



OAKLAND POLICE COMMISSION

SPECIAL MEETING AGENDA

December 9, 2021

6:30 PM

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department to ensure its policies, practices, and customs conform to national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

Pursuant to California Government Code Section 54953(e), members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will participate via phone/video conference, and no physical teleconference locations are required.



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PUBLIC PARTICIPATION

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

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/85700663807> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
Webinar ID: 857 0066 3807

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

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

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

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



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I. Call to Order, Welcome, Roll Call and Determination of Quorum

Chair Regina Jackson

Roll Call: Chair Regina Jackson; Vice Chair Tyfahra Milele; Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner David Jordan; Commissioner Marsha Peterson; Alternate Commissioner Jesse Hsieh

II. Adoption of Renewal Resolution Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953(E), a Provision of AB-361. The Commission will re-adopt findings to permit it to continue meeting via teleconference under the newly amended provisions of the Brown Act. ***This is a recurring item.*** (Attachment 2).

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

III. Open Forum Part 1 (2 minutes per speaker, 15 minutes total)

After ascertaining how many members of the public wish to speak, Chair Regina Jackson will invite the public to speak on any items not on the agenda but may be of interest to the public, and that are within the subject matter jurisdiction of the Commission. Comments on specific agenda items will not be heard during Open Forum but must be reserved until the agenda item is called. The Chair has the right to reduce speaking time to 1 minute if the number of speakers would cause this Open Forum to extend beyond 15 minutes. Any speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2, at the end of the agenda.

IV. Update from Police Chief

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; an update on the Negotiated Settlement Agreement; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item.*** (Attachment 4).

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

V. Review of the 76th Federal Monitor Report

The Commission will review and discuss the most recently published report from the Federal Monitor. ***This is a recurring item.*** (Attachment 5)

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

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

To the extent permitted by state and local law, Executive Director John Alden will report on the Agency's pending cases, completed investigations, staffing, and recent activities. ***This is a recurring item.*** (Attachment 6).

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

VII. Review of Commission Budget & Resourcing. The Commission will hear a report about required resourcing in review of current and future Standing and Ad Hoc Committees. ***This item is a continuation from a discussion at the 10.14.21 meeting.*** (Attachment 7).

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

VIII. Consideration and Selection of Commission Counsel

The Commission will review and discuss the responses to the Request for Qualifications (RFQ) to retain outside counsel to the Commission issued August 2021. The Commission will consider taking action to select Commission Counsel, to prepare and return to the Commission with an engagement agreement and a resolution or other appropriate mechanism of executing the agreement, and to give direction to staff to coordinate with City contracting. ***This item was discussed on 6.24.21 and again on 8.12.21***

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

IX. Committee Reports

Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.*** (Attachment 9).

**Inspector General Search
(Commissioners Milele, Jackson, Peterson)**

The Inspector General Search Ad Hoc Committee is tasked with conducting a nationwide search for a civilian Inspector General who will report to the Police Commission.

(Commissioners Jackson, Jordan)

The Missing Persons Ad Hoc Committee is tasked with reviewing and updating the OPDs missing persons policy, to ensure that it is in line with the standards of constitutional policing and evolving community values. The resulting policy will be presented for review and approval to the full Police Commission, with the intent that it be formally adopted as the guiding policy for the investigations of missing persons by the OPD.

Community Policing Policy revision (15-01)

(Commissioners Hsieh, Harbin-Forte, Howell)

The mission of the OPC Community Policing Ad Hoc Committee is to refine OPD's draft of its Proposed Policy 15-01 on Community Policing to ensure that the proposed policy will result in OPD's full implementation of City Council Resolution 79235 governing community policing. The Committee will ensure that OPD'S proposed policy reflects the ideal that community members should take the lead in identifying community priorities for OPD involvement, and that the policy includes specific procedures for, among other things, addressing Beat level challenges, developing Beat and block leaders into viable Citywide networks, expanding public access to information and resources, and increasing community involvement in the training of OPD's Community Resource Officers, other officers department-wide, and staff.

CID Manual Review Ad Hoc

(Commissioners Howell, Hsieh, Jackson)

The focus of this Ad Hoc is to review and support a public process with respect to the Commission's consideration of OPD's revised Policies and Procedures manual for the Department's Criminal Investigation Division; Homicide Section (19-01).

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

X. Open Forum Part 2 (2 minutes per speaker)

Chair Regina Jackson will invite public speakers to speak on items that were not on the agenda, and that are within the subject matter jurisdiction of the Commission, with priority given to speakers who were unable to address the Commission during Open Forum at the beginning of the meeting. Speakers who made comments during Open Forum Part 1 will not be permitted to make comments during this Open Forum. Comments previously made during public comment on agenda items may not be repeated during this Open Forum. The Chair has the right to reduce speaking time to 1 minute for reasons the Chair will state on the record. ***This is a recurring item.***

XI. Robert's Rules of Order

Refresher Training. This is a new item. ***This is a new item.***

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

XII. Rescheduling the Commission's next meeting in December 2021

Staff will recommend cancelling the December 23 meeting and holding the meeting on Thursday, December 16 instead. ***This is a new item.***

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

XIII. Adoption of Meeting Minutes

The Commission will vote to approve minutes from the November 18 Special Meeting. ***This is a recurring item. (Attachment 13).***

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

XIV. 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 14).***

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

XV. Adjournment

NOTICE: In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Discipline Committee meeting, or to otherwise participate at Commission meetings, please contact the Police Commission's Chief of Staff, Rania Adwan, at radwan@oaklandca.gov for assistance. Notification at least 48 hours before the meeting will enable the Police Commission to make reasonable arrangements to ensure accessibility to the meeting and to provide any required accommodations, auxiliary aids or services.

OAKLAND POLICE COMMISSION

RESOLUTION NO. 21-08

ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE OAKLAND POLICE COMMISSION AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. *See* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

WHEREAS, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

WHEREAS, City Council Resolution No. 88075 remains in full force and effect to date; and

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. *See* <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

WHEREAS, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. *See* <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

WHEREAS, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19

symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

WHEREAS, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

WHEREAS, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

WHEREAS, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

WHEREAS, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

WHEREAS, on October 14, 2021 the Oakland Police Commission adopted a resolution determining that conducting in-person meetings would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361; now therefore be it:

RESOLVED: that the Oakland Police Commission finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this resolution; and be it

FURTHER RESOLVED: that, based on these determinations and consistent with federal, state and local health guidance, the Oakland Police Commission renews its determination that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

FURTHER RESOLVED: that the Oakland Police Commission firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

FURTHER RESOLVED: that the Oakland Police Commission will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Oakland Police Commission finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.

ON DECEMBER 9, 2021, AT A MEETING OF THE OAKLAND POLICE COMMISSION IN OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES –

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
RANIA ADWAN
Chief of Staff
Oakland Police Commission
City of Oakland, California



OAKLAND POLICE DEPARTMENT

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

CRIME ANALYSIS

Weekly Crime Report — Citywide 22 Nov. – 28 Nov., 2021

Part 1 Crimes <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2019	YTD 2020	YTD 2021	YTD % Change 2020 vs. 2021	3-Year YTD Average	YTD 2021 vs. 3-Year YTD Average
Violent Crime Index (homicide, aggravated assault, rape, robbery)	73	5,349	5,390	5,967	11%	5,569	7%
Homicide – 187(a)PC	3	66	97	118	22%	94	26%
Homicide – All Other *	-	3	7	9	29%	6	42%
Aggravated Assault	33	2,549	2,990	3,277	10%	2,939	12%
Assault with a firearm – 245(a)(2)PC	6	268	445	562	26%	425	32%
Subtotal - Homicides + Firearm Assault	9	337	549	689	26%	525	31%
Shooting occupied home or vehicle – 246PC	6	237	373	499	34%	370	35%
Shooting unoccupied home or vehicle – 247(b)PC	1	110	185	246	33%	180	36%
Non-firearm aggravated assaults	20	1,934	1,987	1,970	-1%	1,964	0%
Rape	2	190	202	138	-32%	177	-22%
Robbery	35	2,544	2,101	2,434	16%	2,360	3%
Firearm	16	924	661	981	48%	855	15%
Knife	-	127	153	102	-33%	127	-20%
Strong-arm	5	1,142	879	717	-18%	913	-21%
Other dangerous weapon	2	82	70	66	-6%	73	-9%
Residential robbery – 212.5(a)PC	-	86	79	88	11%	84	4%
Carjacking – 215(a) PC	12	183	259	480	85%	307	56%
Burglary	29	13,334	8,178	8,804	8%	10,105	-13%
Auto	3	10,973	5,877	7,071	20%	7,974	-11%
Residential	4	1,622	1,152	920	-20%	1,231	-25%
Commercial	15	572	913	550	-40%	678	-19%
Other (Includes boats, aircraft, and so on)	1	146	170	148	-13%	155	-4%
Unknown	6	21	66	115	74%	67	71%
Motor Vehicle Theft	74	5,887	8,062	7,991	-1%	7,313	9%
Larceny	28	6,973	5,511	5,360	-3%	5,948	-10%
Arson	-	136	178	155	-13%	156	-1%
Total	204	31,682	27,326	28,286	4%	29,098	-3%

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

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

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

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

All data extracted via Coplink Analytics.



OAKLAND POLICE DEPARTMENT

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

CRIME ANALYSIS

2021 Year-to-Date Recovered Guns

Recoveries through 28 Nov., 2021

Grand Total 1,087

Crime Recoveries	
Felony	582
Felony - Violent	207
Homicide	31
Infraction	0
Misdemeanor	36
Total	856

Crime Gun Types	Felony	Felony - Violent	Homicide	Infraction	Misdemeanor	Total
Machine Gun	1	3				4
Other	3					3
Pistol	470	172	24		32	698
Revolver	16	5	2		1	24
Rifle	56	19	2		3	80
Sawed Off	5					5
Shotgun	17	3	2			22
Sub-Machinegun						0
Unknown/Unstated	14	5	1			20
Total	582	207	31	0	36	856

Non-Criminal Recoveries	
Death Investigation	20
Found Property	107
SafeKeeping	104
Total	231

Non-Criminal Gun Types	Death Investigation	Found Property	SafeKeeping	Total
Machine Gun		1		1
Other				0
Pistol	11	49	55	115
Revolver	6	29	20	55
Rifle		9	19	28
Sawed Off		1		1
Shotgun	3	12	9	24
Sub-Machinegun				0
Unknown/Unstated		6	1	7
Total	20	107	104	231



OAKLAND POLICE DEPARTMENT

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

CRIME ANALYSIS

Week: 21 Nov. to 28 Nov., 2021

Weekly Total 12

Crime Recoveries	This Week	Last Week	+/- Change	% Change
Felony	7	15	-8	-53%
Felony - Violent	4	13	-9	-69%
Homicide	0	0	0	PNC
Infraction	0	0	0	PNC
Misdemeanor	0	2	-2	-100%
Total	11	30	-19	-63%

Other Recoveries	This Week	Last Week	+/- Change	% Change
Death Investigation	0	1	-1	-100%
Found Property	1	1	0	0%
Safekeeping	0	3	-3	-100%
Total	1	5	-4	-80%

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



OAKLAND POLICE DEPARTMENT

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CRIME ANALYSIS

2021 vs. 2020 — Year-to-Date Recovered Guns

Recoveries through 28 Nov.

Gun Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Grand Total	1,154	1,087	-67	-6%

Crime Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Felony	615	582	-33	-5%
Felony - Violent	201	207	6	3%
Homicide	50	31	-19	-38%
Infraction	0	0	0	PNC
Misdemeanor	51	36	-15	-29%
Total	917	856	-61	-7%

Non-Criminal Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Death Investigation	21	20	-1	-5%
Found Property	98	107	9	9%
SafeKeeping	118	104	-14	-12%
Total	237	231	-6	-3%

PNC = Percentage not calculated

[Percentage cannot be calculated.](#)

DISTRIBUTION DATE: November 9, 2021

MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: LeRonne L. Armstrong
Chief of Police

SUBJECT: Quarterly Police Staffing Report
(3rd Quarter)

DATE: October 15, 2021

City Administrator
Approval

Date

INFORMATION

This memorandum is from the **Oakland Police Department (OPD)** and contains information on **Recruiting And Sworn Staffing Levels As Of September 30, 2021 for the 3rd Quarter of 2021.**

EXECUTIVE SUMMARY

This report provides data regarding the following:

- OPD staffing levels and the factors that influence changes over time;
- Data on police officer hiring and attrition;
- Demographic and residency data of sworn personnel;
- Information related to OPD sworn officer recruitment efforts and status updates on the hiring of open professional staff positions.

BACKGROUND

In 2009 City Council requested a report on staffing levels from OPD to address current staffing for sworn and professional staff. This report addresses recruitment activities and assignments for both categories, as of September 30, 2021.

HONORABLE MAYOR AND CITY COUNCILSubject: 2021 3rd Quarter Police Staffing Report

Date: October 14, 2021

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ANALYSIS AND POLICY ALTERNATIVES***Overview***

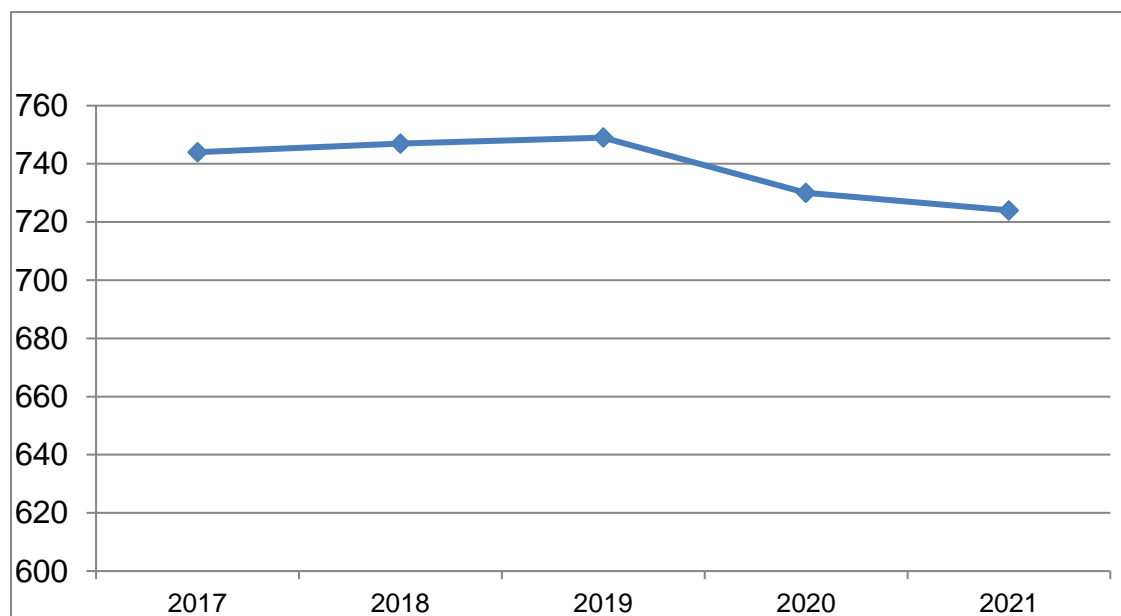
Over a five-year timespan, OPD sworn staffing levels have fluctuated between 744 filled positions on January 1, 2017 to 723 filled positions as of January 1, 2021. There were 695 filled positions on September 30, 2021. The funded authorized staffing level per the adopted Fiscal Year (FY) 2021-22 Budget is 737 sworn positions. The 737 funded authorized positions include 48.95 sworn positions funded by the 2014 Oakland Public Safety and Services Act (Measure Z)¹.

Table 1 below provides the sworn staffing data numerically on January 1st of each year, and **Figure 1** below, does so visually.

Table 1: Actual Staffing Levels on January 1 of Each Year: 2017 – 2021

	2017	2018	2019	2020	2021
Sworn Staffing Levels as of January 1 of each year	744	747	749	730	723

Figure 1: Sworn Staffing on January 1, 2017 through January 1, 2021



Tables 2a, 2b, and 2c below show the average OPD Communications (911) dispatch response time to calls for service. The data shows the average monthly response time for the months of quarter 1, quarter 2 and quarter 3 (January – September) for the last five years. The data is divided into separate tables for Priority 1, Priority 2 and Priority 3 type calls.

¹ <http://www2.oaklandnet.com/government/o/CityAdministration/d/measure-z/index.htm>

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Table 2a: Average Response Time (in seconds) to Priority 1 Calls: 2017-2021 (January-September)

Priority 1 Calls					
	2017	2018	2019	2020	2021
Jan	22.63	7.97	13.59	11.07	16.24
Feb	12.16	24.79	10.45	12.9	18.87
Mar	12.59	10.13	10.8	11.44	17.25
Apr	10.57	9.43	10.71	11.07	18.11
May	9.01	11.04	11.81	12.9	19.13
Jun	13.76	11.15	12.23	11.44	19.39
Jul	10.58	11.26	8.84	15.10	20.36
Aug	7.62	17.93	13.22	14.86	20.04
Sep	13.09	17.33	10.74	12.56	22.78

Table 2b: Average Response Time (in seconds) to Priority 2 Calls: 2017-2021 (January-September)

Priority 2 Calls					
	2017	2018	2019	2020	2021
Jan	107.35	89.04	155.41	147.63	167.82
Feb	115.21	86.12	115.53	216.65	158.34
Mar	128.78	137.59	135.58	159.67	190.56
Apr	139.7	118.22	135.32	145.32	169.36
May	118.45	129.33	128.27	166.86	226.79
Jun	128.73	154.99	155	299.29	231.22
Jul	145.54	127.59	139.40	240.53	309.43
Aug	116.43	159.77	215.86	250.29	236.98
Sep	129.45	215.90	214.94	212.25	290.53

Table 2c: Average Response Time (in seconds) to Priority 3 Calls: 2017-2021 (January-September)

Priority 3 Calls					
	2017	2018	2019	2020	2021
Jan	261.17	232.59	322.34	382.94	369.34
Feb	250.78	232.59	240.73	475.53	384.8
Mar	295.74	230.4	313.79	414.43	460.74
Apr	295.99	319.16	316.26	461.01	427.29
May	215.37	352.78	359.64	433.33	485.11
Jun	285.63	384.32	465.85	740.46	540.47
July	289.88	321.26	423.31	638.51	678.82
Aug	267.66	353.24	465.07	680.22	542.86
Sep	343.27	436.29	590.20	593.92	634.81

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Table 3 below shows Part 1 (more serious and violent crimes) for January 1 through September 30, 2021.

Table 3: Part 1 Crimes in Oakland, January – June: 2017-2021

Part 1 Crimes	01-01-2017 through 09-30-2017	01-01-2018 through 09-30-2018	01-01-2019 through 09-30-2019	01-01-2020 through 09-30-2020	01-01-2021 through 09-30-2021
Homicide – 187(a)	49	51	56	74	98
Homicide – all other**	2	6	3	5	6
Aggravated Assault	2,017	2,070	2,173	2,509	2,804
* with Firearm	225	212	234	350	477
Rape	190	183	161	178	109
Robbery	1,990	1,937	2,173	1,755	2,027
Burglary Total	10,097	7,766	10,739	7,348	7,145
* Auto	8,035	5,933	8,701	5,295	5,709
* Residential	1,596	1,235	1,394	1,031	776
* Commercial	297	462	504	828	438
* Other/Unknown	169	136	140	194	222
Motor Vehicle Theft	5,534	4,673	5,014	6,926	6,629
Larceny	4,782	5,199	5,745	4,893	4,239
Arson	106	133	114	151	137
Total Part 1 Crimes	24,767	22,018	26,178	23,839	23,194

* All totals include attempts except homicides

**Justified, accidental, fatal, or manslaughter by negligence. Traffic collision fatalities are not included in this report. Homicides sourced from the Crime Analysis Section homicide log. All other data sourced via Coplink Analytics.

Actual and Projected Sworn Staffing

On December 10, 2013, 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 4** below provides actual and projected sworn staffing for a 12-month period. The future months contain an estimated attrition rate of seven officers per month, based on attrition rates from the previous 12-month period and projected staffing. This data is accurate as of September 30, 2021.

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Table 4: Actual Sworn Staffing (as of September 30, 2021) and Sworn Staffing Projections

	Actual Staffing									Projected Staffing		
Year	2021											
Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Authorized	786	786	786	788*	788	788	737**	737	737	737	737	737
Filled	724	722	719	714	711	725	715	706	700	695	688	681
Attrition	(2)	(4)	(5)	(3)	(9)	(10)	(9)	(6)	(5)	(7)	(7)	(7)
Hires	0	1	0	0	23	0	0	0	0	0	0	26
Ending Filled***	722	719	714	711	725	715	706	700	695	688	681	700
Over (Under) Authorized	(64)	(67)	(72)	(77)	(63)	(73)	(31)	(37)	(42)	(49)	(56)	(37)
New POT Hiring Pipeline							186 th Academy (Started Jul 2021 and ends Dec 2021)			187 th Academy (Starts Nov 2021)		

*City Council Resolution No. 88574 increased the funded authorized sworn staffing by two in April 2021.

** The Fiscal Year 2021-2022 budget decreased sworn staffing by 6 Sergeants and 45 Police Officers totaling 51 sworn personnel effective July 1, 2021.

*** Numbers in the "Ending Filled" row provide actual sworn staffing numbers at the close of each month.

Table 5 below provides a listing of authorized and filled positions in OPD.

Table 5: OPD Positions - Authorized and Filled Positions (as of September 30, 2021)

Type	Budget Authorized Positions	Authorized	Filled	+/-
Sworn	Chief of Police	1	1	0
	Assistant Chief	1	1	0
	Deputy Chief	4	4	0
	Captain	10	8	-2
	Lieutenant	27	23	-4
	Sergeants	123	118	-5
	Police Officers	571	540	-31
	Total Sworn		737	695
Professional Staff (Full-time and Part-time)		*382.50	259.50	-123
Total Personnel		1,119.50	954.50	-165

*In 2019 the City Administrator authorized OPD to hire ten Police Communications Dispatchers above its authorized staffing level, which is reflected in the total number of authorized professional staff positions listed above.

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Attrition

As noted in **Table 6** below, OPD has experienced an average attrition of **5.75** officers per month (69 officers) over the past 12-months. OPD has maintained an average attrition of five officers per month from 2016-2020. However, since January 2021 the average attrition rate has been 5.8 officers per month and is projected to increase to 6.6 officers by the end of October.

Table 6: Sworn Attrition Data: October 31, 2020 through September 30, 2021

	2020			2021									
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
Disability Retirement						2		1		1			4
Resignation (not during Field Training)	2	3	1	1	3	1			2	4		1	18
Resignation during Field Training													
Resignation (to other agency)	1							5	6	2	3	3	20
Service Retirement		4	4	1		1		3	2		3	1	19
Discharged	1				1		2			1			5
Removed from Probation during Field Training						1	1						2
Deceased										1			1
Grand Total	4	7	5	2	4	5	3	9	10	9	6	5	69

In September 2021, Chief Armstrong mandated all personnel who voluntarily separate from OPD (excluding service retirements) to participate in an exit interview with the Human Resources Manager or a member of the OPD Executive Team. The top four reasons for separation are:

1. Dissatisfaction with OPD leadership
2. Lack of support from City leadership
3. Heavy discipline
4. Family

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Demographics – Oakland Residents

OPD has prioritized attracting, through varied strategic recruiting efforts, a racially diverse and multilingual workforce of qualified officers that includes Oakland residents. **Figure 2** below shows that as of September 30, 2021, 65 sworn members (9.35%) were Oakland residents. **Table 7** below provides details about the top ten cities where officers live (Oakland being the largest city of residence for officers).

Figure 2: OPD Sworn Officers - Residency by County and City

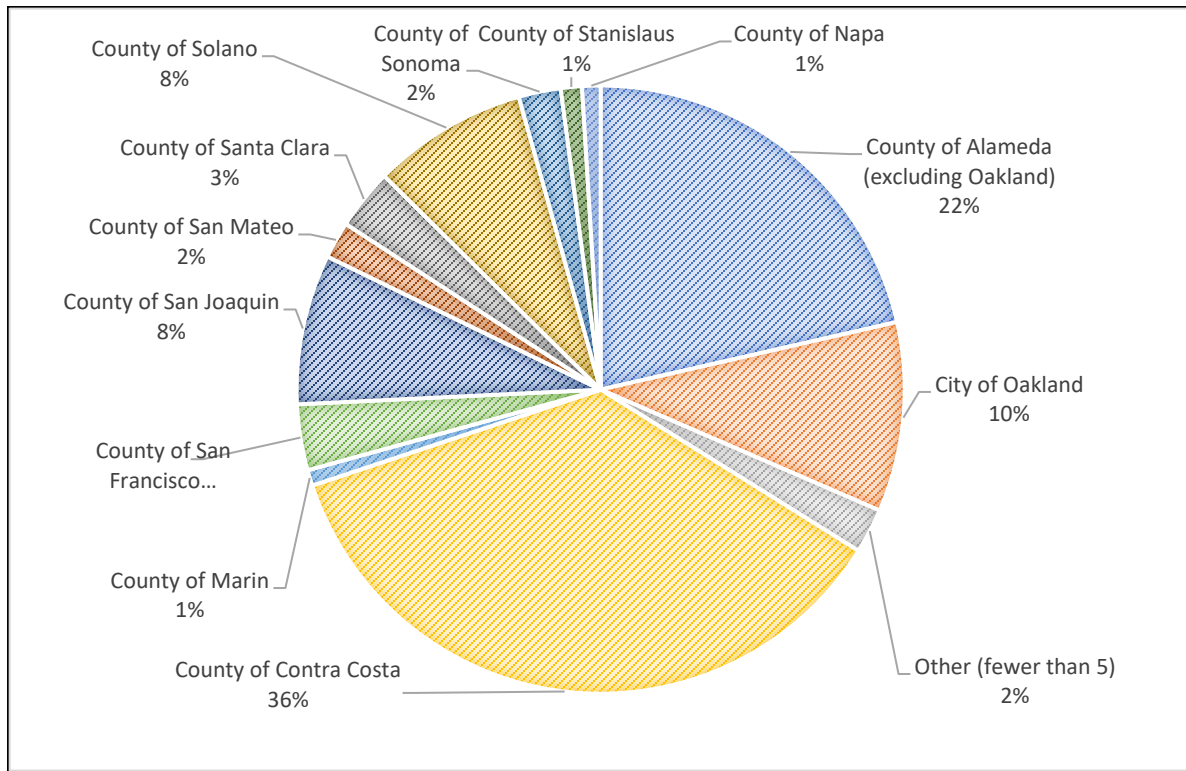


Table 7: Residency by Top 10 Locations of Sworn OPD Members

City	Count	Department Percentage	City	Count	Department Percentage
Oakland	65	9.35%	Hayward	24	3.45%
Concord	32	4.60%	Castro Valley	23	3.31%
San Leandro	29	4.17%	San Francisco	23	3.31%
Oakley	28	4.03%	Tracy	22	3.17%
Brentwood	27	3.88%	Walnut Creek	20	2.88%
Total				293	42.15%

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Tables 8A and 8B below provide demographic information for all OPD sworn and professional staff by Race/Ethnicity and Gender, **Table 8A** represents OPD sworn staff and **Table 8B** represents OPD professional staff.

Table 8A: Race/Ethnicity and Gender – OPD Sworn Staff as of September 30, 2021

Race/Ethnicity	Female		Male	
Asian	9	8.57%	90	15.25%
Black or African-American	20	19.05%	107	18.14%
Filipino	2	1.90%	26	4.41%
Hispanic or Latino	36	34.29%	155	26.27%
Native American	1	.95%	2	.34%
Undeclared-Other	4	3.81%	15	2.54%
White or Caucasian	33	31.43%	195	33.05%
Total	105	100%	590	100%

Table 8B: Race/Ethnicity and Gender – OPD Professional Staff as of September 30, 2021

Race/Ethnicity	Female		Male	
Asian	29	14.08%	15	27.27%
Black or African-American	91	44.17%	10	18.18%
Filipino	2	.97%	1	1.82%
Hispanic or Latino	33	16.02%	14	25.45%
Native American	1	.49%	0	0
Undeclared-Other	4	1.94%	2	3.64%
White or Caucasian	46	22.33%	13	23.64%
Total	206	100%	55	100%

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Table 9 below provides current and past demographic information for OPD sworn staff.

Table 9: Race*/Ethnicity* by Year – OPD Sworn Staff as of September 30, 2021

Race/ Ethnicity	US 2019 Census- Oakland Pop.²	OPD 2018	OPD 2019	OPD 2020	OPD 2021
Asian	15.7%	16.8%	13.3%	18.1%	18.27%
Black or African- American	23.6%	16.9%	16.8%	16.7%	18.27%
Hispanic	26.9%	25.2%	26.9%	28.2%	27.48%
Other	--.6	2.7%	6.6%	3.0%	3.16%
White	36.1%	38.4%	36.4%	34.0%	32.81%

*Note: "Asian" includes Filipino; "Other" includes Native American and Undeclared

Table 10 below shows the gender breakdown of OPD sworn staff and provides a national comparison.

Table 10: OPD Gender Percentages by Year Compared With 2019 National Percentage³

Gender	National Percentage 2019	OPD 2018	OPD 2019	OPD 2020	*OPD 2021
Female	12.8%	13.0%	13.9%	14.6%	15.11%
Male	87.2%	87.0%	86.1%	85.4%	84.89%

*2021 figure shows all OPD sworn staff as of September 30, 2021

Recruitment

During the July – September 2021 quarter, OPD hosted and/or attended 34 events. Ten events were online, 24 events were in person, and 14 events were in Oakland. Recruiting staff also visited various locations on 12 occasions and distributed recruitment flyers. During these events, OPD interacted with applicants interested in the Police Officer Trainee (POT) and other positions and provided information about the jobs.

OPD is currently recruiting for the 187th and 188th police academies. In addition to resuming in person outreach, OPD has maintained a social media presence on the following platforms:

- OPD Jobs Website – www.opdjobs.com
- Facebook – <https://m.facebook.com/opdjobs/>
- Twitter – <https://twitter.com/opdjobs>
- Instagram – www.instagram.com/opd_jobs

² 2019 data: population by race in the city of Oakland. Source: United States Census Bureau. Quick Facts Oakland city, California 2019.

³ 2019 data: gender ratio of police officers in the U.S. (Source: Federal Bureau of Investigation. U.S. Department of Justice. Uniform Crime Reporting (UCR) Program, Crime in the United States, 2019.

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Table 11 below provides additional details regarding recruitment and outreach events.

Table 11: Current Recruitment – Outreach and Media Activity

Date	Event	Location	Attendees	Inquiries: # And Type
6-Jul-21	OPD Instagram Live Recruiting Event	Online	25	POT 10 Dispatcher 15 Cadet 0 Explorer 0
10-Jul-21	Midnight Basketball	31 4th Street, Oakland	75+	POT 10 Dispatcher 0 Cadet 5-10 Explorer 0
14-Jul-21	Emeryville High School	1100 47th Street, Emeryville	50+	POT 0 Dispatcher 0 Cadet 30 Explorer 0
16-Jul-21	Power of Girls	Online	100	POT 10-15 Dispatcher 0 Cadet 3-5 Explorer 0
21-Jul-21	Law Enforcement Hiring Expo	111 Holger Way, San Jose	10	POT 0 Dispatcher 0 Cadet 0 Explorer 0
29-Jul-21	Welcome Back Event	4300 San Pablo Ave, Emeryville	50+	POT 0 Dispatcher 0 Cadet 20 Explorer 0
30-Jul-21	Recruiting Presentation	2277 Napa Vallejo Hwy, Napa	60	POT 25 Dispatcher 15 Cadet 0 Explorer 0
30-Jul-21	Car Seat Inspection	4610 Foothill Blvd, Oakland	20	POT 0 Dispatcher 0 Cadet 0 Explorer 0
31-Jul-21	Practice PAT	Merritt College - 12500 Campus Dr, Oakland	20	POT 20 Dispatcher 0 Cadet 0 Explorer 0
31-Jul-21	OPD Instagram Live Recruiting Event	Online	55	POT 45 Dispatcher 0 Cadet 10 Explorer 0

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Date	Event	Location	Attendees	Inquiries: # And Type
1-Aug-21	Oral Board Workshop	Police Administration Building 455 Seventh Street, Oakland	25	POT 25 Dispatcher 0 Cadet 0 Explorer 0
4-Aug-21	OPD Instagram Live Recruiting Event	Online	40	POT 35 Dispatcher 5 Cadet 0 Explorer 0
5-Aug-21	NYPD Recruiters Forum	Online	250	POT 20 Dispatcher 20 Cadet 0 Explorer 0
6-Aug-21	Lao Family 26th Youth Celebration	2325 E 12th St, Oakland	60	POT 5 Dispatcher 0 Cadet 10 Explorer 0
12-Aug-21	MilitaryX	Online	30	POT 5 Dispatcher 5 Cadet 0 Explorer 0
11-Aug-21	Las Vegas Career Fair	4949 N. Rancho Dr, Las Vegas	100+	POT 25 Dispatcher 25 Cadet 0 Explorer 0
18-Aug-21	Emeryville High School Sports Clinic	1100 47th St, Emeryville	60-70	POT 0 Dispatcher 0 Cadet 20 Explorer 0
18-Aug-21	St. Leo's Welcome Back	4238 Howe St, Oakland	20	POT 0 Dispatcher 0 Cadet 0 Explorer 0
18-Aug-21	Salon Talk Forum	2024 MacArthur Blvd, Oakland	30-35	POT 3 Dispatcher 2 Cadet 0 Explorer 0
19-Aug-21	ECSU Eastbay	25800 Carlos Bee Blvd, Hayward	25	POT 5 Dispatcher 5 Cadet 5 Explorer 0
21-Aug-21	Practice PAT	12500 Campus Dr, Oakland	15	POT 15 Dispatcher 0 Cadet 0 Explorer 0

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Date	Event	Location	Attendees	Inquiries: # And Type
22-Aug-21	Oral Board Workshop	455 Seventh St, Oakland	25	POT 25 Dispatcher 0 Cadet 0 Explorer 0
13-Sep-21	OPD Instagram Live Recruiting Event	Online	50-60	POT 10 Dispatcher 10 Cadet 0 Explorer 0
15-Sep-21	OPD Instagram Live Recruiting Event	Online	65	POT 10 Dispatcher 0 Cadet 0 Explorer 0
17-Sep-21	Uptown Downtown	1724 Broadway, Oakland	15	POT 0 Dispatcher 0 Cadet 0 Explorer 0
20-Sep-21	OPD Instagram Live Recruiting Event	Online	35	POT 15 Dispatcher 0 Cadet 0 Explorer 0
22-Sep-21	Oakland A's game	7000 Coliseum Way, Oakland	1,000+	POT 2 Dispatcher 0 Cadet 0 Explorer 0
22-Sep-21	UC Davis & Napa College	1 Shields Ave, Davis	50+	POT 5 Dispatcher 10 Cadet 0 Explorer 0
24-Sep-21	B'Moore Fit Gym / Bootcamp	2134 Market St, Oakland	30	POT 4 Dispatcher 5 Cadet 0 Explorer 0
25-Sep-21	Oakland A's game	7000 Coliseum Way, Oakland	1000+	POT 3 Dispatcher 0 Cadet 0 Explorer 0
28-Sep-21	Elite Fitness Studio	377 MacArthur Blvd, San Leandro	40	POT 2 Dispatcher 6 Cadet 0 Explorer 0
28-Sep-21	OPD Family Night	Online Zoom Meeting	25	POT 25 Dispatcher 0 Cadet 0 Explorer 0

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Date	Event	Location	Attendees	Inquiries: # And Type
29-Sep-21	UC Berkeley Alumni Meeting	2650 Durant Ave, Berkeley	60	POT 5 Dispatcher 5 Cadet 0 Explorer 0
30-Sep-21	Corinthian Church Community Meeting	928 Castro St. Oakland	10	POT 0 Dispatcher 0 Cadet 0 Explorer 0

Table 12 below provides information on OPDs authorized sworn permanent staffing.

Table 12: Authorized Sworn Permanent Assignments within OPD

	Chief	Asst. Chief	Deputy Chief	Captain	Lieutenant	Sergeant	Officer	Total
Office of the Chief	1	1			1		2	5
Public Information Office							1	1
Internal Affairs Division				1	3	12	2	18
Office of the Inspector General					1		1	2
Intelligence Unit						1	7	8
Property & Evidence Unit						1		1
Special Victims Section					1	5	33	39
Research & Planning							1	1
Bureau of Investigations/CID Administration			1	1		1	3	6
Homicide Section					1	5	10	16
Burglary, General Crimes & Task Forces Section					1	3	25	29
Robbery & Felony Assault Section					1	2	18	21
Violent Crime Operations Center				1	2	6	32	41
Youth Outreach Unit						1	5	6
Bureau of Services Administration			1		1			2
Training Division					1	3	18	22

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	Chief	Asst. Chief	Deputy Chief	Captain	Lieutenant	Sergeant	Officer	Total
Information Technology							2	2
Recruiting and Backgrounds Unit						1	8	9
Support Operations Division				1	1			2
Traffic Operations						3	18	21
Special Operations						4	26	30
Bureau of Field Ops: Administration			2		2	2		6
Patrol Area 1				1	2	13	64	80
Patrol Area 2				1	2	14	64	81
Patrol Area 3				1	2	14	64	81
Patrol Area 4				1	2	13	67	83
Patrol Area 5				1	2	14	70	87
Ceasefire				1	1	5	30	37
Total Sworn	1	1	4	10	27	123	571	737

*ABAT = Alcohol and Beverage Action Team

Table 13 below shows OPD 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 13: Professional Staff Vacancies

Classification	Vacancies	FTE Authorized	Date Assigned to DHRM ⁴ for Hiring	Status
Account Clerk I	1	1	----	Position frozen.
Account Clerk II	2	4	--	Positions frozen.
Account Clerk III	1	1	7/20/20	Testing complete on 7 Sep 21, awaiting the eligible list from HRM.
Accountant II	1	2	12/17/20	Requisition submitted on 30 Sep 21 to begin new recruitment.
Accountant III	1	1	2/5/20	Requisition submitted on 30 Sep 21 to begin new recruitment.
Administrative Assistant I	1	2	6/5/19	Position frozen.
Administrative Assistant II	1	1	8/24/21	Interviews held on 9/30/21.
Complaint Investigator II	4	4	---	Positions frozen.

⁴ DHRM = Department of Human Resources and Management

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Classification	Vacancies	FTE Authorized	Date Assigned to DHRM⁴ for Hiring	Status
Complaint Investigator III	1	1	---	Position frozen.
Crime Analyst	4	8	8/24/21	Hiring manager is scheduling interviews for November.
Criminalist II	6	17	8/4/18	One (1) candidate referred to backgrounds on 21 Sep 21. Two (2) positions frozen. Requisition submitted to begin recruitment.
Criminalist III	4	6	6/13/19	One (1) candidate to start 10/2/21. One (1) position frozen. Requisition submitted to begin recruitment.
Fleet Compliance Coordinator	1	1	---	Requisition submitted to begin recruitment on 18 Oct 21.
Intake Technician	2	6	8/13/21	One (1) candidate referred to backgrounds on 14 Sep 21. Interviews scheduled for the remaining vacancy the week of 4 Oct 21.
Latent Print Examiner II	2	5	4/28/18	One (1) Position frozen, interviews conducted for remaining vacancy on 26 Sep 21.
Payroll Personnel Clerk III	1	2	2/1/20	Position frozen.
Police Communications Dispatcher ⁵	25	86	4/12/17	Job announcement is open continuously and there are 54 candidates in the background process.
Police Evidence Technician	4	21	3/11/19	One (1) position frozen. One (1) candidate referred to backgrounds on 2 Aug 21. Interviews held on 9/28/21.
Police Records Specialist	9	55	10/17/19	Three candidates in the background process. One candidate to start on 10/16/21.
Police Services Manager I – Human Resources	1	1	4/8/21	Job Announcement open 9/20/21 - 10/15/2021.
Police Services Manager I – Research & Planning	2	2	---	Requisition submitted to begin recruitment on 18 Oct 21.

⁵ FTE authorized includes 10 positions

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Classification	Vacancies	FTE Authorized	Date Assigned to DHRM ⁴ for Hiring	Status
Police Services Technician II	13	52	8/28/20	Requisition submitted to begin recruitment on 14 Jun 21.
Police Information Officer I	1	1	7/1/20	Eligible list provided to hiring manager on 29 Sept 21.

Sworn Staffing by Area and Patrol Detail

Table 14 provide information on beats by area and patrol data.

Table 14: Police Beat Patrol Data

	Area 1	Area 2	Area 3	Area 4	Area 5
Police Beats by Area	1-7	8-14	15-22	23-28	29-35
Number of officers assigned to patrol: 305	Total 59	Total 64	Total 58	Total 55	Total 69
Number of officers assigned as Community Resource Officers	4	5	6	4	6
Number of officers assigned to the Crime Reduction Teams	9	7	7	4	0

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 professional staff 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. 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 recruitment and hiring 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 did not require interdepartmental coordination.

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SUSTAINABLE OPPORTUNITIES

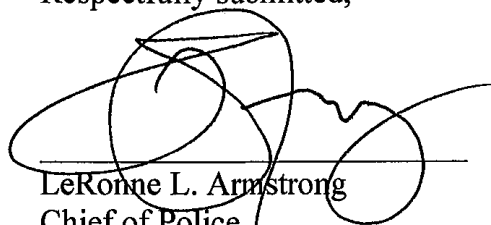
Economic: There are no economic opportunities associated with this report.

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

Race and Equity: The Oakland Police Department has implemented enhanced recruitment efforts, which have been outlined in this informational report, that are designed to address disparities in the hiring process related to race and gender, with the goal of creating an inclusive workforce that represents the diversity of Oakland.

For questions regarding this report, please contact Amber Fuller, Acting Human Resources Manager, OPD Human Resources Section, at (510) 238-3733.

Respectfully submitted,



LeRonne L. Armstrong
Chief of Police
Oakland Police Department

Reviewed by:
Kiona Suttle, Deputy Director
OPD, Bureau of Services

Bruce Stoffmacher, Legislation + Privacy Manager
OPD, Research and Planning Unit

Tracey Jones, Police Services Manager
OPD, Research and Planning Unit

Prepared by:
Amber Fuller, Acting Human Resources Manager
OPD, Human Resources Section

News from: Oakland Police Department



For Immediate Release

November 24, 2021

OPD Traffic Investigations Unit Requests Community Help to Solve Fatal Hit-and-Run

Oakland, CA – The Oakland Police Department is requesting assistance from the media and our community to help identify and locate the driver responsible for a fatal hit-and-run that occurred.

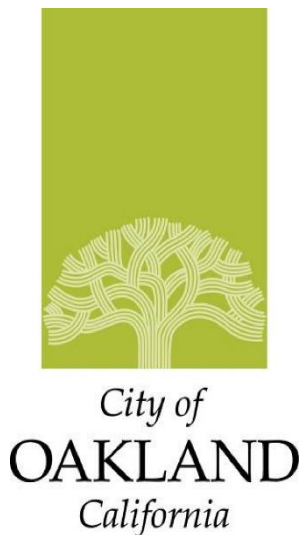
BACKGROUND: On August 27, 2017, at 9:15 p.m., Oakland Officers responded to the intersection of 78th Avenue and Bancroft Avenue to investigate the report of a hit-and-run accident involving pedestrians. Emergency services personnel responded to the scene and provided medical attention to the pedestrians. Both pedestrians were transported to a local hospital. The 19-year-old male suffered major injuries and was listed in critical but stable condition. The other pedestrian, a 19-year-old female, also sustained major injuries and was listed in critical but stable condition. It was additionally determined that the female was pregnant. An emergency operation was undertaken, but unfortunately, days later the newborn passed away.

Investigators have reviewed video surveillance, (see suspect vehicle below) that shows a newer Hyundai, 4-door, light in color (possibly silver, with front end damage and windshield damage), traveling eastbound on Bancroft Avenue striking two pedestrians who were crossing in a marked crosswalk. After the vehicle struck the two pedestrians, the driver continued traveling eastbound on Bancroft Avenue.



The Oakland Police Department and Crime Stoppers of Oakland are offering a reward of up to \$15,000 for information leading to an arrest in this case. TIP LINE (510) 777-8572

For more information, please contact the Media Relations Office at (510) 238-7230 or opdmedia@oaklandnet.com or Visit Nixle.com to receive Oakland Police Department alerts, advisories and community messages, or follow OPD on Twitter, @oaklandpoliceca.



Media Contact:

Manager Paul Chambers
 Officer Kim Armstead
 Officer Felicia Aisthorpe
 Officer Johnna Watson
 Media Relations Office
 510-238-7230
opdmedia@oaklandca.gov



For Immediate Release: November 27, 2021

OPD NEWS:

UPDATE:

Oakland Police Department Homicide investigators have released a surveillance photo of a vehicle they believe was used in the attempted robbery and shooting of a news crew guard, which resulted in a homicide. This crime occurred on November 24, 2021, in the 300 block of 14th Street (please see the attached previous Press Releases for additional information.)

The suspect vehicle is a 2004 – 2008 Acura TL, white, 4-door, with a sunroof and no front license plate.



This is an ongoing investigation, anyone who has information is asked to contact the **Oakland Police Homicide Section at (510) 238-3821.**

Crime Stoppers of Oakland, and the Oakland Police Department, are offering a reward of up to \$27,500 leading to the arrest of the individual or individuals involved in this crime.

No additional details will be provided at this time. Please check back on Monday for any updates.



BACKGROUND:

For Immediate Release: November 27, 2021

OPD NEWS:

Guard Succumbs to His Gunshot Injuries

The Oakland Police Department would like to make you aware that early this morning the assigned guard of a local media news crew who was shot on November 24th, 2021, in the 300 block of 14th Street, has succumbed to his gunshot injury(s).

This unfortunate loss of life marks the City of Oakland's 126th life lost to violence. This death is now being investigated by the Oakland Police Department's Homicide Section. Investigators are asking anyone with information to contact OPD's Homicide Section at (510) 238-3821 or call Crime Stoppers at (510) 777-8572. You can remain anonymous.

Crime Stoppers of Oakland, and the Oakland Police Department, are offering a reward of up to \$27,500 leading to the arrest of the individual or individuals involved in this crime.

BACKGROUND:

For Immediate Release: November 24, 2021

OPD NEWS:

OPD is Investigating a Shooting of a Security Guard

The Oakland Police Department is investigating an attempted armed robbery involving a local media news crew, that occurred today, at 12:19 PM, in the 300 block of 14th Street. During the attempted robbery, the assigned guard was struck by gunfire.

Currently, the guard is at a local hospital and listed in stable condition. No other injuries have been reported.



We have shared this information with our local media partners to ensure they are aware and can take appropriate safety precautions. We are also sharing this information with our community. As you know, it has been an extremely violent week.

We are asking if you were in the area, have a business, or live nearby, to please check your surveillance footage, as you may have captured the crime before, during, or after it occurred. Please contact our investigators at (510) 238-3426.

Crime Stoppers of Oakland, and the Oakland Police Department, are offering a reward of up to \$7,500 leading to the arrest of the individual or individuals involved.

The link below will connect you to the associated video:

<https://fb.watch/9uAE8lsIVq/>

#



For Immediate Release November 18, 2021
OPD NEWS:

Missing Person Mohamed Aldahmi: At Risk Due to Medical and Mental Health Conditions

The Oakland Police Department is requesting assistance from our community and media partners in locating Missing Person Mohamed Aldahmi who is **at risk due to medical and mental health conditions**.



Aldahmi was last seen on November 17, 2021, at 2:20 PM, in the 9900 block of 99th Avenue, wearing a black beanie, blue jacket, grey shirt, and brown sweatpants. Aldahmi walks with a cane and takes medication for a health condition.

Aldahmi is an 81-year-old male, who is described as 5'2", 160 pounds, bald with brown eyes.

If you have any knowledge or information regarding the whereabouts of Aldahmi, please notify the Oakland Police Department's Missing Persons Unit at 510-238-3641.

Visit [Nixle.com](https://www.nixle.com) to receive Oakland Police Department alerts, advisories, and community messages, or follow OPD on Twitter, Facebook, Instagram @oaklandpoliceca.



For Immediate Release November 16, 2021

OPD NEWS:

Missing Person Patricia Brown: At Risk Due to Dementia

The Oakland Police Department is requesting assistance from our community and media partners in locating Missing Person Patricia Brown who is **at risk due to dementia**.



Brown was last seen today at 9:00 AM, in the 2700 block of 106th Avenue. She was wearing a pink sweatsuit and carrying some clothes. Brown's family says she may be en route to her old address in the 4000 block of Quigley Street in Oakland.

Brown is described as an 80-year-old, black female. She stands 5'3", 158 pounds, with black hair and brown eyes. Her family reports she has dementia and is in good physical condition.

If you have any knowledge or information regarding the whereabouts of Brown, please notify the **Oakland Police Department's Missing Persons Unit at 510-238-3641**.

Visit Nixle.com to receive Oakland Police Department alerts, advisories, and community messages, or follow OPD on Twitter, Facebook, Instagram @oaklandpoliceca.

November 15, 2021

Seventy-Sixth Report *of the Independent Monitor for the Oakland Police Department*

Introduction

This is our seventy-sixth status report on the Negotiated Settlement Agreement (NSA) in the case of *Delphine Allen, et al., vs. City of Oakland, et al.*, in the United States District Court for the Northern District of California under the direction of Judge William H. Orrick. I was appointed in 2010 to oversee the monitoring process of the Oakland Police Department (OPD) that began in 2003.

Following the Court's Order of May 21, 2015, we devote special attention to the most problematic component parts of the NSA Tasks that are not yet in full or sustained compliance; and discuss in our status reports the most current information regarding the Department's progress with the NSA and its efforts at making the reforms sustainable. Our monthly reports do not address all Tasks. This report describes our recent assessments of NSA Tasks 2, 24, 25, 26, 30, and 31.

Each month, our Team conducts a visit to Oakland that includes both compliance assessments and technical assistance. During our site visits, we meet with Department and City officials; observe Department meetings and technical demonstrations; review Departmental policies; conduct interviews and make observations in the field; and analyze OPD documents and files, including misconduct investigations, use of force reports, crime and arrest reports, Stop Data Forms, and other documentation.

During the September 1, 2021 Case Management Conference, the Court reiterated its five priorities for the Department:

1. Reduce racial disparities in vehicle, pedestrian, and bicycle stops, with continued use of intelligence-led policing;
2. Implement Vision and its associated dashboards in a technologically straightforward way so that the tools are used effectively in the risk management process;
3. Recruit officers who reflect the (gender, race/ethnicity, and other) diversity of Oakland;
4. Ensure that all uses of force and instances of potential misconduct are accurately reported and rigorously investigated within set timeliness standards; and
5. Ensure that disciplinary decisions and the disciplinary process are fair and equitable.

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The Department is making progress in these areas, and the Chief and the Monitor are continuing their discussions regarding these on a regular basis.

Focused Task Assessments

Task 2: Timeliness Standards and Compliance with IAD Investigations

Requirements:

Fairness to complainants, members/employees and the public requires that internal investigations be completed in a timely fashion.

- 1. On or before December 1, 2003, OPD shall develop policies regarding timeliness standards for the completion of Internal Affairs investigations, administrative findings and recommended discipline.*
- 2. Compliance with these timeliness standards shall be regularly monitored by IAD command and the Department's command staff. If IAD experiences an unusual proliferation of cases and/or workload, IAD staffing shall be increased to maintain timeliness standards.*

(Negotiated Settlement Agreement III. B.)

Relevant Policy:

OPD most recently revised Departmental General Order M-03, *Complaints Against Department Personnel and Procedures*, on December 22, 2017.

Commentary:

Task 2.1 requires that internal investigations (IAD and Division Level) – including review, approval, findings, and discipline – be completed in accordance with the timeliness standards developed by OPD. To assess this subtask, we reviewed a list of all internal investigations resulting in formal findings (unfounded, sustained, exonerated, or not sustained) that were approved in July, August, and September 2021, and calculated the number of days between the complaint date and the approval date for each case. We excluded from the dataset cases that were administratively closed, those that involved on-duty traffic accidents or service complaints, and those that did not involve Manual of Rules (MoR) violations. We segregated the remaining cases into Class I or Class II categories. If a case involved at least one alleged Class I violation, we classified it as Class I.

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At least 85% of Class I misconduct investigations and at least 85% of Class II misconduct investigations must be completed within 180 days to be considered timely. Per DGO M-03, Class I offenses “are the most serious allegations of misconduct and, if sustained, shall result in disciplinary action up to and including dismissal and may serve as the basis for criminal prosecution.” Class II offenses include “all minor misconduct offenses.”

For the purposes of this assessment, we calculated the number of days between the complaint receipt date and the approval date. The complaint date is the date on which the Department first becomes aware of a complaint – whether it is lodged by a community member or internally generated. Even with the removal from the denominator of those cases that were delayed due to tolling (held in abeyance in accordance with one of the provisions of Government Code Section 3304) or cases in which OPD’s failure to meet 180-day timeliness requirement resulted only from delays in the Community Police Review Agency (CPRA) completing its concurrent investigations, the Department is not in compliance with Task 2.¹ It is essential that the Department initiate an open dialogue with the CPRA to ensure that the efforts of both entities are contributing to the Department’s compliance with the 180-day requirement as articulated in policy.

Per DGO M-03, “In cases with a sustained finding, the discipline recommendation process shall be completed within 30 calendar days of the sustained finding.” We reviewed all 22 cases including a total of 58 sustained findings that were approved in July, August, and September 2021; 11 cases involved multiple sustained findings. All (100%) of these cases were in compliance with established discipline timelines.

OPD is not in compliance with Task 2.1.

Task 2.2 requires that IAD and OPD command staff regularly monitor compliance with these timeliness standards. The primary responsibility for monitoring compliance with timeliness standards rests with IAD, whether investigations are conducted by IAD personnel or via Division-level investigation. As part of this monitoring, the IAD Commander discusses pending deadlines for key open investigations during IAD’s weekly meetings with the Chief; the deadlines are also reflected in written agendas for these meetings. A Monitoring Team representative regularly attends these weekly meetings. IAD also occasionally, as needed, emails individual reminders on cases approaching due dates to investigators and their supervisors. The Department is in compliance with Task 2.2.

Task 2.3 requires that if IAD experiences an unusual proliferation of cases and/or workload, IAD staffing be increased to maintain timeliness standards. We routinely request and receive updates on IAD staffing levels during our site visits.

Task 2 compliance status	Not in compliance
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¹ Of the 35 applicable Class I cases we reviewed for this assessment, 29, or 83%, were in compliance with established timelines. During our last review of Task 2, we found that 75% of Class I cases were in compliance with established timelines. Of the 108 applicable Class II cases we reviewed for this assessment, 98, or 91%, were in compliance with established timelines. During our last review of Task 2, we found that 82% of Class II cases were in compliance with established timelines.

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Overview of Our Assessments of Tasks 24 and 25

OPD had been in compliance with Tasks 24 and 25 since 2015, and we were not actively reviewing these Tasks. In November 2018, after we raised concerns regarding the identification, potential underreporting, and investigation of uses of force, the Court reactivated Tasks 24 and 25.

Between August 1-October 15, 2021, we reviewed six Level 2 uses of force for which a Force Review Board (FRB) was held. Consistent with our reviews of Level 3 and 4 use of force reports, we identified some concerns with the field reporting, which were appropriately addressed during the FRB. Level 2 uses of force are reported in the Task 26 section of this report. We did not review any uses of force for which an Executive Force Review Board (EFRB) was held. Only Level 3 and 4 uses of force are discussed in this assessment.

For purposes of this report, we reviewed 69 Level 3 and Level 4 use of force (UOF) reports that were completed by OPD personnel between November 1, 2020-January 31, 2021. We reviewed all incidents that involved at least one Level 3 use of force (nine), all Level 3 uses of force that were reduced to Level 4 (two), and a sample of Level 4 uses of force (58).

Since we resumed these reviews following the Court's reactivation of these Tasks, we have provided detailed feedback on the force investigations to OPD during each of our site visits. In cases where we have had questions or concerns, OPD personnel have continued to be responsive and have provided follow-up where necessary. In some cases, OPD has provided additional information or documentation that supports its actions, and we have concurred with the Department's assessments. In others, we have identified concerns that had not been identified or addressed by supervisors who conducted the UOF investigation, or the command personnel who reviewed the investigation. In these cases, OPD executive staff have directed additional review; directed training; entered a Supervisory Note File (SNF); or initiated an Internal Affairs Division (IAD) investigation.

In late 2018, OPD employees received training on the requirements for use of force reporting related to the pointing of weapons. In April 2019, OPD issued an Information Bulletin that provided clarification and direction regarding the documentation of use of force. The content of this bulletin included many of the concerns we had identified with the proper reporting of force. In June of 2019, the then-Chief issued a directive via email that specifically addressed boilerplate language in use of force reports; and in November 2019, she followed up with an additional email to address the use of generic or boilerplate language in the administrative section of Department reports. In December 2019, OPD completed the training developed to address deficiencies found in UOF documentation based on OIG's global use of force audit. On February 15, 2020, OPD published Special Order 9196, which expanded and clarified the use of force policy. On February 27, 2020, the Department published Special Order 9202, which temporarily modified the requirements for the reporting of Type 32 uses of force. In June and August 2020, emails from executive staff addressed delayed body-worn camera (BWC) activations, the 30-second BWC buffer, and "pat" language being used in reports. In January 2021, an information bulletin addressed ongoing BWC activation concerns; and in May 2021, OPD provided training on announcements of police during community contacts, BWC activations, accuracy in reporting, and identifying patterns prior to issuing SNFs for discovered

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MOR violations. As noted in this and prior reports, while these efforts by executive staff have resulted in some improvement, there is still an unacceptable number of deficiencies in the investigation and review of uses of force.

In September 2021, OPD began conducting line-up training that covers: inappropriate use of force commands, failure to identify oneself as a police officer, the 30-second body-worn camera buffer, late BWC activations, use of profanity and slang, professional demeanor, conclusions designed as facts, boilerplate language, ensuring equipment is functional at the beginning of each shift, avoiding multiple officers giving commands during contacts with subjects, documentation of Type 32 UOF, proper preparation of SNFs, requirements for lowering or raising the level of force), and administrative due date reminders. This most recent training repeats many of the directives already provided to employees over the past two years. We are hopeful this training will provide necessary reinforcement and increase compliance with previous directives.

This report covers Level 3 and 4 UOF reports completed by OPD between November 1, 2020 and January 31, 2021. All 69 of the cases we reviewed for this time period occurred after the publication of Special Order 9196, which clarified the use of force policy; and after Special Order 9202, issued on February 27, 2020, which temporarily modified the requirements for reporting Type 32 uses of force. While we had continued to note overall improvement in the reporting of uses of force in our reviews over our past several reports, we did not see continuing improvement for this report.

In the 69 Level 3 and 4 uses of force we reviewed, there were 216 uses of force by 167 officers, against 95 different persons. In some cases, multiple officers used force on a single person; and in others, force was used on multiple persons, either by a single officer or by multiple officers. The total breakdown for the force used on the 95 persons is as follows: African Americans, 71%; Latinos, 20%; whites, 4%; and Asians or other, 6%. The percentage of force incidents involving African Americans increased by 7%; force incidents involving whites decreased by 4%; force incidents involving Latinos remained the same at 20%, and force incidents involving Asians or persons categorized as “other” remained at 6% as we found in our last review, documented in our seventy-fourth status report.

In the nine Level 3 uses of force we reviewed, six involved the deployment of a Taser along with one or more Level 4 uses of force. Two involved only the use of a Taser and one involved only a Type 16 use of force. Type 16 is defined as “All non-carotid takedowns on a restrained subject.” In all nine, we found the uses of force to be appropriate and in compliance with OPD policies. Two additional Level 3 Type 16 uses of force were reduced to Level 4s, Type 26-16 with the approval of a supervisor. A level 4 Type 26-16 is defined as “Any level 3 force incident meeting the criteria to be reported as a Level 4 AND reviewed and approved by a supervisor or a commander.” In one of these two, we identified concerns with the reduction of force to a Level 4; and OPD is conducting additional follow-up on this investigation.

In the 58 Level 4 UOF reports we reviewed, there were 171 uses of force by 138 officers against 82 persons. Forty-five of the 58 Level 4 UOF reports reviewed involved a Type 22, pointing of a weapon only. In these 45 reports, there were 133 uses of the Type 22, by 106 officers, against 65 persons. This equates to 78% of the total 171 Level 4 uses of force we reviewed during this time period. We again found in our reviews that there were numerous incidents involving multiple subjects with numerous OPD personnel being involved in the pointing of weapons. In these 133

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uses of force, the breakdown is as follows: African Americans, 69%, an increase of 5% from our seventy-fourth report; Latinos, 23%, the same percentage as our seventy-fourth report; whites, 2%, a decrease from 6%; and Asians or other, 6%, an increase of 2% from our seventy-fourth report. Of the 58 Level 4 UOF reports we reviewed, three (5%) involved a Type 29 takedown only. Eight (14%) involved a combination of multiple Level 4 uses of force. Two additional uses of force (3%) were Level 3 Type 16 that were reduced to Level 4 Type 26-16.

Of the total 95 persons on which a Level 3 or 4 UOF was used, 68 (72%) were arrested or criminally charged for felony or misdemeanor violations. This is a decrease in arrests from the 81% in our seventy-fourth report. The remaining 26 involved mental health holds, inability to establish criminal conduct, subjects who escaped, victims who did not want to prosecute, or subjects determined not to be a suspect after the investigation was conducted. In seven of the incidents reviewed, a person claimed an injury; none of these injuries required admittance to a hospital. In five other instances, persons were transported to a medical facility for the removal of a Taser probe only, for injuries that occurred prior to the use of force, or solely to obtain a medical clearance.

In our early assessments of Task 25.3 after reactivation of Tasks 24 and 25, we found numerous instances where officers did not attempt verbal communications prior to using force. Significant improvement in this area has occurred over time; and for this report, we did not identify any uses of force where officers failed to attempt verbal communications and de-escalation where appropriate, prior to utilizing force. We did, however, again identify numerous instances where officers did not identify themselves as police officers when contacting members of the public and there was time to do so. We will continue to discuss any future concerns we identify with OPD and continue to monitor these types of instances; as is our practice during our monthly site visits, we continue to provide input to the Department on our observations.

Special Order 9196, the revision to the UOF reporting requirements, that went into effect on February 15, 2020, clarified what constitutes a “reportable use of force” and provided clearer direction on the reporting of use of force. Special Order 9196 also added a new force type: Type 32. A Type 32 use of force includes: overcoming resistance of a person during an arrest or detention; or defending oneself or another from combative action by another person. Type 32 is intended to address any use of force not already covered in Types 1-31. While we expected an increase in Level 4 use of force reporting after Special Order 9196 was issued, the immediate and significant spike in the numbers was much greater than anticipated and appeared to be primarily related to the new Type 32. We agreed with OPD’s assessment that further review of the force policy was needed due to this unanticipated increase; and Special Order 9202 was issued, that at least temporarily removed the Type 32 from the category of a Level 4 reportable use of force. Alternative means for counting these uses of force were implemented by OPD until more permanent solutions could be identified.

For our sixty-ninth report, we reviewed a sample of Type 32 uses of force. We found in these early reviews that there was some initial confusion regarding this reporting. In some cases, we identified instances where a Type 32 was documented and it did not appear that a use of force had occurred; and in others, we found that Type 32 was not the appropriate force type to have been used. We also identified concerns with officers not authoring their own supplemental reports, failures to properly document these uses of force in required reports, and the

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identification of MOR violations or training issues that did not appear to have been addressed. In June 2020, OPD began providing additional training on how to properly document Type 32 uses of force; and we began to see improvement.

As part of our reviews for this report, we reviewed the monthly Type 32 UOF audits conducted by Area Command personnel during this time period. They found again that, in general, officers are properly reporting these uses of force. They did not identify any instances in their reviews where they believed that a Type 32 UOF should have been classified as a different, or higher, level of force. They also found that the majority of these uses of force were the result of resistance during handcuffing, resisting while a subject was being escorted, or restraining persons with mental health issues.

All of the uses of force we reviewed for this report occurred after Special Order 9196 was issued, and after Special Order 9202 was issued to address the challenges created with the required reporting of Type 32 UOF. During our review of the 69 Level 3 and 4 UOF incidents for this report, we again noted numerous instances where it took multiple officers to control and secure combative persons. In most of the cases, we found that officers continued to identify and document Type 32 uses of force as required – though there were five instances identified in our reviews where we found that a Type 32 UOF had not been properly identified or reported. OPD took action when we brought these to the Department's attention.

The issuance of Special Order 9202 resulted in the identification of several challenges in collecting data regarding Type 32 UOF, as OPD's technology did not allow personnel to accurately collect the information as OPD had expected it would. There has also been a need to identify a long-term solution that will address not only how Type 32 uses of force will be documented, but how they will be reviewed. We have had several discussions with OPD and the Department has now developed a protocol that will ensure the appropriate identification, review, and reporting of these uses of force. This protocol is still pending final review and publication.

For our 74th report, we found that in the 109 UOF reports we reviewed, there were 36 instances (17%) where a BWC had not been properly activated; all were late activations. In 18 (50%) of these, a supervisor identified and properly addressed the late activation. In the remaining 18, the supervisor either failed to identify and address the late activation at the time it occurred or failed to ensure that appropriate follow-up was conducted once it was discovered.

For this report, we reviewed 69 UOF reports for the three-month period between November 1, 2020 and January 31, 2021. In 15 (22%) of the reports reviewed, we identified concerns with BWC activation. We do not include documented malfunctions of BWCs or those that have been deactivated during a struggle or other contact with persons in these numbers. Of the 15 instances we identified, eight (53%) were not identified by the supervisor. Of the eight instances not identified by the reporting supervisor, two (25%) were identified by a reviewing supervisor.

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As we have noted in numerous previous reports, the failure to properly activate a body-worn camera is a violation of policy; and more importantly, could result in the loss of critical information regarding the community contact. Beyond the late activations themselves, we are more concerned that supervisors and those who review the supervisors' reports have not been consistently identifying and addressing this violation.

While OPD has continued to conduct follow-up on each of the BWC activation concerns we have raised and has issued numerous SNFs – and in some cases, discipline – to both those who fail to properly activate their BWCs and to those supervisors who fail to identify and address the failures, our Team is still having to identify many of these failures as they were not initially identified and addressed by OPD personnel. At this point in the process, that should not be the case.

In our monthly site visit meetings with OPD, we have discussed and supported OPD's proposed transition to a new BWC system that would allow additional ways to ensure proper activations. During our October 2021 virtual site visit in, OPD advised us that the budget proposal and contract for this upgrade has been approved. As previously noted, this will not be an immediate fix; and even with this technology, it remains the responsibility of supervisors to identify and address failures to properly activate BWCs when they occur.

To determine the overall extent of BWC activation failures and the actions being taken by OPD to address these concerns, we have requested OPD provide us with a list of all incidents where the failure to properly activate a BWC has resulted in any remedial action between 2019 and 2021. We will review this data and provide our assessment in our next update on Tasks 24 and 25.

In addition to concerns with body-worn camera activations, we have continued to note the use of profanity or inappropriate use of slang terms that was clearly evident upon review of body-worn camera footage, though the number of such instances has decreased significantly from our early reviews. We have also continued to find instances where supervisory personnel have failed to ensure that no previous patterns of violations exist prior to determining if an SNF is appropriate for a late body-worn camera activation or other type of MOR violation. While we remain supportive of the use of SNFs for minor violations, we continue to emphasize that supervisors must ensure that the officer does not have a pattern of similar conduct prior to using an SNF.

The use of force analysis we conducted in 2018 established the underreporting of Level 4 uses of force where an officer pointed a weapon at a person. Following our analysis, OPD partially addressed this concern with refresher training in September 2018 for all officers, and the Department has further addressed this issue in its use of force policy revisions. In our review of Level 3 and 4 uses of force for this report, we did not identify any instances where an officer failed to report the pointing of a weapon at a person.

In OPD's 298th Biweekly Compliance Update, dated July 30, 2021, the Department provided a comparison of year-to-date Level 3 and 4 uses of force for 2021 compared to the same time period in 2020. Overall UOF decreased from 2,278 in 2020, to 1,331 in 2021. Level 3 uses of force decreased from 112 in 2020, to 45 for the same time period in 2021. The ongoing reduction in Level 3 UOF appears to be at least in part due to the institution of new policies and the reclassification of some uses of force from Level 3 to Level 4. Level 4 uses of force

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decreased from 2,133 in 2020, to 1,272 for the same time period in 2021. These decreases appear to have numerous explanations. New policies and the adjustment of Type 32 reporting that occurred in 2020 is responsible for some of the large numbers in early 2020. OPD command staff have been addressing the use of Type 22 uses of force, firearms control, and the number of officers who need to deploy weapons at incidents. OPD has been offering more training on de-escalation; there has been a reduction in stops due to the necessary disbanding of specialized units due to budget constraints; and OPD is now using a consolidated, Citywide approach to stops, focusing on violent crime. The Department's assessment has been that while there is an overall reduction in stops and arrests that has contributed to the decrease in UOF, those arrests that are occurring are of a "higher quality." We raised with the Department our concerns about the accuracy of the data in recent Biweekly Compliance Updates. We will discuss and clarify this with the Department during our next site visit.

OPD has taken numerous steps to address the proper reporting of use of force and the concerns that have been identified during our reviews. In our reviews of UOF reports for March 1-October 31, 2020, we saw evidence that OPD's efforts appeared to be having a positive effect on reporting. During our September 2021 virtual site visit, the City Administrator requested that our Team attempt to make our reviews of UOF more current. In response to this request, we agreed to review two months of reports at each site visit, which would allow us to be as current as possible by December 2021. We note, however, that much of our ability to conduct this expedited review of cases will be dependent on OPD's ability to get the cases completed and forwarded to us in a timely manner. As we have discussed with OPD, Level 3 UOF investigations are often taking between two and five months to complete. For us to become more current with our reviews, as per the City's request, OPD must also address these delays.

We reviewed December 2020 and January 2021 UOF reports during our most recent site visit. We had expected that the Department would continue to improve its reporting and there would be ongoing improvement with compliance requirements. Unfortunately, it appeared from this review that OPD's progress has stalled. The number of concerns with the investigation and review of UOF reports showed no appreciable improvement from our November reviews. We also agreed to skip February and March 2021 reviews and start reviews again for April and May 2021. We were hopeful that this additional time would allow for all of the Department's directives to take root with its personnel. While we have not finalized our reviews for the April and May 2021 uses of force, our initial assessment is that, again, the Department is not making additional progress. We will continue to monitor the impact of these revised policies, training delivered, and any directives from OPD executive staff that addresses any ongoing UOF reporting concerns.

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Task 24: Use of Force Reporting Policy

Requirements:

The policy shall require that:

1. *Members/employees notify their supervisor as soon as practicable following any investigated use of force or allegation of excessive use of force.*
2. *In every investigated use of force incident, every member/employee using force, and every member/employee on the scene of the incident at the time the force was used, shall report all uses of force on the appropriate form, unless otherwise directed by the investigating supervisor.*
3. *OPD personnel document, on the appropriate form, any use of force and/or the drawing and intentional pointing of a firearm at another person.*
4. *A supervisor respond to the scene upon notification of an investigated use of force or an allegation of excessive use of force, unless community unrest or other conditions makes this impracticable.*
5. *OPD notify:*
 - a. *The Alameda County District Attorney's Office immediately or as soon as circumstances permit, following a use of lethal force resulting in death or injury likely to result in death.*
 - b. *The City Attorney's Office as soon as circumstances permit following the use of lethal force resulting in death or serious injury. At the discretion of the City Attorney's Office, a Deputy City Attorney shall respond to the scene. The Deputy City Attorney shall serve only in an advisory capacity and shall communicate only with the incident commander or his/her designee.*
 - c. *Departmental investigators regarding officer-involved shootings, in accordance with the provisions of Section V, paragraph H, of this Agreement.*
6. *OPD enter data regarding use of force into OPD's Personnel Assessment System (PAS).*

(Negotiated Settlement Agreement V. A.)

Relevant Policy:

OPD most recently revised Departmental General Order K-4, *Reporting and Investigating the Use of Force*, on October 16, 2014.

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Commentary:

To assess compliance with Task 24, we reviewed 69 Level 3 and 4 use of force (UOF) reports that were completed by OPD from November 1, 2020-January 31, 2021. We also reviewed seven Level 2 UOF investigations, for which an FRB was held between August and October 2021. These Level 2 uses of force are reported in our regular assessments of Task 26.

Task 24.1 requires that members/employees notify their supervisor as soon as practicable following any reportable use of force or allegation of excessive use of force. In our reviews, we identified five instances where notification was not properly made or was not properly documented. All involved Level 4, Type 32 UOF. None of the five were identified and addressed by a supervisor prior to our bringing them to the attention of OPD.

Task 24.2 requires that in every reportable use of force incident, every member/employee on the scene of the incident at the time the force was used, reports all uses of force on the appropriate form, unless otherwise directed by the investigating supervisor. **Task 24.3** requires that OPD personnel document, on the appropriate form, every use of force and/or the drawing and intentional pointing of a firearm at another person.

In the 69 Level 3 and 4 UOF incidents we reviewed; officers used force 216 times. In 49 of the reports, weapons were pointed at one or more subjects. In 45 of these 69 reports, Level 4 Type 22 was the only UOF used. We determined that officers' pointing of their firearms was appropriate in all instances we assessed. There were no instances identified where officers did not report Type 22 uses of force. We did identify five instances where officers who assisted in restraining a combative person did not properly report a Type 32 UOF. We will continue to closely monitor force reports to ensure that OPD personnel properly report uses of force in the future.

Task 24.4 requires that a supervisor respond to the scene upon notification of a Level 1, 2, or 3 use of force or an allegation of excessive use of force, unless community unrest or other conditions makes such a response impracticable. In all eleven Level 3 uses of force we reviewed for this subtask; supervisors responded to the scene as required. Though not required, in all but three of the 56 Level 4 UOF reports we reviewed, a supervisor was either on scene at the time of the use of force or responded to the scene upon being notified of the use of force.

Task 24.5 specifically addresses requirements for the response and handling of Level 1 uses of force. We assess Level 1 uses of force in our regular reviews of Task 30 (Executive Force Review Boards).

Task 24.6 requires that OPD enter all use of force data into Performance Reporting Information Metrics Environment (PRIME), which is now called Vision. In all 69 of the Level 3 and 4 UOF cases we reviewed; the data was entered as required.

The Court's reactivation of Task 24 at a November 2018 Case Management Conference resulted from our serious concerns with the Department's handling and investigation of uses of force. OPD drafted Special Order 9196 to address and clarify requirements for the proper reporting of use of force. This revision to UOF reporting requirements went into effect in February 2020. OIG's global use of force audit, conducted in 2019, also identified numerous concerns with the reporting of use of force and enumerated recommendations. As noted throughout this report,

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OPD has taken a number of actions to address the identified concerns with the reporting of force. This is the second report where our assessment includes only uses of force that occurred after the implementation of Special Order 9196, the revisions to OPD's use of force policy, and Special Order 9202, and includes the review of 69 Level 3 and 4 uses of force. While we will continue to closely monitor uses of force to ensure that the desired reporting outcomes continue, we find OPD in compliance with this Task.

Task 24 compliance status	In compliance
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Task 25: Use of Force Investigations and Report Responsibility

Requirements:

An on-scene supervisor is responsible for completing an investigated use of force report in accordance with the provisions of Departmental General Order K-4, "Reporting and Investigating the Use of Force."

1. *OPD shall develop and implement a policy for conducting and documenting use of force investigations that include, at a minimum:*
 - a. *Documentation of the incident in either an Offense or Supplemental Report from the member(s)/employee(s) using force; and/or, when necessary, a statement taken from the member(s)/employee(s) using force;*
 - b. *Separating and separately interviewing all officers who were at the scene at the time of the incident;*
 - c. *A Supplemental Report from other members/employees on the scene or a statement taken, if deemed necessary by the investigating supervisor;*
 - d. *Identification and interviews of non-Departmental witnesses;*
 - e. *Consideration of discrepancies in information obtained from members, employees and witnesses, and statements in the reports filed;*
 - f. *Whether arrest reports or use of force reports contain "boilerplate" or "pat language" (e.g., "fighting stance", "minimal force necessary to control the situation");*
 - g. *Documentation of physical evidence and/or photographs and a summary and analysis of all relevant evidence gathered during the investigation; and*
 - h. *Consideration of training/tactical issues involving the availability and practicality of other force options.*
 - i. *Supervisor's justification as to why any element of the policy was not documented; and*

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2. *All supervisors shall be trained in conducting use of force investigations and such training shall be part of a supervisory training course.*
3. *Use of force investigations shall include a recommendation whether the use of force was objectively reasonable and within Department policy and training. The recommendation shall be based on the totality of the circumstances and shall consider, but is not limited to, the following factors:*
 - a. *Whether the force used was pursuant to a legitimate law-enforcement objective;*
 - b. *Whether the type and amount of force used was proportional to the resistance encountered and reasonably related to the objective the members/employees were attempting to achieve;*
 - c. *Whether the member/employee used reasonable verbal means to attempt to resolve the situation without force, if time and circumstances permitted such attempts;*
 - d. *Whether the force used was de-escalated or stopped reasonably when resistance decreased or stopped;*
4. *use of force reports shall be reviewed by the appropriate chain-of-review as defined by policy.*

The type of force used, the identity of the involved members, and the report preparer shall be the determining criteria for utilizing the appropriate chain-of-review. Reviewers may include, when appropriate, the chain-of-command of the involved personnel, the appropriate Area Commander on duty at the time the incident occurred, other designated Bureau of Field Operations commanders, and as necessary, the chain-of-command of the involved personnel up to the Division Commander or Deputy Chief/Director, and the Internal Affairs Division.

Reviewers for Level 1-3 use of force investigations shall:

 - a. *Make a recommendation as to whether the use of force was in or out of policy,*
 - b. *Order additional investigation and investigative resources when necessary, and*
 - c. *Comment on any training issue(s) when appropriate.*
5. *Any recommendation that the use of force did not comply with Department policy shall result in the incident being referred to the Internal Affairs Division to conduct additional investigation/analysis, if necessary.*
6. *Members/employees involved in a use of force incident resulting in serious injury or death and/or an officer-involved shooting, shall be separated from each other as soon as practicable at the incident scene, and kept apart until they have completed their reports and been interviewed.*

(Negotiated Settlement Agreement V. B.)

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Relevant Policy:

OPD most recently revised Departmental General Order K-4, *Reporting and Investigating the Use of Force*, on October 16, 2014.

Commentary:

As noted above in Task 24, we reviewed 69 Level 3 and 4 use of force (UOF) reports that were completed between November 1, 2020-January 31, 2021. We also reviewed seven Level 2 UOF reports, for which a Force Review Board (FRB) was held.

Task 25.1 requires that supervisors complete a use of force report and that certain criteria are met in the report. We have found that OPD meets many of the required subtasks. However, Task 25.1f addresses the use of “boilerplate” or “pat” language in reports. While OPD has made strides in eliminating most of such language, we continue to find deficiencies. Specifically, we continue to find instances where officers justify their uses of force “based on my training and experience,” without any further information or explanation as to what training and experience they are referring to. We have discussed this with Department officials on numerous occasions; and though we now see more instances where officers provided additional details in their justifications of force, there is still need for improvement.

Task 25.2 requires that all supervisors are trained on how to conduct use of force investigations and such training is part of a supervisory training course. OPD includes the requirement for this training in its Departmental policies. During our August 2020 site visit, we again confirmed with OPD that the Department continued to require and deliver this training. In OPD’s 279th Biweekly Compliance Update, dated January 15, 2021, the Department provided the results of its review of Task 25 requirements. OPD reviewed 15 uses of force for this audit; one was a Level 3 UOF, and 14 were Level 4 uses of force. The Department noted in this report that all supervisors had attended a Sergeants’ Transition Course, where use of force investigation is part of the curriculum. During our future site visits, we will verify that this training continues to occur. We continue to find concerns about the preparation and review of UOF reports by supervisors. While the Department has provided numerous directives on this topic, we continue to find numerous instances where supervisors fail to identify deficiencies in officer reporting and fail to identify or address MOR violations. Reviewers of the supervisor reports have also failed on a number of occasions to identify or address concerns.

Task 25.3 requires that use of force investigations include required recommendations. Areas of recommendation include: whether the force used was pursuant to a legitimate law enforcement objective; whether the type and amount of force used was proportional to the resistance encountered and reasonably related to the objective the officers were attempting to achieve; whether the officers used reasonable verbal means to attempt to resolve the situation without force, if time and circumstances permitted such attempts; and whether the force used was de-escalated or stopped reasonably when resistance decreased or stopped.

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In our assessment of 69 Level 3 and 4 UOF reports, we did not identify any instances where we believe the force may not have been appropriate, where the use of force was not deescalated or stopped reasonably when resistance decreased, or any instances where we believe officers could have made additional efforts to explain to subjects being detained why the detention was occurring prior to using force. We *did* identify numerous instances in our reviews for this report where officers failed to identify themselves as police officers when it was appropriate and there was time to do so. During our site visits, we will continue to discuss any concerns that we identify with this Task.

Task 25.4 requires that use of force reports be reviewed by the appropriate chain of command and appropriate recommendations are made. In all of the cases we reviewed, the reports were reviewed as required. We continue to note that while some deficiencies related to the preparation and review of UOF reports for Level 3 and 4 uses of force are discovered during the review, many are not. We continue to find instances where supervisors fail to identify and properly address concerns with body-worn camera activations, or other MOR violations. We have noted that these same concerns exist when the reports are reviewed by the chain of command. In the Level 2 UOF incidents we reviewed, we also had some concerns with the field investigations, including: Manual of Rules (MOR) violations; or training issues. These concerns were identified during FRBs and are addressed in our regular assessments of Task 26.

Task 25.5 requires that any determination that a use of force did not comply with Department policy result in the incident being referred to IAD to conduct additional investigation/analysis, if necessary. None of the Level 3 or Level 4 investigations we reviewed resulted in our finding that the force did not comply with policy. Concerns involving compliance for Level 2 uses of force are identified during FRBs and addressed in our regular assessments of Task 26.

Task 25.6 requires that members/employees involved in a use of force incident resulting in serious injury or death and/or officer-involved shooting, are separated from each other as soon as practicable at the incident scene, and kept apart until they have completed their reports and been interviewed. This Task is not assessed here, as we review and consider it as part of the Force and Executive Force Review Boards that OPD holds to examine Level 1 and 2 uses of force.

The Court's reactivation of Task 24 at a November 2018 Case Management Conference resulted from our serious concerns with the Department's handling and investigation of uses of force. OPD drafted Special Order 9196 to address and clarify requirements for the proper reporting of use of force. This revision to UOF reporting requirements went into effect in February 2020. OIG's global use of force audit, conducted in 2019, also identified numerous concerns with the reporting of use of force and enumerated recommendations. As noted throughout this report, OPD has taken a number of actions to address the identified concerns with the investigation and reporting of force.

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This is the second report where our assessment includes only uses of force that occurred after the implementation of Special Order 9196, the revisions to OPD's use of force policy, and Special Order 9202, and includes the review of 69 Level 3 and 4 uses of force. These revisions to policy, along with the many follow-up emails and training by executive staff, have outlined the Department's expectations of those who prepare and review UOF reports. We had hoped to see ongoing improvement in the investigation of force and the required documentation. Unfortunately, that was not the case for the investigations we reviewed for this report. We will continue to closely monitor uses of force to ensure that the desired reporting outcomes occur and that OPD addresses those deficiencies that have been identified. OPD remains in partial compliance with this Task.

Task 25 compliance status	In partial compliance
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Task 26: Force Review Board (FRB)

Requirements:

OPD shall develop and implement a policy concerning its FRB proceedings. The policy shall:

- 1. Set out procedures, membership and a timetable for FRB review of use of force investigations involving Level 2 incidents, as defined in Department General Order K-4, REPORTING AND INVESTIGATING THE USE OF FORCE;*
- 2. Require the FRB to review all use of force investigations;*
- 3. Require the FRB to make a recommendation as to whether the use of force was in policy or out of policy;*
- 4. Require the FRB to forward sustained policy violations to the Discipline Officer.*
- 5. Require the FRB not to review any use of force allegation until the internal investigations has been completed;*
- 6. Authorize the FRB to recommend to the Chief of Police additional use of force training or changes in policies or tactics, or additional standards, investigatory policies, or training for use of force investigations;*
- 7. Require the FRB to conduct an annual review of use of force cases examined, so as to identify any patterns of use of force practices that may have policy or training implications, and thereafter, issue a report to the Chief of Police;*
- 8. Require that the FRB membership include, at a minimum, one member from the Training Division, one member from the Field Training Officer program, and either the Bureau of Field Operations Deputy Chief or his/her designee;*
- 9. Minimally, that one member of the FRB shall be replaced at least annually.*

(Negotiated Settlement Agreement V. C.)

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Relevant Policy:

OPD most recently revised Departmental General Order K-4.1, *Force Review Boards*, on December 21, 2015.

Commentary:

OPD Force Review Boards (FRBs) are regularly convened to examine the investigations conducted relative to the deployment and application of Level 2 uses of force.² OPD first achieved compliance with this Task during the nineteenth reporting period (April 1-June 30, 2014). We continue to assess the compliance with this Task, including our analyses of force reports; our review of Force Review Board reports; attendance at Force Review Boards when conducted during our site visits; and observing Force Review Boards between site visits via online meeting software.

For this report, we reviewed 5 FRB reports that were completed and approved by the Chief of Police from June-September 2021. In general, we found the reports to be well-written and accurate accounts of the proceedings they documented. At least one member of the Monitoring Team observed all of these FRBs remotely via virtual meeting software. The reports collectively documented the assessment of 44 uses of force associated with five separate incidents. All uses of force were found to be in compliance. In all of the cases, the Chief concurred with the Boards' findings without any modifications.

We did not disagree with any of the findings in the FRB reports we reviewed.

In addition to reviewing the completed FRB reports, between August 11-October 13, 2021, we observed six of the seven FRBs convened by OPD during that period as they carried out their duties and deliberations. We observed them all remotely via an online meeting platform due to the ongoing COVID-19 pandemic, which has curtailed our monthly in-person site visits.

In general, we continue to observe substantive discussion and deliberations among the Board members. Members ask probing questions of the force investigators; and, where applicable, Department subject matter experts (SMEs) and IAD investigators. They also spend a great deal of time discussing issues ancillary to the uses of force, such as tactics, supervision, force alternatives, and training opportunities. For example, one Board reviewed the force used to take a suspect into custody who was armed with a metal pole and had just broken the rear window of a vehicle. The force was determined to be justified, but the Board spent a great deal of time

² According to OPD, Level 2 uses of force include: "1) Any strike to the head (except for an intentional strike with an impact weapon); 2) Carotid restraint is applied that does not result in the loss of consciousness; 3) Use of impact weapons, including specialty impact munitions or any other object, to strike a subject and contact is made, regardless of injury; 4) Any unintentional firearms discharge that does not result in injury; 5) A police canine bites the clothing or the skin of a subject, or otherwise injures a subject requiring emergency medical treatment (beyond first-aid) or hospital admittance; 6) Any use of force which results in injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance; (NOTE: For the purposes of this order, an evaluation by a medical professional to assess a complaint of injury is not emergency treatment) 7) Any Level 3 use of force used on or applied to a restrained subject; 7.a) A restrained subject is a person who has been fully placed in a Department authorized restraint device such as both hands handcuffed, a WRAP or Rip Hobble; 7.b) A subject with only one handcuff on is not a restrained person."

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discussing the containment of the subject and the overall supervision of the scene. The subject was allowed to walk about six blocks surrounded by officers before he was subdued. As is customary for all Boards, their feedback was conveyed in the form of training points to appropriate personnel.

Two of the Boards reviewed canine deployments with associated bites. The Boards ruled the uses of force in compliance, but they spent a great deal of time discussing de-escalation with both the force investigators and the Department canine subject-matter expert, to ensure that the bites lasted no longer than was necessary given the circumstances.

We did not disagree with any of the Boards' findings.

It is not a requirement, but all of the Board votes we observed during this reporting period were unanimous. We recognize that in some circumstances, there will be legitimate differences of opinion where the determination is not obvious. In these circumstances, we look for frank discussion and clear explanations of the differing positions.

In our last two reports on this Task, we observed that OPD was experiencing a backlog of FRB eligible cases, and the Department scheduled several FRBs dangerously close to their 3304 dates – one year from the date of occurrence. The Department appears to have addressed this issue. None of the Boards we observed for this report were in jeopardy of impacting 3304 dates. While it was not necessary, had any of the Boards recessed for follow-up investigative activity to occur, they would have had plenty of time to do so.

In addition to ruling on the appropriateness of uses of force, Force Review Boards will generally identify several follow-up items based on their review of the associated materials and the presentations made to them. These can include items such as counseling and training for individual officers, publication of Department-wide training materials, and modifications to policy. OPD tracks these deliverables in a spreadsheet, broken down into three categories: Individual Issues; Department-Wide Issues; and Quarterly Training Points.

In our last report, we noted a significant backlog of these follow-up items – 158 open items as of June 30, 2021. When we brought this issue to the attention of the Department, they immediately began to address the issue. The last accounting of open issues, dated September 29, 2021, lists 12 open training items – four for Department-wide training and eight for individual training. This is an acceptable number. We urge OPD to continue to make following up on FRB deliverables a priority. They are an outgrowth of a conscientious review of use of force incidents; they should not languish in their implementation.

Based on this review, OPD remains in compliance with this Task.

Task 26 compliance status	In compliance
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Task 30: Executive Force Review Board (EFRB)

Requirements:

1. *An EFRB shall be convened to review the factual circumstances surrounding any Level 1 force, in-custody death, or vehicle pursuit-related death incidents. A firearm discharge at an animal shall be reviewed by the EFRB only at the direction of the Chief of Police.*
2. *The Board shall have access to recordings and/or transcripts of interviews of all personnel on the scene, including witnesses, and shall be empowered to call any OPD personnel to provide testimony at the hearing.*
3. *OPD shall continue the policies and practices for the conduct of EFRB, in accordance with the provisions of DGO K-4.1, FORCE REVIEW BOARDS.*

(Negotiated Settlement Agreement V. G.)

Relevant Policy:

OPD most recently revised Departmental General Order K-4.1, *Force Review Boards*, on December 21, 2015.

Commentary:

Executive Force Review Boards (EFRBs), consisting of three top command-level staff, conduct thorough, detailed reviews of all Level 1 uses of force, in-custody deaths, and vehicle pursuit-related deaths and serious injuries. OPD achieved compliance with this Task during the nineteenth reporting period (April 1-June 30, 2014). We found OPD to not be in compliance with this Task based on the EFRB conducted in 2018, which reviewed the officer-involved shooting of Joshua Pawlik. We disagreed with the Board's findings in that case, and issued a detailed report on the incident on August 17, 2020.

In our last report on this Task, we described two EFRBs we observed. The first reviewed an officer-involved shooting which occurred on April 16, 2020 in Richmond; and the other reviewed a Level 2 use of force (Type 12, or baton strike) causing injuries, which occurred on May 31, 2020 during the widespread civil unrest in Oakland from May 29-June 1, 2020. The latter incident was upgraded to and investigated as a Level 1 use of force, which requires review by an EFRB. By policy, EFRBs are chaired by a Deputy Chief; and both of these EFRBs were chaired by the same Deputy Chief. We noted that both were well-run, thorough, and complete; and we found both EFRBs to be in compliance.

During this reporting period, we did not observe any additional EFRBs. We did review the EFRB report from the Richmond incident, and found it to be accurate and complete.

OPD remains in compliance with this Task.

Task 30 compliance status	In compliance
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Task 31: Officer-Involved Shooting Investigations Review Protocol

Requirements:

OPD shall develop a policy to ensure that, in every officer-involved shooting in which a person is struck, Homicide and Internal Affairs investigators respond to the scene. The Homicide Section's investigation shall be conducted in partnership with, and when deemed appropriate by, the Alameda County District Attorney's Office. Interviews of the subject officer(s) shall be conducted jointly with the appropriate staff from Homicide and the Office of the District Attorney. The District Attorney and City Attorney shall be notified in accordance with the provisions of Section V, paragraph A (5), of this Agreement. Homicide shall duplicate and provide all completed reports and documents to the District Attorney's Office, the Office of the City Attorney, and the Internal Affairs Division. IAD shall provide information and/or documents as required by law.

(Negotiated Settlement Agreement V. H.)

Relevant Policy:

OPD most recently published Departmental General Order K-4, *Reporting and Investigating the Use of Force* on October 16, 2014. IAD Policy & Procedures and Homicide Policy & Procedures are also relevant to this Task.

Commentary:

Task 31 requires certain notifications and responses in the event of an officer-involved shooting. The Task has long been inactive, but on November 27, 2018, the Court reactivated the Task as an active part of our responsibility.

During this reporting period (August 1-October 22, 2021), OPD officers were involved in two officer-involved shooting incidents – one on August 25, 2021; and one on September 22, 2021. OPD complied with all of Task 31's requirements, and the Department has briefed us on the associated investigations into these incidents during each successive virtual site visit since the incidents occurred.

OPD remains in compliance with this Task.

Task 31 compliance status	In compliance
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Conclusion

As we noted in our last report, the public report on what has been referred to as the “Instagram case” sets out several recommendations for OPD, including that the Department should implement policies regarding social media and anti-discrimination – incorporating key concepts from AI 71; as well as “clear rules and regulations concerning the use of personal devices, private text communications, and ephemeral media in the conduct of police work.” We will discuss the Department’s plans for the implementation of these recommendations during our next site visit.

In our discussion of Task 24 in this report, we noted that we again have concerns with body-worn camera activations and the failure of supervisors to identify and address this policy violation. Of the 15 instances we identified, eight (53%) were not identified by the supervisor; and of the eight instances not identified by the reporting supervisor, only two (25%) were identified by a reviewing supervisor. To learn more about how OPD is handling these instances, we requested from the Department a list of all incidents during the last two years in which an officer’s failure to properly activate a body-worn camera resulted in any remedial action.

For the past several months, the Monitoring Team has made known to the Department and the City its dissatisfaction with the manner in which use of force investigations are being handled. Specifically, issues relevant to timeliness, body-worn camera activation, and supervisory inattention have characterized our reviews. Absent measurable progress in the remediation of these deficiencies, we will fully reevaluate our compliance findings for both Tasks 24 and 25. The Department and the City would be well-advised to address these issues.



Chief (Ret.) Robert S. Warshaw
Monitor



AGENDA REPORT

TO: Police Commissioners

FROM: John Alden
Executive Director
CPRA

SUBJECT: Report on and Review of CPRA
Pending Cases, Completed
Investigations, Staffing, and Recent
Activities

DATE: December 3, 2021

RECOMMENDATION

Staff Recommends that the Police Commission Review this Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing, and Recent Activities, and Provide any Feedback the Commission May Have.

EXECUTIVE SUMMARY

The attached November 2021 Community Police Review Agency (CPRA) Statistical Report largely speaks for itself. In addition, this memo includes answers to some questions asked by the public in prior Police Commission meetings, includes updates on CPRA staffing, and includes follow-up on City Council directives to continue work on consolidation of certain IAD resources and responsibilities at CPRA.

ANSWERS TO PAST QUESTIONS RE: STATISTICAL REPORTS

1. Can cases in statistical reports be linked to civil suits filed in the same matters?

No. California Penal Code section 832.7 prohibits the City of Oakland (including the Police Department, CPRA, and the Police Commission) from disclosing the identity of the police officers named in any of the cases CPRA and/or the Internal Affairs Division of the Police Department (IAD) investigate. Civil cases, by their nature, require those same officers to be named. Thus, linking any CPRA or IAD case publicly to a specific civil case is prohibited by the Penal Code because it would necessarily cause the officer(s) to be identified.

In fact, courts traditionally issue protective orders in those civil cases prohibiting the public dissemination of the CPRA and/or IAD case materials for this same reason. This is done to ensure the parties continue to obey the confidentiality rule of Penal Code section 832.7. For this reason, identification of specific civil suits in a CPRA statistical report is, in nearly all cases, also a violation of court orders.

CPRA and the Police Commission continue to advocate for reforms of Penal Code section 832.7 in this regard.

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2. If the Penal Code prohibits disclosure of case details, how can the public assess the quality of CPRA's investigative work?

Without question California law is intentionally designed to prevent the public from knowing the specific investigative steps taken, and analysis performed, in police disciplinary cases like CPRA's. Law enforcement groups explicitly asked the Legislature to prohibit the public from seeing that information in the 1970s, and the Legislature specifically found that prohibiting public access to such information was good public policy when they originally adopted Penal Code section 832.7. CPRA and the Commission continue to advocate for change to these laws.

But for this reason, all civilian oversight systems struggle to demonstrate how their work on individual cases is of high quality and meets public expectations.

Thanks to the hard work of State Senators Leno and Skinner, among others, this law has begun to change. Now that SB 1421 allows the disclosure of a limited set of cases, a few of CPRA's cases can now be disclosed to the public. We feel the quality of our work is evident in those publicly available files.

One recent example can be found here: <https://oaklandca.nextrequest.com/requests/19-1146> under the folder "Case 19-0416 Canine Bite." Those accessing these materials should keep in mind that the body-worn camera footage of the canine bites in this case are extremely graphic and likely disturbing to most viewers.

In this case, CPRA and IAD both assessed officers' use of police dogs to find and subdue several men who had fled police in a residential neighborhood and were suspected to be armed and engaged in auto thefts. Because of complicated terrain and the darkness of night, the officers chose to use a police dog to find the suspects. The police officer handling the dogs instructed it to bite two men repeatedly. IAD's report concluded that both dog bites were within policy and thus reached a finding of Exonerated on this issue, and all others in the case. CPRA concluded that both bites constituted excessive force, and thus reached a finding of Sustained. This is exactly why CPRA exists: to ensure that misconduct that might otherwise have been excused is called out.

CPRA STAFFING UPDATES

1. Temporary Staffing

CPRA has one vacant Complaint Investigator II position and one Complaint Investigator II out on leave. Salary savings to date appear to allow for CPRA to secure one temporary Complaint Investigator to help fill this staffing shortage while a recruitment for a permanent Complaint Investigator II progresses. CPRA has started the approval process with the City of Oakland to create this temporary fill.

As noted in other agenda items of this same date, CPRA is seeking a temporary Administrative Assistant II staffer to assist the Commission and CPRA.

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2. Recruitment for Long-Term Positions

CPRA has released a RFQ for its current contract attorney position. The current independent counsel serving in that position is under a contract that expires in June, 2022. Firms interested in applying may find the RFQ here: <https://cao-94612.s3.amazonaws.com/documents/RFQ-CPRA-Attorney-Nov-2021-Final.pdf>

Permanent recruitment of the CPRA Chief of Staff, Complaint Investigator II, and CPRA Counsel (a permanent staff position in addition to the contract attorney mentioned above) are all in progress.

3. Consultant for Consolidation of IAD Resources and Responsibilities to CPRA

The City Council approved in FY '22-'23 (starting July 1, 2022) a consultant to assist with the consolidation of IAD resources and responsibilities to CPRA. This funding was placed under the Police Commission's budget, giving the Commission the authority to secure the contractor.

In order to ensure this contractor can start promptly, according to the Council's timeline of July 1, 2022, CPRA staff have begun work on an RFP for that consultant. Staff can issue that RFP for the Commission without need for the Commission to take on the laboring oar of drafting or approving the RFP itself, given its limited resources. Indeed, most of the RFP language comes from City required forms, such that little of the document can be changed anyways. But the scope of work for this specific contract project must be specified within the RFP and will be unique to this project.

Once bids are received, the bids must return to the Commission for selection. Therefore, on some future date, the Commission will make a final decision as to the contract.

While CPRA staff do not recommend taking Commission time to review the lengthy and inflexible language of most of the RFP, we would like to seek Commission feedback on the heart of the RFP, which is the scope of work.

CPRA staff have created this draft description of the goals and scope of work to be included in the RFP:

In May 2021, the City of Oakland's Reimagining Public Safety Task Force issued a final report detailing recommendations as to reforming Oakland's approach to public safety. That report can be found [here](#). The Oakland City Council reviewed this report, and flagged as a top priority Recommendations 31/84 entitled "Reorganize OPDs internal structure to include transferring most of IAD to the Community Police Review Agency" (CPRA). Currently, IAD and CPRA both separately investigate claims of police officer misconduct. Those parallel but independent investigations form the basis for police officer discipline in the City of Oakland. Under this proposal, those responsibilities and resources would be consolidated into CPRA, but the path to doing so and exactly which responsibilities and resources would be consolidated are not yet resolved.

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To aid in this consolidation process, the City Council also provided funding for the professional services sought in this RFP. The Oakland Police Commission, which oversees the Oakland Police Department and the Community Police Review Agency, will oversee the services sought under this RFP and will select the final provider from among the bids received, as described below.

The tasks this contractor would perform are as follows:

- *Convene and manage a working group of internal stakeholders, such as but not limited to the City Administrator, Human Resources Management and the Police Department, that would resolve the details of the transition of IAD resources and responsibilities to CPRA;*
- *Mediate disagreements among stakeholders where possible, and flag points of continued disagreement for appropriate City of Oakland decision-makers to resolve, depending on the nature of the disagreement and existing dispute resolution processes, such as but not limited to the Meet and Confer process, decisions made by the Police Commission and/or City Administrator according to their respective Charter authorities, or the Mayor and City Council according to their budget-setting authority;*
- *Create a work plan memorializing the resulting actions required to implement the transition;*
- *Act as a Project Manager in executing the transition where appropriate, such as setting timetables for specific steps in the transition, managing office space changes as the transition take place, and the like, according to the work plan.*

Your feedback on this language and any other direction on this project, if any, would be welcome at the meeting of December 9, 2021.

4. Planned Budget Request for Staff in FY '22-'23

Soon the City of Oakland will begin the process of making adjustments to the bi-annual budget. These adjustments will take effect July 1, 2022, for FY '22-'23. CPRA plans to request the following additions to CPRA staffing:

- One staffer to help create and manage a complaint mediation program and help with CPRA outreach;
- Addition of permanent clerical staff to follow on the temporary clerical support hire noted above.

FISCAL IMPACT

The only items in this report with a new fiscal impact beyond previously budgeted staff positions are as follows:

1. TCSE Administrative and Investigative Staff.

These staff can be retained using existing salary savings, which are not transferable to any other form of expense other than staff. Thus, spending this salary savings on temporary staff utilizes funds that would otherwise go unspent in this fiscal year.

To date, CPRA, the Inspector General, and the Commission have a combined salary savings of \$560,308, with more savings anticipated in the future given current vacancies. As part of the annual budget, we are collectively also required to accomplish a salary savings this fiscal year of \$300,000, leaving about \$260,000 additional salary savings banked.

Furthermore, given the time projected to fill existing vacancies (including one investigator at CPRA and one auditor at the Inspector General's Office), we anticipate a net annual savings at this rate of \$569,000 by year's end after accounting for the salary savings set-aside of \$300,000. The Complaint Investigator temporary position noted above, plus the Administrative Assistant position, together for a half-year of service (the remaining period in the fiscal year) would total roughly \$200,000, leaving more than an adequate balance to cover unforeseen contingencies.

2. Consultant for Consolidation of IAD Resources and Responsibilities to CPRA

The City Council set aside \$100,000 in funding earmarked specifically for this purpose and no other. That said, the funding is not available until July 1, 2022.

Should the Commission wish to spend more, OR to have the work start earlier than July 1, 2022, the Commission could choose to supplement this fund with the Commission's own contracting funding. This issue can be addressed later in the process as the Commission considers selecting a bidder and the creation of a contract.

PUBLIC OUTREACH / INTEREST

No public outreach was completed beyond the usual Brown Act compliance, such as posting this memo with the agenda for this meeting of October 28, 2021.

COORDINATION

Portions of this report enjoyed the support of the Commission's Counsel, the City Administrator's Office, Human Resources Management, the Department of Finance, the Police Department, of Office of the City Attorney, and the Department of Workplace and Employment Standards.

Police Commission
Subject: Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing,
and Recent Activities
Date: December 3, 2021

Page 6

SUSTAINABLE OPPORTUNITIES

Economic: None.

Environmental: None.

Race & Equity: None in this update. The CPRA Race and Equity Team continues to work on improving equitable hiring practices at CPRA, including the hiring processes noted above, as discussed in other past presentations to the Police Commission.

ACTION REQUESTED OF THE POLICE COMMISSION

Staff Recommends that the Police Commission review the above information and provide direction where appropriate.

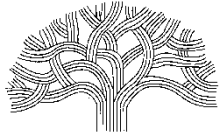
For questions regarding this report, please contact John Alden, Executive Director, CPRA, 510-238-7401.

Respectfully submitted,



JOHN ALDEN
Executive Director,
CPRA

Attachments (1):
CPRA Statistical Report, November 2021



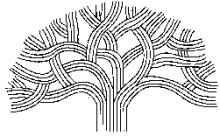
CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigations Completed in November 2021
(Allegations in bold were discovered by CPRA investigators)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
FC	21-0985	4/17/17	11/18/21	8/23/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
RM	21-0606	12/31/17	11/3/21	4/28/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
JS	20-1551	12/7/20	11/22/21	12/15/21	Subject Officer 1	Use of Force (Level 4)	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded</i>
						Use of Force (Level 2)	<i>Unfounded</i>
						Performance of Duty – PDRD	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Not Sustained</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>

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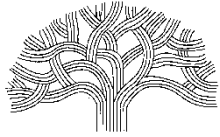


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigations Completed in November 2021
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						Conduct Toward Others – Demeanor	<i>Exonerated</i>
MM	21-0025	1/5/21	11/20/21	1/6/22	Subject Officer 1	Performance of Duty – General	<i>Not Sustained</i>
					Subject Officer 2	Performance of Duty – General	<i>Not Sustained</i>
					Subject Officer 3	Performance of Duty – General	<i>Not Sustained</i>
RM	21-0618	6/3/21	11/2/21	6/2/22	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Not Sustained</i>
						Failure to Accept or Refer a Complaint	<i>Unfounded</i>
						Refusal to Provide Name or Serial Number	<i>Unfounded</i>
RM	21-0677	6/11/21	11/4/21	6/16/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>

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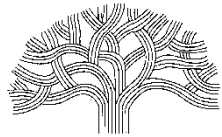
CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigations Completed in November 2021
(Allegations in bold were discovered by CPRA investigators)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
FC	21-1052	6/20/21	11/18/21	9/2/22	Subject Officer 1	Performance of Duty – General	<i>Unfounded</i>
						Conduct Toward Others – Harassment and Discrimination/Race and Gender	<i>Unfounded</i>
						Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – General	<i>Unfounded</i>
						Conduct Toward Others – Harassment and Discrimination/Race and Gender	<i>Unfounded</i>
						Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>

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CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigations Completed in November 2021
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Page 4 of 7
 (Total Completed = 14)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
RM	21-0720	6/22/21	11/10/21	6/22/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/General	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
FC	21-0882	7/2/21	11/18/21	8/1/22	Unknown Officer	Conduct Toward Others – Harassment and Discrimination/General	<i>Not Sustained</i>
						Performance of Duty – General	<i>Not Sustained</i>
					Subject Officer 1	No Duty/No MOR Violation	<i>No MOR Violation</i>
					Subject Officer 2	Conduct Toward Others – Demeanor	<i>Unfounded</i>
					Subject Officer 3	Conduct Toward Others – Demeanor	<i>Exonerated</i>

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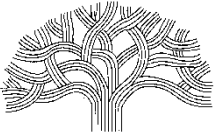
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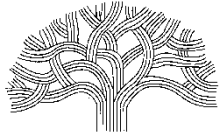
CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigations Completed in November 2021
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
RM	21-0770	7/2/21	11/18/21	7/2/22	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Unfounded</i>
						Refusal to Provide Name or Serial Number	<i>Unfounded</i>
RM	21-0823	7/4/21	11/4/21	7/14/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/General	<i>Unfounded</i>
						Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
AL	21-0844	7/20/21	11/20/21	7/20/22	Subject Officer 1	Conduct Toward Others – Demeanor	<i>ICR</i>
						Performance of Duty – General	<i>ICR</i>
					Subject Officer 2	Conduct Toward Others – Demeanor	<i>ICR</i>

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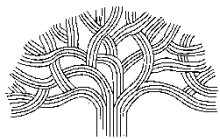


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigations Completed in November 2021
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						Performance of Duty – General	<i>ICR</i>	
FC	21-0878	8/1/21	11/4/21	7/31/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>	
						Performance of Duty – General	<i>Unfounded</i>	
						Subject Officer 2	Conduct Toward Others – Demeanor	<i>Unfounded</i>
							Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Unfounded</i>
							Performance of Duty – General	<i>Not Sustained</i>
							Performance of Duty – General	<i>Unfounded</i>
FC	21-1207	10/7/21	11/4/21	10/6/22	Unknown Officer	Conduct Toward Others – Harassment and Discrimination/Race	<i>Not Sustained</i>	

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CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigations Completed in November 2021
(Allegations in bold were discovered by CPRA investigators)

Page 7 of 7
 (Total Completed = 14)

CPRA Made the following Policy Recommendations with Respect to Investigations in this Report

1. CPRA recommends that the Department create a robust and targeted training to address to help officers understand and differentiate the various political ideologies and the potential threats associated with them. CPRA recommends that particular emphasis be placed on educating officers about violent extremist groups, including Boogaloo Boys, and also debunking incorrect assumptions about “antifa” and people who attend Oakland protests (e.g., ensure officers understand what “antifa” stands for and also that all people protesting or associating with antifa are not violent).
2. CPRA recommends that the Department take this report and its findings into consideration as OPD crafts its social media policy. OPD should ensure that the social media policy addresses departmental expectations for officer social media use.

CPRA Made the following Training Recommendations with Respect to Investigations in this Report

1. CPRA recommended training regarding an officer’s proper PDRD activation.
2. CPRA recommended training regarding an officer’s interaction with persons experiencing a mental health crisis as set forth in TB III-N—Police Contact with Mentally Ill Persons, as well as refresher crisis intervention training.

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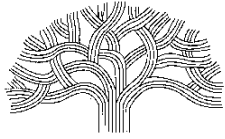
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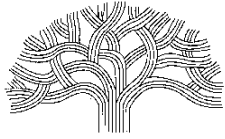
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CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases as of November 2021
(Sorted by One-Year Goal)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-0070	1/1/2021	1/21/2021	1/19/2021	Investigator	AL	7/20/2021	1/18/2022	Use of Force	1	1	5	Use of Force, Demeanor
21-0202	1/9/2021	1/29/2021	1/29/2021	Investigator	MM	7/28/2021	1/28/2022	Other	2	4	4	Performance of Duty
21-0151	2/6/2021	2/10/2021	2/6/2021	Investigator	JS	8/5/2021	2/5/2022	Use of Force	1	2	2	Use of Force
21-0252	3/1/2021	3/11/2021	3/5/2021	Investigator	AL	9/7/2021	3/4/2022	Use of Force	1	5	13	Use of Force, Performance of Duty, Demeanor, Refusal to Accept or Refer a Complaint
21-0358	4/2/2021	4/7/2021	4/2/2021	Investigator	AL	10/4/2021	4/1/2022	Use of Force	1	1	2	Use of Force, Performance of Duty
21-0366	4/5/2021	4/7/2021	4/5/2021	Investigator	MM	10/4/2021	4/4/2022	Use of Force	1	4	8	Use of Force
21-0354	4/1/2021	4/2/2021	4/7/2021	Investigator	AN	10/4/2021	4/6/2022	Other	1	2	5	Performance of Duty/ Miranda Violation
20-1578	10/31/2020	5/18/2021	12/17/2020	Investigator	AN	6/15/2021	4/11/2022	Other	1	1	5	General Conduct, Obedience to Laws (Felony + Misdemeanor)
21-0527	6/20/2017	5/18/2021	4/16/2021	Investigator	JS	10/15/2021	4/15/2022	Other	1	3	17	Search and seizure; discrimination; demeanor; report writing
21-0422	4/18/2021	4/20/2021	4/18/2021	Investigator	JS	10/17/2021	4/17/2022	Racial Discrimination	1	2	5	Discrimination, Refusal to Provide Name or Serial Number, PDRD Activation,
21-0430	4/20/2021	4/21/2021	4/20/2021	Investigator	JS	10/19/2021	4/19/2022	Use of Force	1	2	5	Performance of Duty, Use of Force, Improper/ Unlawful Search & Seizure
21-0555	11/26/2020	5/19/2021	5/18/2021	Investigator	AN	11/15/2021	5/18/2022	Other	2	8	15	Performance of Duty, Demeanor
21-0621	6/3/2021	6/8/2021	6/3/2021	Investigator	AL	12/5/2021	6/4/2022	Racial Discrimination	1	2	2	Racial Discrimination
21-0652	6/2/2021	6/10/2021	6/10/2021	Investigator	MM	12/7/2021	6/9/2022	Racial Discrimination	1	2	4	Racial Discrimination, Performance of Duty
20-0174	3/1/2019	6/29/2021	2/13/2020	Investigator	AN	12/20/2021	6/20/2022	Other	1	1	8	Obedience to Laws
21-0719	6/23/2021	6/25/2021	6/23/2021	Investigator	AL	12/22/2021	6/22/2022	Other	2	2	2	Performance of Duty
21-0761	7/3/2021	7/7/2021	7/3/2021	Investigator	JS	1/3/2022	7/2/2022	Use of Force	1	2	2	Use of Force
21-0790	7/9/2021	7/16/2021	7/9/2021	Intake	MB	1/12/2022	7/8/2022	Other	2	1	1	Performance of Duty
21-0795	7/10/2021	7/13/2021	7/10/2021	Intake	FC	1/9/2022	7/9/2022	Use of Force	1	3	8	Performance of Duty, Use of Force
21-0803	7/9/2021	7/15/2021	7/13/2021	Investigator	AL	1/17/2022	7/13/2022	Use of Force	1	2	4	Use of Force, Performance of Duty
21-0889	7/4/2021	7/19/2021	7/15/2021	Intake	MB	7/14/2022	7/14/2022	Racial Discrimination	1	1	3	Racial discrimination, Performance of Duty
21-0863	7/2/2021	8/2/2021	7/28/2021	Investigator	JS	1/2/2022	7/27/2022	Use of Force	1	3	4	Use of Force (Taser); false arrest; demeanor
21-0874	7/28/2021	7/27/2021	7/28/2021	Intake	MB	1/23/2022	7/27/2022	Other	2	1	1	Performance of Duty
21-0868	7/29/2021	8/9/2021	7/29/2021	Investigator	MM	1/25/2022	7/28/2022	Racial Discrimination	1	1	4	General Conduct, POD - General, Compromising Criminal Cases, Racial Bias
21-0871	7/26/2021	8/4/2021	7/30/2021	Intake	MB	1/31/2022	7/30/2022	Other	2	1	2	Performance of Duty
21-0885	8/3/2021	8/4/2021	8/3/2021	Intake	FC	1/31/2022	8/2/2022	Racial Discrimination	2	1	1	Racial discrimination
21-0898	7/30/2021	8/6/2021	8/5/2021	Intake	FC	2/2/2022	8/4/2022	Truthfulness	1	1	1	Truthfulness
21-0932	3/1/2021	8/17/2021	8/14/2021	Intake	MB	2/13/2022	8/13/2022	Racial Discrimination	1	1	2	Racial Discrimination, Conduct toward others
21-0961	8/18/2021	8/25/2021	8/18/2021	Intake	FC	2/21/2022	8/17/2022	Use of Force	1	1	2	Performance of Duty, Use of force
21-0977	8/21/2021	8/25/2021	8/21/2021	Intake	MB	2/21/2022	8/20/2022	Use of Force	1	6	6	Use of force
21-1024	8/31/2021	9/2/2021	9/1/2021	Intake	FC	3/1/2022	8/31/2022	Racial Discrimination	1	1	3	Racial Discrimination, Conduct toward others, Performance of Duty
21-1010	8/31/2021	9/1/2021	8/31/2021	Investigator	JS	2/28/2022	8/31/2022	Use of Force, Discrimination	1	2	2	Use of Force and Racial Discrimination
21-1047	9/3/2021	9/8/2021	9/3/2021	Investigator	AN	3/7/2022	9/4/2022	Use of Force	1	4	6	Use of Force
21-1046	9/5/2021	9/8/2021	9/5/2021	Intake	MB	3/7/2022	9/4/2022	Use of Force	1	2	2	Use of Force
21-1060	9/7/21	9/7/2021	9/7/2021	Intake	FC	3/8/2022	9/6/2022	Use of Force	1	1	3	Performance of Duty, False Arrest, UOF
21-1057	9/8/2021	9/9/2021	9/8/2021	Intake	FC	3/8/2022	9/7/2022	Use of Force	1	1	1	Use of Force
21-1055	9/7/2021	9/9/2021	9/7/2021	Investigator	JS	3/8/2022	9/7/2022	Racial Discrimination	1	1	2	Racial Discrimination
21-1072	9/11/2021	9/23/2021	9/11/2021	Intake	FC	3/23/2022	9/10/2022	Use of Force	1	1	2	Unlawful Detention, Use of Force
21-1121	7/12/2018	9/13/2021	9/13/2021	Intake	FC	3/12/2022	9/12/2022	Other	2	4	4	Performance of Duty
21-1089	9/16/2021	9/17/2021	9/16/2021	Intake	MB	3/16/2022	9/16/2022	Use of Force	1	1	1	Use of Force
21-1099	9/19/2021	9/23/2021	9/19/2021	Investigator	AL	3/22/2022	9/20/2022	Racial Discrimination	1	2	3	Racial Discrimination, Demeanor
21-1118	9/21/2021	9/27/2021	9/21/2021	Intake	FC	3/26/2022	9/20/2022	Use of Force	1	2	2	Use of Force
21-1114	9/22/2021	9/22/2021	9/22/2021	Investigator	JS	3/22/2022	9/21/2022	Use of Force	1	4	3	Use of Force
21-1119	8/30/2021	9/23/2021	9/22/2021	Intake	MB	3/22/2022	9/21/2022	Other	2	1	4	Failure to Accept or Refer a Complaint, Performance of Duty
21-1139	9/23/2021	9/23/2021	9/23/2021	Intake	FC	3/22/2022	9/22/2022	Discrimination	1	1	2	Discrimination Race/Gender

*Type (604(f) or Other) column indicates the allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). "Other" indicates the case does not include any such allegations.



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases as of November 2021
(Sorted by One-Year Goal)

Attachment 6
Page 2 of 2
 (Total Pending = 81)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-1123	3/14/2021	9/14/2021	9/23/2021	Intake	MB	3/13/2022	9/23/2022	Use of Force	1		2	Use of Force
21-1135	7/20/2014	9/24/2021	9/24/2021	Intake	MB	3/23/2022	9/24/2022	Use of Force	1	1	3	Use of Force
21-1148	9/24/2021	9/29/2021	9/24/2021	Intake	MB	3/28/2022	9/24/2022	Use of Force	1	1	1	Use of Force
21-1161	9/28/2021	9/29/2021	9/28/2021	Intake	MB	3/28/2022	9/27/2022	Use of Force	1	1	1	Use of Force
21-1168	9/27/2021	9/29/2021	9/29/2021	Intake	FC	3/28/2022	9/28/2022	Other	2	1	1	Performance of Duty
21-1164	9/30/2021	10/1/2021	9/30/2021	Intake	MB	3/30/2022	9/29/2022	Use of Force	1	1	1	Use of Force
21-1177	10/3/2021	10/8/2021	10/3/2021	Intake	FC	4/6/2022	10/2/2022	Racial Discrimination	1	1	2	Racial Discrimination, Conduct toward others
21-1178	10/2/2021	10/8/2021	10/2/2021	Intake	MB	4/6/2022	10/2/2022	Use of Force, Racial Discrimination	1	1	2	Use of Force; Racial Discrimination
21-1203	9/8/2021	10/7/2021	10/7/2021	Investigator	MM	4/5/2022	10/6/2022	Other	2	1	1	Performance of Duty
21-1206	9/24/2021	10/13/2021	10/8/2021	Intake	MB	4/11/2022	10/8/2022	Use of Force	1	1	8	Use of Force
21-1209	10/10/2021	10/13/2021	10/10/2021	Intake	MB	4/11/2022	10/9/2022	Racial Discrimination	1	1	2	Racial discrimination, Performance of Duty
21-1236	9/17/2021	10/13/2021	10/13/2021	Intake	FC	4/11/2022	10/12/2022	Racial Discrimination	1	1	1	Racial discrimination
21-1218	10/11/2021	10/13/2021	10/12/2021	Intake	MB	4/11/2022	10/12/2022	Use of Force	1	2	2	Use of Force
21-1231	10/13/2021	10/16/2021	10/13/2021	Intake	FC	4/13/2022	10/12/2022	Use of Force	1	1	1	Use of Force
21-1263	10/13/2021	10/21/2021	10/20/2021	Intake	MB	4/19/2022	10/20/2022	Use of Force	1	1	3	Use of Force
21-1275	10/13/2021	10/26/2021	10/20/2021	Intake	MB	4/24/2022	10/20/2022	Use of Force	1	1	8	Use of Force
21-1278	10/22/2021	10/26/2021	10/26/2021	Intake	FC	4/24/2022	10/25/2022	Discrimination	1	1	3	Racial Discrimination, Performance of Duty
21-1395	10/9/2021	11/18/2021	10/28/2021	Intake	MB	5/17/2022	10/28/2022	Racial Discrimination	1	5	5	Racial Discrimination
21-1319	10/30/2021	11/2/2021	11/1/2021	Intake	MB	5/1/2022	11/1/2022	Other	2	1	5	Performance of Duty
21-1330	11/2/2021	11/3/2021	11/2/2021	Intake	MB	5/2/2022	11/2/2022	Other	2	3	3	Performance of Duty
21-1341	11/8/2021	11/9/2021	11/8/2021	Intake	FC	5/8/2022	11/7/2022	Other	2	1	2	Demeanor
21-1354	11/5/2021	11/9/2021	11/5/2021	Intake	MB	5/8/2022	11/7/2022	Use of Force	1	2	2	Use of Force
21-1357	11/9/2021	11/12/2021	11/9/2021	Intake	FC	5/11/2022	11/8/2022	Use of Force, Truthfulness	1	1	2	Use of Force, Truthfulness
21-1387	11/10/2021	11/17/2021	11/10/2021	Intake	FC	5/16/2022	11/9/2022	Discrimination, Use of Force	1	4	8	Profiling, Use of Force
21-1367	11/12/2021	11/16/2021	11/12/2021	Intake	FC	5/15/2022	11/11/2022	Use of Force	1	1	1	Use of Force
21-1361	5/27/2021	11/16/2021	11/11/2021	Intake	MB	5/15/2022	11/11/2022	Other	2	1	1	Harrasment
21-1362	11/11/2021	11/16/2021	11/11/2021	Intake	MB	5/15/2022	11/11/2022	Discrimination	1	1	3	Discrimination
21-1391	11/17/2021	11/18/2021	11/17/2021	Intake	FC	5/17/2022	11/16/2022	Discrimination	1	1	2	Discrimination, Demeanor
21-1393	11/16/2021	11/18/2021	11/17/2021	Intake	MB	5/17/2022	11/17/2022	Harassment	1	2	2	Harrasment
20-0438	4/16/2020	4/16/2020	4/16/2020	Investigator	AN	10/13/2020	Tolled	Use of Force	1	21	30	Use of Force (Level 1, Level 4), Performance of Duty
20-1406	11/3/2020	11/3/2020	11/3/2020	Investigator	AN	5/2/2021	Tolled	Use of Force	1	2	2	Use of Force
21-0238	3/2/2021	3/2/2021	3/2/2021	Investigator	AN	8/29/2021	Tolled	Use of Force	1	5	7	Use of Force, Supervisory
21-0816	7/17/2020	7/29/2021	7/14/2021	Investigator	AN	1/25/2022	Tolled	Other	1	1	2	Reports and Bookings, Performance of Duty
21-1140	9/26/2021	9/26/2021	9/26/2021	Investigator	AN	3/25/2022	Tolled	Other	1	4	4	Performance of Duty
19-1169	10/17/2019	10/22/2019	10/17/2019	Investigator	ED	4/19/2020	Tolled	Use of Force, Profiling/ Discrimination	1	2	7	Bifurcated - use of force, false arrest, discrimination
21-0993	8/25/2021	8/25/2021	8/25/2021	Investigator	MM	2/27/2022	Tolled	Use of Force	1	3	6	Use of Force, Performance of Duty, Supervision

*Type (604(f) or Other) column indicates the allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). "Other" indicates the case does not include any such allegations.



AGENDA REPORT

TO: Police Commission

FROM: John Alden
CPRA Executive Director

SUBJECT: Costing, Staff Time, and Procedural Requirements for Police Commission Standing and Ad Hoc Committees; Future Budgeting Requests

DATE: December 3, 2021

RECOMMENDATION

The Commission direct staff as to what positions to request in the next budget cycle, which Standing Committees they intend to ask the City Council to add or delete, and which Ad Hocs to continue, form, or discontinue, given current staffing.

EXECUTIVE SUMMARY

The Police Commission continues to review and discuss its growing needs as relates to staffing and resourcing in support of current and potentially new Standing Committees and Ad Hoc Committees. A prior report, submitted to the Commission on October 8 for debate and discussion at its October 14, 2021 Special Meeting, offered analysis on the requirements and processes in creating such committees, considering the Commission's current limited resources.

The conclusion of that discussion was that Standing Committees require much more staff time, as well as specific hearing rooms at City Hall and City Council approval. Ad Hocs are much more flexible, and could require much fewer resources, than Standing Committees; depending on how the Commission chooses to organize and run them. Staff assessment remains that with the limited resources, your current single staff person is only able to support one new Standing Committee and three or four Ad Hocs in addition to the bi-monthly Commission meetings and general daily responsibilities of supporting a volunteer commission.

This report continues in the spirit of this on-going discussion, to help in the consideration of the ideal Commission office composition (short and long-term) and support the Commission as it prepares for the next budget cycle and the opportunity to request from the City additional staffing and resources.

To that end, staff recommends the Commission consider requesting – at a minimum and in service of the agency's efficacy and development – one full time administrative/clerical person, and consider, either now or in the future, supplementing the team with a creative and strategic project manager to support the various committees. This report will also provide responses to Commissioner queries around a full-time staff person committed to community outreach, as well as review of Commission budget and spending.

BACKGROUND / LEGISLATIVE HISTORY

Current Commission Staffing

The Commission has only one staffer, the Chief of Staff. Among the priorities for the Chief of Staff position is ensuring that the Commission is successful in meeting its many charter mandates. Those requirements call on the Commission to demonstrate the timely and transparent management of Commission meetings and materials, establishing channels through which the Commission can conduct and conclude its work (that is Ad Hoc and Standing Committees) within the public view and often with community engagement, oversight of the OPD, CPRA and the IG's office, fiscal accountability and the general administrative tasks needed to run a City agency.

As discussed on October 14, 2021, and as of right now, and given the limited resourcing at the Commission's disposal, the current sole staff person, the Chief of Staff, is only able to support one additional Standing Committee along with the bi-monthly Police Commission meetings and three or four Ad Hoc Committees, depending on the level of support and engagement required.

As a result of that meeting, staff understood the direction of the Commission to include:

- a) Setting regularly scheduled Discipline Committee meetings every other month with rotating Commissioners starting in 2022.
- b) Obtaining legal advice for questions relating to Brown Act requirements, which staff understands has been transmitted separately since that meeting.
- c) Receiving from staff a report as to additional staffing that would allow for more Committees, support to the Commission, and outreach generally. This is that report.

On this final point, Commissioners asked at the October 14, 2021, meeting as to the remaining responsibilities of the Chief of Staff, if and when clerical support can be provided to the Chief of Staff. The following serves as a suggestion from the CPRA Executive Director and the Commission Chief of Staff as to ideal staffing to meet the resourcing needs of the Oakland Police Commission.

Ideal Future State

Ideally, staff recommends that the Commission's office composition would include three staff positions, only one of which (Chief of Staff) currently exists in the Commission budget:

1. An administrative person (a new position):
 - Filing (document and web information captured and appropriately archived)
 - Meeting logistics and information capture (agenda, minutes, transcripts including clearing any backlog)
 - Timely posting to the web pages, as well as maintaining and enhancing web presence
 - Building and managing social media presence and messaging
 - Respond to public records requests

It was and remains generally agreed that clerical support will be a more cost-effective option for some of the Commission's necessary and fundamental obligations. It would also free up your higher leveled Chief of Staff to focus on developing an innovative and efficiently managed Police Commission.

Based on Commission direction from the October 14, 2021, meeting, staff have engaged in discussions with the City's HR team, who, having identified the tasks this individual will undertake, landing on an Administrative Assistant II classification.

Staff are currently undertaking a two-step process, one that allows the onboarding of temporary clerical support in this position quickly to help the Police Commission, CPRA and the IG's office while formal staffing and budget requests are prepared for the June/July budget cycle, at which time the permanent administrative position can be filled should permanent funding be approved.

2. A strategic project manager (a new position) to support Ad Hocs, Standing Committees and working groups by:
 - Managing meeting logistics
 - Research, data and information analysis to provide salient recommendations, innovative pathways forward and creatively overcome obstacles
 - Work collaboratively with Commissioners to design and implement the frameworks to help us craft the most progressive policies and actions
 - Devise and implement avenues for public engagement and greater public awareness

This role is not currently budgeted, nor has it been previously discussed. Instead, the idea for additional strategic support comes from the Commission's ambitions to enhance and improve public understanding and awareness, have information readily available, and create new avenues for engagement and participation. This individual would support the strategic and logistical running of committees and working groups, with a keen focus on ensuring communities are aware and able to take part.

Staff recommend that the Commission ask for permanent funding for this position in the following budget cycle (2022/23), and once more of the Commission's regular activities are seamlessly executed and any backlog of work addressed.

3. A creative operations leader/Chief of Staff, an existing position, which is currently staffed by Ms. Adwan:
 - Oversee the efficacy and management of the Commission office
 - Forge and foster relationships with City and Community leaders
 - Collaborate and work closely with the IG, CPRA and OPD
 - Develop partnerships (local and national) to design and execute pilot programs in service of the Commission's agenda and in support of improving Community safety and wellbeing
 - Identify or create avenues to share and exchange knowledge
 - Grow the Commission's network and expand local and national exposure

Police Commission

Costing, Staff Time, and Procedural Requirements for Police Commission Standing and Ad Hoc Committees; Future Budgeting Requests (Cont. from Oct 14)

Date: December 3, 2021

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- Entrusted to serve as the Commission proxy in meetings

During the October 14th Special Meetings, Commissioners discussed the idea of a staff member dedicated to community outreach and engagement. Staff reached out to other City Departments and learned that City agencies across the board in Oakland are also facing the same/similar challenges in this regard.

Informally, agency leaders have taken the initiative to form and convene a multi-agency group (inclusive of the City's Race & Equity team) that meets every other week to share opportunities, build on ideas and help develop strategies. Staff from both the CPRA and the Commission have been invited to participate and join the meetings as often as schedules permit.

Outside of this group, the City has no current classification that captures the role and responsibilities associated with such specialized work at the Commission. Designing and integrating new classifications into the City's system is a timely and sometimes arduous process. For this reason, staff is not recommending creation of a new classification.

Instead, the responsibility of community outreach and engagement can be shared among the staff noted above. Including tasks in the job description in service of these endeavors in performance expectations for the above three positions would be appropriate under existing rules, and would help enforce the shared team response, e.g., strong communication and facilitation skills, social media and web proficiency.

Current and former Commissioners can also play an integral role in promoting and highlighting milestone efforts and avenues to committee involvement. And, at some point (pandemic permitting), this Commission has expressed its commitment to finding ways to get out and into Oakland communities.

Standing Committees

Furthermore, at the November 18, 2021, Police Commission meeting, staff understood from the Commission that the Commission desires to seek City Council approval for a Standing Committee for Militarized Equipment. Whether any other existing Standing Committees should be wound down when this new Standing Committee is requested of the City Council is not yet determined.

ANALYSIS AND POLICY ALTERNATIVES

This memorandum recommends adding two new staff positions. If the Commission were instead to continue with existing staff only, we anticipate the following consequences:

- No staffing for public outreach beyond 4 Ad Hocs and one Standing Committee. The Commission currently has two Standing Committees and desires a third, so the Commission would have to wind down two of those Standing Committees to fit staffing resources.

Police Commission
December 9, 2021

Police Commission

Costing, Staff Time, and Procedural Requirements for Police Commission Standing and Ad Hoc Committees; Future Budgeting Requests (Cont. from Oct 14)

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- No staffing for outreach beyond posting of meetings and running Ad Hocs.
- Minimal staff support for Commissioners, pushing the Commission to continue to rely heavily on the volunteer contributions of its members and/or members of the public for existing operations.
- Continued reliance on Police Department personnel for a portion of the staffing needed for policy-related Ad Hocs, as was the case with Use of Force last year.

FISCAL IMPACT

The Police Commissions total budget is \$862,438. CPRA and the Inspector General each have separate budgets from the Commission's.

Department	Police Commission		
Rev orExp	Expense		
Row Labels	Sum of FY21-22 Working Total	Sum of FY22-23 Working Total	
56311 - Printing	332	332	
O&M	544,393	544,393	
52213 - Minor Computer Hardware and Software (No Asset Number Not Capitalized)	3,000	3,000	
52911 - Bottled Water and Food for Human Consumption	1,000	1,000	
53312 - Public Relations	10,000	10,000	
53719 - Miscellaneous Services	10,000	10,000	
54011 - Contract Contingencies (Budgetary Only)	233,000	233,000	
54511 - Legal Fees	287,393	287,393	
Personnel & OH	303,324	314,305	
51111 - Civilian: Regular	131,252	131,252	
51511 - Civilian: Paid Leave Charge	38,984	38,984	
51611 - Civilian: Retirement Accrual	77,798	80,352	
51613 - Civilian: Fringe Benefits Accrual	55,290	63,717	
Grand Total	851,776	862,438	

Recruitment and resourcing for staff is its own set of line items (accounts beginning with 51###). These funds cannot be shifted to any expenses other than staff without approval of the City Council.

As the Commission considers its submission for the next budget cycle (Jun/Jul), anticipated staffing - as for staffing in the next round and per prior and ongoing discussions, the Commission can anticipate its annual spend to include the two new positions described above, as well as the current position filled position (Chief of Staff, category Project Manager II):

Administrative Assistant II, **new**
(\$61,424.28 - \$75,414.60 annually)

Project Manager I, **new**
(\$130,179.12 - \$159,848.52 annually)

Project Manager II, *filled/ELDE*
 (\$150,701.52 - \$185,039.76 annually)

The only way to fund these new positions on a permanent long-term basis is by means of City Council approval in the annual budget process.

The Commission's contracts with third-party vendors and other miscellaneous expenses, like training, falls under "O&M" spending (accounts ranging from 52111 through 54999). These funds can be shifted from one category of expenses to another at the discretion of the Commission during the fiscal year. So, for example, the Commission could choose to move funds from Contract Contingencies to Commissioner Training or Publicity at any time.

As for contracting expenses specifically, the Commission started this fiscal year with \$233,000. Once new, ongoing and completed contracts are compensated, this line item stands at \$185,500. Those expenses to date included: Raheem survey contract \$27k, (anticipated and based on the prior retreat) Commission Retreat facilitation \$10.5k, (anticipated) ~\$10k fee to speed the process of a permanent hire in the Chief of Staff role).

In addition, the City Administrator and Department of Finance allowed for carrying forward \$150,000 from last year's budget to this year to cover the current StoneTurn contract regarding the allegations made by the Oakland Black Officers Association (OBOA). This carryforward allows the Commission to pay for the full value of this contract from last's years funding, as intended by the Commission in the first place. Thus, this contract and carry forward has no net effect on the current year's budget.

The remaining funds in O&M accounts appear sufficient for the modest miscellaneous costs associated with running the Ad Hoc and Standing Committees described above. Staff have been, and continue to be, the vast majority of the cost to support Committee work.

PUBLIC OUTREACH / INTEREST

Staff conducted no public outreach on this issue beyond the usual posting of this memo with the meeting agenda.

COORDINATION

This report was crafted with the assistance of the Commission Chief of Staff, CPRA, the Department of Race and Equity, Human Resources Management, the Department of Finance, and the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: None.

Environmental: None.

Race & Equity: As a general rule, providing public access to Commission deliberations on any given topic creates opportunity to better engage the public around the race and equity impacts of the policies and actions the Police Commission may discuss. Public-facing Committees, whether Standing or Ad Hoc, may create an opportunity to gather such input in addition to input gathered at Commission meetings. On the other hand, the existence of a committee does not, by itself, directly add or detract from the City of Oakland's overall goal of improving racial equity.

ACTION REQUESTED OF THE POLICE COMMISSION

Staff recommends, given current resourcing, the Police Commission continue relying more on Ad Hoc and revisits Standing Committees as the office manages its current obligations and is able to grow to allow for additional staff support. To grow that support, staff also recommends that the Commission:

1. Direct staff to include in the Commission's mid-cycle budget adjustment proposal for FY '22-'23 a request for the two additional support staffers describe above, subordinate to the Commission Chief of Staff, to support Commission committees and other Commission needs.
2. Decide whether the two current Standing Committees remain Standing Committees or be converted to Ad Hoc, freeing up resources for other Committees, and direct staff to notify the City Council accordingly when seeking Council approval for the new Standing Committee for Militarized Equipment.
3. Consider a limit on the number and/or kinds of staffing for Ad Hoc Committees to match current staffing, with a plan to revisit those limits should staffing increase.

For questions regarding this report, please contact JOHN ALDEN, CPRA EXECUTIVE DIRECTOR, at 510-238-7401.

Respectfully submitted,



JOHN ALDEN
 Executive Director, CPRA

Attachments (#):

- A – October 8, 2021 Police Commission Standing Committees Memo to Police Commission
- B – Position Description for Administrative Assistant II
- D – Position Description for Project Manager I



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

Current Committees

Standing Committee	Commissioners
Outreach	Hsieh, Jordan, Howell
Personnel	Jackson

Ad Hoc Committee	Commissioners
Annual Report	Jackson
Budget	Jackson
Community Policing OPD 15-01	Harbin-Forte, Hsieh, Howell
CPRA Director Performance Evaluation	Milele, Jackson
Inspector General Search	Jackson, Milele, Peterson
Mental Health Model	X (formally Dorado)
Militarized Police Equipment	Gage, Jordan
Missing Persons Policy	Jackson, Jordan
OBOA Allegations Investigation	Harbin-Forte, Jackson
Police Chief Goals and Evaluation	Milele, Peterson
Racial Profiling Policy	Jackson, Milele
Rules of Procedure	Gage, Harbin-Forte
White Supremacists and Other Extremist Groups	Harbin-Forte, Jackson
OPD's Social Media Policy	Jackson, Hsieh, Milele
CID Ad Hoc	Jackson, Howell, Hsieh



OAKLAND POLICE COMMISSION

SPECIAL MEETING MINUTES

November 18, 2021, 5:30 PM

I. Call to Order, Welcome, Roll Call and Determination of Quorum

Chair Regina Jackson

Roll Call: Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell, Commissioner David Jordan; Commissioner Tyfahra Milele; Alternate Commissioner Jesse Hsieh; Alternate Commissioner Marsha Peterson

II. Closed Session Item

The Police Commission will take Public Comment on the Closed Session items.

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

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
(California Government Code Section 54957(b))
Title: Inspector General

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(California Government Code Section 54957(b))
Title: Director, Community Police Review Agency

Public Comment provided by the following speakers:

Assata Olugbala
Mary Vail

III. Call to Order and Re-Determination of Quorum

Roll Call: Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell, Commissioner David Jordan; Commissioner Tyfahra Milele; Alternate Commissioner Jesse Hsieh; Alternate Commissioner Marsha Peterson

Chair Jackson noted nothing to report from the closed session.

Chair Jackson did make a statement with two key points. The first regarding public comment related to the Commission's work and process in service of identifying a qualifying candidate to serve as the new Inspector General. The Chair shared that she felt public critique was predominantly unconstructive criticism given the thoughtful planning and great number of hours dedicated to the process. She asked that members of the public join public forums with the spirit of useful and constructive support. The second point shared by the Chair was in response to the criticism of her efforts to support the Chief in his work of reforming the Oakland Police



OAKLAND POLICE COMMISSION

SPECIAL MEETING MINUTES

November 18, 2021, 5:30 PM

Department. She said that as a community leader she will always champion and encourage change agents and noted that her support of the Chief by no means preclude her from providing him with actionable critique and direction.

IV. **Open Forum Part 1** (2 minutes per speaker, 15 minutes total)

After ascertaining how many members of the public wish to speak, Chair Regina Jackson will invite the public to speak on any items not on the agenda but may be of interest to the public, and that are within the subject matter jurisdiction of the Commission. Comments on specific agenda items will not be heard during Open Forum but must be reserved until the agenda item is called. The Chair has the right to reduce speaking time to 1 minute if the number of speakers would cause this Open Forum to extend beyond 15 minutes. Any speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2, at the end of the agenda.

Public Comment provided by the following speakers:

None

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

To fill the vacancy arising from a Commissioner's resignation, whose letter is available in the agenda packet, the Commission will discuss and consider a vote to select an Alternate Commissioner as a new Commissioner, per Oakland City Charter Section 604(c)(8). ***This is a new item.***

Comm. Garcia resigns his position and Commissioners thank him for his service. The Commission then moved on to elevating a current alternate to the newly empty seat and begins discussing whether the vacant seat should be filled by a Mayoral or Selection Panel alternate appointee.

Comm. Harbin-Forte suggests the process be decided by tenure, per her understanding of filling the prior vacancy. She also requested formalizing the process or tabling this agenda item for further deliberation.

Comm. Jordan disagreed with Comm. Harbin-Forte's perspective of tenure as the primary determinant to the last elevation and nominates Comm. Hsieh. Comm. Garcia seconds.

Chair Jackson asks for a nomination of Comm. Peterson, based on seniority.

The Chair invites each of the alternate Commissioner's to speak to their work and qualifications, starting with Comm. Hsieh. After Comms. Hsieh and Peterson speak, Comm. Gage requests the Commission consider establishing and codifying the elevation process to avoid future issues. Chair Jackson commits to reviewing the concerns before proposing standard procedure. Comm. Gage asks to join the Chair, as does Vice Chair Milele.



OAKLAND POLICE COMMISSION

SPECIAL MEETING MINUTES

November 18, 2021, 5:30 PM

Comm. Harbin-Forte's motion to table the item until the next meeting (w Comm. Garcia as a second) does not pass. (Ayes: Comms. Jordan. Nays: Comms. Gage, Harbin-Forte, Howell, Vice Chair Milele, Chair Jackson. Abstentions: None)

Comm. Jordan's motion to elevate Comm. Hsieh to the vacant position (w Comm. Garcia as a second) does not pass. (Ayes: Comms. Garcia, Harbin-Forte, Vice Chair Milele. Nays: Comms. Gage, Garcia, Jordan, Chair Jackson. Abstentions: None)

Vice chair Milele's motion to elevate Comm. Peterson to the vacant position (w Comm. Harbin-Forte as a second) does passes. (Ayes: Comms. Gage, Harbin-Forte, Howell, Vice Chair Milele, Chair Jackson. Nays: Comms. Abstentions: Comm. Jordan)

Public Comment provided by the following speakers:

Rashidah Grinage

Anne Janks

Oscar Yassin

Mariano Contreras

Assata Olugbala

Bruce Schmeichen

Jennifer Tu

Cathy Leonard

VI. Update from Police Chief

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

Chief Armstrong presented the Department's current crime statistics and the value of the Department's ceasefire strategy. Also covered was the Department's partnership with the ATF, the increase in gun recoveries, missing persons alerts, slightly improved staffing levels, the latest federal monitor visit, the completion of the Axon contract to purchase new body-worn cameras and integrating the recommendations from the social media investigations.

The Chief asked that public questions posed during public comment be noted and included in a forthcoming meeting – in line with the Brown Act and allowing him and the Department find the necessary information to respond.

Topics requesting attention

+ Post-arrest referral data (Comm. Gage)

+ Attrition data analysis + positions/assignments officers are leaving and moving to (Comm. Hsieh)



OAKLAND POLICE COMMISSION

SPECIAL MEETING MINUTES

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+ Policy and training regarding officers making flippant remarks and citing city politics and policies while on assignment (Anne Janks/Public Comment)

Comm. Gage and Chair Jackson asked Chief Armstrong to diligently review and consider the vendors the Department chooses to work with, following public comment regarding training recently provided by the Anti-Defamation League.

Public Comment provided by the following speakers:

Anne Janks
Oscar Yassin
Assata Olugbala

VII. **Revised CID Policies & Procedures for the Police Department Homicide Section**

The Commission will review and discuss the approval of the Police Department's revised Policies and Procedures manual for the Department's Criminal Investigation Division; Homicide Section (19-01). ***This is a new item.***

Chief Armstrong, along with Lt. Turner and DC Drennon, presents the revised CID (Criminal Investigation Division) policies and procedures manual for the Department's homicide investigations. The Chief noted the draft document before the Commission had been reviewed by the independent monitors, the plaintiff's attorneys in the Allen case, and the City Attorney's Office.

Commissioners posed questions to the Department regarding the draft document and enquired about the time restriction to review and adopt this policy given the potential desire for public review and commentary. Chair Jackson will consider initiating an Ad Hoc to review the draft CID policy and procedures manual.

Public Comment provided by the following speakers:

Anne Janks
Oscar Yassin

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

To the extent permitted by state and local law, Executive Director John Alden will report on the Agency's pending cases, completed investigations, staffing, and recent activities. ***This is a recurring item.***

Executive Director Alden presented the CPRA's monthly statistical report, with a focus on pending cases.



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Public Comment provided by the following speakers:

Rashidah Grinage

Anne Janks

A.L. Warren

IX. **Militarized Equipment Ad Hoc Committee Final Report Out**

Leads of the Militarized Equipment Ad Hoc will discuss the Commission's obligations under the new Military Equipment Ordinance, Oakland Municipal Code § 9.65.010 – 9.65.060, confirm the completion of the time-limited task of the ad hoc and recommend next steps. ***This is a recurring item.***

Comm. Gage shared the legal guidance related to Ad Hocs and Standing Committees confirming that a Standing Committee is not required unless membership is static – necessitating the Militarized Equipment Ad Hoc rotate its Commission members.

Comm. Gage requests this Ad Hoc be restructured as a Standing Committee to ensure maximum public exposure of the topic.

Public Comment provided by the following speakers:

John Lindsay-Polland

Jennifer Tu

X. **Referral of Prior-Subpoenaed Records to the Inspector General**

The Commission will vote on whether to refer Department records previously subpoenaed by the Commission related to IAD Numbers 07-0538, 13-1062, and 16-0146 to the new Inspector General, per Oakland Municipal Code § 2.45.120(F). ***This is a new item.***

Commission counsel explains the shifts to expect when the new Inspector General (IG) joins Oakland's public safety landscape including the referral of a series of records for the IG to prioritize once they begin.

Vice Chair Milele brings a motion to refer previously subpoenaed records to the IG, Chair Jackson seconds. The motion passes. (Ayes: Comms. Gage, Harbin-Forte, Howell, Jordan, Vice Chair Milele, Peterson and Chair Jackson. Nays: None. Abstentions: None).

Public Comment provided by the following speakers:

None

XI. **Committee Reports**



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Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.***

Missing Persons Ad Hoc (Commissioners Jackson, Jordan)

The Missing Persons Ad Hoc Committee is tasked with reviewing and updating the OPDs missing persons policy, to ensure that it is in line with the standards of constitutional policing and evolving community values. The resulting policy will be presented for review and approval to the full Police Commission, with the intent that it be formally adopted as the guiding policy for the investigations of missing persons by the OPD.

Comm. Jordan reminded the Commission and the public of the public hearing held since the last progress report-out. He noted the Committee had reached out to subject matter experts, per the public comment at the public hearing. Once final modifications are made, the Commissioner believes the group will be ready to bring the draft to the full commission for review and possible action.

Inspector General Search (Commissioners Milele, Jackson, Peterson)

The Inspector General Search Ad Hoc Committee is tasked with conducting a nationwide search for a civilian Inspector General who will report to the Police Commission.

Comm. Peterson mentioned that she, along with her fellow Ad Hoc members, walked the full Commission through their findings and recommendations. She reiterated that while there was nothing to report back from closed session, the Commission is nearing the end of its search and is anticipating announcing the qualifying candidate soon.

Chief's Performance Evaluation (Commissioners Garcia, Milele, Peterson)

The mission of the Chief Goals Ad Hoc is to establish goals and objectives that determine the criteria upon which the Oakland Chief of Police will be evaluated by the Oakland Police Commission.

Comm. Peterson noted that the group continues to make progress and will keep providing updates to their efforts.

CPRA Director Performance Evaluation (Commissioners Milele, Jackson)

The purpose of this Ad Hoc Committee is to provide a transparent performance review of the CPRA Executive Director. The Committee will craft constructive critiques, as well as performance expectations for the coming year.



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Chair Jackson reported the Ad Hoc used the closed session to continue reviewing and addressing the performance evaluation of the CPRA Executive Director. She noted the continued progress and the last activities required to close out this group's work by the years end.

Public Comment provided by the following speakers:

Anne Janks
Jennifer Tu

Chair Jackson asks for a motion from the Commissioners to extend the meeting from a 10:30 end to an 11:30 end. Comm. Harbin-Forte brings the motion, seconded by Comm. Gage. Commissioners vote unanimously and the motion passes.

XII. Open Forum Part 2 (2 minutes per speaker)

Chair Regina Jackson will invite public speakers to speak on items that were not on the agenda, and that are within the subject matter jurisdiction of the Commission, with priority given to speakers who were unable to address the Commission during Open Forum at the beginning of the meeting. Speakers who made comments during Open Forum Part 1 will not be permitted to make comments during this Open Forum. Comments previously made during public comment on agenda items may not be repeated during this Open Forum. The Chair has the right to reduce speaking time to 1 minute for reasons the Chair will state on the record. ***This is a recurring item.***

Public Comment provided by the following speakers:

Assata Olugbala
Anne Janks
Reisa Jaffe

XIII. Robert's Rules of Order

Refresher Training. ***This is a new item.***

Vice Chair Milele made a motion to table this item and re-agendize for the next Commission meeting (Dec 9). Chair Jackson seconds. The Commission votes unanimously and the motion passes, this item is held over to the next meeting.

Public Comment provided by the following speakers:

None

XIV. Cancel a November 2021 meeting

Staff will recommend cancelling the November 25 meeting. ***This is a new item.***



OAKLAND POLICE COMMISSION

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Chair Jackson notes that the next scheduled Commission Meeting falls on November 25 and looks to accept a motion to cancel this meeting given the Thanksgiving holiday break.

Comm. Harbin-Forte brings the motion, seconded by Chair Jackson. The Commission votes unanimously and the meeting scheduled for Thursday, Nov 25, is cancelled. The next scheduled meeting will be held on Thursday, December 9, 2021.

XV. Adoption of Meeting Minutes

The Commission will vote to approve minutes from the October 28 Special Meeting. ***This is a recurring item***

Commission staff noted the unintended omission of a header and footer identifying the document as the October 28 Meeting minutes and confirmed the correction will be made before the minutes are finalized and posted online for public access.

The Commission votes unanimously to adopt the draft minutes.

Public Comment provided by the following speakers:

None

XVI. Agenda Setting and Prioritization of Upcoming Agenda Items

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

Chair Jackson acknowledged the running list of queries posed to Chief Armstrong and the Police Department by members of the public, including towing, flippant officer remarks, probation and parole statistics and BearCat deployment, as well as possible review of the Missing Person's policy.

Public Comment provided by the following speakers:

Assata Olugbala

XVII. Adjournment

Meeting adjourned at 10:50 pm.

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
2	Commissioner Trainings	1/1/2018	<p>Complete trainings mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190</p> <p>Some trainings have deadlines for when they should be completed (within 3 months, 6 months, etc.)</p> <p>Several trainings were delivered in open session and have been recorded for future use</p>	<p>The following trainings must be done in Open Session:</p> <ol style="list-style-type: none"> 1. California's Meyers Milias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (done 3.12.20) 2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (done 2.27.20) 3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (done 4.22.21) 4. Police Officers Bill of Rights (done 12.12.19; 2021) 	High	COMPLETED (as to current commissioners)		

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
3	Confirming the Process to Hire Staff for the Office of Inspector General	5/17/2019	Per the Enabling Ordinance: The City shall allocate a sufficient budget for the OIG to perform its functions and duties as set forth in section 2.45.120, including budgeting one (1) full-time staff position comparable to the position of Police Program and Audit Supervisor. Within thirty (30) days after the first Inspector General is hired, the Policy Analyst position and funding then budgeted to the Agency shall be reallocated to the OIG. All OIG staff, including the Inspector General, shall be civil service employees in accordance with Article IX of the City Charter.	This will require information presented from the City Administrator's Office.	High			
4	Finalize Bylaws and Rules	1/24/2019			High	COMPLETED		Gage
5	Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	Pending Measure LL revisions to be included in the November 2020 ballot. Recruitment and job posting in process.	High			Jackson
6	Modify Code of Conduct from Public Ethics Commission for Police Commission	10/2/2018		On code of conduct for Commissioners there is currently a code that was developed by the Public Ethics Commission.	High	COMPLETED		
7	Neighborhood Opportunity and Accountability Board (NOAB) Update	5/13/2021	Receive a report on the Neighborhood Opportunity and Accountability Board which launched in April 2020	Tabled from May 13, 2021 meeting	High	July 22, 2021		

Police Commission Pending Agenda Matters List

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

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10	Performance Reviews of CPRA Director and OPD Chief	1/1/2018	Conduct performance reviews of the Agency Director and the Chief	The Commission must determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Agency Director's or the Chiefs job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary.	High	Annually; Criteria for evaluation due 1 year prior to review		Jackson
11	Prioritization of OPD Policies for Review	5/13/2021	Discuss and prioritize OPD policies for review	Tabled from May 13, 2021 meeting; discussed June 24, 2021 - Gage to reorganize by category	High			
12	Recommendations for Community Engagement	5/13/2021	Discuss recommendations for community engagement	Tabled from May 13, 2021 meeting	High			
13	Reports from OPD	10/6/2018	Commission to decide on what reports are needed prior to receiving them.	Receive reports from OPD on issues such as: response times; murder case closure rates; hiring and discipline status report (general number for public hearing); any comp stat data they are using; privacy issues; human trafficking work; use of force stats; homelessness issues; towing cars of people who sleep in their vehicles	High	Ongoing as appropriate		

Police Commission Pending Agenda Matters List

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
14	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of: 1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; 2. Arbitration decisions or other related results; 3. The ways in which it has supported the police discipline process; and 4. Significant recent developments in police discipline. 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	High	Semi-annually Next one should be October, 2021		Jackson
15	Sloan Report	5/13/2021	Discuss the independent review commissioned by the City as part of a Step 3 Grievance procedure related to the Pawlik investigation	Tabled from May 13, 2021 meeting, discussed June 24, 2021 -- Commission counsel submitted report	High	COMPLETED		
16	Training on Brown Act, Sunshine Ordinance, and Parliamentary Procedure	5/21/2021	Receive a training session for Commissioners to understand rights and obligations under the Brown Act, the Sunshine Ordinance, Robert's Rules of Order, and the Commission's Rules		High	COMPLETED		
17	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
18	CPAB Report			Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium			
19	Determine Outstanding Issues in Meet and Confer and the Status of M&C on Disciplinary Reports	10/6/2018		Need report from police chief and city attorney. Also need status report about collective bargaining process that is expected to begin soon.	Medium			
20	Free Gun Trace Service	1/27/2020		This service was mentioned at a meeting in 2019.	Medium			Dorado
21	Offsite Meetings	1/1/2018	Meet in locations other than City Hall	The offsite meetings must include an agenda item titled "Community Roundtable" or something similar, and the Commission must consider inviting individuals and groups familiar with the issues involved in building and maintaining trust between the community and the Department.	Medium	Annually; at least twice each year		Dorado, Jackson
22	OPD Supervision Policies	10/2/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for supervisory accountability. Draft policy changes as needed. In addition, IG should conduct study of supervisor discipline practices. In other words, how often are supervisors held accountable for the misconduct of their subordinates.	Medium			
23	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	COMPLETED for 2021		
24	Report from OPD Regarding Found/Confiscated Items	7/12/2019	OPD will report on the Department's policy for disposition of found/confiscated items.	This came about through a question from Nino Parker. The Chief offered to present a report at a future meeting.	Medium			

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
25	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		
26	Review Budget and Resources of IAD	10/10/2018		In Discipline Training it was noted that many "lower level" investigations are outsourced to direct supervisors and sergeants. Leaders in IAD have agreed that it would be helpful to double investigators and stop outsourcing to Supervisors/Sgts. Commissioners have also wondered about an increase civilian investigators. Does the Commission have jurisdiction over this?	Medium			
27	Review Commission's Outreach Policy	4/25/2019			Medium			Dorado
28	Revise Contracts with CPRA and Commission Legal Counsels	10/10/2018		The contract posted on the Commission's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City Attorney's Office, not the Commission. The Commission has yet to see the CPRA attorney's contract, but it, too, may be problematic.	Medium			
29	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019	The chair will create adhoc and staff standing committees as appropriate		Medium	Ongoing		Jackson
30	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			
31	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	Spring, 2022		Jackson

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
32	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			
33	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	Low	August, 2021		
34	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			
35	Discipline: Based on Review of MOU	10/6/2018		How often is Civil Service used v. arbitration? How long does each process take? What are the contributing factors for the length of the process? How often are timelines not met at every level? How often is conflict resolution process used? How long is it taking to get through it? Is there a permanent arbitration list? What is contemplated if there's no permanent list? How often are settlement discussions held at step 5? How many cases settle? Is there a panel for Immediate dispute resolution? How many Caloca appeals? How many are granted? What happened to the recommendations in the Second Swanson report?	Low	2023		

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
36	Discipline: Second Swanson Report Recommendations – Have These Been Implemented?	10/6/2018		Supervisor discipline Process for recommending improvements to policies, procedures and training, and to track and implement recommendations Tracking officer training and the content of training Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines IAD civilian oversight for continuity in IAD Improved discovery processes Permanent arbitration panel implemented from MOU OPD internal counsel Two attorneys in OCA that support OPD disciplines and arbitration Reports on how OCA is supporting OPD in discipline matters and reports on arbitration Public report on police discipline from Mayor’s office OIG audit includes key metrics on standards of discipline	Low			
37	Feedback from Youth on CPRA App	10/10/2018		Get some feedback from youth as to what ideas, concerns, questions they have about its usability.	Low			
38	OPD Data and Reporting			Review and comment on the Department’s police and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments to the Chief, and request the Chief to consider its recommendations and respond to the comments in writing.	Low			
39	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low			
40	Overtime Usage by OPD - Cost and Impact on Personal Health; Moonlighting for AC Transit	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			

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