



# OAKLAND POLICE COMMISSION

## MEETING AGENDA

September 23, 2021

6:30 PM

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

**Pursuant to the Governor's Executive Order N-29-20, 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/84959476820> 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: 849 5947 6820

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](mailto: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 on 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 [azisser@oaklandca.gov](mailto:azisser@oaklandca.gov).



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

Chair Regina Jackson

*Roll Call: Vice Chair José Dorado; Commissioner Henry Gage, III; Commissioner Sergio Garcia; Commissioner Brenda Harbin-Forte; Chair Regina Jackson; Commissioner David Jordan; Commissioner Tyfahra Milele; Alternate Commissioner Jesse Hsieh; Alternate Commissioner Marsha Peterson*

### II. 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.

### III. Update from Police Chief

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; 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 3).***

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

### IV. 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 4).***

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

- V. **Vote to Adopt Chapter 8 of the Commission's Rules of Order.** The Police Commission may take action to approve the proposal of the Rules Ad Hoc Committee to adopt Chapter 8, "Ad Hoc Committees" to the Commission's Rules of Order, and to revise the cover page of the Rules of Order. *This is a new item.* ([Attachment 5](#)).
- a. Discussion
  - b. Public Comment
  - c. Action, if any

- VI. **Update on CPRA and Commission Measure S1 Compliance to Date.** CPRA Executive Director John Alden will update the Commission on the progress in implementing Measure S1 to date at CPRA and also the Commission, and share possible next steps so that the Commission may provide direction. *This is a new item.* ([Attachment 6](#)).
- a. Discussion
  - b. Public Comment
  - c. Action, if any

- VII. **Planning Retreat.** Police Commission Chair Regina Jackson will discuss with the Commission the possibility of holding a planning retreat. *This is a new item.*
- a. Discussion
  - b. Public Comment
  - c. Action, if any

- VIII. **Committee Reports**  
Representatives from Standing and Ad Hoc Committees will provide updates on their work. *This is a recurring item.* ([Attachment 8](#)).

**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.

**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.

**White Supremacists and Other Extremist Groups  
(Commissioners Dorado, Harbin-Forte, Jackson)**

The purpose of the Oakland Police Commission Ad Hoc Committee on White Supremacy is to ensure the Commission's oversight of the Oakland Police Department and the Chief of Police is properly focused on identifying and eradicating white supremacist infiltration of local law enforcement agencies, including in Oakland. The Ad Hoc's charge is to elevate the visibility of this issue, which is long overdue, and to ensure the Department is prepared, informed, and proactive about identifying and eradicating any links to white supremacy within our Department. Because a police department shapes a city's culture in countless ways, the Ad

Hoc's long term goal is to root out the evil of White Supremacy in both our Police Department and all across our City for the safety of all Oakland residents and Police Officers.

**OBOA Allegations Investigation  
(Commissioners Harbin-Forte, Jackson)**

The mission of the OBOA Allegations Investigation Ad Hoc Committee is to select an outside firm through the City's Request for Proposals process, to investigate allegations made by the Oakland Black Officers Association that the Oakland Police Department engages in racially discriminatory hiring and promotions.

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

**IX. 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.***

**X. 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 10](#))

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

**XI. 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](mailto: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.



# Weekly Crime Report — Citywide

## 13 Sep. – 19 Sep., 2021

At this time, data between 18 Sep to 19 Sep, 2021, is unavailable and not represented in this report.

<b>Part 1 Crimes</b> <i>All totals include attempts except homicides.</i>	<b>Weekly Total</b>	<b>YTD 2019</b>	<b>YTD 2020</b>	<b>YTD 2021</b>	<b>YTD % Change</b> 2020 vs. 2021	<b>3-Year YTD Average</b>	<b>YTD 2021 vs. 3-Year YTD Average</b>
<b>Violent Crime Index</b> (homicide, aggravated assault, rape, robbery)	61	4,190	4,170	4,614	11%	4,325	7%
<b>Homicide – 187(a)PC</b>	8	52	65	94	45%	70	34%
<b>Homicide – All Other *</b>	1	3	5	5	0%	4	15%
<b>Aggravated Assault</b>	34	1,985	2,303	2,565	11%	2,284	12%
Assault with a firearm – 245(a)(2)PC	4	219	316	444	41%	326	36%
<b>Subtotal - Homicides + Firearm Assault</b>	13	274	386	543	41%	401	35%
Shooting occupied home or vehicle – 246PC	4	183	268	398	49%	283	41%
Shooting unoccupied home or vehicle – 247(b)PC	5	91	139	201	45%	144	40%
Non-firearm aggravated assaults	21	1,492	1,580	1,522	-4%	1,531	-1%
<b>Rape</b>	2	149	161	97	-40%	136	-29%
<b>Robbery</b>	17	2,004	1,641	1,858	13%	1,834	1%
Firearm	7	732	490	762	56%	661	15%
Knife	1	100	126	82	-35%	103	-20%
Strong-arm	4	884	723	562	-22%	723	-22%
Other dangerous weapon	2	67	56	51	-9%	58	-12%
Residential robbery – 212.5(a)PC	-	67	62	59	-5%	63	-6%
Carjacking – 215(a) PC	3	154	184	342	86%	227	51%
<b>Burglary</b>	13	9,770	7,027	6,282	-11%	7,693	-18%
Auto	9	7,891	5,085	4,976	-2%	5,984	-17%
Residential	1	1,287	958	701	-27%	982	-29%
Commercial	2	467	799	406	-49%	557	-27%
Other (Includes boats, aircraft, and so on)	-	110	138	117	-15%	122	-4%
Unknown	1	15	47	82	74%	48	71%
<b>Motor Vehicle Theft</b>	61	4,622	6,476	6,200	-4%	5,766	8%
<b>Larceny</b>	19	5,185	4,615	3,784	-18%	4,528	-16%
<b>Arson</b>	1	102	141	127	-10%	123	3%
<b>Total</b>	156	23,872	22,434	21,012	-6%	22,439	-6%

**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 unbounding 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.



**2021 Year-to-Date Recovered Guns**

Recoveries through 19 Sep., 2021

<b>Grand Total</b>	<b>859</b>
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<b>Crime Recoveries</b>	
Felony	450
Felony - Violent	171
Homicide	22
Infraction	0
Misdemeanor	24
<b>Total</b>	<b>667</b>

<b>Crime Gun Types</b>	<b>Felony</b>	<b>Felony - Violent</b>	<b>Homicide</b>	<b>Infraction</b>	<b>Misdemeanor</b>	<b>Total</b>
Machine Gun		3				3
Other	2					2
Pistol	362	143	17		21	543
Revolver	12	5	2		1	20
Rifle	46	15	1		2	64
Sawed Off	5					5
Shotgun	15	1	1			17
Sub-Machinegun						0
Unknown/Unstated	8	4	1			13
<b>Total</b>	<b>450</b>	<b>171</b>	<b>22</b>	<b>0</b>	<b>24</b>	<b>667</b>

<b>Non-Criminal Recoveries</b>	
Death Investigation	16
Found Property	89
SafeKeeping	87
<b>Total</b>	<b>192</b>

<b>Non-Criminal Gun Types</b>	<b>Death Investigation</b>	<b>Found Property</b>	<b>SafeKeeping</b>	<b>Total</b>
Machine Gun		1		1
Other				0
Pistol	8	37	46	91
Revolver	6	24	18	48
Rifle		9	16	25
Sawed Off		1		1
Shotgun	2	11	7	20
Sub-Machinegun				0
Unknown/Unstated		6		6
<b>Total</b>	<b>16</b>	<b>89</b>	<b>87</b>	<b>192</b>



# OAKLAND POLICE DEPARTMENT

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

## CRIME ANALYSIS

Week: 13 Sep. to 19 Sep., 2021

**Weekly Total 23**

Crime Recoveries	This Week	Last Week	+/- Change	% Change
Felony	7	4	3	75%
Felony - Violent	6	10	-4	-40%
Homicide	0	0	0	PNC
Infraction	0	0	0	PNC
Misdemeanor	0	0	0	PNC
<b>Total</b>	<b>13</b>	<b>14</b>	<b>-1</b>	<b>-7%</b>

Other Recoveries	This Week	Last Week	+/- Change	% Change
Death Investigation	0	0	0	PNC
Found Property	6	0	6	PNC
Safekeeping	4	0	4	PNC
<b>Total</b>	<b>10</b>	<b>0</b>	<b>10</b>	<b>PNC</b>

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





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

Recoveries through 19 Sep.

Gun Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
<b>Grand Total</b>	<b>902</b>	<b>859</b>	<b>-43</b>	<b>-5%</b>

Crime Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Felony	454	450	-4	-1%
Felony - Violent	169	171	2	1%
Homicide	41	22	-19	-46%
Infraction	0	0	0	PNC
Misdemeanor	38	24	-14	-37%
<b>Total</b>	<b>702</b>	<b>667</b>	<b>-35</b>	<b>-5%</b>

Non-Criminal Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Death Investigation	19	16	-3	-16%
Found Property	76	89	13	17%
SafeKeeping	105	87	-18	-17%
<b>Total</b>	<b>200</b>	<b>192</b>	<b>-8</b>	<b>-4%</b>

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



For Immediate Release September 20, 2021

OPD NEWS:

## OPD Investigates Three More Homicides in 13 Hours

This past weekend, Oakland experienced three homicides, for a total of nine people killed in the last seven days. The Oakland Police Department (OPD) recently reassigned additional officers to the Homicide Section to aid in the investigation of the City's 99 homicides.

Saturday night, just after 11:00 PM, OPD Patrol Division was dispatched to the 2300 block of Legion Avenue for a report of a ShotSpotter activation. Upon arrival, officers located an adult male Oakland resident who had suffered a gunshot wound. The victim died at the scene.

At 2:15 AM Sunday, officers responded to the 300 block of 17<sup>th</sup> Street after hearing gunshots in the area. Upon arrival, officers located several victims who had sustained one or more gunshot wounds. One of the victims, a male adult resident of Stockton, was transported to an area hospital where he died.

Later that day, just after 12:30 PM, officers responded to the 2300 block of Humboldt Avenue on a report of a ShotSpotter activation. Upon arrival, officers located an adult male, Oakland resident, who had suffered a gunshot wound(s). The victim died at the scene.

The victim's identities are being withheld pending notification of next of kin.

"I am committed to my vision for a Safe Oakland by continuing to work with the community to end the violence in our City," says Chief LeRonne L. Armstrong. "I am partnering with our faith-based organizations. I am also meeting with the Violent Crime Operations Center (VCOC) and Ceasefire Division Commanders to reallocate officers to the areas that are being impacted the most by the violence. Our intelligence is focusing in on those people that we know have been involved in shootings and following up on those investigations."

Anyone with information can contact the Homicide Section at (510) 238-3821 or the TIP LINE at (510) 238-7950.

*#OPDCARES* initiative is about working together as a community to help stop the tragic loss of life and reduce the level of violence in our city. Collectively, we want to ensure Oaklanders and our visitors are safe in our community. When there is a loss of life in Oakland, it impacts us all.



## MEMORANDUM

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**TO:** Regina Jackson  
Chair, Oakland Police Commission

**FROM:** LeRonne Armstrong  
Chief of Police

**SUBJECT:** Armored Vehicle Replacement Proposals

**DATE:** September 20th, 2021

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### **PURPOSE**

Pursuant to Oakland Police Commission Resolution 21-04, the Oakland Police Department has been working to return to the Police Commission with a proposed replacement for the Department's "Bearcat" armored vehicle. This letter formally submits the Department's proposals (in the form of a PowerPoint presentation) for presentation to the Police Commission and members of the Community.

### **BACKGROUND**

The Oakland Police Department has successfully used armored vehicles as a tool in an overall strategy of de-escalating situations and allowing for time, distance, and ballistic protection to promote safe conclusions to situations where persons are armed with deadly weapons. The Department's overarching mission and utmost priority is the protection of human life; armored vehicles allow for the Department to protect its sworn staff even as those staff attempt to safely conclude encounters with persons who are armed with deadly weapons or are alleged to have committed offenses involving violence against others, all while minimizing or even eliminating the use of force by sworn personnel.

The Oakland Police Commission and the Police Department jointly worked on a policy (OPD Training Bulletin III-P.04, *Armored Vehicles*) which controls the use of the Department's armored vehicles. During public engagement regarding this policy, members of the Community expressed concern over the "overtly militarized appearance" of one of the Department's armored vehicles: the Lenco "Bearcat" police armored vehicle. The Department agreed with the Police Commission's suggested resolution to this issue: that the Department retire the "Bearcat" after finding a suitable replacement vehicle that satisfies "the Department's needs for sufficient protective capacity, the Department's needs for sufficient storage capacity, and the community's need for police equipment that can be accepted as appropriate for use by civilian law enforcement agencies." (Commission Resolution 21-04)

### **CONCLUSION**

The Department's subject-matter experts explored several different options that met the criteria set forth in Resolution 21-04. The attached PowerPoint presentation presents three separate options. Each has benefits and drawbacks, but each would satisfy the need of the Department to have an armored vehicle with sufficient protective, storage, and carrying capacity while also being clearly designed for (and derived from) civilian applications.

**To: Chair Regina Jackson, Oakland Police Commission**

Subject: Armored Vehicle Replacement Proposals

Date: September 20, 2021

Page 2

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Respectfully submitted,

LeRonne Armstrong  
Chief of Police  
Oakland Police Department

Attachment (1):

***A – Armored Vehicle Replacement Proposal PowerPoint***

# Armored Vehicle Replacement Proposal

# Background

- The Oakland Police Department purchased the Bearcat in 2008 with UASI Grant funds.
- On March 25th the Oakland Police Commission approved RESOLUTION NO. 21-04 to phase out and replace the Oakland Police Department's "bearcat" armored vehicle with a nonmilitarized alternative
- RESOLVED, the Oakland Police Department shall, within six (6) months, return to the Oakland Police Commission with a proposed replacement for the Department's BearCat armored vehicle that satisfies the Department's needs for sufficient protective capacity, the Department's needs for sufficient storage capacity, and the community's need for police equipment that can be accepted as appropriate for use by civilian law enforcement agencies;





# Dimensions



# Search Criteria

- Ballistic Protection- rifle rated (level IV / .50 Cal)
- Storage Capacity (ability to transport a team of 8 members)
- Durable (vehicle should be heavy and able to withstand minor to moderate collisions)
- Height (ability to provide better perspective from above)
- Ability to navigate different and broken terrain (4WD)
- Does not have an overtly militarized appearance



# Proposed Replacement Vehicles

Passenger Bus

Cash in Transit

Ambulance



# Armored Ambulance



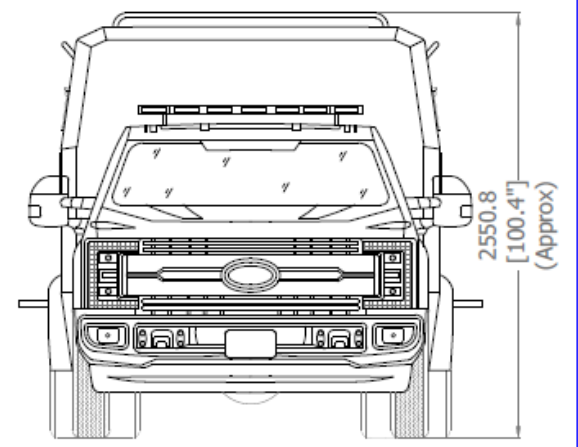
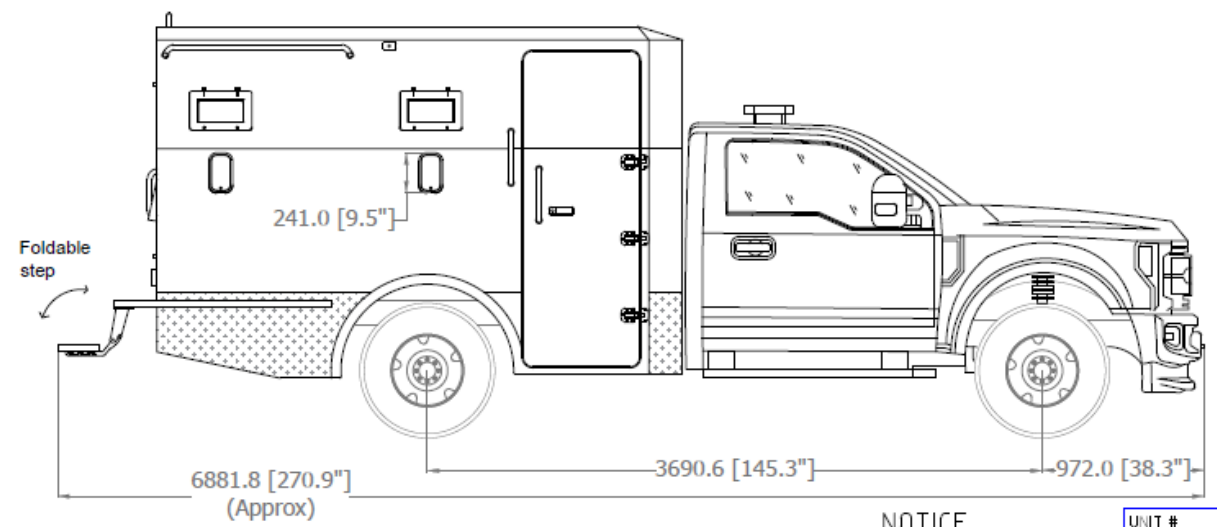
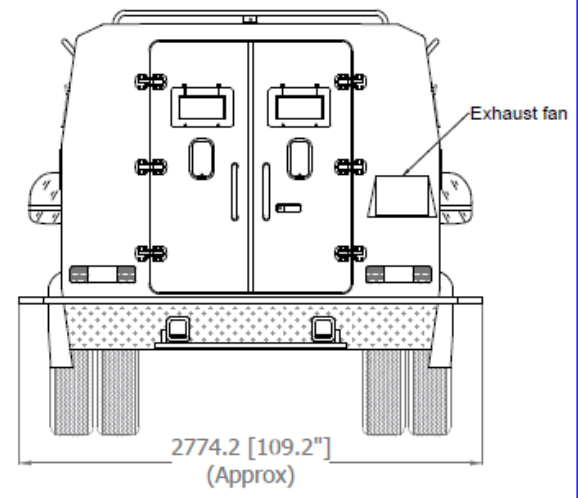
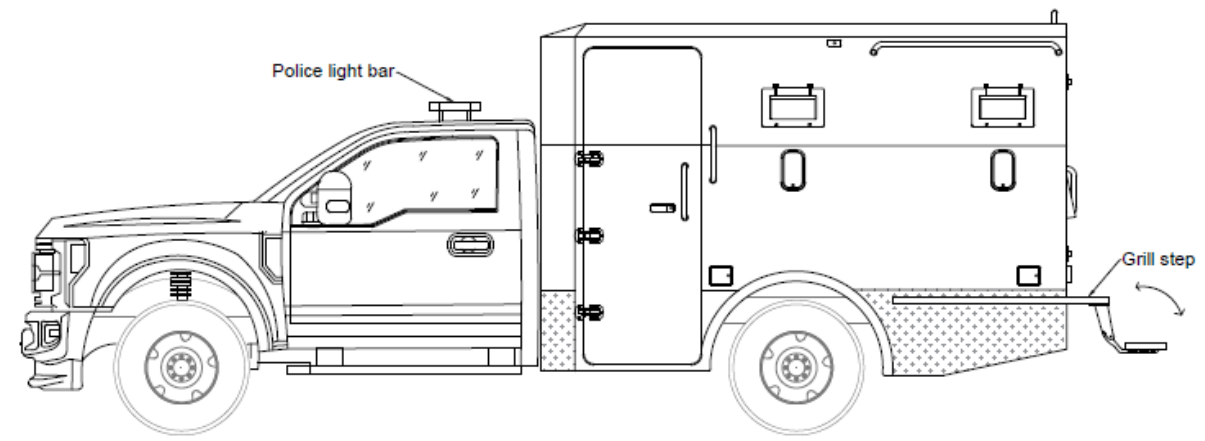
- Heavy duty Ford F-550 truck chassis
- 4x4
- NIJ IV Armoring
- Subdue pop-up roof hatch that rotates 360 degrees
- 360 Camera System

# Armored Ambulance





CONTRACT No. <b>F550 SWAT</b>	START	FINISH	UNIT No.	Vehicle: F550 SWAT
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**NOTICE**

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UNIT #	CUSTOMER:				
Designed by Hezron	Checked by	Approved by - date	Filename	Date	Scale
	Unless otherwise specified: -all dimensions are in inches -all angular units are in degrees -tolerances +/-IT14, angles +/-		International Armored Group www.interarmored.com		
	F550 SWAT		Edition	Sheet 1/2	

# Cash in Transit

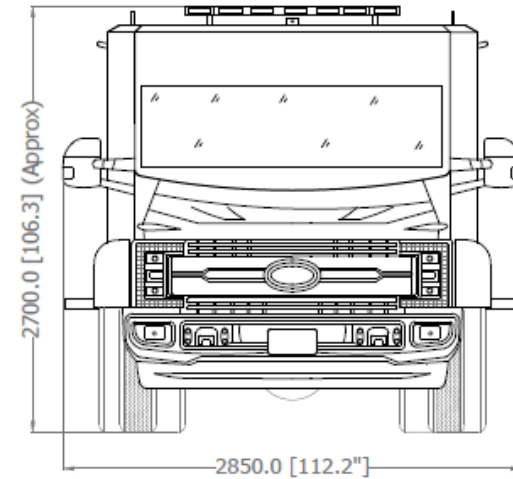
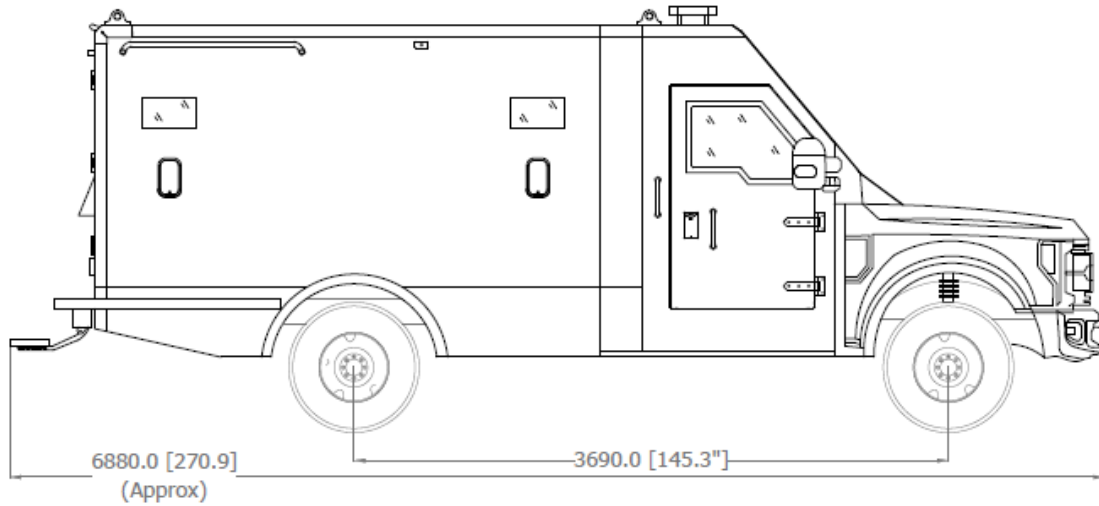
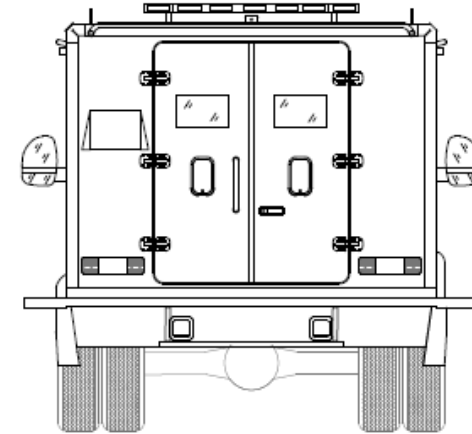
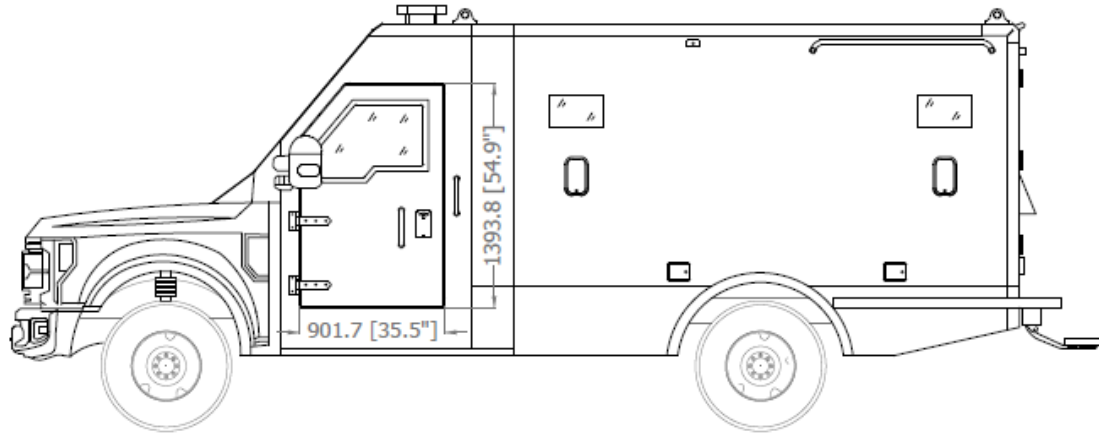


- Heavy duty Ford F-550 truck chassis
- 4x4
- NIJ IV Armoring
- Subdue pop-up roof hatch that rotates 360 degrees
- 360 Camera System

# Cash in Transit



CONTRACT No. F550 SWAT	START	FINISH	UNIT No.	Vehicle: F550 SWAT
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UNIT #	CUSTOMER:				
Designed by Hebron	Checked by	Approved by - date	Filename	Date	Scale
	Unless otherwise specified: -all dimensions are in inches -all angular units are in degrees -tolerances +/- IT (i, angles +/-		International Armored Group www.InternationalArmored.com		
			F550 SWAT	Police Commission 09.23.21 Page 23	Sheet 1/2

# Passenger Bus



- Heavy duty Ford F-550 truck chassis
- 4x4
- NIJ IV Armoring
- Subdue pop-up roof hatch that rotates 360 degrees
- 360 Camera System



# Passenger Bus



# Passenger Bus

- *Schematic unavailable at this time*

# Proposed Replacement Vehicles Cost

Passenger Bus \$360K

Cash in Transit \$319K

Ambulance \$288K

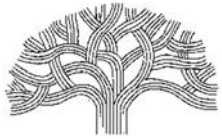




**CITY OF OAKLAND  
COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases as of August 31, 2021*  
*(Sorted by 1-Year Goal)*

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)
21-0028	1/8/2021	1/14/2021	1/8/2021	Investigator	MM	7/13/2022	9/20/2021	Other	1	33	90	Performance of Duty
20-1282	9/28/2020	10/8/2020	10/6/2020	Investigator	AN	3/27/2021	9/28/2021	Other	2	10	12	Demeanor, Unintentional/Improper Search
20-1283	10/6/2020	10/8/2020	10/6/2020	Investigator	AL	4/6/2021	10/5/2021	Racial Discrimination	1	5	15	Conduct Toward Others; Performance of Duty
20-1295	10/8/2021	10/14/2020	10/9/2020	Investigator	AL	4/12/2021	10/8/2021	Use of Force	1	10	21	Use of Force, Performance of Duty
20-1484	11/20/2020	1/22/2021	11/20/2020	Investigator	JS	7/20/2021	11/20/2021	Racial Discrimination	1	3	7	Racial Discrimination, Performance of Duty,
20-1526	11/24/2020	6/12/2021	11/24/2021	Intake	FC	12/9/2021	11/23/2021	Other	2	1	7	Performance of Duty, Conduct, No MOR
20-1524	11/28/2020	12/2/2020	12/1/2020	Investigator	ED	5/31/2021	11/30/2021	Profiling/ Discrimination	1	1	5	Profiling/ Discrimination, Demeanor, Performance of Duty
20-1542	11/15/2020	12/9/2020	12/6/2020	Investigator	AN	6/7/2021	12/5/2021	Use of Force	1	3	7	Use of Force, Unlawful Arrest
20-1551	12/7/2020	12/16/2020	12/16/2020	Investigator	JS	6/14/2021	12/15/2021	Use of Force	1	2	3	Performance of Duty, Use of Force, Care of Property
20-1578	10/31/2020	5/18/2021	12/17/2020	Investigator	AN	6/15/2021	12/17/2021		1	2	9	General Conduct, Obedience to Laws (Felony + Misdemeanor), Obstructing/Interfering with Investigations, Failure to Report
21-0606	12/31/2017	6/2/2021	4/28/2021	Intake	RM	11/29/2021	1/3/2022	Other	2	2	2	Performance of Duty
21-0025	1/7/2021	1/7/2021	1/7/2021	Investigator	MM	7/6/2021	1/6/2022	Performance of Duty	1	3	3	Performance of Duty
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
21-0179	2/15/2021	2/17/2021	2/15/2021	Intake	RM	8/16/2021	2/14/2022	Racial Discrimination	1	1	1	Racial Discrimination
21-0188	2/16/2021	2/18/2021	2/16/2021	Investigator	AL	8/17/2021	2/16/2022	Use of Force	1	4	13	Use of Force
21-0217	2/23/2021	3/4/2021	3/4/2021	Investigator	AL	8/22/2021	2/23/2022	Use of Force	1	2	4	Use of Force
21-0238	3/2/2021	3/2/2021	3/2/2021	Investigator	AN	8/29/2021	3/2/2022	Use of Force	1	1	2	Use of Force

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**CITY OF OAKLAND  
COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases as of August 31, 2021*  
*(Sorted by 1-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)
21-0252	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
21-0270	3/7/2021	3/8/2021	3/8/2021	Investigator	AN	9/4/2021	3/7/2022	Racial Discrimination, Use of Force	1	4	8	Racial Discrimination, Conduct toward others, Performance of Duty, Use of Force
21-0309	1/2/2021	3/24/2021	3/19/2021	Intake	MB	9/20/2021	3/19/2022	Other	1	3	4	Custody of Prisoners
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	4	Performance of Duty/ Miranda Violation
21-0527	6/20/2017	5/18/2021	4/16/2021	Investigator	JS	10/15/2021	4/15/2022	Other	2	3	4	Search and Seizure; Perf of Duty; Demeanor; report writing
21-0430	4/20/2021	4/21/2021	4/20/2021	Investigator	JS	10/19/2021	4/19/2022	Use of Force	1	2	4	Performance of Duty, Use of Force; Improper/ Unlawful Search & Seizure
21-0465	2/6/2016	4/29/2021	4/28/2021	Intake	FC	10/26/2021	4/29/2022	Racial/Gender Discrimination	1	3	11	Racial/Gender Discrimination, Truthfulness, Conduct/ Demeanor, Performance of Duty
21-0555	11/26/2020	5/19/2021	5/18/2021	Intake	RM	11/15/2021	5/18/2022	Other	2	1	4	Performance of Duty, Demeanor
21-0564	5/20/2017	5/24/2021	5/20/2021	Intake	RM	11/17/2021	5/19/2022	Racial Discrimination	1	1	1	Racial Discrimination
21-0565	5/7/2021	5/20/2021	5/20/2021	Intake	MB	11/16/2021	5/20/2022	Other	1	1	3	Performance of Duty
21-0566	5/20/2021	5/25/2021	5/20/2021	Intake	FC	11/21/2021	5/21/2022	Use of Force	1	1	1	Use of Force
21-0595	5/20/2021	6/2/2021	5/28/2021	Intake	FC	11/29/2021	5/27/2022	Other	2	2	2	Performance of Duty
21-0618	6/3/2021	6/4/2021	6/3/2021	Intake	RM	12/1/2021	6/2/2022	Other	1	1	3	Demeanor, Refusal to Provide Name or Serial Number, Failure to Accept or Refer a Complaint
21-0621	6/3/2021	6/8/2021	6/3/2021	Intake	MB	12/5/2021	6/4/2022	Racial Discrimination	1	2	2	Racial Discrimination

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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases as of August 31, 2021*  
*(Sorted by 1-Year Goal)*

**Page 3 of 4**  
 (Total Pending = 76)

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)
21-0629	6/4/2021	6/7/2021	6/7/2021	Intake	RM	12/4/2021	6/6/2022	Racial Discrimination	1	2	3	Racial Discrimination, Performance of Duty
21-0652	6/2/2021	6/10/2021	6/10/2021	Intake	FC	12/7/2021	6/9/2022	Racial Discrimination	1	2	4	Racial Discrimination, Performance of Duty
21-0677	6/11/2021	6/18/2021	6/17/2021	Intake	RM	12/15/2021	6/16/2022	Racial Discrimination	1	1	2	Racial Discrimination, Demeanor
21-0679	6/6/2021	6/22/2021	6/17/2021	Intake	MB	12/19/2021	6/16/2022	Other	2	3	6	Performance of Duty; Demeanor
21-0708	6/19/2021	6/20/2021	6/19/2021	Intake	MB	12/17/2021	6/18/2022	Other	2	1	2	Performance of Duty; Demeanor
21-0696	6/19/2021	6/28/2021	6/19/2021	Intake	MB	12/25/2021	6/18/2022	Other	2	3	6	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	6	Obedience to Laws
21-0704	6/21/2021	6/23/2021	6/21/2021	Intake	FC	12/20/2021	6/20/2022	Other	2	1	2	Performance of Duty, Demeanor,
21-0719	6/23/2021	6/25/2021	6/23/2021	Intake	RM	12/22/2021	6/22/2022	Other	2	2	2	Performance of Duty
21-0720	6/22/2021	6/25/2021	6/25/2021	Intake	RM	12/22/2021	6/22/2022	Racial Discrimination	1	1	3	Racial Discrimination, Demeanor, Performance of Duty
21-0783	6/21/2021	7/8/2021	6/24/2021	Intake	MB	1/4/2022	6/24/2022	Other	2	1	2	Performance of Duty; Demeanor
21-0743	6/25/2021	6/28/2021	6/28/2021	Intake	FC	12/25/2021	6/27/2022	Racial Discrimination	1	2	3	Racial Discrimination, Performance of Duty, Demeanor
21-0741	6/21/2021	7/2/2021	7/2/2021	Intake	FC	12/29/2021	7/1/2022	Racial Discrimination	1	1	4	Discrimination/ Race, Discrimination/ Gender, Demeanor, Service
21-0761	7/3/2021	7/7/2021	7/3/2021	Intake	FC	1/3/2022	7/2/2022	Use of Force	1	2	2	Use of Force
21-0770	7/3/2021	7/7/2021	7/3/2021	Intake	RM	1/3/2022	7/2/2022	Other	1	1	2	Demeanor, Refusal to Provide Name or Serial Number
21-0794	6/12/2021	7/13/2021	7/9/2021	Intake	FC	1/15/2022	7/8/2022	Use of Force	1	1	1	Use of Force
21-0788	7/7/2021	7/13/2021	7/9/2021	Intake	FC	1/9/2022	7/8/2022	Other	2	1	1	Performance of Duty
21-0816	7/17/2020	7/29/2021	7/14/2021	Investigator	AN	1/25/2022	7/13/2022	Other	1	1	2	Reports and Bookings, Performance of Duty
21-0803	7/9/2021	7/15/2021	7/13/2021	Intake	MB	1/17/2022	7/13/2022	Use of Force	1	2	4	Use of Force
21-0817	7/14/2021	7/16/2021	7/14/2021	Intake	MB	1/12/2022	7/14/2022	Use of Force	1	2	6	Use of Force
21-0823	6/30/2021	7/19/2021	7/15/2021	Intake	RM	1/15/2022	7/14/2022	Use of Force, Discrimination	1		3	Use of Force, Performance of Duty, No MOR (on CIR, however

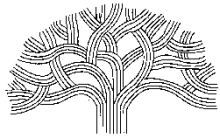
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**CITY OF OAKLAND  
COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases as of August 31, 2021*  
*(Sorted by 1-Year Goal)*

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)
												details mention discrimination)
21-0836	7/19/2021	7/21/2021	7/19/2021	Intake	MB	1/17/2022	7/19/2022	Other	1	1	1	Obedience to Laws
21-0844	7/20/2021	7/22/2021	7/21/2021	Intake	FC	1/18/2022	7/20/2022	Other	2	2	3	Conduct, Performance of Duty
21-0852	5/8/2021	7/22/2021	7/22/2021	Intake	FC	1/18/2022	7/21/2022	Other	2	1	1	Conduct
21-0840	7/21/2021	7/22/2021	7/21/2021	Intake	MB	1/18/2002	7/21/2022	Racial Discrimination	1	1	5	Racial Discrimination
21-0850	7/23/2021	7/27/2021	7/23/2021	Intake	MB	1/23/2022	7/23/2022	Use of Force	1	1	2	Use of Force
21-0858	7/23/2021	7/28/2021	7/27/2021	Intake	FC	1/24/2022	7/26/2022	Racial Discrimination	1	2	6	Reporting Violations, Demeanor, Refusal to Accept a Complaint, Service Complaint, Racial Discrimination
21-0863	7/2/2021	8/2/2021	7/28/2021	Investigator	JS	1/2/2022	7/27/2022	Use of Force	1	1	3	Use of Force (Taser); false arrest
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
21-0872	7/23/2021	8/4/2021	7/30/2021	Intake	MB	1/31/2022	7/30/2022	Use of Force	1	1	1	Use of Force
21-0878	8/1/2021	8/4/2021	8/1/2021	Intake	FC	1/31/2022	7/31/2022	Use of Force	1	2	6	Performance of Duty, Demeanor
21-0882	7/2/2021	8/4/2021	8/2/2021	Intake	FC	1/31/2022	8/1/2022	Other	2		2	No MOR Violation, Performance of Duty
21-0971	7/24/2021	8/12/2021	8/11/2021	Intake	FC	2/8/2022	8/10/2022	Racial Discrimination	1	1	1	Racial Discrimination
21-0922	8/12/2021	8/17/2021	8/12/2021	Intake	MB	2/13/2022	8/11/2022	Use of Force	1	1	1	Use of Force
21-0964	7/3/2021	8/25/2021	8/19/2021	Intake	FC	2/21/2022	8/18/2022	Racial Discrimination, Use of Force	1	1	4	Racial Discrimination, Performance of Duty, Use of Force
21-0985	4/17/2017	8/25/2021	8/24/2021	Intake	FC	2/21/2022	8/23/2022	Harassment/ Discrimination	1	1	1	Harassment/ Discrimination
21-0981	8/18/2021	8/25/2021	8/24/2021	Intake	MB	2/21/2022	8/24/2022	Use of Force	1	2	4	Use of Force
21-0982	8/23/2021	8/25/2021	8/23/2021	Intake	MB	2/21/2022	8/24/2022	Use of Force	1	1	1	Use of Force
20-0438	4/16/2020	4/16/2020	4/16/2020	Investigator	AN	10/13/2020	Tolled	Use of Force	1	22	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
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

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

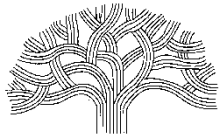
Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Row 1: AL, 20-1058, 8/15/20, 7/19/21^1, 8/14/21, Subject Officer 1, Custody of Prisoners, Sustained. Subsequent rows list various allegations like 'Conduct Toward Others - Demeanor' and 'Use of Force' with findings of 'Unfounded' or 'Exonerated'.

^1 This case was inadvertently omitted from the prior monthly statistical report.

Definitions:

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Exonerated: The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.
Unfounded: The act(s) alleged by the complainant did not occur.
Not Sustained: The available evidence can neither prove nor disprove the act(s) alleged by the complainant.
Not Mandated: The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.
No Jurisdiction: The subject of the allegation is not a sworn member of the OPD.
No MOR Violation: The alleged conduct does not violate any department rule or policy.
Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.
ICR: Resolved through the Informal Complaint Resolution process pursuant to DGO M-3.1.



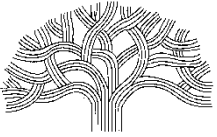


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigations Completed in August 2021
(Allegations in bold were discovered by CPRA investigators)

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include Subject Officer 2 and Subject Officer 3 with various allegations like Supervisors – Authorities and Responsibilities, Custody of Prisoners, and Use of Force.

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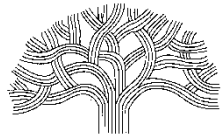


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in August 2021*  
*(Allegations in bold were discovered by CPRA investigators)*

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 4	Conduct Toward Others – Demeanor	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force	<i>Unfounded</i>
					Subject Officer 5	Conduct Toward Others – Demeanor	<i>Unfounded</i>
					Unknown	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Unfounded</i>
ED	20-1083	8/20/20	8/10/21	8/19/21	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Exonerated</i>
						Use of Force (Level 3)	<i>Exonerated</i>
MM	20-1092	8/21/20	8/13/21	8/20/21	Subject Officer 1	<b>Use of Force (Level 4)</b>	<b><i>Sustained</i></b>

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

**Page 4 of 23**  
 (Total Completed = 15)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						<b>Use of Force (Level 4)</b>	<b>Not Sustained</b>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Sustained</i>
						Use of Force (Level 4)	<i>Sustained</i>
						Refusal to Provide Name or Serial Number	<i>Sustained</i>
						<b>Conduct Toward Others – Demeanor</b>	<b>Sustained</b>
MM	20-1116	8/29/20	8/27/21	8/28/21	Unknown	Use of Force (Level 2)	<i>Unfounded</i>
						Use of Force (Level 1)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Unfounded</i>

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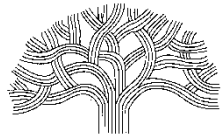
**Not Mandated:** The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

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**Service Related:** The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.

**ICR:** Resolved through the Informal Complaint Resolution process pursuant to DGO M-3.1.



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

**Page 5 of 23**  
 (Total Completed = 15)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Refusal to Provide Name or Serial Number	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
					Subject Officer 1	Use of Force (Level 3)	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 2)	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty – Care of Property	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Exonerated</i>

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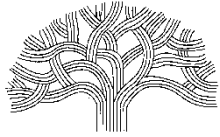
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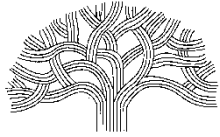
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in August 2021*  
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
AL	20-1129	9/1/20	8/24/21	8/31/21	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
					Subject Officer 2	Failure to Accept or Refer a Complaint	<i>Exonerated</i>
						Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded</i>
					Conduct Toward Others – Demeanor	<i>Unfounded</i>	

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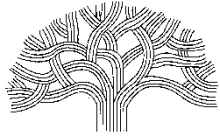


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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 3	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
				Performance of Duty – Unintentional/Improper Search Seizure or Arrest		<i>Exonerated</i>	
				Use of Force (Level 4)		<i>Unfounded</i>	
				Performance of Duty – Unintentional/Improper Search Seizure or Arrest		<i>Exonerated</i>	
				Conduct Toward Others – Demeanor		<i>Unfounded</i>	
					Subject Officer 4	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
				Performance of Duty – Unintentional/Improper Search Seizure or Arrest		<i>Exonerated</i>	
				Use of Force (Level 4)		<i>Unfounded</i>	
				Conduct Toward Others – Demeanor		<i>Unfounded</i>	

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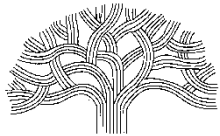


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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 5	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
				Performance of Duty – Unintentional/Improper Search Seizure or Arrest		<i>Exonerated</i>	
				Use of Force (Level 4)		<i>Unfounded</i>	
				Conduct Toward Others – Demeanor		<i>Unfounded</i>	
				Failure to Accept or Refer a Complaint		<i>Exonerated</i>	
					Subject Officer 6	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
				Performance of Duty – Unintentional/Improper Search Seizure or Arrest		<i>Exonerated</i>	
				Use of Force (Level 4)		<i>Unfounded</i>	
				Conduct Toward Others – Demeanor		<i>Unfounded</i>	

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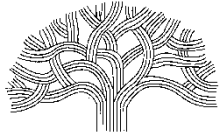
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Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include Subject Officer 7 and Subject Officer 8 with various allegations like 'Conduct Toward Others - Harassment and Discrimination/Race' and findings like 'Unfounded' and 'Exonerated'.

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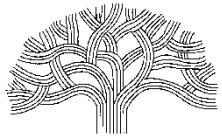


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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 10	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 11	Failure to Accept or Refer a Complaint	<i>Unfounded</i>
					Subject Officer 12	Failure to Accept or Refer a Complaint	<i>Unfounded</i>
AL	20-1164	9/6/20	8/11/21	9/9/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
					Subject Officer 2	Failure to Accept or Refer a Complaint	<i>Unfounded</i>

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**Page 11 of 23**  
 (Total Completed = 15)

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MB	21-0254	3/2/21	8/25/21	3/4/22	Unidentified	Performance of Duty – General	<i>Unfounded</i>
						Service Complaint	<i>No MOR Violation</i>
						Service Complaint	<i>No MOR Violation</i>
						No Duty/No MOR Violation	<i>Service Complaint</i>
						Service Complaint	<i>Exonerated</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
					Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>

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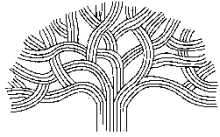
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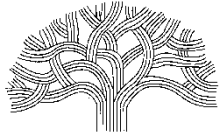


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						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
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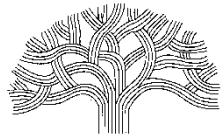
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						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 4	Performance of Duty – General	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 5	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 6	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>

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						Performance of Duty – General	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 7	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 8	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>

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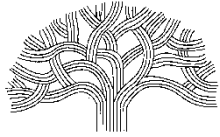
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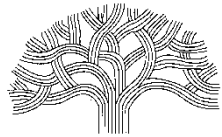
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						Performance of Duty – General	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 9	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 10	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
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					Subject Officer 11	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Custody of Prisoners – Treatment	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
					Subject Officer 12	Use of Force	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
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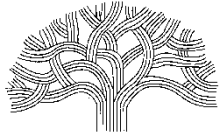
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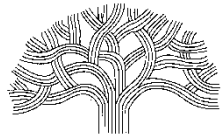
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					Subject Officer 13	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 14	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 15	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>

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						Performance of Duty – General	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
					Subject Officer 16	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
					Subject Officer 17	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>

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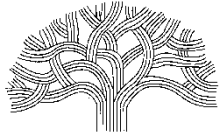
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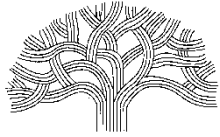
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in August 2021*  
*(Allegations in bold were discovered by CPRA investigators)*

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – General	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
RM	21-0262	3/6/21	8/31/21	3/5/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
JS	21-0422	4/18/21	8/27/21	4/17/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>

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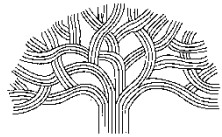
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in August 2021*  
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Refusal to Provide Name or Serial Number	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
FC	21-0530	5/12/21	8/26/21	5/11/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Performance of Duty – Intentional Search Seizure or Arrest	<i>Exonerated</i>
FC	21-0524	5/12/21	8/4/21	5/11/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
						Use of Force	<i>Not Sustained</i>
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Truthfulness	<i>Unfounded</i>

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

**Page 21 of 23**  
 (Total Completed = 15)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Truthfulness	<i>Unfounded</i>
						Performance of Duty - PDRD	<i>Unfounded</i>
						Use of Force	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
					Unknown	Use of Force	<i>No Jurisdiction</i>
FC	21-0540	5/16/21	8/12/21	5/16/22	Unknown	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
FC	21-0548	5/17/21	8/12/21	5/16/22	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Unfounded</i>
					Subject Officer 2	Conduct Toward Others – Demeanor	<i>Unfounded</i>
FC	21-0575	5/17/21	8/12/21	5/21/22	Unknown	Use of Force	<i>Unfounded</i>

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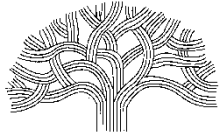
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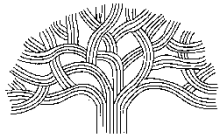
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in August 2021*  
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
MB	21-0603	5/30/21	8/6/21	5/29/22	Subject Officer 1	Obedience to Laws – Felony/Serious Misdemeanor	<i>Unfounded</i>
						Use of Force	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
					Subject Officer 2	Obedience to Laws – Felony/Serious Misdemeanor	<i>Unfounded</i>
						Use of Force	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
					Subject Officer 3	Obedience to Laws – Felony/Serious Misdemeanor	<i>Unfounded</i>
						Use of Force	<i>Exonerated</i>
					Unknown	No Duty/No MOR Violation	<i>No MOR violation</i>

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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in August 2021*  
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<p><b>CPRA Made the following Training Recommendations with Respect to Investigations in this Report</b></p>
<ol style="list-style-type: none"> <li>1. CPRA recommended an SNF for an officer’s use of profanity.</li> <li>2. CPRA recommended an SNF for an officer’s delayed activation of his/her body-worn camera.</li> <li>3. CPRA recommended a training SNF discussing the importance of considering the potential for negative tactical consequences (and considering the use of an alternative ruse or alternative tactic altogether) when deciding to use a ruse for tactical purposes.</li> </ol>

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## CITY OF OAKLAND

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

Police Commission

To: Oakland Police Commission  
From: Rules of Procedure Ad Hoc Committee  
Date: 23 September 2021  
RE: New Chapter 8 for Commission Rules of Procedure

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### **RECOMMENDATION**

The Rules of Procedure Ad Hoc Committee (Committee) requests that the Oakland Police Commission (Commission) adopt the attached amendments to the Commission's Rules of Procedure to add Chapter 8, titled "Ad Hoc Committees."

### **BACKGROUND**

The Rules of Procedure Ad Hoc Committee is comprised of Commissioners Henry Gage III (Co-Chair), Brenda Harbin-Forte (Co-Chair), and Sergio Garcia. The Committee was formed to propose improvements to Commission operations and to formalize Commission procedures by drafting and proposing amendments to the Commission's Rules of Procedure.

The Committee is engaged in a three-phase project designed to provide a formal framework for the future operation of Commission ad hoc committees. Phase One, outlined in the attached document, proposes guidelines that will act as a foundation for ad hoc committee management. Phase Two, (not yet presented for debate) will include a framework for policy review activities conducted by Committees. Phase Three (not yet presented for debate) will include guidance for public engagement conducted by Committees engaged in policy review activities.

These planned amendments to the Commission's Rules of Procedure are intended to provide consistency to committee activities and ensure that Commissioners, city stakeholders, and the public have a clear understanding of how to participate in Commission policy review and track the Commission's policy workflow.

### **SUMMARY**

The Commission lacks sufficient staff support to field standing committees for the majority of its policy review projects. As a result of this resource limitation, the Commission has relied heavily on ad hoc committees to conduct policy review activities, and to make recommendations for Commission action. While ad hoc committees have provided the Commission with a necessary degree of flexibility, their use has also resulted in justified criticism.

Under the Brown Act, standing committees must hold open meetings and provide notice of their meetings to the public in the same way that a regular or special Commission meeting must be agendized and noticed. Ad hoc committees are not subject to the same publicity requirements, and the lack of agendas and other permanent written materials makes it difficult for the public to keep track of ad hoc committee activities. Until the Commission is adequately staffed, the continued use of ad hoc committees should be made more consistent, and subject to reasonable requirements for reporting and

public engagement.

The attached proposal provides a necessary set of foundational rules. If adopted, these rules will:

- Ensure that the task and purpose of an ad hoc committee is clearly stated when the committee is formed;
- Outline the authority of all committee members (both Commissioners and Featured Community Participants);
- Set minimum intervals within which committees are expected to meet;
- Require written reporting from committees when updating the Commission on the progress of their activities; and
- Require the Commission to dissolve committees when they have completed their assigned tasks.

## **ANALYSIS**

The Police Commission has been entrusted with the authority to set policy for the Oakland Police Department, subject to the limitations of City Charter Section 604. The exercise of this power requires that the Commission delegate a great deal of responsibility to its constituent committees. It is in the best interests of the Commission to develop a clear, standardized protocol for how committees are expected to conduct their business.

The proposed rules represent a modest, but important step towards creating a more consistent policy review workflow, providing opportunities for varying levels of public engagement, and ensuring the creation of a permanent record of committee activities that can be referenced by future members of the Commission and the public at large.

Oakland Police Commission  
23 September 2021  
Item: \_\_\_\_\_

**CITY OF OAKLAND  
POLICE COMMISSION  
RULES OF ORDER**

**ORIGINAL VERSION APPROVED 12.27.2017  
AMENDED 8.23.2018  
AMENDED 9.13.2018  
AMENDED 5.19.2019  
AMENDED 2.25.2021  
AMENDED 9.23.2021**

**DRAFT**

## **CHAPTER 8 - AD HOC COMMITTEES**

**Rule 8.1** **Formation of Ad Hoc Committees.** The Commission Chair shall appoint and remove members of committees in accordance with Rule 2.15 of the Commission's Rules of Order. When forming an ad hoc committee ("Committee"), the Chair shall clearly state the Committee's task and purpose. When making appointments, the Chair shall ensure a balanced allocation of Committee assignments so that all Commissioners handle a fair share of Commission work.

**Rule 8.2** **Ad Hoc Committee Chair.** Commissioners serving on a Committee shall select one of their number to serve as Committee Chair. Committee Chairs shall have responsibility and discretion for the preparation and presentation of committee reports, the scheduling and management of Committee meetings, the scheduling and management of any public hearings conducted by the Committee, and the solicitation of Featured Community Participants.

**Rule 8.3** **Authority of Commissioners Serving on Ad Hoc Committees.** Commissioners serving on a Committee have full voting authority on each such Committee. Only Commissioners may make motions or engage in other parliamentary procedures, and only Commissioners may vote on motions.

**Rule 8.4** **Featured Community Participants in Ad Hoc Committees.** Upon recommendation of a Committee Chair, the Commission Chair shall appoint members of the public, including former Commissioners, to serve on Committees. Such appointees shall be referred to as Featured Community Participants in a particular Committee. Featured Community Participants shall provide advice and suggestions for the consideration of the Committee, and may participate in discussions and debate. Featured Community Participants are not considered "public officials" when serving on a Committee, and shall not make motions, vote on Committee action, or engage in other parliamentary procedures. Individuals who serve as Featured Community Participants shall follow the direction of the Committee Chair, and shall not disseminate Committee information or documents without the express written permission of the Committee Chair.

**Rule 8.5** **Ad Hoc Committee Meetings.** Committees shall meet at least once per month, unless the Committee votes that a particular monthly meeting is unnecessary. The Committee Chair shall set the schedule and frequency of Committee meetings, and shall have discretion to determine how to engage public participation, and whether a meeting of the Committee shall be open to the public generally or limited to Featured Community Participants.

**Rule 8.6 Ad Hoc Committee Recommendations.** A Committee shall determine, by majority vote of its voting members, all proposals and recommendations to be presented to the Commission for review and adoption. Committee recommendations to the Commission shall be accompanied by a brief memorandum that includes: (1) the Committee's recommendation and the action requested of the Commission, (2) a summary of the effect of the recommendation, if adopted, and (3) the Committee's reasoning in support of its recommendation.

**Rule 8.7 Ad Hoc Committee Status Updates.** The Chair of the Commission shall agendize a status update from each Committee at least once per month, unless the Committee has presented or will present a formal recommendation for final Commission action within the same month. Status updates shall be accompanied by a brief memorandum that includes, at minimum: (1) an explanation of the current status of the Committee's projects, (2) the steps necessary to bring the project back to the Commission for further action, (3) the date by which the Committee plans to present a proposal for recommended action to the Commission, and (4) a draft of any proposal the Committee intends to present to the Commission for action at the next or a subsequent Commission meeting. If the Committee has completed its task, the update shall also include a request for the Commission to dissolve the Committee.



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CITY OF OAKLAND

# AGENDA REPORT

**TO:** Police Commission

**FROM:** John Alden  
CPRA Executive Director

**SUBJECT:** Update on CPRA and Commission  
Measure S1 Compliance to Date

**DATE:** September 17, 2021

## **RECOMMENDATION**

**Staff Recommends That The Police Commission receive the following Update on CPRA and Commission Measure S1 Compliance to Date.**

## **EXECUTIVE SUMMARY**

In 2020, after extensive community engagement and input, and input from the Police Commission, the City Council placed on the ballot a measure amending Charter Section 604, which sets the powers and duties of the Police Commission and the Community Police Review Agency (CPRA). That Charter amendment, designated Measure S1, passed in the November 2020 election. CPRA and the Police Commission have been working to implement the new provisions of Measure S1 since that time. This memo updates the Commission on progress to date.

## **BACKGROUND / LEGISLATIVE HISTORY**

In 2020, the voters approved Measure S1, a copy of which is attached to this memo for reference. That measure became effective in January 2021. Overall, the measure made changes to Commission staffing, the hiring and supervision of the Inspector General, Commission authority over certain pending discipline cases, and Commission counsel, among other topics.

Since that time, CPRA staff and the Commission have been working on implementation of the new requirements and duties in Measure S1. CPRA staff identified eight items that required immediate action in 2021, and have been working on same under the guidance of the Police Commission Chair. As with any change of this magnitude, complete implementation takes time. This memo details progress to date on each of these items, with the corresponding City Charter section mandating each task, as follows:

### **Completed Tasks**

- a. Sec. 604(f)(2): CPRA Discipline Access – Completed

CPRA staff are now permitted access to police office disciplinary records, such as past discipline histories. This is tremendously helpful in creating thoughtful, thorough discipline recommendations in sustained cases. In early 2021, CPRA worked with OPD to provide CPRA staff with direct access to such records. CPRA also created new processes for setting and

memorializing discipline recommendations using this information. CPRA staff have been trained by CPRA contract counsel on how to draft discipline recommendations. This task is now complete.

b. Sec. 604(f)(3): CPRA 250-Day Deadline Implementation – Completed

CPRA now must complete cases within 250 days of receipt unless the CPRA Executive Director certifies in writing that extraordinary circumstances prevented completion of a given case within that time frame. CPRA staff have been trained on this deadline, have a process for seeking CPRA Executive Director approval to exceed 250 days where appropriate, and memorialize same. This task is now complete.

c. Sec. 604(b)(8): Require Chief of Police to Attend Commission Meetings – Completed

The Police Commission may now require the Chief of Police to attend Commission meetings, and does so. This task is now complete.

Tasks In Progress

d. Sec. 604(e)(7): Hire Inspector General – In Progress

The Police Commission now has the authority to hire the Inspector General. In late 2020 and early 2021, the CPRA Executive Director and Human Resources Management (HRM) worked with the Civil Service Board and City Council to modify the job description and salary for the Inspector General to match the details of Measure S1. The City Council graciously provided funding for same in the current budget. HRM expedited posting the position to recruit candidates with guidance from the Police Commission. Candidate interviews are ongoing. This task is still in progress.

e. Sec. 604(i): Hire Commission Counsel – In Progress

The Police Commission now has the authority to hire its own independent legal counsel. The City Council graciously provided funding for same in the current budget. The Police Commission drafted and issued an RFQ with the assistance of the Office of the City Attorney this summer. The application window for submitting proposals remains open. This task is still in progress.

f. Sec. 604(e)(5): Hire Commission Staff – In Progress

Collaboration between the CPRA Executive Director, HRM, the City Administrator, and our partners in labor, led to the completion of a reorganization that allowed for the creation of a position compliant with the new Charter mandate that the Commission have at least one staffer, and that that staffer attend Commission meetings. The City Council graciously provided funding for same in the current budget. HRM kindly helped create the position in the appropriate Civil Service classification.

We successfully filled this position on a temporary basis with Rania Adwan, the current Commission Chief of Staff. That said, her appointment is a temporary one. A permanent civil service recruitment is still required to permanently fill the position. Given that Ms. Adwan's appointment is a one-year limited term, filling this position by the end of the fiscal year (June 30,

2022) would prevent any vacancies occurring between the end of Ms. Adwan's term and the onboarding of a permanent hire. For this reason, this task is still in progress.

### Tasks Not Started

#### g. Sec. 604(g)(5): Commission Power to Examine Pending Cases – Not Started

Measure S1 provided to the Commission the power to take up certain discipline cases even before CPRA had completed an investigation. Specifically, Section 604(g)(5) provides (formatting added for clarity):

*“On its own motion and by no fewer than five (5) affirmative votes, the Commission may convene a Discipline Committee for cases involving*

- *allegations of Level 1 use of force,*
- *sexual misconduct, and*
- *untruthfulness*

*when*

- *either the Agency or the Department have not completed an investigation within two hundred and fifty (250) days of the filing of a complaint OR*
- *when the evidence upon which either the Department or the Agency bases its findings does not include available body-worn camera footage of the incident under investigation, OR*
- *when body-worn camera footage of the incident was required under Department policy but such footage was not recorded or was otherwise unavailable.*

*The Discipline Committee may require the Agency to further investigate the complaint by notifying the Agency Director, in writing, of the specific issues that need further investigation.”*

The Commission and CPRA have not yet created a set of procedures detailing when the Commission might choose to take such action, how the Commission might wish to be notified of such a case, and what material they might wish to review to consider this issue. This task is therefore not yet started.

CPRA staff recommend the Commission work with CPRA and the Commission's Counsel to create such procedures.

#### h. Sec. 604(b)(11): CPRA/OIG Membership on Use of Force Boards – Not Started

Section 604(b)(11) allows the Commission to “[s]end the Chairperson of the Commission, the Agency director, and/or the Inspector General or their designees” to serve as non-voting members of the Oakland Police Department's Use of Force Boards. To date, the Commission Chair and CPRA Executive Director and their designees have attended some such boards from time to time as observers, but not as non-voting members who might question witnesses or present perspectives on the outcome the board should reach. OPD Use of Force Board policy has not yet been amended to match Measure S1 in this regard. Thus, this task has not yet started.

CPRA staff recommend the Commission work with CPRA, the Commission's Counsel, and the new Inspector General (once hired) to revise OPD Use of Force Board policies with the Police Department to address this issue. The new Inspector General's Office may be best suited to the task given the nature of their other work in the Charter, and the fact that the current two-year budget for the City of Oakland envisions a team of 5 staff in that office in the next 12 months.

### **ANALYSIS AND POLICY ALTERNATIVES**

Most of the work of implementing Measure S1 is either completed or in progress pursuant to Commission direction. There is no policy alternative but to comply with the remaining requirements of the Charter, of course. That said, the Commission can consider a number of alternative approaches to the tasks not yet underway.

Among the alternatives the Commission may consider:

1. Whether there are any other Charter-mandated tasks under Measure S1 in addition to the above that require additional work to implement;
2. When to start work on each outstanding task;
3. Whom to task to these issues – Commissioners, staff, or a mix thereof;
4. Timelines for completion of same.

As a starting point, staff would respectfully suggest that any tasks identified by the Commission as mandated by Measure S1 take precedence over other Commission tasks that are not mandated by the City Charter. Likewise, both of the tasks that have not yet started would be aided by having a Commissioner or Commissioners actively working on them, so that staff have the benefit of close direction from the Commission as to how staff can help the Commission fulfill these two core Commission duties.

### **FISCAL IMPACT**

No new costs identified other than allocation of the time of existing staff, and the original cost implications of Measure S1 as detailed in 2020 in the Ballot Pamphlet.

That said, staff time on some of these projects could be very significant. Implementation of some tasks – such as attending Use of Force Boards – may only be feasible as staffing increases over the next year.

### **PUBLIC OUTREACH / INTEREST**

None beyond noticing of this meeting pursuant to the Brown Act and Sunshine Ordinance.

### **COORDINATION**

Many of the tasks above were coordinated through the City Administrator, HRM, the City Attorney, the Finance Department, and the Civil Service Board. Some tasks, as noted above, included coordination with labor partners. All enjoyed the strong support of the City Council, especially during the budget process.



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**SUSTAINABLE OPPORTUNITIES**

***Economic:*** None

***Environmental:*** None

***Race & Equity:*** None

**ACTION REQUESTED OF THE POLICE COMMISSION**

Staff recommends That The Police Commission accept this Update of CPRA and Commission Measure S1 Compliance to Date. Staff also recommend that the Commission receive public comment as to how best to complete the remaining tasks, as noted in the Analysis and Policy Alternatives, and take steps to move those tasks forward in the near future.

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

Respectfully submitted,

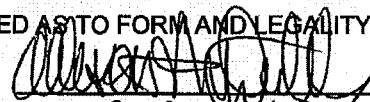
/s/ John Alden

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JOHN ALDEN  
Executive Director, CPRA

Attachments (1) : Measure S1

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

**OAKLAND CITY COUNCIL**  
**8 8 2 3 7**  
**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

**INTRODUCED BY COUNCIL PRESIDENT KAPLAN, COUNCIL PRESIDENT  
PRO TEMPORE KALB, COUNCILMEMBER GALLO, AND COUNCILMEMBER  
TAYLOR**

**RESOLUTION ON THE CITY COUNCIL'S OWN MOTION  
SUBMITTING TO THE VOTERS FOR THE NOVEMBER 3, 2020  
STATEWIDE GENERAL ELECTION PROPOSED AMENDMENTS  
TO CITY CHARTER SECTION 604 TO STRENGTHEN THE  
INDEPENDENCE OF THE OAKLAND POLICE COMMISSION  
BY MODIFYING THE POWERS, DUTIES, AND STAFFING OF  
THE OAKLAND POLICE COMMISSION AND THE COMMUNITY  
POLICE REVIEW AGENCY, AND CREATING AN OFFICE OF  
INSPECTOR GENERAL; AND DIRECTING THE CITY CLERK  
TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND  
PROVIDE FOR NOTICE AND PUBLICATION, AND TO TAKE  
ANY AND ALL OTHER ACTIONS NECESSARY UNDER LAW TO  
PREPARE FOR AND CONDUCT THE NOVEMBER 3, 2020  
GENERAL MUNICIPAL ELECTION**

**WHEREAS**, on April 15, 1980, the City Council established the Citizens' Police Review Board (hereinafter, Board) with jurisdiction to review certain complaints alleging Oakland Police Department officer misconduct, to conduct fact-finding investigations, and to make advisory reports to the City Administrator; and

**WHEREAS**, on July 30, 1996, the City Council expanded the Board's jurisdiction to include complaints involving the excessive use of force, and bias based on an individual's legally protected status (race, gender, national origin, religion, sexual orientation or disability); and

**WHEREAS**, on November 12, 2002, the City Council passed Ordinance No. 12454 C.M.S., which further refined the Board's powers to include making recommendations to the City Administrator regarding litigated cases, and enlarged the amount of time for the Board to complete its investigations. The Board, however, was not empowered to oversee Department policy, impose discipline or adjudicate disciplinary appeals; and

**WHEREAS**, in 2003, *Delphine Allen, et al. v. City of Oakland* (the Riders case) where multiple Police Department officers violated plaintiffs' civil rights and were found to have planted evidence and used excessive force which resulted in the Negotiated Settlement Agreement ("NSA"); and

**WHEREAS**, the voters of the City of Oakland overwhelmingly voted yes (83.19%) for Measure LL on November 8, 2016, that established an independent Police Commission; and

**WHEREAS**, on July 10, 2018, the City Council approved for final passage an enabling Ordinance No. 13498 C.M.S. to create the Oakland Police Commission and the Community Police Review Agency; and

**WHEREAS**, at the October 11, 2018 Police Commission meeting, a job description for Inspector General was adopted by a 5-0 vote but to date has not been implemented by the City Administrator; and

**WHEREAS**, on April 30, 2019, the City Council passed a Resolution No. 87635 C.M.S. requesting that the City Administrator expedite the process to obtain civil service board approval of and post the job description for the position of Inspector General to support the Police Commission of which the City Administration has refused to act upon; and

**WHEREAS**, on July 16, 2019, the Oakland City Council passed Ordinance No. 13555 C.M.S. to allow the Police Commission the authority to bind the City by written contract, for professional services, again reflecting the need for independence; and

**WHEREAS**, a report by the Oakland Police Department's Inspector General released in July 2019, found that officers failed to report using force against a suspect in over a third of cases from July to September 2018, disproportionately impacting Black Oakland residents; and

**WHEREAS**, on August 19, 2019, the 63<sup>rd</sup> Report of the Independent Monitor for the Oakland Police Department was released indicating that the City was slipping in its compliance with the Negotiated Settlement Agreement ("NSA") and stated that "the City and OPD leadership continue to struggle with using the specific stipulations of the NSA to increase the Department's capacity to identify problems-and, most importantly, to implement effective solutions;" and

**WHEREAS**, public perception persists that the Department and the City do not adequately hold its officers accountable for misconduct; and

**WHEREAS**, maintaining public trust and confidence in the Police Department is essential for the Department to be able to provide the highest level of service to the community; and

**WHEREAS**, ensuring the independence of the Police Commission from the affairs of the City Administration promotes the public trust, police accountability, and ensures that the Department complies with the requirements of the NSA; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes and directs the City Clerk, at least 88 days prior to the next general municipal election date, to file with the Alameda County Board of Supervisors and the Registrar of Voters certified copies of this resolution; and be it

**FURTHER RESOLVED:** That the City Council hereby proposes to amend Charter section 604 to add, delete, or modify sections as set forth below (section numbers and titles are indicated in capitalized **bold type**; additions are indicated by underscoring, deletions are indicated by ~~strike-through type~~; portions of the provisions not cited or not shown in underscoring or strike-through type are not changed).

The people of the City of Oakland do ordain as follows:

**Section 1.** Amendments to Section 604 of the Charter of the City of Oakland.

#### **SECTION 604 – POLICE COMMISSION**

##### **(a) Creation and Role.**

1. There hereby is established the Oakland Police Commission (hereinafter, Commission), which shall oversee the Oakland Police Department (hereinafter, Department) in order to ensure that its policies, practices, and customs conform to national standards of constitutional policing. The Commission shall have the functions and duties enumerated in this Charter Section 604, as well as those assigned to the Commission by Ordinance.

2. There hereby ~~is~~ are established a Community Police Review Agency (hereinafter, Agency) and an Office of Inspector General (hereinafter, OIG), which shall have the functions and duties enumerated in this Charter Section 604, as well as those assigned to ~~the Agency~~ them by Ordinance.

3. Nothing herein shall prohibit the Chief of Police or a commanding officer from investigating the conduct of a Department sworn employee under his or her command, nor shall anything herein prohibit the Chief of Police from taking disciplinary or corrective action with respect to complaints investigated solely by the Department.

4. No later than two (2) years after the City Council has confirmed the first set of Regular Commissioners and Alternates Commissioners (collectively,

Commissioners), the City Auditor shall conduct a performance audit and a financial audit of the Commission and the Agency. Performance audits shall be conducted at least once every three (3) years thereafter. Nothing herein shall limit the City Auditor's authority to conduct future performance and financial audits of the Commission and the Agency which may be conducted by an independent contractor selected by the Inspector General, in consultation with the City Auditor, in compliance with the City's contracting processes and procedures.

5. The City Administration shall not exercise any managerial authority over Commissioners, the Agency Director or the Inspector General, and shall not initiate an investigation for the purpose of removing a Commissioner. City employees maintain the right to file, and appropriate City officials and/or staff maintain authority to investigate, complaints alleging violations of applicable Civil Service Rules, City policies, including Administrative Instructions, Memoranda of Understandings (MOUs), and employment laws and regulations.

**(b) Powers and Duties.**

The powers and duties of the Commission are as follows:

1. Organize, reorganize and oversee the work of the Agency and the OIG, and contract with professional service providers as authorized by Ordinance.
2. Conduct public hearings at least once a year on Department policies, rules, practices, customs, and General Orders. The Commission shall determine which Department policies, rules, practices, customs, or General Orders shall be the subject of the hearing.
3. Consistent with state law and in accordance with Section 1207 of the City Charter, entitled "Oaths and Subpoenas," issue subpoenas to compel the production of books, papers and documents and take testimony on any matter pending before it except that the Commission shall not have any authority to issue subpoenas for the purpose of investigating any City employee, including an Agency employee, who is not a police officer. If any person subpoenaed fails or refuses to appear or to produce required documents or to testify, the majority of the members of the Commission may find him in contempt, and shall have power to take proceedings in that behalf provided by the general law of the State.
4. Propose changes at its discretion or upon direction, by adoption of a resolution, of the City Council, including modifications to the Department's proposed changes, to any policy, procedure, custom, or General Order of the Department which governs use of force, use of force review boards, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements which pertain to the Department and are in effect at the time this Charter Section 604 takes effect ~~for so long as such federal court orders and settlements remain in effect.~~ All such proposed

changes and modifications shall be submitted by the Commission Chair or her or his designee to the City Council for review, approval or rejection. ~~If the City Council does not approve, modify and approve, or reject shall consider the Commission's proposed changes or modifications within one hundred and twenty (120) days of the Commission's vote on the proposed changes, and may approve, modify and approve, or reject the changes.~~ If the Council does not approve, modify and approve, or reject the Commission's proposed changes or modifications, the changes or modifications will become final.

5. Approve or reject the Department's proposed changes to all policies, procedures, customs, and General Orders of the Department which govern use of force, use of force review boards, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements which pertain to the Department and are in effect at the time this Charter Section 604 takes effect ~~for so long as such federal court orders and settlement remain in effect.~~ If the Commission does not approve or reject the Department's proposed changes within one hundred and twenty (120) days of the Department's submission of the proposed changes to the Commission, the Department's proposed changes will become final. If the Commission rejects the Department's proposed changes, notice of the Commission's rejection, together with the Department's proposed changes, shall be submitted by the Commission Chair or her or his designee to the City Council for review. ~~If the City Council does not approve or reject shall consider the Commission's decision within one hundred and twenty (120) days of the Commission's vote on the Department's proposed changes, and may approve or reject the decision.~~ If the Council does not approve or reject the Commission's decision, the Commission's decision will become final.

6. Review and comment on, at its discretion, ~~on all any~~ other policies, procedures, customs, and General Orders of the Department. All such comments shall be submitted to the Chief of Police, ~~who~~ The Chief of Police shall provide a written response to the Commission upon the Commission's request.

7. Review the Mayor's proposed budget to determine whether budgetary allocations for the Department are aligned with the Department's policies, procedures, customs, and General Orders. The Commission shall conduct at least one public hearing on the Department budget per budget cycle and shall forward to the City Council any recommendations for change.

8. Require the Chief of Police or his or her designee to attend Commission meetings and require the Chief of Police to submit an annual report to the Commission regarding such matters as the Commission shall require, including but not limited to a description of Department expenditures on community priorities as identified by the Commission. The Chief of Police or her or his designee shall also respond to requests made by the Commission, through the Chairperson, by a majority vote of those present. The Chief of Police or her or his designee shall

provide to the Commission Chair an estimate of the time required to respond to the Commission's requests.

9. Report at least once a year to the Mayor, the City Council, and to the public to the extent permissible by law, the information contained in the Chief's report in addition to such other matters as are relevant to the functions and duties of the Commission.

10. Acting Notwithstanding any other provision of this Charter or any provision of the Oakland Municipal Code, and acting separately or jointly with the Mayor, remove the Chief of Police by a vote of not less no fewer than five (5) affirmative votes. If acting separately, the Commission may remove the Chief of Police only after adopting a finding or findings of cause, which shall be defined by City ordinance. The Commission must make its finding of just cause by not less no fewer than five (5) affirmative votes and must follow a process for notification, substantiation and documentation which shall be defined by ordinance. Upon removal, by the Commission, by the Mayor, or by the Mayor and the Commission acting jointly, or upon the notice of vacancy of the position of Chief of Police, the Mayor, in consultation with the Chair of the Commission, shall immediately appoint an Interim Chief of Police. No person appointed to the position of Interim Chief of Police shall simultaneously hold additional non-sworn employment with the City, or simultaneously serve as an elected official or officer of the City. Such appointment shall not exceed six (6) months in duration unless an extension to a date certain is approved by a majority vote of the Commission. The Commission, with the assistance of the City Administrator, shall prepare and distribute a job announcement, and prepare a list of at least four three (3) candidates and transmit the names and relevant background materials to the Mayor. The Mayor shall appoint one person from this list, or reject the list in its entirety and request a new list from the Commission. This provision shall not apply to any recruitment for the position of Chief of Police that is pending at the time of the Commission's first meeting.

11. Send the Chairperson of the Commission or another Commissioner appointed by the Chairperson, the Agency Director, and/or the Inspector General or their designees to serve as a non-voting members of any level one Oakland Police Force Review Board, as permitted by law.

12. Hire and/or contract for, by an affirmative vote of at least five (5) members, one or more attorneys to provide legal advice to the Commission related to and within the scope of any of its powers or duties, in accordance with Section 604(i) of this Charter. When considering a candidate for an attorney position, the Commission shall consider the candidate's familiarity with laws applicable to public entities, public meetings, employee privacy, labor relations and law enforcement.

1213. Perform such other functions and duties as may be prescribed by this Charter or by City ordinance.



**(c) Appointment, Terms, Vacancies, Removal.**

1. The Commission shall consist of seven (7) regular members and two (2) alternate members, all of whom shall be Oakland residents of at least eighteen (18) years of age. Alternate Commissioners shall be eligible to serve on any Commission standing or ad hoc committee, including any Discipline Committee. To the extent practicable, appointments shall be broadly representative of Oakland's diversity and shall include members with knowledge and/or experience in the fields of human resources practices, management, policy development, auditing, law, investigations, law enforcement, youth representation, civil rights and civil liberties, as well as representation from communities experiencing the most frequent contact with the Department. The City Council may require, by ordinance, that some or all of the Commissioners have expertise in a specified subject matter. Background checks shall be required for all Commissioners. ~~members and alternates.~~ Such background checks shall not be performed by the Department. Commissioners shall be issued identification cards, but shall not be issued and shall not display, wear, or carry badges that so resemble a peace officer's badge that an ordinary reasonable person would believe that Commissioners have the authority of a peace officer. The following shall not be eligible to serve as a Commissioner:

- a. current sworn police officer;
- b. current City employee;
- c. former Department sworn employee; or
- d. current or former employee, official or representative of an employee association representing sworn police officers.

2. Within two hundred and ten (210) days of the enactment of this Section, the Mayor shall appoint three (3) Oakland residents as Regular Commissioners, at least one of whom shall be a retired judge or lawyer with trial experience in criminal law or police misconduct, and one (1) Oakland resident as an Alternate Commissioner, and submit the names of these appointees to the Council for confirmation. The Council shall have sixty (60) days after the completion of the background checks and from the date of receipt of the Mayor's submission to accept or reject each of the Mayor's appointees as Commissioners. The Mayor shall appoint an Oakland resident to fill any Commission vacancies that were previously filled by a Mayor's appointee. If the City Council does not accept or reject the Mayor's appointee within sixty (60) days after the completion of the background check and receipt of the Mayor's submission, the appointee shall be deemed appointed.

3. All other Commissioners ~~and the other alternates~~ shall be appointed as follows:

a. There is hereby established a nine (9) member Selection Panel. Within ninety (90) days of the enactment of this Section, each City Council member shall appoint one (1) person, and the Mayor shall appoint one (1) person, to the Selection Panel. ~~No current Department employee is eligible to be a member of the Selection Panel.~~ The City Council shall, by ordinance, specify qualifications and/or disqualifying characteristics for Selection Panel members. The Selection Panel, with the assistance of the City Administrator, will solicit applications from those willing to serve on the Commission. The Selection Panel will review the applications, and interview applicants to serve as members of the Commission.

b. Within one hundred and twenty days (120) of its formation, the Selection Panel, by a two-thirds ( $2/3$ ) vote, shall submit a slate of four (4) regular members and one (1) alternate member to the City Council. The City Council may require the nominees to appear before the Council or a Committee of the Council. If the City Council does not accept or reject the slate in its entirety within sixty (60) days after the completion of the background checks and submission by the Selection Panel, the four (4) regular members and one (1) alternate member shall be deemed appointed.

c. Each year the Selection Panel shall re-convene, as needed, to designate replacements for the five (5) Commissioner (four (4) regular members and one (1) alternate) vacancies initially filled by the Selection Panel, ~~and shall~~ The Selection Panel shall, by a two-thirds ( $2/3$ ) vote of the members present but by a vote of no fewer than five (5) members, submit a slate of names of such designated persons to the City Council for acceptance or rejection. If the City Council does not accept or reject the entire slate within sixty (60) days after the completion of the background checks and submission by the Selection Panel, all designated replacements shall be deemed appointed.

d. Each year the Mayor and each Councilmember may replace her or his assigned person on the Selection Panel. Selection Panel members may serve up to five (5) years. Upon a vacancy on the Selection Panel, the Councilmember who appointed the Selection Panel member (hereinafter referred to as the Appointing Authority) shall appoint a replacement. If the Appointing Authority does not appoint the replacement within one hundred and twenty (120) days of the date of resignation, removal or expiration of the Selection Panel member's term, the Selection Panel, by a two-thirds vote of those present but by a vote of no fewer than five (5) Selection Panel members, shall choose a replacement for the vacancy. All such replacements must be confirmed by the City Council.

4. With the exception of the first group of Commissioners which shall serve staggered terms, the term for each Regular and Alternate Commissioner shall be three (3) years.

5. ~~Commissioners members~~ are limited to no more than two (2) consecutive terms, except that a Commissioner serving a term of ~~no more~~ less than one (1) year shall be allowed to serve two (2) additional consecutive terms.

6. To effect a staggering of terms among the Commissioners, the duration of the first group of Commissioners shall be determined by the Selection Panel as follows: Three (3) regular members, including one (1) of the mayoral appointees, shall have an initial term of three (3) years; two (2) regular members, including one (1) of the mayoral appointees, shall have an initial term of two (2) years; two (2) regular members, including one (1) of the mayoral appointees, shall have an initial term of four (4) years. The alternate member appointed by the Selection Panel shall have an initial term of two (2) years and the alternate member appointed by the Mayor shall have an initial term of three (3) years.

7. A vacancy on the Commission shall exist whenever a member dies, resigns, ceases to be a resident of the City, is convicted of a felony, or is removed.

8. For vacancies occurring for reasons other than the expiration of a regular member's term, the Commission shall select one of the Alternates Commissioners to replace the regular member for that regular member's remaining term of office. If the Alternate Commissioner chosen to replace the regular member was appointed by the Selection Panel, the Selection Panel shall appoint another Alternate Commissioner. If the alternate chosen to replace the regular member was appointed by the Mayor, the Mayor shall appoint another Alternate Commissioner.

9. All ~~Commissioners members~~ shall receive orientation and training as required by ordinance, including but not limited to orientation and training in the areas of regarding Department operations, policies and procedures, including but not limited to discipline procedures for police officer misconduct and failure to act, ~~All Commission members shall receive training regarding~~ Procedural Justice, conflict resolution, national standards of constitutional policing, best practices for conducting investigations, and labor rights and laws, ~~and other subject matter areas which are specified by City ordinance.~~

10. The City Council may remove ~~members of the~~ any Commissioner for cause as provided in Section 601 of the Charter. After a hearing, the City Council may also suspend any Commissioner for cause by an affirmative vote of at least six (6) members of the Council, or rescind such a suspension by the affirmative vote of at least five (5) members of the Council. A Commissioner who is suspended shall be ineligible to conduct Commission business, and the Commission shall select one of the Alternates Commissioners to replace the suspended Commissioner for the duration of the suspension. ~~or members of the~~ Any Commissioner may also be removed by a majority vote of the Commission only for conviction of a felony, conviction of a misdemeanor involving moral turpitude, a material act of dishonesty, fraud, or other act of moral turpitude, substantial neglect of duty, gross

misconduct in office, inability to discharge the powers and duties of office, absence from three consecutive regular Commission meetings or five regular meetings in a calendar year except on account of illness or when absent by permission. The Public Ethics Commission shall have the authority to investigate all allegations which, if true, could be cause for removal of a Commissioner under Section 601 of the Charter and to refer the findings to the City Council.

**(d) Meetings, Rules and Procedures.**

1. The Commission shall meet at least twice each month unless it determines that one meeting is sufficient in a particular month. The Commission shall notify the public of the time and place of the meeting and provide time for public comment at each meeting. The Commission shall meet at least twice each year in locations other than City Hall.

2. The Commission shall establish rules and procedures for the conduct and operations of its business. Such rules shall be made available to the public.

3. Five (5) members shall constitute a quorum. If a quorum is not established by the regular members in attendance, the Chairperson of the Commission may designate one or more ~~Alternate members-Commissioners~~ Commissioners to establish a quorum and cast votes. Motions on all matters may be approved by a majority of those Commissioners ~~members~~ present unless otherwise specified in this Charter Section 604.

**(e) Budget and Staffing.**

1. The City shall allocate a sufficient budget for the Commission, including the Agency and the OIG, to perform its functions and duties as set forth in this Charter section 604, including budgeting ~~at least one full-time equivalent non-City Attorney legal advisor that is specifically charged with providing legal services to the Agency related to investigations and recommended discipline. The one full-time equivalent non-City Attorney legal advisor shall be assigned by the City Attorney after consultation with the Chair of the Commission. The non-City Attorney legal advisor shall not in the regular course of his or her legal practice defend law enforcement officers and shall not participate in, nor serve as counsel to the City or any of its Council members or employees in defense of any lawsuit arising from any incident involving an Oakland police officer.~~ for no fewer than two full-time legal advisors for the Agency (hereinafter Agency Attorneys). The budget set-aside for one of the Agency Attorneys may be suspended for a fiscal year or two-year budget cycle upon a finding in the budget resolution that the City is facing an extreme fiscal necessity, as defined by City Council resolution. The Agency Director shall have authority to hire and/or contract with legal advisors subject to said budget. The Agency, including the Agency Staff Attorneys, may consult with the City Attorney on police-officer investigations and discipline, including related hearings, provided there is no conflict of interest.

2. Within sixty (60) days of the City Council's confirmation of the first group of Commissioners ~~and alternates~~, the Oakland Citizens' Police Review Board (hereinafter Board) shall be disbanded and its pending business transferred to the Commission and to the Agency. The Executive Director of the Board shall become the Interim Director of the Agency, and all other staff will be transferred to the Agency.
3. After the effective date of this Charter section 604, the ~~Commission~~ Agency Director and the Inspector General may identify special qualifications and experience that candidates for Agency and OIG staff positions, respectively, must have. Candidates for future vacancies may be selectively certified in accordance with the Civil Service Personnel Manual, as may be amended from time to time; said selective certification shall be subject to discretionary approval by the appointing authority and the Personnel Director ~~City Administrator or his or her designee~~.
4. The staff of the Agency shall consist of no fewer than one line investigator for every one hundred (100) sworn officers in the Department, rounded up or down to the nearest one hundred (100). The number of investigators shall be determined at the beginning of each budget cycle based on the number of sworn officers employed by the Department the previous June 1. At least one investigator shall be a licensed attorney. The budget set-aside for such minimum staffing may be suspended for a fiscal year or two-year budget cycle upon a finding in the budget resolution that the City is facing an extreme fiscal necessity, as defined by City Council resolution.
5. The City Administrator ~~shall~~ may assign a staff member to act as liaison to the Commission. The City shall allocate a sufficient budget for one full-time civil service employee who shall report to the Agency Director and whose duties shall include and to provide administrative support to the Commission, and attending Commission meetings.
6. Upon a vacancy, the Agency Director of the Agency and the Inspector General shall be hired ~~by the City Administrator from among two (2) or three (3) candidates submitted~~ by the Commission. By an affirmative vote of at least five (5) members, ~~or by an affirmative vote of four (4) members with the approval of the City Administrator~~, the Commission may terminate the Agency Director of the Agency or the Inspector General. The Commission may remove the Inspector General only after adopting a finding or findings of cause, which may be defined by City Ordinance. The Commission shall periodically conduct a performance review of the Agency Director and Inspector General. The Agency Director and Inspector General shall be classified as a Department heads, and shall have the authority to hire and fire Agency staff and OIG staff, respectively, including Agency Attorneys, ~~in consultation with the City Administrator~~ subject to section 604(e)(7) of the City Charter and consistent with state law, City Civil Service Rules and any applicable collective bargaining agreement. The Agency Director and Inspector

General, in consultation with the City Administrator, shall have the authority to organize and reorganize the Agency and the OIG, respectively, subject to section 604(e)(7) of the City Charter.

7. The staff of the Agency, OIG and Commission staff, with the exception of the Agency Director and Inspector General themselves, shall be civil service employees in accordance with Article IX of the City Charter. Civil service staff of the Agency, OIG or Commission may not be separated from employment unless such separation is approved by the City Administrator. Background checks shall be required for all Agency investigator applicants before they are hired by the Agency. Such background checks shall not be performed by the Department. Staff of the Board who are transferred to the Agency as discussed in section (e)(2) above shall not be subject to background checks.

8. No current or former sworn employee of the Department, or current official, employee or representative of an employee association representing sworn police officers, is eligible for any staff position in the Agency, or the Commission.

**(f) Investigations.**

1. Beginning sixty (60) days after the City Council's confirmation of the first group of Commissioners ~~and alternates~~, the Agency shall receive, review and prioritize all public complaints concerning the alleged misconduct or failure to act of all Department sworn employees, including complaints from Department non-sworn employees. The Agency shall not be required to investigate each public complaint it receives, beyond the initial intake procedure, but shall investigate public complaints involving uses of force, in-custody deaths, profiling based on any of the protected characteristics identified by federal, state, or local law, untruthfulness, and First Amendment assemblies. The Agency shall also investigate any other possible misconduct or failure to act of a Department sworn employee, whether or not the subject of a public complaint, as directed by the Commission. The Agency shall forward a copy of each complaint received it receives to the Internal Affairs Division of the Oakland Police Department within one business day of receipt, and the Department shall forward a copy of each complaint it receives to the Agency within one business day of receipt. The Agency Director may report to the Commission on the status of written complaints filed with the Chief of Police asserting that Department employees have resisted attempts by the Agency to conduct reasonable investigative tasks. The Agency Director shall submit to the Commission each month a list of all investigations it is conducting and shall, as permitted by law, answer any questions raised by any Commissioner regarding such investigations at a Commission meeting.

2. Subject to applicable law and provisions of this Charter Section 604, the Commission, OIG, and Agency shall have the same access to all Department files and records, including the Department's Internal Affairs Division (hereinafter, IAD) files and records, related to sworn employees of the Department with the exception

of personnel records, in addition to all files and records of other City departments and agencies related to sworn employees of the Department, as the Department's Internal Affairs Division (IAD) IAD, including but not limited to the same access to electronic data bases as IAD as permitted by law. Requests for access to such files and records shall be made by a majority vote of the Commission, by the Agency Director, or by the Inspector General. By majority vote, the Commission shall have the authority to request information from the Department, and the Chief of Police or her or his designee shall respond to such requests, as permitted by law. Commission requests for personnel records shall have, and the Commission's vote shall articulate, a reasonable nexus to one or more of the Commission's powers and duties enumerated in subsection (b) of this Charter Section 604. Access to personnel records shall be limited to the Agency Director who All those who have access to confidential information shall maintain confidentiality as required by law. The Department and other City departments and agencies shall make every reasonable effort to respond to the Commission's, OIG's, or Agency's requests for files and records within ten (10) days, including but not limited to: (1) records relevant to Police Department policies or practices, and (2) personnel and disciplinary records of Police Department sworn employees, as permitted by law.

3. The Agency shall make every reasonable effort to complete its investigations within one hundred and eighty (180) days of the filing of the complaint with the Agency. The Agency shall complete its investigations within two hundred and fifty (250) days of the filing of the complaint with the Agency unless the Agency Director, in his or her discretion, makes a written finding that exceptional circumstances exist in a particular case that are beyond the Agency's control. Within thirty (30) days of completion of the investigation, the Agency Director of the Agency shall issue written findings and proposed discipline regarding the allegations stated in the complaint to the Chair of the Commission and the Chief of Police. The Agency Director shall issue written findings and proposed discipline within forty-eight (48) hours of completion of any investigation of Level 1 use of force (as defined by Department policy), sexual misconduct or untruthfulness. The City Administrator shall not have the authority to reject or modify the Agency's findings and proposed discipline.

4. To the extent allowed by law and after consultation with the Commission, the Agency shall forward information to other enforcement agencies, including but not limited to the Alameda County District Attorney, when such information establishes a reasonable basis for believing that a crime may have been committed by a sworn Department employee.

5. The OIG shall audit the Department's compliance with the fifty-two (52) tasks described in the Settlement Agreement in United States District Court case number C00-4599, Delphine Allen, et al., v. City of Oakland, et al., and make recommendations to the Department, the Commission, and the City Council based on its audit(s), even after the Settlement Agreement expires. The OIG may review legal claims, lawsuits, settlements, complaints, and investigations, by, against, or



involving the Department and the Agency, to ensure that all allegations of police officer misconduct are thoroughly investigated, and to identify any systemic issues regarding Department and Agency practices and policies. The OIG shall have access and authority to review Department data, investigative records, personnel records, and staffing information, as permitted by law, for the purpose of conducting audits of the Department. The OIG shall have access and authority to review Agency data, investigative records, personnel records, and staffing information for the purpose of conducting audits of the Agency. The OIG's access to personnel records for non-sworn employees shall be limited to training records. OIG shall provide written reports of the results of its audits to the Commission and the City Council, and, upon request, shall publicly report on the results of any audits to the Commission and/or the City Council in a manner consistent with all applicable confidentiality requirements. The Inspector General shall receive orientation and training as required by Ordinance, including but not limited to orientation and training in the areas of Department operations, policies and procedures, including discipline procedures for police officer misconduct and failure to act, Procedural Justice, conflict resolution, national standards of constitutional policing, best practices for conducting investigations, and labor rights and laws.

6. Upon the occurrence of a Serious Incident, as defined by Ordinance, the Chief of Police or her or his designee shall immediately notify the Agency Director.

**(g) Adjudication.**

1. If the Chief of Police agrees with the Agency's findings and proposed discipline, he or she shall notify the Agency Director who shall notify the Chair of the Commission of the agreed-upon findings and proposed discipline. The Chief shall send to the subject officer notification of the agreed-upon findings and intent to impose discipline. The Chief of Police may send such notification to the subject officer before IAD has begun or completed its investigation.

2. If the Chief of Police disagrees with the Agency's findings and/or proposed discipline, the Chief of Police shall ~~prepare-notify the Agency Director of his or her own findings and/or proposed discipline which shall be submitted to.~~ The Agency Director shall submit the Chief's findings and proposed discipline in addition to the Agency's findings and proposed discipline to the Chair of the Commission. The Chair of the Commission shall appoint a Discipline Committee comprised of three Commissioners. The City Administrator shall not have authority to reject or modify the Chief of Police's findings and proposed discipline. The Agency's findings and proposed discipline shall also be submitted to the Discipline Committee which shall After reviewing the Agency's submission and after consulting with the Agency Director about the time available under applicable statutory deadlines, the Discipline Committee may require the Agency to further investigate the complaint by notifying the Agency Director, in writing, of the specific issues that need further investigation. After reviewing both submissions, the Discipline Committee shall and resolve any dispute between the Agency and the Chief of Police. Based solely

on the record presented by the Agency and the Chief of Police, the Discipline Committee shall submit its final decision regarding the appropriate findings and proposed discipline to the Chief of Police who shall notify the subject officer. The City Administrator shall not have the authority to reject or modify the Discipline Committee's final decision regarding the appropriate findings and level of discipline. The Discipline Committee shall not have the authority to conduct its own investigation.

3. If the Chief of Police prepares his or her own findings and proposed discipline and provides it to the Agency before the Agency's investigation is initiated or completed, the Agency may close its investigation or may choose not to conduct its own investigation in order to allow final discipline to proceed as proposed by the Chief, except that if the Agency is required to conduct an investigation by subsection (f) above in investigations of Level 1 uses of force, sexual misconduct or untruthfulness, the Commission must approve the Agency's decision by a majority vote. If the Agency chooses not to close its investigation, imposition of final discipline shall be delayed until the Agency's investigation is completed and the Agency makes its findings and recommendations for discipline. The Agency shall notify the Chief of its final decision regarding how and whether it will proceed within five (5) business seven (7) days of the Chief's notice of completion of his or her investigation.

4. All employees are afforded their due process and statutory rights including *Skelly* rights. After the findings and imposition of discipline have become final, the subject officer shall have the right to grieve/appeal the findings and imposition of discipline if such rights are prescribed in a collective bargaining agreement. Whenever the discipline determination of a Discipline Committee is the subject of a hearing before the Civil Service Board or a labor arbitrator, the Agency Director, in consultation with the City Attorney, shall decide whether an Agency Attorney or the Office of the City Attorney shall represent the City. The Agency Director shall notify the subject officer of the Agency Director's decision no more than fourteen (14) calendar days after the date that the subject officer invokes the right to a hearing.

5. On its own motion and by no fewer than five (5) affirmative votes, the Commission may convene a Discipline Committee for cases involving allegations of Level 1 use of force, sexual misconduct and untruthfulness when either the Agency or the Department have not completed an investigation within two hundred and fifty (250) days of the filing of a complaint or when the evidence upon which either the Department or the Agency bases its findings does not include available body-worn camera footage of the incident under investigation, or when body-worn camera footage of the incident was required under Department policy but such footage was not recorded or was otherwise unavailable. The Discipline Committee may require the Agency to further investigate the complaint by notifying the Agency Director, in writing, of the specific issues that need further investigation.

**(h) Enabling Legislation.**

The Commission may make recommendations to the City Council for enacting legislation or regulations that will further the goals and purposes of this Charter section 604. The City Council may, on its own initiative, enact legislation or regulations that will further the goals and purposes of this Charter section 604. Once the Commission is seated, subsequent legislation or regulations shall be submitted to the Commission for review and comment. The Commission shall have forty-five (45) days to submit its comments to the City Council, such time to be extended only by agreement of the City Council.

**(i) Legal Counsel to the Commission**

1. The dollar amount for all employees hired and/or contracts approved according to section 604(b)(12) of this Charter (hereinafter, Commission Attorneys), in aggregate, in a single fiscal year shall not exceed the amount budgeted by the City Council for such fiscal year; and such contracts shall be in the form established by the City for professional legal services contracts. By an affirmative vote of at least five (5) members, the Commission may terminate such contracts or, subject to any applicable personnel rules or collective bargaining agreements, terminate such employment.

2. Commission Attorneys shall represent the City as an organization and shall not commence any claim or other legal proceeding against the City on behalf of the Commission. Commission Attorneys shall respond to any petition or application for a writ of mandate, restraining order or injunction brought against the Commission or against Commissioners in its or their official capacity unless the Commission votes to refer the matter to the City Attorney for response. The City Attorney shall act as legal counsel on behalf of the Commission and Commissioners in all other litigation involving it or them in their official capacity in accord with section 401(6) of this Charter.

3. In accord with their role, Commission Attorneys shall not disclose the confidences of the Commission on any legal matter to any other officer of the City unless:

a. The Commission, either as a body or through its Chair, or the Vice Chair if the Chair is unavailable and the matter is time sensitive, gives Commission Attorney informed consent in writing;

b. The Commission, either as a body or through its Chair, or Vice Chair if the Chair is unavailable and the matter is time sensitive, refers the same legal matter to the City Attorney pursuant to section 401(6) of this Charter:

c. Commission Attorney, in her/his professional discretion, determines it is in the best interests of the Commission to consult with the City Attorney;

d. Commission Attorney, in her/his professional discretion, determines that the Rules of Professional Conduct require referral of the matter to one of the following

City officers: City Administrator, Mayor, City Attorney, Council president, Vice Mayor; or

e. The legal matter becomes, in whole or in part, the subject of litigation involving the City or any City officer, board, commission, including the Police Commission, or other agency in their official capacity.

**Section 2. Severability.** If any section, subsection, sentence, clause or phrase of this Measure is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Measure. The voters hereby declare that they would have passed this Measure and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

and be it

**FURTHER RESOLVED:** That the City Council of the City of Oakland requests that the Board of Supervisors of Alameda County order the consolidation of the Oakland municipal elections with the statewide general election of November 3, 2020, consistent with the provisions of state law; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes and directs the City Clerk, at least 88 days prior to the November 3, 2020 general municipal election, to file with the Alameda County Board of Supervisors and the Registrar of Voters certified copies of this resolution; and be it

**FURTHER RESOLVED:** That each ballot used at said municipal election shall have printed therein, in addition to any other matter required by law the following:

**PROPOSED CHARTER AMENDMENT  
MEASURE \_\_\_\_**

Measure _____. Shall Oakland's City Charter be amended to: (1) modify the powers, duties and staffing of the Police Commission and the Community Police Review Agency ("CPRA"), including empowering the Police Commission to hire and/or contract for one or more attorney advisors and empowering the CPRA's Director to hire staff attorneys; and (2) create an Office of Inspector General to review and report on the policies and practices of the Police Department and CPRA?	Yes	
	No	

[FINAL BALLOT QUESTION SUBJECT TO CITY ATTORNEY APPROVAL]

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and be it

**FURTHER RESOLVED:** That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Charter amendment, and said date shall be posted by Office of the City Clerk; and be it

**FURTHER RESOLVED:** That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall provide for notice, publication and printing of notices as to said proposed Charter amendment in the manner provided for by law; and be it

**FURTHER RESOLVED:** That the City Council requests that the Board of Supervisors of Alameda County include in the ballots and sample ballot recitals and measure language to be voted on by the voters of the City of Oakland; and be it

**FURTHER RESOLVED:** That the City Council requests that the Registrar of Alameda County perform necessary services in connection with the November 3, 2020 general municipal elections; and be it

**FURTHER RESOLVED:** That in accordance with CEQA Guidelines Section 15061, subd. (b)(3), the City finds that there is no possibility that the activity authorized by this Ordinance may have a significant effect on the environment; and be it

**FURTHER RESOLVED:** That the City Clerk and City Administrator hereby are authorized and directed to take any and all actions necessary under law to prepare for and conduct the 2020 state general election and appropriate all monies necessary for the City Administrator and City Clerk to prepare for and conduct the November 3, 2020 general municipal election, consistent with law; and be it .

**FURTHER RESOLVED:** That this resolution shall be effective immediately upon approval by five members of the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

**JUL 23 2020**

PASSED BY THE FOLLOWING VOTE:

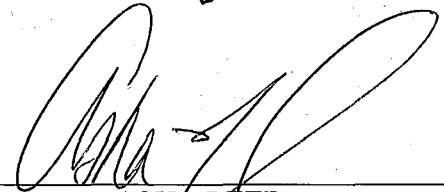
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID,  
TAYLOR, THAO AND PRESIDENT KAPLAN 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED  
Acting City Clerk and Clerk of  
the Council of the City of  
Oakland, California

2957300v2



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

### Current Committees

Standing Committee	Commissioners
Outreach	Dorado, Hsieh, Jordan
Personnel	Jackson

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

**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"> <li>1. California's Meyers Milias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (done 3.12.20)</li> <li>2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (done 2.27.20)</li> <li>3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (done 4.22.21)</li> <li>4. Police Officers Bill of Rights (done 12.12.19; 2021)</li> </ol>	<b>High</b>	<b>COMPLETED (as to current commissioners)</b>		



**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
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**

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

**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
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**

	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
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

**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
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			

**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
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

**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
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		

**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
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			



**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
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			