>Exonerated</i>   |
|                   |   |               |                 |                   | 4. Conduct Toward Others – Harassment and Discrimination <i>Unfounded</i>             |
|                   |   |               |                 | Subject Officer 2 | 1. Performance of Duty <i>Exonerated</i>  |
|                   |   |               |                 |                   | 2. Performance of Duty <i>Exonerated</i>  |
| Subject Officer 3 | 3. Use of force <i>Exonerated</i>   |               |                 |                   |   |
|                   | 4. Conduct Toward Others – Harassment and Discrimination <i>Unfounded</i> |               |                 |                   |   |
| 18-1218           | Oct-Nov 2017  | ED            | 5/2/19          | Subject Officer 1 | 5. Performance of Duty <i>Not Sustained</i>   |
|                   |   |               |                 |                   | 1. Supervision – Authorities and Responsibilities <i>Not Sustained</i>                |
|                   |   |               |                 |                   | 1. Performance of Duty – Personal Digital Recording Device (PDRD) <i>Sustained</i>    |
|                   |   |               |                 |                   | 2. Performance of Duty – Personal Digital Recording Device (PDRD) <i>Sustained</i>    |
|                   |   |               |                 |                   | 3. Performance of Duty – Personal Digital Recording Device (PDRD) <i>Sustained</i>    |
|                   |   |               |                 |                   | 4. Performance of Duty – Personal Digital Recording Device (PDRD) <i>Sustained</i>    |



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

6/20/19  
**Page 2 of 2**

| Case #  | Incident Date | Assigned Inv. | Completion Date | Officer           | Disposition   |                      |
|---------|---------------|---------------|-----------------|-------------------|---|----------------------|
| 18-0509 | 5/14/18       | AL            | 5/2/19          | Subject Officer 1 | 1. Conduct Towards Others - Demeanor                                      | <i>Unfounded</i>     |
|         |               |               |                 |                   | 2. Use of Force (Level 2)   | <i>Unfounded</i>     |
|         |               |               |                 |                   | 3. Use of Force (Level 3)   | <i>Unfounded</i>     |
|         |               |               |                 |                   | 4. Use of Force (Level 3)   | <i>Unfounded</i>     |
|         |               |               |                 |                   | 5. Performance of Duty – General  | <i>Sustained</i>     |
|         |               |               |                 |                   | 6. Performance of Duty – General  | <i>Sustained</i>     |
| 18-0516 | 5/17/18       | ED            | 5/2/19          | Subject Officer 1 | 1. Use of Force   | <i>Unfounded</i>     |
|         |               |               |                 |                   | 2. Use of Force   | <i>Unfounded</i>     |
|         |               |               |                 | Subject Officer 2 | 1. Performance of Duty (Handcuffs)  | <i>Exonerated</i>    |
| 18-0695 | 6/29/18       | JS            | 6/3/19          | Subject Officer 1 | 1. Prohibited Activity on Duty  | <i>Sustained</i>     |
|         |               |               |                 |                   | 2. Conduct Toward Others – Demeanor                                       | <i>Unfounded</i>     |
|         |               |               |                 |                   | 3. Failure to Accept or Refer a Complaint                                 | <i>Not Sustained</i> |
| 18-0612 | 6/6/18        | AL            | 6/6/19          | Subject Officer 1 | 1. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest | <i>Sustained</i>     |
|         |               |               |                 |                   | 2. Conduct Toward Others – Harassment and Discrimination                  | <i>Not Sustained</i> |
|         |               |               |                 |                   | 3. Use of Force (Level 4)   | <i>Unfounded</i>     |
|         |               |               |                 |                   | 4. Performance of Duty – Personal Digital Recording Device (PDRD)         | <i>Sustained</i>     |
| 19-0942 | 8/27/18       | NG            | 6/6/19          | Subject Officer 1 | 1. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest | <i>Unfounded</i>     |
|         |               |               |                 |                   | 2. Use of Force (Level 2)   | <i>Unfounded</i>     |
|         |               |               |                 | Subject Officer 2 | 1. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest | <i>Unfounded</i>     |



# OAKLAND POLICE COMMISSION

## Agenda Report

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|                 |  |
|-----------------|--|
| <b>Subject:</b> | <b>OPD Policy on the Deployment of the BearCat and Other Militarized Weapons</b> |
| Date:           | June 7, 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 receive a presentation from OPD on the use of the BearCat and the deployment of militarized weapons. The Commission may act on OPD's request for a purchase of a second BearCat. The Commission may also vote to appoint an Ad Hoc Committee on Equipment Acquisition and Use Policy.

**Background:**

At the Public Safety Committee meeting on May 14, 2019 meeting, the Committee suggested that the City Council may want to work with the Police Commission regarding OPD's policy on the deployment of the Bearcat and other militarized weapons.

A representative from American Friends Service Committee, whose work statewide has focused extensively on police militarization, has reached out to Chair Jackson and has offered to assist the Commission in addressing policy. They have co-sponsored state legislation (AB 3131) last year on processes for acquisition of militarized equipment, and have conducted considerable research on precedents in other jurisdictions for police acquisition of equipment, including Bearcats and other armored vehicles.

**Attachments:**

OPD Informational Report: Overview of Armored Vehicle Use



## AGENDA REPORT

**TO:** Police Commission

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

**SUBJECT:** Informational Report:  
Overview of Armored Vehicle Use

**DATE:** June 5, 2019

### Overview

An armored vehicle is a protective piece of specialized civilian law enforcement equipment that significantly increases the options available to de-escalate and safely resolve critical incidents. The capabilities of an armored vehicle greatly exceed those of a patrol vehicle and deployment of armored vehicles increases the safety of the public, law enforcement officers, and other first responders. Armored vehicles provide improved cover for officers, are stocked with tools that might be needed during a critical incident and increase the options for a safe resolution.

Deployment of an armored vehicle frequently results in the safe surrender of an offender in a timely manner. The Department recognizes that certain armored vehicles might appear intimidating to the public and therefore restricts deployment of armored vehicles to those situations where the benefits of deployment outweigh the potential concerns of the community.

### Deployment of Armored Vehicles

A commander may authorize the deployment of an armored vehicle for incidents that involve actual, threatened, or suspected violence related to loss of life or serious bodily injury. This includes special events at the Oakland Coliseum/Arena and other locations where there is an increased risk to public safety.

Rules for deployment of the BearCat by the Tactical Operations Team are not currently specified in policy. However, the Tactical Operations Team is only deployed to high risk incidents and operations (e.g. hostage situations, barricade situations, sniper situations, high-risk warrant services, and suicidal persons). Rules for deployment of the BearCat by the Tactical Operations Team can be incorporated into the next revision of the Tactical Operations Team policy.

The BearCat is purposely built as a protective piece of specialized civilian law enforcement equipment and significantly increases the options available to de-escalate and safely resolve critical incidents. The BearCat far exceeds the capabilities of a patrol vehicle or an armored SUV. The BearCat's large size is essential to its effectiveness, and is one of the characteristics that sets it apart from other equipment. Some of the capabilities of the BearCat that increase the safety of the public and officers include:

- Ballistic protection. The BearCat provides protection from most firearms. A patrol vehicle provides little protection except for the engine block. An armored SUV can also provide protection from most firearms, but only has the capacity to protect a few officers and not an entire team.

- Large interior and multiple doors. The BearCat's capacity to rapidly transport and deploy up to a dozen officers and their equipment to a critical incident or evacuate the public or officers from a critical incident is several times greater than that of a patrol vehicle or SUV.
- Large exterior. The BearCat is also large enough to provide cover to a team of officers in a static position while a patrol vehicle or SUV is only sufficiently large to provide cover to a few officers. A larger team of officers with a variety of tools such as less lethal equipment increases the likelihood a critical incident can be de-escalated safely.
- Size and weight. Due to its size and weight, the BearCat can be used to block in vehicles that could otherwise push through a smaller vehicle. Additionally, the BearCat's ballistic protection allow it to be used in situations where it would not be safe to use a patrol vehicle.
- Height. The height of the BearCat exceeds that of any patrol vehicle or SUV, which allows officers to better assess threats whether they be in a vehicle or in a building. Additionally, the BearCat has an opening to the roof which allows for an even greater field of view.
- Storage space. The BearCat allows for the secure storage and rapid deployment of specialized equipment such as ballistic shields and stop sticks. This equipment is frequently too expensive or bulky to be issued to every officer.

Since 2016, the BearCat has been deployed for a variety of incidents. The BearCat is frequently deployed to planned events to deter attacks or respond to attacks if they do occur. The BearCat is regularly deployed to special events with the intention of deterring attacks such as the ones that occurred at concerts in Las Vegas and Manchester. It is also deployed at peaceful demonstrations not for crowd control, but to protect the public from attacks such as the one in Charlottesville. The BearCat is well received at these events by attendees who express their appreciation for its presence.

Since 2016, the BearCat has been deployed dozens of times to critical incidents where the safety of the public and officers was threatened. In the first fifteen (15) weeks of 2019, the BearCat was deployed twenty-seven (27) times for incidents such as: shooting, robbery, and homicide suspects inside buildings; people asleep in vehicles with firearms; people in public with rifles; shots fired during sideshow activity; and reports of shots fired. None of the incidents in 2019 were related to an officer involved shooting.

Use of an armored vehicle for training purposes is not considered a deployment.

### **Operation of Armored Vehicles**

Armored vehicles shall only be operated by officers certified by the Tactical Operations Team commander. This includes, but is not limited to, all members of the Entry Team and Sniper Team elements. It also includes all Patrol Rifle Officers (PRO's).

Officers may stage an armored vehicle near a scene prior to a commander's authorization to deploy the armored vehicle but shall not deploy it to the scene without authorization except under exigent circumstances.



### After Action

A commander who authorizes the deployment of an armored vehicle shall email notification to all OPD commanders. The email shall include a brief synopsis of the incident along with at least the following details:

- Date, time, and location
- Report and incident numbers
- Incident commander and tactical commander (if applicable)
- Scene supervisor(s)
- Which armored vehicle(s) were used
- Justification for deployment of the armored vehicle(s)
- Other specialized resources used (e.g. helicopter, canine)
- Presence or absence of media
- Whether there were injuries, uses of force, complaints, and/or property damage

The commander of the Special Operations Section shall maintain a record of the deployments and ensure information about the deployments is include in the division's Annual Management Report.

### Proposal to Acquire a Second Armored Vehicle

OPD currently has only one BearCat armored vehicle, which is now twelve (12) years old. As with any motor vehicle, the lifespan of the BearCat depends on how frequently it is used. As an older vehicle that is used regularly, it is out of service for maintenance and repairs more frequently. Purchasing a second BearCat will have benefits such as:

- Ability to properly respond to critical incidents. Most critical incidents require at least two pieces of reliable cover such as that provided by the BearCat. A single BearCat is insufficient to block in a vehicle; a vehicle blocked at the front can simply drive away in reverse. A single BearCat can provide protection for a team at the front door where a suspect has barricaded himself, but a second BearCat is frequently needed to provide cover at the back door to prevent the suspect's escape.
- Increases the likelihood at least one BearCat is always available even if the other one is out of service.
- Decreases the wear and tear on only a single vehicle, which extends its longevity and usefulness.
- Reduces the response time to critical incidents and reduces the miles driven by each vehicle as one BearCat can be stationed at the PAB and one at Eastmont.
- Ability to respond to simultaneous critical incidents. There are times where the safety of the public and officers would be increased by the deployment of the BearCat at two critical incidents, but currently only one is available.
- Ability to cover larger areas. Most events where the BearCat is deployed have several points of ingress/egress and the safety of the public is increased when more points can be protected.

Oakland Police Commission

Subject: Armored Vehicles

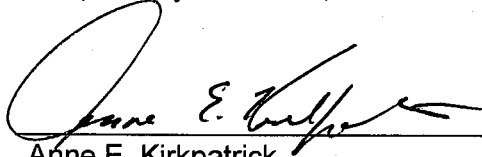
Date: June 6, 2019

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- Ensures OPD has at least one BearCat when the older one is no longer operable. The process to secure funds, order, and receive a BearCat, which are not built until ordered, takes several months or more. If OPD was to be without a BearCat for an extended period of time, the risk to the public and officers would be greatly increased. Additionally, the effectiveness and efficiency of OPD operations would decrease while costs increased as more incidents would require a call-out of the Tactical Operations Team and all of the associated costs with the call out.

At the recent Public Safety meeting, the Oakland City Council delayed use of COPS grant funds for an armored vehicle until a policy has been developed together with the Police Commission. OPD will work with the Commission on developing a policy for the armored vehicle before making another request for an additional vehicle.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Prepared by:

Chris Shannon  
Lieutenant of Police

CITY OF OAKLAND



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

Police Commission

June 24, 2019

Oakland City Council

Via e-mail: Council President Rebecca Kaplan, President Pro Tempore Dan Kalb, Vice Mayor Larry Reid, Nikki Fortunato Bas, Noel Gallo, Lynette Gibson McElhaney, Loren Taylor, Sheng Thao

Honorable Council President Kaplan and Members of the Oakland City Council,

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 comments and concerns:

- The Commission and community are concerned that this contract is being forwarded without having been put out to competitive bid, and with no justification explaining why the vendor is uniquely qualified to provide the proposed counseling services.;
- More generally, the Commission did not find evidence of vendor's commitment to advancing and updating his skills in two areas especially relevant to counseling police officers, trauma and substance use. The Commission would like to see evidence that vendor has, through post-licensure training, continued to build expertise in these areas.

Sincerely,

*Regina Jackson*

Regina Jackson  
Chair, Oakland Police Commission

**PROPOSAL**



**POLICE COMMISSION**

**HALF-DAY RETREAT**

June 24, 2019



1901 Harrison Street  
Suite 1100  
Oakland, CA 94612  
510-834-2341  
info@walkeraac.com  
www.walkeraac.com

## **I. CONTACT INFORMATION**

Jeannine N. Walker, Executive Vice President of Walker and Associates Consulting (W&A), will serve as the Project Lead. Her contact information is as follows:

Name: Jeannine N. Walker  
Executive Vice President, Walker and Associates Consulting  
Address: 1901 Harrison Street, Suite 1100  
Oakland, CA 94612  
Cell: 510-388-4927  
Office: 510-834-2341  
Fax: 510-569-2993  
Email: [jwalker@walkeraac.com](mailto:jwalker@walkeraac.com)

## **II. BACKGROUND AND QUALIFICATIONS**

Walker and Associates Consulting (W&A) was established in 1994 by its Founder and President, Constance J. Walker. On the heels of a stellar career in nonprofit management, technical assistance and philanthropy, Constance launched a management consulting firm designed to apply practical solutions to complex problems based on knowledge, experience and a deep understanding of how to work in partnership with community leaders. W&A deepened its capacity, strengthened its impact, and broadened its reach with the addition of Executive Vice President Jeannine N. Walker in 2010. Jeannine brings strategic thinking, communications-orientation and a unique network from her private sector experience. Over the course of 25 years, W&A has become the go-to firm for conference and meeting planning and facilitation; executive search and transition; strategic planning and execution; program and initiative development and management; and marketing and communications for organizations focused on equity; racial and social justice education; community development; health and wellness; youth development; affordable housing and workforce development.

W&A's comprehensive and hands-on approach; attention to detail; and expertise in teambuilding, culture-setting and planning distinguish the firm from its peers. W&A has successfully planned and facilitated retreats, convenings and conferences for countless organizations including: Akonadi Foundation, Community Housing Development Corporation, Coalition for Responsible Community Development, East Bay Community Foundation, East Oakland Youth Development Center, JPMorgan Chase & Co. Global Philanthropy and North Richmond Municipal Advisory Council. Additional clients and references can be found in Attachments A and B.

As an Oakland-based, minority and female-owned firm with a successful track record of planning and facilitating seamless and impactful retreats within the context of planning, W&A is the ideal partner to guide the Oakland Police Commission in planning and facilitating a half-day, off-site retreat that will help this civilian oversight board reconnect to its purpose of overseeing the policies, practices and customs of the Oakland Police Department to meet national standards of constitutional policing.

**Core Team Members for this retreat will include:**

**Jeannine N. Walker, Project Lead**



Jeannine is a management and communications specialist with private sector marketing brand management experience with Johnson and Johnson, PepsiCo and Proctor and Gamble, as well as strategy and research skills honed while receiving her MBA from the University of Southern California and BS from the Wharton School of Business. Jeannine joined W&A in 2010 and is passionate about leveraging her business acumen to strengthen the capacity of communities and community-based and philanthropic organizations. Jeannine has provided innovative planning, guidance, facilitation, project management and services to W&A's clients across Talent Acquisition & Development, Strategic Planning, Marketing & Communications and Convening Management. Her fresh perspective are assets in W&A's planning and facilitation strategies. Jeannine is also an Oakland native committed to ensuring her community is safe and equitable. Jeannine will serve as the main liaison to the Oakland Police Commission, ensure overall smooth project management and execution and co-facilitate the retreat with a focus on teambuilding and planning.

**Constance J. Walker, Senior Strategist & Facilitator**



As a former Executive Director, technical assistance provider and statewide funder, Constance brings extensive experience and knowledge that benefit W&A's clients. Constance was at the forefront of building philanthropic support for capacity building, multi-year core support and the development of public policy. Her leadership as Program Officer and Director of Program Related Investments for the James Irvine Foundation resulted in the formation of numerous statewide and regional public/private partnerships managed by the Local Initiatives Support Corporation, Northern California Grantmakers and the Los Angeles Urban Funders. As a consultant, Constance has assisted hundreds of mission-critical organizations in the areas of Talent Acquisition & Development, Strategic Planning, Marketing & Communications, and Convening Management. Constance will co-facilitate the retreat and focus on culture/diversity and planning.

**III. OVERALL APPROACH & METHODOLOGY**

W&A will implement the following work plan upon commencement of a contract between the Oakland Police Commission and W&A:

| <b>Work Plan</b> |  |
|------------------|--|
| <b>Task 1</b>    | W&A will develop and submit a document request check list to get up-to-speed on the Commission's current charge, goals and priorities.   |
| <b>Task 2</b>    | W&A will hold a Kickoff Meeting with Commission leadership to identify the strategic and tactical factors impacting the current and future work of the Commission; determine the goals and projected outcomes for the retreat; and determine the composition of a Retreat Planning |

|               |  |
|---------------|--|
|               | Committee (subset of the Commission) to provide guidance and review recommendations.   |
| <b>Task 3</b> | W&A will survey the full Commission to ensure input from all members in key aspects of the retreat such as intended outcomes and location.   |
| <b>Task 4</b> | In consultation with the Retreat Planning Committee, W&A will develop the Retreat Agenda and determine if other presenters/participants should be involved (e.g. an Oakland resident who has been impacted by policing and/or Urban Strategies Council to share pertinent data). |
| <b>Task 5</b> | W&A will research, propose and negotiate details/contract for the retreat venue as well as handle menu selection, AV requirements, etc.  |
| <b>Task 7</b> | W&A will develop and prepare retreat materials including a master presentation and any background materials needed.  |
| <b>Task 8</b> | W&A will facilitate the Retreat and provide graphic recording of key findings, action items and responsible parties.   |
| <b>Task 9</b> | W&A will produce a summary report/action plan following the retreat.   |

W&A has experience modifying our approach to meet the unique needs of our clients so is receptive to feedback on this proposal.

**IV. RECOMMENDED TIMING**

W&A will implement the Work Plan above, with any requested modifications, upon commencement of a contract according to the estimated timeline:

| <b>Potential Timeline for W&amp;A’s Deliverables *</b> | <b>Completion Date (No Later Than)</b> |
|--|--|
| Background Document Review                             | 7/5/19                                 |
| Kickoff Meeting  | 7/12/19                                |
| Survey of Full Commission Fielded                      | 7/15/19                                |
| Survey of Full Commission Complete                     | 7/19/19                                |
| Retreat Agenda Drafted & Location Confirmed            | 7/26/19                                |
| Retreat Agenda & All Participants Finalized            | 8/2/19                                 |
| Retreat Materials & Presentations Finalized            | 9/9/19                                 |
| Retreat Facilitated                                    | 8/30/19                                |
| Post-Retreat Report Submitted                          | 9/6/19                                 |

\* Timing may change depending upon the date of contract signing, client availability and needs, etc.

**V. BUDGET SUMMARY**

| <b>Budget Summary</b>   |                  |
|---|------------------|
| Professional Fees*  | \$ 10,000        |
| Expenses: Estimated not to exceed 10% of the total contract (For costs such as travel, if applicable, design and printing of retreat materials, etc.) | \$ 1,000         |
| <b>Total Possible Professional Fees and Expenses</b>  | <b>\$11,000*</b> |

\* Budget does not include cost of facility rental, food, audio visual and related expenses: these costs will be billed directly to the client. An advance payment of 1/3 of the contracted amount will be due upon execution of a contract. A final invoice for 2/3 of the contracted amount and expenses would be due upon completion of W&A’s services.

**ATTACHMENT A**

**PARTIAL LIST OF CURRENT AND FORMER CLIENTS:**

**Akonadi Foundation  
Alameda Point Collaborative  
Asian Law Caucus  
Asset Policy Initiatives of California  
Bay Area Asset Support Center  
Bay Area Black Coalition on AIDS  
Bay Area Blacks in Philanthropy  
Bay Area Outreach and Recreation Program  
California Reinvestment Coalition  
Centerforce  
Children's Defense Fund  
Coalition for Responsible Community Development  
Community Development Technologies Center  
Community Housing Development Corporation  
Communications Leadership Institute  
East Bay Community Foundation  
East Bay Housing Organizations  
East Oakland Youth Development Center  
East Palo Alto Community Alliance and Neighborhood Development  
Ella Baker Center for Human Rights  
Evelyn and Walter Haas, Jr. Fund  
HomeBase  
Housing Authority of the City of San Buenaventura  
Insight Center for Community Economic Development  
John & Marcia Goldman Foundation  
JPMorgan Chase Global Philanthropy  
Los Angeles Black Worker Center  
Los Angeles Housing Partnership  
National Community Development Institute  
Neighborhood Funders Group  
North Richmond Municipal Advisory Council  
OBDC Small Business Finance  
Pacific Coast Regional Small Business Development Corporation  
Peralta Colleges Foundation  
PolicyLink  
Rockefeller Foundation  
San Francisco Housing Development Corporation  
Stupski Foundation  
The Mentoring Center  
The Women's Foundation of California  
United Way Bay Area**



**ATTACHMENT B**

**CLIENT REFERENCES:**

**Don Gilmore**

**Executive Director**

**Community Housing Development Corporation (CHDC) &  
Chair, North Richmond Municipal Advisory Council (NRMAC)**

Strategic Planning including a Retreat for CHDC and a Council Retreat for NRMAC – Planned and facilitated an offsite Board and Staff retreat as part of strategic planning for CHDC including site research, selection and negotiation; menu selection; and facilitation including custom exercises and presentations in support of planning. Also planned and facilitated an offsite retreat for NRMAC, the advisory body representing the North Richmond community.

Phone: 510-412-9290

Email: [dgilmore@communityhdc.org](mailto:dgilmore@communityhdc.org)

**Regina Jackson**

**President and CEO**

**East Oakland Youth Development Center**

Strategic Planning including a Board Retreat and Funders' Briefing – Planned and facilitated an offsite Board retreat as part of strategic planning including site research, selection and negotiation; menu selection; and facilitation including custom exercises and presentations in support of planning. Also planned/coordinated a successful Funders' Briefing onsite, including multimedia presentations and tours.

Phone: 510-912-1377

Email: [regina@eoydc.org](mailto:regina@eoydc.org)

**Lateefah Simon**

**President**

**Akonadi Foundation**

Multiple Board and Staff Retreats – Planned and facilitated multiple offsite retreats including site research, selection and negotiation; menu selection; facilitation including custom exercises and presentations in support of teambuilding and planning; and post-retreat reports.

Phone: 510-663-3867

Email: [lateefah@akonadi.org](mailto:lateefah@akonadi.org)

CITY OF OAKLAND



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

Police Commission

June 14, 2019

Oakland City Council

Via e-mail: Council President Rebecca Kaplan, President Pro Tempore Dan Kalb, Vice Mayor Larry Reid, Nikki Fortunato Bas, Noel Gallo, Lynette Gibson McElhaney, Loren Taylor, Sheng Thao

Honorable Council President Kaplan and Members of the Oakland City Council,

On Thursday, May 23, the Oakland Police Commission heard a presentation by Jacob Savage describing an innovative program under way in Eugene, Oregon. The program CAHOOTS (Crisis Assistance Helping Out On The Streets) seeks to remedy the skill mismatch and wasted expense when police officers and Fire Department personnel respond to non-emergency mental health and health related crisis calls. Since implementing the program in 2014, Eugene has seen both a cost savings and improved outcomes for clients.

The program was brought to the Commission's attention by Anne Janks of the Coalition for Police Accountability.

After hearing Mr. Savage's presentation and reading the accompanying materials, the members of the Police Commission voted unanimously to support efforts within the City Council to fund exploration of whether Oakland can and should implement a similar program.

On June 26, 2019 representatives from CAHOOTS will present on the success of the model including cost effectiveness and connecting community to services. A flyer is attached for your reference. Therefore, we ask that you vote affirmatively to support the proposed \$40,000 feasibility study funding in the draft budget.

We look forward to a partnership with the City Council as we consider this community engaged, creative approach to serve the people of Oakland.

Sincerely,

*Regina Jackson*

Regina Jackson  
Chair, Oakland Police Commission

# NOT ALL 911 CALLS NEED A POLICE RESPONSE LET'S BUILD AN ALTERNATIVE IN OAKLAND

**WEDNESDAY, JUNE 26, 2019**  
**ST. COLUMBA CATHOLIC CHURCH**  
**6401 SAN PABLO AVE (AT ALCATRAZ), OAKLAND**

## AGENDA:

**6PM**

**CHECK-IN  
& LIGHT REFRESHMENTS**

**6:30**

**PRESENTATION BEGINS  
PROMPTLY**

**8PM**

**RECEPTION**

CAHOOTS is a mobile crisis intervention team integrated into the public safety system in Eugene and Springfield, Oregon.

CAHOOTS responds to 17% of all 911 calls without any police present. Nationally, 21% of police calls involve mental health issues.

CAHOOTS handles a broad range of non-criminal crises, including homelessness, intoxication, disorientation, substance abuse, mental illness problems, dispute resolution, non-emergency medical care, first aid, and transportation to services.

Hear a presentation from CAHOOTS representatives on how the model has succeeded in reducing bad outcomes, saved money, and helped connect residents with services.

Join the conversation about a pilot program in Oakland to have a mental health professional and an EMT respond to certain 911 calls - instead of police.

## LET US KNOW YOU'RE COMING! REGISTER HERE:

[HTTPS://WWW.BROWNPAPERTICKETS.COM/EVENT/4264750](https://www.brownpapertickets.com/event/4264750)

For more information or to let us know by 6/23/19 if anyone needs ESL or Spanish translation or childcare, contact Anne Janks, (510) 213-2953, [annesjanks@gmail.com](mailto:annesjanks@gmail.com)



# OAKLAND POLICE COMMISSION

## Agenda Report

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|                 |   |
|-----------------|---|
| <b>Subject:</b> | <b>Pending Agenda Matters List</b>                |
| Date:           | June 24, 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:**

Pending Agenda Matters List

**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 |
|---|---------------------|---|--|----------------|-------------------|-----------|------------------------------|
| 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           |                   | 7/11/2019 |                              |
| 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           |                   | 6/27/2019 |                              |
| 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           |                   | 6/27/2019 | 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 |           |                              |
| Stop Data and Racial Impact Report                                | 1/1/2018            |   | <p>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.</p>   | High           |  |           | Jackson                      |

**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 |
|--|---------------------|---|--|----------------|----------------------------|------------|------------------------------|
| Receive a Report from the Ad Hoc Committee on CPRA Appellate Process | 6/13/2019           | Once the Commission has an outside counsel, work with them on determining an appellate process  | When a draft process is determined, bring to the Commission for a vote   | Medium         |                            |            | Prather                      |
| Pro Bono Legal Services  | 6/13/2019           | Henry Gage, III has submitted an agreement to provide pro bono legal services should the Commission choose to avail itself of his services  | After the Commission obtains outside legal counsel, determine if this is necessary   | Medium         |                            |            |                              |
| Public Hearing on OPD Budget   | 1/1/2018            | Conduct at least one public hearing on the Police Department's budget   | Tentative release date of Mayor's proposed budget is May 1st of each year.   | Medium         | Biennial, per budget cycle | Fall, 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:<br>* Department operations, policies and procedures, including but not limited to discipline procedures for Misconduct, and<br>* 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         |                            |            |                              |
| 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                      |

**Police Commission  
Pending Agenda Matters List**

| Pending Agenda Matter  | Date Placed on List | Duties/Deliverables  | Additional Information/Details  | Priority Level | Timeline/Deadline                  | Scheduled | Lead Commissioner(s), if any |
|--|---------------------|--|---|----------------|------------------------------------|-----------|------------------------------|
| Follow up on Najiri Smith Case   | 10/10/2018          |  | Community members representing Najiri claim the officer lied re. the time of interaction, which makes the citation (loud music after 10pm) invalid. They claimed he was engaged by OPD around 9.10pm.   | Medium         |                                    |           |                              |
| 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       |
| 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         |                                    |           |                              |
| 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         |                                    |           |                              |



**Police Commission  
Pending Agenda Matters List**

| Pending Agenda Matter   | Date Placed on List | Duties/Deliverables | Additional Information/Details  | Priority Level | Timeline/Deadline | Scheduled | Lead Commissioner(s), if any |
|---|---------------------|---------------------|---|----------------|-------------------|-----------|------------------------------|
| Review 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 double investigators and stop outsourcing to supervisors/sgts. Commissioners have also wondered about an increase civilian investigators. Do we have jurisdiction over this? | 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  | Medium         |                   |           |                              |
| 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   | 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         |                   |           |                              |

**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 |
|---|---------------------|--|--|----------------|-------------------|-----------|------------------------------|
| 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?<br>How long does each process take?<br>What are the contributing factors for the length of the process?<br>How often are timelines not met at every level?<br>How often is conflict resolution process used?<br>How long is it taking to get through it?<br>Is there a permanent arbitration list?<br>What is contemplated if there's no permanent list?<br>How often are settlement discussions held at step 5?<br>How many cases settle?<br>Is there a panel for Immediate dispute resolution?<br>How many Caloca appeals? How many are granted?<br>What happened to the recommendations in the Second Swanson report? | Low            |                   |           |                              |

**Police Commission  
Pending Agenda Matters List**

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

**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 |
|---|---------------------|---|---|----------------|------------------------|-----------|------------------------------|
| 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 2018, but no process exists which allows for transparency or a way to have those concerns reviewed. It was suggested to hold a hearing where anyone making allegations presents evidence, the person named has an opportunity to respond and then the commission decides if there's sanctions or not. *Suggestion from Regina Jackson: we should design a form...check box for the allegation...provide narrative to explain..hearing within 4 weeks? | Low            |                        |           | Jackson                      |
| Promotions of officers who have committed crimes  | 10/6/2018           |   |   | Low            |                        |           |                              |
| 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 |   | Low            | Ongoing as appropriate |           |                              |

**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 |
|---|---------------------|---|--|----------------|----------------------------------|-----------|------------------------------|
| 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                       |
| 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            |                                  |           |                              |

**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 |
|--|---------------------|---|---|----------------|-------------------|-----------|------------------------------|
| 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>1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration;</li> <li>2. Arbitration decisions or other related results;</li> <li>3. The ways in which it has supported the police discipline process; and</li> <li>4. 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            |                   |           |                              |