



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING AGENDA

October 28, 2021

5:30 PM

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

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



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### PUBLIC PARTICIPATION

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

#### OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/89151808117> 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: 891 5180 8117

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 of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail [radwan@oaklandca.gov](mailto:radwan@oaklandca.gov).



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

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

Chair Regina Jackson

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

### II. **Closed Session Item**

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

Public Employee Performance Evaluation (California Government Code Section 54957(b)):  
Title: Director, Community Police Review Agency

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

### III. **Call to Order and Re-Determination of Quorum**

Chair Regina Jackson

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

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

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

V. **Adoption of Renewal Resolution Electing To Continue Conducting Meetings Using Teleconferencing In Accordance With California Government Code Section 54953(E), A Provision Of AB-361.** The Commission will re-adopt findings to permit it to continue meeting via teleconference under the newly amended provisions of the Brown Act. ***This is a new item.*** ([Attachment 5](#)).

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

VI. **Welcome Commissioner Rudolph Howell.**

The Commission welcomes new Commissioner Rudolph Howell to the Oakland Police Commission. ***This is a new item.***

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

VII. **Update from Police Chief**

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; an update on the Negotiated Settlement Agreement; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item.*** ([Attachment 7](#)).

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

VIII. **Office of the City Attorney's Report Regarding Support for the Police-Discipline Process and Recent Arbitration Decisions**

The Office of the City Attorney (OCA) will present a report which summarizes recent efforts by the OCA to help improve the police discipline and data on arbitration decisions. ***This is a semi-annual report.*** ([Attachment 8](#)).

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

IX. **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 9](#)).

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



- X. **Election of Oakland Police Commission Vice Chairperson.** The Commission will nominate and vote on the appointment of a Vice Chairperson to serve from November 2021 to the next election, February 2022. *This is a new item.*
- a. Discussion
  - b. Public Comment
  - c. Action, if any

- XI. **Militarized Equipment Ad Hoc Committee Completion and Dissolution.** Commission representatives from this Ad Hoc confirm the end of this committee's work and discuss suggested next steps. *This is a new item.*
- a. Discussion
  - b. Public Comment
  - c. Action, if any

- XII. **Committee Reports**  
Representatives from Standing and Ad Hoc Committees will provide updates on their work. *This is a recurring item.* ([Attachment 12](#)).

**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.

**CPRA Director Performance Evaluation  
(Commissioners Milele, Jackson)**

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

**White Supremacists and Other Extremist Groups  
(Commissioners 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.

- a. Discussion

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

**XIII. 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.***

**XIV. Review and adoption of meeting minutes**

The Commission will vote to approve minutes from September 23 and October 14. ***This is a recurring item. (Attachment 14).***

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

**XV. 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 15).***

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

**XVI. 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.

# OAKLAND POLICE COMMISSION

## RESOLUTION NO. 21-07

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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





# Weekly Crime Report — Citywide

## 11 Oct. – 17 Oct., 2021

<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)	102	4,679	4,653	5,187	11%	4,840	7%
<b>Homicide – 187(a)PC</b>	2	58	78	105	35%	80	31%
<b>Homicide – All Other *</b>	-	3	5	6	20%	5	29%
<b>Aggravated Assault</b>	56	2,224	2,586	2,884	12%	2,565	12%
Assault with a firearm – 245(a)(2)PC	16	241	365	499	37%	368	35%
<b>Subtotal - Homicides + Firearm Assault</b>	18	302	448	610	36%	453	35%
Shooting occupied home or vehicle – 246PC	6	205	304	437	44%	315	39%
Shooting unoccupied home or vehicle – 247(b)PC	2	100	161	223	39%	161	38%
Non-firearm aggravated assaults	32	1,678	1,756	1,725	-2%	1,720	0%
<b>Rape</b>	3	166	180	113	-37%	153	-26%
<b>Robbery</b>	41	2,231	1,809	2,085	15%	2,042	2%
Firearm	17	817	553	851	54%	740	15%
Knife	-	109	141	94	-33%	115	-18%
Strong-arm	12	992	778	621	-20%	797	-22%
Other dangerous weapon	2	74	65	57	-12%	65	-13%
Residential robbery – 212.5(a)PC	2	74	67	72	7%	71	1%
Carjacking – 215(a) PC	8	165	205	390	90%	253	54%
<b>Burglary</b>	115	11,111	7,444	7,454	0%	8,670	-14%
Auto	98	9,025	5,363	5,984	12%	6,791	-12%
Residential	11	1,428	1,046	801	-23%	1,092	-27%
Commercial	-	515	834	444	-47%	598	-26%
Other (Includes boats, aircraft, and so on)	1	126	148	133	-10%	136	-2%
Unknown	5	17	53	92	74%	54	70%
<b>Motor Vehicle Theft</b>	148	5,136	7,066	6,931	-2%	6,378	9%
<b>Larceny</b>	70	5,904	4,971	4,465	-10%	5,113	-13%
<b>Arson</b>	3	118	159	141	-11%	139	1%
<b>Total</b>	<b>438</b>	<b>26,951</b>	<b>24,298</b>	<b>24,184</b>	<b>0%</b>	<b>25,144</b>	<b>-4%</b>

**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.



# Weekly Gunfire Summary

**11 Oct. – 17 Oct., 2021**

<b>Citywide</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>
Homicide – 187(a)PC	2	58	78	105	35%	80	31%
Homicide – All Other *	-	3	5	6	20%	5	29%
Assault with a firearm – 245(a)(2)PC	16	241	365	499	37%	368	35%
<b>Subtotal - 187 + 245(a)(2)</b>	18	302	448	610	36%	453	35%
Shooting occupied home or vehicle – 246PC	6	205	304	437	44%	315	39%
Shooting unoccupied home or vehicle – 247(b)PC	2	100	161	223	39%	161	38%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	26	607	913	1,270	39%	930	37%
Negligent discharge of a firearm – 246.3PC	23	554	919	1,471	60%	981	50%
<b>Grand Total</b>	<b>49</b>	<b>1,161</b>	<b>1,832</b>	<b>2,741</b>	<b>50%</b>	<b>1,911</b>	<b>43%</b>

<b>Area 1</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>
Homicide – 187(a)PC	-	12	7	11	57%	10	10%
Homicide – All Other *	-	-	-	-	PNC	-	PNC
Assault with a firearm – 245(a)(2)PC	6	44	43	75	74%	54	39%
<b>Subtotal - 187 + 245(a)(2)</b>	6	56	50	86	72%	64	34%
Shooting occupied home or vehicle – 246PC	-	41	37	67	81%	48	39%
Shooting unoccupied home or vehicle – 247(b)PC	-	13	21	33	57%	22	48%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	6	110	108	186	72%	135	38%
Negligent discharge of a firearm – 246.3PC	-	67	76	114	50%	86	33%
<b>Grand Total</b>	<b>6</b>	<b>177</b>	<b>184</b>	<b>300</b>	<b>63%</b>	<b>220</b>	<b>36%</b>

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

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All data extracted via Coplink Analytics.





# Weekly Gunfire Summary

**11 Oct. – 17 Oct., 2021**

<b>Area 2</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2019	YTD 2020	YTD 2021	YTD % Change 2020 vs. 2021	3-Year YTD Average	YTD 2021 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	2	2	9	350%	4	108%
Homicide – All Other *	-	-	1	-	-100%	0	PNC
Assault with a firearm – 245(a)(2)PC	2	9	22	41	86%	24	71%
<b>Subtotal - 187 + 245(a)(2)</b>	2	11	25	50	100%	29	74%
Shooting occupied home or vehicle – 246PC	-	7	14	16	14%	12	30%
Shooting unoccupied home or vehicle – 247(b)PC	-	6	2	11	450%	6	74%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	2	24	41	77	88%	47	63%
Negligent discharge of a firearm – 246.3PC	1	17	15	47	213%	26	78%
<b>Grand Total</b>	3	41	56	124	121%	74	68%

<b>Area 3</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2019	YTD 2020	YTD 2021	YTD % Change 2020 vs. 2021	3-Year YTD Average	YTD 2021 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	12	18	23	28%	18	30%
Homicide – All Other *	-	1	1	1	0%	1	0%
Assault with a firearm – 245(a)(2)PC	3	41	76	104	37%	74	41%
<b>Subtotal - 187 + 245(a)(2)</b>	3	54	95	128	35%	92	39%
Shooting occupied home or vehicle – 246PC	1	32	47	66	40%	48	37%
Shooting unoccupied home or vehicle – 247(b)PC	-	17	31	31	0%	26	18%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	4	103	173	225	30%	167	35%
Negligent discharge of a firearm – 246.3PC	4	99	191	269	41%	186	44%
<b>Grand Total</b>	8	202	364	494	36%	353	40%

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# Weekly Gunfire Summary

**11 Oct. – 17 Oct., 2021**

<b>Area 4</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 2020 vs. 2021</b>	<b>3-Year YTD Average</b>	<b>YTD 2021 vs. 3-Year YTD Average</b>
Homicide – 187(a)PC	-	8	18	24	33%	17	44%
Homicide – All Other *	-	2	-	1	PNC	1	0%
Assault with a firearm – 245(a)(2)PC	4	48	78	104	33%	77	36%
<b>Subtotal - 187 + 245(a)(2)</b>	4	58	96	129	34%	94	37%
Shooting occupied home or vehicle – 246PC	2	50	72	95	32%	72	31%
Shooting unoccupied home or vehicle – 247(b)PC	-	21	37	47	27%	35	34%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	6	129	205	271	32%	202	34%
Negligent discharge of a firearm – 246.3PC	6	117	228	373	64%	239	56%
<b>Grand Total</b>	<b>12</b>	<b>246</b>	<b>433</b>	<b>644</b>	<b>49%</b>	<b>441</b>	<b>46%</b>

<b>Area 5</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 2020 vs. 2021</b>	<b>3-Year YTD Average</b>	<b>YTD 2021 vs. 3-Year YTD Average</b>
Homicide – 187(a)PC	2	24	33	38	15%	32	20%
Homicide – All Other *	-	-	3	4	33%	2	71%
Assault with a firearm – 245(a)(2)PC	1	93	133	162	22%	129	25%
<b>Subtotal - 187 + 245(a)(2)</b>	3	117	169	204	21%	163	25%
Shooting occupied home or vehicle – 246PC	3	74	129	190	47%	131	45%
Shooting unoccupied home or vehicle – 247(b)PC	2	41	69	96	39%	69	40%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	8	232	367	490	34%	363	35%
Negligent discharge of a firearm – 246.3PC	12	250	392	657	68%	433	52%
<b>Grand Total</b>	<b>20</b>	<b>482</b>	<b>759</b>	<b>1,147</b>	<b>51%</b>	<b>796</b>	<b>44%</b>

**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 17 Oct., 2021

<b>Grand Total</b>	<b>972</b>
--------------------	------------

<b>Crime Recoveries</b>	
Felony	518
Felony - Violent	185
Homicide	27
Infraction	0
Misdemeanor	32
<b>Total</b>	<b>762</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	1	3				4
Other	2					2
Pistol	419	153	20		28	620
Revolver	14	5	2		1	22
Rifle	49	17	2		3	71
Sawed Off	5					5
Shotgun	16	3	2			21
Sub-Machinegun						0
Unknown/Unstated	12	4	1			17
<b>Total</b>	<b>518</b>	<b>185</b>	<b>27</b>	<b>0</b>	<b>32</b>	<b>762</b>

<b>Non-Criminal Recoveries</b>	
Death Investigation	19
Found Property	98
SafeKeeping	93
<b>Total</b>	<b>210</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	10	42	49	101
Revolver	6	27	19	52
Rifle		9	18	27
Sawed Off		1		1
Shotgun	3	12	7	22
Sub-Machinegun				0
Unknown/Unstated		6		6
<b>Total</b>	<b>19</b>	<b>98</b>	<b>93</b>	<b>210</b>



# OAKLAND POLICE DEPARTMENT

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

## CRIME ANALYSIS

Week: 11 Oct. to 17 Oct., 2021

**Weekly Total 29**

Crime Recoveries	This Week	Last Week	+/- Change	% Change
Felony	20	7	13	186%
Felony - Violent	0	3	-3	-100%
Homicide	0	1	-1	-100%
Infraction	0	0	0	PNC
Misdemeanor	3	2	1	50%
<b>Total</b>	<b>23</b>	<b>13</b>	<b>10</b>	<b>77%</b>

Other Recoveries	This Week	Last Week	+/- Change	% Change
Death Investigation	0	0	0	PNC
Found Property	2	2	0	0%
Safekeeping	4	0	4	PNC
<b>Total</b>	<b>6</b>	<b>2</b>	<b>4</b>	<b>200%</b>

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



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

Recoveries through 17 Oct.

Gun Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
<b>Grand Total</b>	<b>1,000</b>	<b>972</b>	<b>-28</b>	<b>-3%</b>

Crime Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Felony	509	518	9	2%
Felony - Violent	183	185	2	1%
Homicide	46	27	-19	-41%
Infraction	0	0	0	PNC
Misdemeanor	41	32	-9	-22%
<b>Total</b>	<b>779</b>	<b>762</b>	<b>-17</b>	<b>-2%</b>

Non-Criminal Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Death Investigation	21	19	-2	-10%
Found Property	86	98	12	14%
SafeKeeping	114	93	-21	-18%
<b>Total</b>	<b>221</b>	<b>210</b>	<b>-11</b>	<b>-5%</b>

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



For Immediate Release October 14, 2021

OPD NEWS:

## Help Locate Missing Person at Risk, Joe Ricks

The Oakland Police Department is requesting assistance from our community and media partners in locating Missing Person at risk, Joe Ricks.



Ricks was last seen at 11:30 PM, on October 6, 2021, in the 5400 block of Vicente Way, possibly headed to San Francisco. He was wearing a brown jacket, black jeans, black boots, and possibly carrying a black backpack.

Ricks is described as a 35-years-old Caucasian male. He stands 5'4, weighs 150 pounds, with brown hair and brown eyes. His family reports he has mental health challenges.

Ricks possibly has associates in the area of People's Park in Berkeley.

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

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



For Immediate Release  
OPD NEWS: October 21, 2021

## **A BRAZEN DAYTIME ROBBERY LEAVES ONE PERSON DEAD AND ANOTHER INJURED**

The Oakland Police Department is investigating a robbery and shooting that resulted in a homicide. A ShotSpotter Activation alerted officers to the incident which occurred just after 1:00 PM, in the 1700 block of Castro Street.

Upon arrival, officers located two individuals suffering from gunshot wounds. The preliminary investigation shows several individuals exited a vehicle and began to rob the victim of their belongings.

Multiple gunshots were fired and one of the individuals involved in the robbery was fatally wounded. The robbery victim was struck and sustained several gunshot wounds. The suspects entered a waiting black four door sedan and left the area.

The robbery victim was transported to Highland Hospital where they are listed in critical but stable condition.

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

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara J. Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TTY/TDD: (510) 238-3254

October 22, 2021

OAKLAND POLICE COMMISSION

**Re: Office of the City Attorney's Support for the Police-Discipline  
Process and Recent Arbitration Decisions**

Police Commission Chair Jackson and Members of the Oakland Police Commission:

**I. INTRODUCTION**

This report summarizes recent efforts by the Office of the City Attorney (OCA) to help improve the police-discipline process, including the outcomes of recent arbitration hearings.

Our last report was dated May 6, 2021.

**II. CIVIL MATTERS**

***Oakland Police Officers' Association; Doe Officers 1-4 v. City of Oakland*  
Alameda County Superior Court – Case No. RG19002328**

We reported on this case in each of our previous reports, as it made its way through the trial and appellate court processes.

In 2019, OCA partnered with the CPRA to challenge an appellate decision from southern California (*Santa Ana Police Officers Assn. v. City of Santa Ana* (2017) 13 Cal.App.5th 317) that misinterpreted the Public Safety Officers Procedural Bill of Rights Act (POBRA). As a result of the faulty decision, officers who were under investigation for misconduct often believed they were entitled to see certain investigatory evidence against them before the investigation was even complete.

While the City lost at the trial court level (somewhat predictably), we prevailed on appeal (City California Court of Appeal, First District - Case No. A158662). Since our last report on this case, the City attempted to move the case to the California Supreme Court.

**Re: OCA's Support for the Police Discipline-Process and Recent Arbitration Decisions**

Even though the City prevailed at the appellate-court level, we believed it was worth trying to expand the decision from our appellate district to the entire state of California.

Unfortunately, the Supreme Court declined to review the case, as was their prerogative. Nevertheless, the favorable appellate-court decision remains intact and is a powerful police-accountability safeguard for the City of Oakland and other law-enforcement agencies in California.

***Negrete, et al, v. City of Oakland; Oakland Police Commission, et al*<sup>1</sup>  
Alameda Superior Court - Case No. RG20062117**

Petitioners sought a writ of mandate in Alameda Superior Court, seeking to compel the City and the Police Commission to produce certain documents under the California Public Records Act. The petitioners are former Oakland police officers who were terminated for their involvement in the shooting-death of Mr. Joshua Pawlik. Primarily, petitioners sought communications to or from Police Commissioners, the CPRA Director, and/or Independent Monitor Robert Warshaw related to the City's investigation of the shooting.

The City had previously provided certain documents related to the shooting, in accordance with SB 1421. The City had, however, designated others as exempt from the Public Records Act, including unfinished drafts and communications related to deliberations and legal advice, and had withheld them from the officers accordingly.

On September 28, 2021, Judge Roesch issued an order denying the officers' petition. He agreed that the City had the right to withhold the drafts and communications at the center of the dispute.

***Negrete, et al, v. City of Oakland*<sup>1</sup>  
Alameda Superior Court - Case No. RG21099122**

Petitioners sought a writ of mandate, seeking to overturn their terminations from OPD for their involvement in the shooting-death of Mr. Joshua Pawlik. alleging that the Public Safety Officers' Procedural Bill of Rights Act (POBRA) and the City's personnel rules required the City to implement the Step 3 recommendation issued by Mr. Jeffrey Sloan.

The City has denied the allegations and is fighting the case, which is currently in the discovery phase.

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<sup>1</sup> In addition to the two cases addressed in this report, the officers involved in the fatal shooting have also maintained actions against the City and Police Commission: 1) in state court for allegedly violating the Brown Act (the City prevailed); and 2) in federal district court for allegedly violating the City Charter (the City prevailed; the officers' appeal is still pending)



Re: OCA’s Support for the Police Discipline-Process and Recent Arbitration Decisions

**III. ARBITRATIONS**

*Arbitration Decisions Since our May 2021 Report*

	GRIEVANT / VIOLATION	CITY’S DISCIPLINE	ARBITRATOR’S DECISION <sup>2</sup>	DECISION DATE
1	Officer T Truthfulness	Termination	Termination	10-20-2021

**IV. CONCLUSION**

OCA respectfully submits this report.

BARBARA J. PARKER,  
City Attorney



By: Ryan G. Richardson, Special Counsel

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<sup>2</sup> At Officer T’s election, in accordance with the OPOA’s MOU and the Civil Service Rules, this case did not go through the typical arbitration process. Instead, the case was initially heard by an independent hearing-officer who made a recommendation to Oakland’s Civil Service Board. The Board agreed with the hearing officer’s recommendation, and it made the final decision to deny the grievance and uphold the Officer T’s termination. The case was handled internally by Deputy City Attorney Allison Dibley.



# AGENDA REPORT

**TO:** Police Commissioners

**FROM:** John Alden  
Executive Director  
CPRA

**SUBJECT:** September 2021 CPRA Statistical  
Report and Instagram Case

**DATE:** October 22, 2021

## RECOMMENDATION

**Staff Recommends That The Police Commission Review the CPRA Statistical Report for September 2021.**

## EXECUTIVE SUMMARY

The September 2021 Community Police Review Agency (CPRA) Statistical Report largely speaks for itself. But the materials relating to the Instagram Case merit further discussion, as detailed below. As described in this memo, some portions of that case are publicly available such that at least some discussion can be had in open session.

## BACKGROUND / LEGISLATIVE HISTORY

### 1. Procedural History and State Law Limitations

In December 2020 and January 2021, media coverage of an Instagram page with disturbing memes and comments relating to the Oakland Police Department (OPD) led to a public call for an investigation into that page. This case was thus a matter of public discussion from the beginning. It has commonly been referred to as the “Instagram Case.”

This case likewise came to the attention of the Monitor and the Federal Court in the *Delphine Allen* Negotiated Settlement Agreement, and thus has been publicly discussed in open court in that litigation. Among the issues made clear to the public in those court proceedings was that:

- an independent law firm was retained to investigate the case in lieu of IAD investigating the matter;
- CPRA also conducted a parallel investigation;
- Both investigations are now complete, and discipline has been imposed on many members of OPD.

CPRA’s case was closed in September, 2021, and thus is included in this month’s CPRA Statistical Report to the Police Commission. Because the history of this case and the nature of the allegations makes it obvious to any reader which case it is in the Statistical Report, and because the case number has been publicly disseminated by others already, we believe the public would readily be able to pick this case out of the rest of the Statistical Report. For this reason, we felt it appropriate to make this case a separate

Police Commission  
October 28, 2021

Statistical Report of its own. That report is attached here so that the public can easily review the information our local ordinances here in Oakland mandate be disclosed.

That said, public discussion of the details of disciplinary investigations, like this one, are generally prohibited by the California Penal Code. While there are some limited exceptions to this rule under SB 1421, none of those exceptions apply here. For this reason, the investigative reports generated by the independent investigators and by CPRA have not been, and cannot be, released to the public. Nor can any other details from those reports be revealed here.

The Federal Court, however, did commission a separate short memo containing recommendations from the independent investigators, and ordered that memo released to the public. (<https://oaklandside.org/wp-content/uploads/2021/09/IG-IA-report.pdf>) A copy of that memo is attached here, as well. Because the Federal Court in the NSA has ordered the attached memo released to the public, more information is now available to the public in the Instagram Case than is normally the case in other disciplinary cases. While CPRA remains prohibited by California law from saying any more than is found in the court ordered memo noted above, that memo does give the public sufficient information for us to provide the following analysis. We are also thankful that the Court has ordered this material disclosed so that the public can have at least some idea of the important events in this case.

## **ANALYSIS AND POLICY ALTERNATIVES**

### 1. Recommendations re Policy and Commission Action

First, CPRA continues to advocate for changes in state law that would allow greater transparency in all disciplinary cases. State law prohibitions on public discussions of CPRA's work on disciplinary cases in general, and cases of great public concern like this one in particular, impairs the public trust. It also impairs public feedback to CPRA that would allow for improvements to our investigations.

Second, CPRA has recommended that OPD improve its social media policies. As a general rule, public employees cannot be disciplined for conduct taken off-duty on social media platforms. California law disfavors employers' monitoring personal social media activity of employees, and federal First Amendment law creates significant protections for speech – in some cases, even offensive speech – for public employees like police officers. While these laws are complex, ever-changing, and too intricate to adequately summarize here, there is no question that clear policies about what officers can and cannot post online greatly aid Police Departments in enforcing public expectations about police officers' online conduct. CPRA has recommended, and the Police Commission has agreed, that the OPD social media policy needs revision this regard. Public input regarding that policy will be essential in crafting a strong policy that clearly articulates community expectations.

CPRA also has made a series of other policy and training recommendations as noted in the attached statistical report. These include revisions to OPD's policies relating to harassment, discrimination, and offensive speech. Collectively, these policies are referred to in the City of Oakland as "Administrative Instruction (AI) 71." CPRA found that OPD training and policies explaining to officers how these principles apply in policing need improvement. We understand that OPD has publicly committed to overhauling that material.

## 2. Observations Taken From Publicly Available Information

The public has asked a number of questions at Police Commission meetings, and in other fora, about the details of this investigation. As noted above, current state law limitations prevent CPRA from answering some of those questions here. But publicly available information allows for a series of observations about the specific facts of this case that partly answer some of those questions.

### A. The Investigation Was Thorough

One common question is how one can be assured the investigation was thorough. As the court-ordered memo from the independent investigators states:

“According to records subpoenaed from Instagram’s owner, Facebook, the @crimereductionteam Instagram account was created on April 25, 2020 by an individual who provided an email address that is associated with a recently-terminated OPD officer. This former officer was the subject of an internal affairs investigation related to an officer-involved shooting in March 2018 and was terminated from the Department in April 2020.”

From this statement, one can infer that the investigation included use of the subpoena power, and the production of records from third parties like Facebook. This is one sign that the investigation aggressively used available tools, and included a close look at the Instagram page itself.

In addition, the attached Statistical Report for just this one case is 17 pages long. This shows a tremendous number of officers were investigated in this case.

Finally, CPRA had opportunity to review the independent investigator’s final report, and agreed with the findings. This information is publicly available by virtue of the fact that the Police Commission did not publicly notice a Disciplinary Committee in the months surrounding the completion of the investigation.

For all these reasons, the public can rest assured that this case was investigated very thoroughly.

### B. Who Created the Instagram Page and/or the Memes and Comments?

Another question often asked is who created the page. The above text, plus the lack of any reference to the discovery of any officers who created, maintained, or curated the materials on the Instagram page, suggests that none of the individuals who created these offensive memes and comment were ever identified, beyond the individual who hosted the page. Again, that person was identified as a former OPD officer, who created the page after leaving OPD.

As a general rule, if CPRA ever found sufficient evidence to prove an officer had created a page of this sort, or the memes or comments of the sort found there, we would

absolutely seek their termination, including use of the Disciplinary Committee of the Police Commission, if needed. The fact that the Police Department has separately announced that no officers were fired in this case also corroborates that the officer(s) who created this material were either already separated from the Department, or not identified in the course of the investigation.

It is also important to note that no employer can discipline an employee who has already been fired. In cases where former officers are sustained for conduct that occurred while they were still an employee, CPRA and OPD can complete a sustained investigation against that officer and add that to their personnel file, but cannot, as a matter of law, take any other action against that former employee. In addition, if the conduct occurred after termination, as is suggested in the above paragraph from the independent investigators, there is no action that CPRA or OPD can take against that former employee.

#### C. Why Were More Officers Not Identified?

The court-ordered memo from the independent investigators states on pages 11 through 14 that the Instagram page at issue was first discovered by mid-level supervisors in OPD in September, 2020, but not referred to IAD as a possible disciplinary matter until January, 2021. During that window of time, one sergeant sent a Department-wide email out in September, 2020, advising officers that the Department was aware of the website, among other things. Thus, officers who might have been involved in the Instagram page had over three months to remove themselves from the Instagram page or otherwise delete evidence of their participation. We will never know how much information was lost during that window.

To the extent that the community has asked why there were not more officers disciplined in this case, this substantial period to cover one's tracks is likely part of the reason. Individuals who created or curated these memes would, presumably, have had the greatest incentive to cover their tracks during the September to December, 2021, period. In fact, one of the publicly-available memes from the Instagram page appears to specifically reference that Department-wide email and implies that getting off the site would be in the best interests of participating officers. (<https://www.ktvu.com/news/instagram-scandal-oakland-police-probe-into-sexist-racists-posts-was-anemic>)

#### D. Why Did the Investigation Start Months After Some In OPD Learned of the Instagram Page?

Finally, a continued theme in the publicly-available information was the failure of many in OPD to recognize that the memes and comments in the Instagram Page were offensive. Not only did some fail to recognize the offensive nature of the material, but also a failure to recognize that this material constituted misconduct that should be reported to IAD for investigation. As stated in the independent investigators' memo:

"Every sworn officer of the Oakland Police Department, including the Interim Chief and executive staff, was on notice of the @crimereductionteam Instagram page no later than September 23, 2020, when the Intel sergeant sent an email about the page to every sworn member. Although the email discouraged officers from following the page due to purported safety concerns, many officers

acknowledged in interviews that they visited the page precisely because the Intel sergeant sent an email about it – and other officers said they were aware of and/or following the page even before the sergeant’s email. Nonetheless, not a single OPD member identified or escalated the patently objectionable nature much of the page’s content. It took a phone call to the Interim Chief from an outside attorney in January 2021 – more than three months after the Intel sergeant’s email went out – to alert the Department to memes that were unequivocally sexist, racist, insubordinate, and anti-reform.

There is no satisfactory explanation for this collective failure. It was not simply a failure to report; OPD officers uniformly acknowledged that if they encountered an MOR violation or a breach of AI 71, they were duty-bound to report it. The problem was a failure to detect – that is, a failure to see that much of the content on the @crimereductionteam Instagram page was inappropriate and offensive. This failure occurred at every level of OPD.”

CPRA agrees with this statement. For this reason, CPRA has recommended both that OPD policies on offensive content be improved, and above all, that training be made more robust.

### **FISCAL IMPACT**

None beyond staffing for the creation of a social media policy ad hoc or other policy-revision process. OPD’s fiscal costs to implement improved training are beyond the scope of this analysis, and cannot be assessed until that program is developed. CPRA recommends that funding for such training, once quantified, be a priority for the City of Oakland.

### **PUBLIC OUTREACH / INTEREST**

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

### **COORDINATION**

This report was not coordinated with any other department or agency.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** None.

***Environmental:*** None.

***Race & Equity:*** This report does not, by itself, have a race and equity impact. But the training and policy development recommended here obviously have a tremendous race and equity impact. Further assessment of those impacts, once such a training program is developed, would be important in assessing the prioritization of funding for that retraining.

Police Commission  
Subject: September 2021 CPRA Statistical Report and Instagram Case  
Date: October 22, 2021

**ACTION REQUESTED OF THE POLICE COMMISSION**

Staff Recommends That The Police Commission Review the CPRA Statistical Report for September 2021.

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

Respectfully submitted,



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JOHN ALDEN  
Executive Director,  
CPRA

Attachments (2):

CPRA Statistical Report, September 2021  
Order Re Conclusions And Recommendations Stemming From Internal Affairs  
Case No. 21-0028 The "Instagram Investigation"

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DELPHINE ALLEN, et al.,  
Plaintiffs,  
v.  
CITY OF OAKLAND, et al.,  
Defendants.

Case No. [00-cv-04599-WHO](#)

**ORDER RE CONCLUSIONS AND  
RECOMMENDATIONS STEMMING  
FROM INTERNAL AFFAIRS CASE  
NO. 21-0028 THE “INSTAGRAM  
INVESTIGATION”**

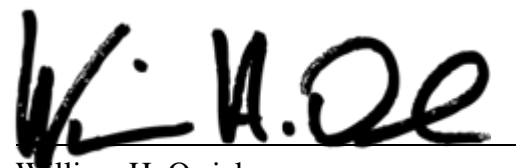
Pursuant to my January 14, 2021 Order, directing the Compliance Director Chief Robert Warshaw to use his authority to ensure that Internal Affairs Case No. 21-0028 and any related matters are properly and timely investigated, the firm of Clarence Dyer & Cohen LLP was retained by the City of Oakland to investigate a public Instagram page titled @crimereductionteam and any connections between the page and members of the Oakland Police Department (“OPD”).

On September 5, 2021, Clarence Dyer & Cohen delivered its Report – consisting of the “Report of Investigation” and separately the “Conclusions and Recommendations” – to Chief Warshaw. Pursuant to my September 1, 2021 Order, counsel also lodged a copy of both sections of the Report with me for my *in camera* review.

Having reviewed both sections of the Report, and with guidance from Chief Warshaw, I find that the Conclusions and Recommendations section of the Report shall be filed in the docket of this matter and publicly disclosed in full. Disclosure of the Conclusions and Recommendations allows for greater public transparency and accountability for OPD to ensure that the cultural change necessary for compliance with the NSA and AMOU governing this matter is achieved.

**IT IS SO ORDERED.**

Dated: September 20, 2021



William H. Orrick  
United States District Judge

United States District Court  
Northern District of California

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**Conclusions and Recommendations**

**Re: @crimereductionteam Instagram Page**

**Oakland Police Department**

**September 5, 2021**

**CLARENCE DYER & COHEN LLP**

In January 2021, an independent law firm was retained by the City of Oakland to investigate a public Instagram page titled @crimereductionteam and any connections between the page and members of the Oakland Police Department (OPD, or the “Department”). This report sets forth the public conclusions of the investigation, along with investigators’ recommendations for the Department going forward.

#### **I. The @crimereductionteam Instagram Page**

The @crimereductionteam Instagram page was a social media page containing a collection of police-related “memes.” Generally speaking, each meme consisted of an image with a text caption; the combination of the image and the caption communicated a message that the author presumably intended to be humorous or satirical. Instagram users who followed the @crimereduction page saw the memes in their Instagram “feed” when new memes were posted to the page. Alternatively, anyone with an Instagram account could navigate to the page – which until late December 2020 was public (i.e., visible to all Instagram users rather than only approved followers) – and view all of the memes posted there. Whether a user received the memes in his/her feed or navigated to the page, the user could “like” a meme by clicking on a button, or post a comment on a meme that would be visible to other users.

According to records subpoenaed from Instagram’s owner, Facebook, the @crimereductionteam Instagram account was created on April 25, 2020 by an individual who provided an email address that is associated with a recently-terminated OPD officer. This former officer was the subject of an internal affairs investigation related to an officer-involved shooting in March 2018 and was terminated from the Department in April 2020.

This investigation was unable to determine with precision the date on which this former officer first posted to the @crimereductionteam Instagram page. In a meme posted on or about September 23, 2020, he hinted that only five days had elapsed since his first post. However, certain officers recalled observing posts on the page during the summer of 2020. Regardless of the exact date of the first post, the evidence shows that the officer was no longer employed by OPD when he began posting to the page. Facebook records indicate that the page was taken down on or before December 31, 2020. After that date, there was no additional activity on the page, and the page was no longer accessible to other Instagram users.

During the lifetime of the page, several dozen memes were posted. The vast majority of these memes related to the work of law enforcement generally, with no apparent nexus to a particular agency or location. In this regard, the posts resembled content that is available on several other police-related social media pages on the Internet.<sup>1</sup> Certain of the memes, however, referred to people or events that were uniquely associated with OPD. For example, one meme parodied an occasion in the fall of 2020 when a junior OPD officer requested a “last radio call” on the officer’s final day of work, even though that honor is traditionally reserved for more senior officers. Another meme alluded to the supposed loneliness and futility of serving as a police officer in a “liberal city full of crime.” On a couple of memes, the page’s administrator posted comments that called out Oakland community leaders by name.

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<sup>1</sup> For example, officers stated during interviews that they knew of and/or followed police meme pages called @darkcopmemes, @nomerit\_pd, @FOGMTA, @mike\_thecop, and @officerdaniels. One officer recalled that he first encountered the @crimereductionteam page in a “Final Four” tournament of police meme pages, where viewers voted for their favorite meme page.

Some of the memes posted on the @crimereductionteam Instagram page were inoffensive. Such memes poked fun at police work without calling attention to particular individuals or groups, disrespecting the chain of command, undermining the Department's commitment to compliance with the Negotiated Settlement Agreement (NSA),<sup>2</sup> or otherwise bringing the Department into disrepute.<sup>3</sup>

However, several of the memes posted to the @crimereductionteam Instagram page clearly crossed the line.

### ***Sexist Memes***

Certain memes on the page were overtly demeaning to women and gender-nonconforming individuals. For example, the caption to one meme began "Me: How did you make it into all these assignments? You literally have none of the qualifi--". The response, from "Her," was an image of a woman pulling her shirt off over her head, exposing her lower breasts. Nearly every OPD member interviewed during the course of the investigation recognized the meme's implication that a female officer was not qualified for her assignments and used her body to obtain them, and most (but not all) acknowledged that the meme was degrading to women.

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<sup>2</sup> Since January 2003, the Oakland Police Department has been subject to monitoring by the Federal Court pursuant to a Negotiated Settlement Agreement (NSA) in connection with *Allen, et al. v. City of Oakland, et al.*, Case No. 3:00-cv-04599-WHO. On January 14, 2021, the Court entered an order regarding the @crimereductionteam Instagram page (Dkt. No. 1419) directing the Compliance Director to "ensure that Internal Affairs Case No. 21-0028 and any related matters are properly and timely investigated, and that all appropriate follow-up actions are taken."

<sup>3</sup> For example, one meme reproduced a scene from the sitcom "The Office" with the caption, "When command staff buys useless equipment that no one was asking for." One depicted a bored man sitting in a darkened car under the caption, "Misdemeanor Crimes detectives on their days off." One portrayed someone holding a microphone up to his throat under the caption, "Rookies using the PA system the first time after they're cut loose." Another featured a pig puppet with its ears blowing in the breeze in response to the caption, "The new guys brought donuts and coffee but your better hurry."

Another meme borrowed an image from the animated film *Finding Nemo* that depicts a flock of seagulls perched on tree limbs peering longingly at an unidentified object and collectively asking “Mine?”. On the @crimereductionteam page, the image was captioned “New Female Recruit Gets Hired,” and the seagulls were labeled “Cops with wives,” “LTs,” “single cops,” “Cops with girlfriends,” “LTs with wives,” and so on. The meme thus communicated the message that female recruits were objects of sexual interest to male officers who wanted the recruits to be “theirs.” To this meme, the creator of the page appended a comment – “I will keep my private life unsullied as an example to all...” – which, viewed in context, was likely intended to mock the perceived hypocrisy of senior officers who claimed to lead by example.

A third meme repurposed an image of an apparently inebriated man whispering into the ear of a woman at a bar. In this meme, the man whispered to the woman that he could tell, based on her appearance alone, that she would be a good fit for his elite police squad despite her inexperience as an officer. At one point the man whispered, “Of course it helps that you’re pretty.” Once again, this meme implied that female officers use sexuality to get ahead because they are less competent and/or deserving than men.

Yet another meme depicted the actor Danny Trejo dressed in a woman’s clothing and wearing a long blond wig, with the caption “When the only female cop in the district gets picked as the prostitution UC [undercover officer].” Taken together, the image and the caption suggested that women who serve as police officers are unattractive, extremely masculine, or both.

Each of these images conveyed the unmistakable message that female officers are less qualified than their male counterparts; held to lower standards; and/or properly objectified by their peers.

### ***Racist Memes***

Other memes on the page were racist. One such meme is known as the “Piper Perri Surrounded” meme, as it depicts a scene from a pornographic film starring an actress named Piper Perri. In the meme, Piper Perri is a young, pigtailed, white woman seated cross-legged on a couch, where she is surrounded by five Black men in undershorts and shirts. In the version of the meme posted to the @crimereductionteam page, the young white woman was labeled “Cop That Just Wants to Fight Crime,” while the Black men leering at her represented “Internal Affairs,” “Police Commission,” “Command Staff,” “Spineless Cops,” and “Criminals Taking Advantage of the Situation.” The administrator of the @crimereductionteam page posted the comment “Not up in here!,” suggesting, in context, awareness that the meme represented an imminent sexual assault. Putting aside the insubordinate suggestion that “good” cops are under assault from command staff, IAD, and the Police Commission, the meme clearly draws upon repugnant tropes of Black men as sexual predators of white women.

Another meme from the @crimereductionteam page portrayed a white man wearing a long-sleeved shirt with only the top button fastened, along with sunglasses and a bandana tied around his head. The image was captioned “White guys after being in the Hispanic gang unit for 2 weeks.” The disparaging stereotype of Latino men was offensive, as was the suggestion that an undercover officer must adopt such a hackneyed persona to be accepted by other Latinos.

### ***Anti-Reform Memes***

Several memes on the @crimereductionteam Instagram page ridiculed reforms OPD was required to implement to comply with the NSA. Most prominent were memes encouraging violent policing. For example, one meme depicted the actor Jonah Hill drawing his hand across his neck in a gesture that connotes “cut it out.” The meme was captioned: “When your partner starts telling a story about some dude you guys beat up after you had just told the Sgt. that you should be taken off UOF monitoring.” As officers acknowledged during interviews, the meme made light of a continuing pattern of violence by an officer who was already being monitored for prior uses of force.

Another meme borrowed a scene from the movie “The Hangover” in which actor Zach Galifianakis performs complex mathematical equations in his head. Here, the meme was captioned “Trying to remember how many times you punched the suspect in the face.” In context, the meme trivialized an officer’s duty to report accurately on uses of force. The comment posted by the administrator of the @crimereductionteam page underscored this disrespect for use-of-force reporting, which is a cornerstone of the NSA. The administrator commented: “‘I used the necessary force to effect the arrest.’ Annnnd send,” suggesting that the officer resorted to a well-worn euphemism in lieu of an accurate description of the force that he applied.

In a third meme, an image of a man tearing up at a parade was captioned “Watching your boy get his first foot pursuit, use of force, and complaint.” This meme was accompanied

by the administrator's comment: "My little Goon is all grown up."<sup>4</sup> The meme and comment conveyed pride, rather than disappointment or disgust, in a young officer who used such excessive force that it generated a use-of-force complaint.

Yet another meme depicted the Sesame Street character Elmo. In the first frame, Elmo was shown choosing between a pile of fruit labeled "Following Law & policy," and a pile of white powder labeled "Gray area policing." In the second frame, Elmo made his choice, burying his nose in the powder. To this meme, the administrator appended the comment "Goons make better cops." Once again, the clear message was that laws, policies, and established departmental rules must and should be disregarded in the name of ostensibly "effective" policing.

### ***Insubordinate Memes***

In addition to the memes described above, the @crimereductionteam page included content derogatory of city leaders. For example, the page administrator posted a screenshot from the website of the *San Francisco Chronicle* featuring the headline "Oakland poll finds people feel unsafe, want to defund police, but still want plenty of officers." Below this headline, the administrator posted a cartoon image of a man shooting himself. In the comments section, a user wrote, "Commissioner Ginale Harris will Make OPD Great Again." In response, another user wrote, "oh she already has she's played a huge part in firing the chief so

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<sup>4</sup> Officers interviewed during this investigation reported that they were not familiar with the term "goon." According to a street-slang dictionary, it connotes "one who participates in . . . public displays of ignorance, outward obnoxiousness, or other non-socially acceptable practices," or "an individual of sub-standard wit or mental competency, commonly identified by a less than reputable character [or] bad personality." <https://www.urbandictionary.com/define.php?term=goon>.



now there's a media puppet yes woman as chief and ruined all moral [sic] now the department is scraping the bottom of the barrel to hire anyone that's stupid."

Other memes were disrespectful of the Internal Affairs Division. In one meme, an Internal Affairs investigator asked an officer, "Is there anything you'd like to add to this interview?" The officer responded, "You're a garbage person and you should live in a dumpster with rotten snails," while the officer's attorney hung his head. The administrator's comment on this meme read: "My attorney: Don't say it. Don't say it. don't say it. Me: ima say it."

Another meme contrasted images of a mournful Steve Carell under the caption "How IA thinks I'll be during my suspension," with images of an elated Steve Carell under the caption "How I actually am during my suspension." The administrator commented, in reference to Internal Affairs, "Fucking no-dicks."

In sum, the @crimereductionteam Instagram page was an Oakland-centric police meme page that included a significant volume of racist, sexist, anti-reform, and/or insubordinate content.

## **II. Discovery and Investigation**

### **A. September 2020**

In September 2020, an OPD lieutenant with a personal Instagram account received an invitation to follow the @crimereductionteam Instagram page. Concerned that the invitation might be a ploy to gain access to officers' personal information in order to antagonize or embarrass the officers, the lieutenant notified a sergeant in the Intelligence Unit about the

invitation he received.<sup>5</sup> In a text message to the Intel sergeant, the lieutenant asked whether the invitation could be an “Antifa or BLM-type trap,” *i.e.*, an effort by an organization like Antifa or Black Lives Matter to infiltrate a law enforcement organization.<sup>6</sup> The lieutenant chose to notify the Intel Unit because the responsibilities of the Intel Unit included assessing potential threats to officer safety.

The Intel sergeant relayed the lieutenant’s concern to the officers in the unit. Some of the Intel officers navigated to the page and observed at least some of the memes that were posted to the page at that time, as well as the usernames of individuals who were following the page. During interviews, these officers explained that they viewed the page with an eye toward determining whether the page posed a risk to officer safety. Accordingly, the officers reported that they were more focused on identifying the creator of the page than viewing the specific memes posted to the page. Every Intel Unit member interviewed claimed not to have conducted a systematic review of the memes, and none considered whether the memes were demeaning to certain members of the Department or disrespectful of OPD leadership or the reforms instituted by the Department to comply with the NSA.

On September 23, 2020, the Intel sergeant sent an email to every sworn member of the Department regarding the @crimereductionteam Instagram page. The email included a screenshot of the top of the @crimereductionteam landing page, which featured a photograph

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<sup>5</sup> There is conflicting evidence concerning the exact date in September 2020 when the lieutenant notified the Intel sergeant. It is clear, however, that the notification was made no later than September 21.

<sup>6</sup> To document this perspective is not to endorse it. What matters for present purposes is what the lieutenant apparently believed, not whether that belief was warranted.

of the rear of a police car along with three memes from the page.<sup>7</sup> The email cast the page as a potential threat to officer safety and warned officers against allowing the page to access their personal information:

*Good Afternoon,*

*In this day and age, social media is more popular than ever. Of concern for all persons, especially those in law enforcement, is the capability of someone finding out personal information about us and then using it against us. One of the ways people are able to do this is through pages that may look appealing to those in law enforcement.*

*We have come across a page on Instagram that some officers in our department "follow." The content on the page is very specific about policing and could be used to get information about police officers. This is not the only page like this, but we thought this was a good example of possible targeting of law enforcement.*

*This email is just a reminder – if you use social media, pay attention to the people asking to follow you and the people you decide to follow. No one has been able to tell me who specifically is behind this account. Something as simple as following an account that is questionable or spouts negative rhetoric could reflect poorly on you. Even worse, we do not want any officers to be targeted either via social media or at their homes.*

*Please stay vigilant and only share information with trusted sources. If you don't know the person requesting to follow you, you probably should not accept the request.*

*Take care and stay safe,*

*Sergeant of Police  
Intelligence Division*

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<sup>7</sup> The first of these memes depicted four figures in a swimming pool. Two of the figures – a mother playing happily with a toddler – were labeled “suspects” and “command staff/community/judges.” A little boy struggling to keep his head above water was labeled “proactive cops,” while submerged beneath the surface was a figure labeled “morale/victims of crime.” The second meme depicted a television news reporter atop the caption: “Anchor upset after learning suspect in fatal officer involved shooting was white. ‘What the f—k am I supposed to do with this?!’” The third depicted a man staffing a table bearing a poster that reads “Walking Units Are the Laziest Cops – Change My Mind.”

Three OPD members replied to the Intel sergeant's email. Two of the three advised that they, too, had been invited to follow the page. No one above the rank of officer, and no one from Internal Affairs, responded to the email. Subsequent investigation revealed that several senior OPD members, including the Interim Chief, Deputy Chief and head of Internal Affairs, did not even open the email at or around the time it was sent.

**B. September 23, 2020 to December 21, 2020**

Between September 23 and December 21, 2020, officers in the Intel Unit periodically reviewed the @crimereductionteam Instagram page to determine whether it was still active. One officer informed investigators that he checked to see if the total number of posts to the page changed over time, but he said he did not review the posts themselves. Once again, the ostensible purpose of this monitoring was to assess any risk to officer safety, not to review the content of the page.

Another Intel officer assembled a list of OPD members who appeared to be following the @crimereductionteam page. The officer assembled this list by reviewing the usernames of the users who were listed on the page as followers and linking those usernames to OPD members by reviewing the content on their Instagram accounts and cross-referencing their usernames against other sources (*e.g.*, Facebook, Twitter). Over the course of his review, this officer assembled a list of approximately 30 current or former OPD members who appeared to be following the page. The officer did not share this list with the Intel sergeant or anyone else in the Department, and he told investigators that, despite accessing the page regularly, he did not conduct a systematic review of the page's content or notice anything offensive.

Also during this time period, Intel officers overheard rumors shared among OPD members that a former OPD officer was responsible for the page.<sup>8</sup> To the best of the officers' knowledge, these rumors were premised on the former officer's status as a disgruntled former officer who had been terminated following his role in an officer-involved shooting. The idea that the page was maintained by someone with ties to OPD was reinforced by the title of the page, which corresponded to a special unit within OPD tasked with responding to violent crimes.<sup>9</sup> A connection to OPD was also suggested by the posting of a meme that depicted a shifty-eyed puppet under the caption "@crimereductionteam after a department wide email comes out about us." This meme was accompanied by a comment from the page's administrator stating "Only took five days" followed by a rat (*i.e.*, snitch) emoji. These developments contributed to a sense within the Intel Unit that the @crimereductionteam page was not created by an individual or organization for the purpose of harassing law enforcement. Satisfied that the page did not present an active threat to officer safety, the Intel Unit turned its attention to other priorities.<sup>10</sup>

**C. December 21-22, 2020**

On December 21, 2020, a reporter emailed the OPD Media team to request a copy of what he described as "a departmentwide email sent out about [the @crimereductionteam]"

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<sup>8</sup> An interview subpoena was issued for the former officer in the course of this investigation, but he evaded service of the subpoena and was not interviewed.

<sup>9</sup> OPD members told investigators during interviews that OPD is not the only police department that utilizes the term Crime Reduction Team, and they had heard departments in Stockton and in parts of Canada also have similarly named units. However, the term is not widespread, and some officers had never heard the term used outside OPD.

<sup>10</sup> These events occurred at a time when the Intel Unit was busy with regular public protests arising from the death of George Floyd and, more contemporaneously, a grand jury's decision relating to the shooting death of Breonna Taylor.

Instagram account.” Upon receiving his inquiry, an officer on the OPD media team, apparently recognizing that the request pertained to the Intel sergeant’s September 23 email, contacted the sergeant. In response, the Intel sergeant informed the officer that she had sent out an email “regarding people trying to get close to people on social media and to watch out for fake accounts.” The Intel sergeant further stated that her unit was still looking into the Instagram account, so “I would say it’s under investigation” and decline to produce anything in response. The media officer did just as the Intel sergeant suggested, responding to the reporter’s inquiry with a one-line email stating that the matter was still under investigation. In fact, there was no active investigation concerning the page at that time.

The Intel sergeant told her unit that a reporter had inquired into the departmentwide email. Shortly thereafter, Intel officers reached out to two OPD members they had identified as followers of the page. Two Intel officers met in person with one of the followers to ask him whether he knew who was responsible for the page. When the officer denied such knowledge, the Intel officers cautioned him against following the page, especially given that the reporter might publish a story about it. One of the Intel officers contacted another follower of the page by phone and conveyed a similar message.

Meanwhile, on the morning of December 22, the same media officer who fielded the reporter’s request for information advised the Interim Chief of Police that the reporter had requested a copy of the Intel sergeant’s departmentwide email. As a result, the Interim Chief reached out to the Intel sergeant to request a copy of the email. Upon receiving the email, the Interim Chief forwarded it to the Assistant Chief and the captain of Internal Affairs. The Interim Chief noted that she had spoken to the Intel sergeant; that the Intel sergeant had reported that

there did not appear to be any MOR violations associated with the page; and that there did not appear to be anything prohibiting OPD members from reviewing or commenting on the page. She concluded by asking whether “this is something we could forward to the Integrity Unit” for review.

In response, the Assistant Chief concurred that this was something that could be assigned to the Integrity Unit, and the IAD captain confirmed he would assign it. In turn, the IAD captain assigned the task to a sergeant in the Integrity Unit. However, due to the press of other commitments, as well as the intervening holiday, the Integrity sergeant did no work relating to the @crimereductionteam page before January 8, 2021.<sup>11</sup>

**D. January 8, 2021**

On the morning of January 8, 2021, the Interim Chief was contacted by an Oakland-based attorney. The attorney informed the Interim Chief that he was in possession of troubling images from the @crimereductionteam Instagram page. Accompanied by the IAD captain, the Interim Chief called the Intel sergeant to inquire anew about the page; in response, the Intel sergeant reiterated that the images on the page were just “dumb” police memes and did not appear to her to constitute MOR violations.

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<sup>11</sup> In late December, a male OPD officer who was following the @crimereductionteam page circulated a screen shot of the Danny Trejo meme (see *supra* p. 7) to the other members of his squad via a group text on an ephemeral messaging app. The screen shot also captured the member’s comment on the meme: “Hahaha #2reel.” Several days later, a female squad mate confronted the OPD member about the text message. The squad mate and the OPD member got into a heated discussion, during which the OPD member was dismissive of the squad mate’s concern that the post undermined the seriousness of the squad’s work. The squad sergeant witnessed this dispute and intervened to inquire about the nature of the dispute. The sergeant later reported the issue to his commanding lieutenant. On or about January 11, 2021, the lieutenant referred the matter to Internal Affairs, where it was effectively joined with the larger investigation into the @crimereductionteam Instagram page.

The Interim Chief and the IAD captain then re-contacted the attorney by phone. During this conversation, the attorney agreed to transmit some of the images from the page directly to the Interim Chief and the IAD captain. Upon receiving the images, the Interim Chief and the IAD captain immediately recognized that the images were objectionable and that a full investigation should be conducted to examine the page, determine who interacted with the page, and assess whether mandatory reporting obligations and/or other MOR provisions may have been violated.

Between January 8 and January 11, 2021, a lieutenant was assigned to oversee the investigation and all relevant materials collected by the Intel unit were assembled and transferred to IAD. Shortly thereafter, work-issued cell phones were confiscated from more than 140 officers, including officers who appeared to have followed the Instagram page as well as officers who were assigned to OPD's Crime Reduction Team or other proximate units.

#### **E. Public Reaction**

On January 11, 2021, The Oaklandside, an online community news site, published an article about a "racist, sexist Instagram page" run by "someone with knowledge of internal affairs" at the Oakland Police Department. According to the article, the Instagram page, which appeared under the handle @crimereductionteam, "used memes to undermine civilian oversight and valorize police brutality."

Reaction to this news was swift and harsh. Oakland Mayor Libby Schaaf vowed to fire any officer who posted "these repugnant memes." The president of the Oakland Police Officers' Association announced that officers who show support for violence have "no place in policing." At a February 2021 hearing on OPD's compliance with the 18-year-old federal



consent decree, the judge remarked that the Department will remain under court supervision until it “roots out officers who do not respect the people they serve and treat them equally.”

At the direction of the Court,<sup>12</sup> an independent law firm was retained to lead an investigation into the origin of the @crimereductionteam Instagram page, any connections between the page and current or former OPD members, and the adequacy of OPD’s response. Over the course of six months, investigators reviewed email correspondence and cell-phone data and interviewed 43 subjects and witnesses.<sup>13</sup> The investigation determined that the page was created by a recently-terminated OPD member. However, several OPD members followed and/or interacted with the page, and some members “liked” or commented on memes that were patently offensive.

The investigation also revealed that OPD as a department took much too long to recognize the bigoted and corrosive nature of the @crimereductionteam page. At best, this failure signals an absence of processes within the Department to ensure a safe and discrimination-free workplace committed to Court-ordered reforms. At worst, it bespeaks a culture so hostile to women and minorities, and so wedded to a discredited model of policing, that it cannot identify discriminatory and anti-reform messaging when it sees it.

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<sup>12</sup> See *Allen, et al. v. City of Oakland, et al.*, Case No. 3:00-cv-04599-WHO, Dkt. No. 1419.

<sup>13</sup> Because the @crimereductionteam Instagram page went offline before the investigation began, investigators were unable to access the page directly and did not have the benefit of metadata that would have allowed a precise determination of who interacted with the page and to what extent. Instead, investigators relied on data from more than 140 department-issued cell phones, as well as screenshots taken of the Instagram page before the administrator disabled it. To the extent that an officer may have accessed the page on a personal device, direct evidence of that access was not available to investigators.

At the conclusion of the investigation, investigators recommended that the Department sustain Manual of Rules violations against certain officers based on their interactions with the @crimereductionteam page and/or failure to report known interactions by others. The recommended findings are contained in a separate, confidential report. In addition, the investigation generated recommendations aimed at heightening awareness and detection of discrimination in the workplace and creating clear standards for OPD members in the social-media realm. These recommendations are set forth below.

### **III. Recommendations**

As set forth in the confidential Report of Investigation, certain members of the Oakland Police Department committed MOR violations by interacting with the @crimereductionteam Instagram page in a manner that brought disrepute to the Department; by accessing or sharing inappropriate content from the page; or by failing to report MOR violations or violations of the City of Oakland's anti-discrimination policy, AI 71, by others.<sup>14</sup> Critically, however, these specific violations cannot be divorced from the context in which they occurred. The issues surfaced by this investigation go beyond the conduct of individual officers to the culture of the Department at large.

Every sworn officer of the Oakland Police Department, including the Interim Chief and executive staff, was on notice of the @crimereductionteam Instagram page no later than

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<sup>14</sup> The number of sustained MOR violations is a function of many factors, including the strength of the evidence that a particular OPD member saw or interacted with objectionable memes on the @crimereductionteam page. Given that the page was no longer active at the inception of this investigation, and considering the volume of memes posted to the page over time, it is difficult to determine retroactively what content any particular user may have seen or whether a user liked or commented on that content. Moreover, a user may have accessed the page from a device or devices other than the one confiscated by OPD. Significantly, a finding of "not sustained" does not constitute a determination that an alleged violation did not occur; rather, it denotes only that the violation could not be established by a preponderance of the evidence.

September 23, 2020, when the Intel sergeant sent an email about the page to every sworn member. Although the email discouraged officers from following the page due to purported safety concerns, many officers acknowledged in interviews that they visited the page precisely because the Intel sergeant sent an email about it – and other officers said they were aware of and/or following the page even before the sergeant’s email. Nonetheless, not a single OPD member identified or escalated the patently objectionable nature much of the page’s content. It took a phone call to the Interim Chief from an outside attorney in January 2021 – more than three months after the Intel sergeant’s email went out – to alert the Department to memes that were unequivocally sexist, racist, insubordinate, and anti-reform.

There is no satisfactory explanation for this collective failure. It was not simply a failure to *report*; OPD officers uniformly acknowledged that if they encountered an MOR violation or a breach of AI 71, they were duty-bound to report it. The problem was a failure to *detect* – that is, a failure to see that much of the content on the @crimereductionteam Instagram page was inappropriate and offensive. This failure occurred at every level of OPD. An untold number of OPD members viewed memes from the page that were unambiguously sexist, racist, or anti-reform yet did nothing about it. And the entire Intel unit, which evaluated the page from the myopic perspective of officer safety, proved unable to see the page for what it really was: a fount of offensive and degrading imagery.

Even when noticed for interviews in connection with this investigation, some officers continued to insist that there was nothing troubling about offensive memes from the page. Some officers claimed, improbably, that they did not understand the memes well enough to say whether they were offensive or not. Others, however, doubled down on the position that the

memes were *not* offensive. To these officers, the memes were funny, and anyone who took offense to them just couldn't take a joke. More than one officer claimed, incredibly, that an image of a woman sleeping her way to the top could just as easily have depicted a man; regarding another meme, several officers ascribed no significance to the fact that all of the partially naked men shown leering at a young white woman were Black.

How does one account for this gaping blind spot, especially in the face of recent efforts by OPD to acknowledge implicit bias in policing and train officers to address it? One answer is supplied by memes from the Instagram page itself. For example, one meme depicts two uniformed schoolgirls in a classroom; one girl's head is stuffed into the end of a tuba labeled "unconscious bias training." The girl playing the tuba is "Command Staff"; the girl on the receiving end represents "Cops without a racist bone in their bodies"; and the comment posted by the administrator of the @crimereductionteam page reads, "Surprise! You're racist and there's nothing you can do about it." When officers reject efforts to sensitize them to the biases we all harbor, it comes as no surprise that they are unable – or that they refuse – to recognize the offensiveness of images posted to the page.

Another meme features a little girl shrugging her shoulders exaggeratedly. She represents "two full squads on scene," who are responding to a sergeant who asks "alright who witnessed the use of force?" This message – that the use of force is acceptable behavior that should be covered up or denied – is antithetical to, and undermines, compliance with an 18-year-old consent decree born of excessive use of force.

But the issues at OPD don't just lurk in memes. Incredibly, multiple officers – including women and minorities – insisted during interviews that they were not offended by overtly

offensive memes on the @crimereductionteam Instagram page. These officers readily acknowledged that a hypothetical *someone* might be offended by a particular meme; but they maintained that they themselves were unbothered. Asked to explain this anomaly, officers consistently explained that they have developed thick skins in this job and don't take things personally. In other words, the attitudes exemplified by the offensive memes are so deeply ingrained in the culture of the Department that even the victims of those attitudes have been co-opted; they must deny or shrug off the offense in order to come to work every day and be part of the team. In this way, the attitudes that must be shrugged off replicate and grow.

A similar phenomenon is evident with respect to police reform. As described above, much of the content on the @crimereductionteam Instagram page took aim at measures implemented at OPD to curb and monitor the use of force. Several memes celebrated not just violence, but violence committed in the face of policies designed to restrict it. The failure of anyone at OPD to flag these memes, or to recognize the extent to which they undermined years of efforts to comply with the NSA, suggests that the views expressed by the memes remain alarmingly widespread.

Changing these attitudes will require more than lip service to principles of diversity, equity and inclusion. The Department must implement and enforce policies that (1) put officers on clear notice that any engagement with hateful or subversive messaging may be grounds for discipline; and (2) erect a framework for identifying, evaluating, and responding to violations. These tasks must be undertaken immediately and "owned" by Department leadership, including the Chief of Police.

***OPD should adopt a Department-specific antidiscrimination policy that incorporates key concepts from AI 71.*** The City's antidiscrimination policy, AI 71, is already binding on OPD members. However, officers' familiarity with the policy is uneven and much less robust than their understanding of policies that pertain specifically to OPD. Accordingly, OPD, with the assistance of external professionals, should draft and implement an antidiscrimination policy that applies to all members of the Department. Among other provisions, this policy should incorporate certain defining characteristics of AI 71, including:

- Extension of the policy beyond the physical boundaries of the workplace to reach any and all conduct and statements with a work-related nexus;
- Application of the policy to any conduct or statements that constitute discrimination, harassment, or inappropriate conduct based on protected status, whether or not a particular victim is targeted;
- Application of the policy regardless of whether an officer's conduct or statement causes actual offense to a victim, and whether or not anyone complains.

The Department should craft and deliver training modules specific to this new policy; update the Manual of Rules to specifically reference the policy; and actively enforce compliance with meaningful discipline for violations.

***OPD should devise and implement an effective social media policy.*** Despite the pervasiveness of social media, particularly among younger officers, OPD has no policy governing social media use. OPD should implement a policy that applies to all social media use by OPD members, whether on or off duty, on both personal and work-issued devices. As this

investigation revealed, OPD cannot readily detect and address an officer's inappropriate social media activity unless the Department's policy applies to all of the officer's devices.

In addition, the policy should include an explicit prohibition on hateful or offensive speech directed at any individual or group on the basis of any immutable trait, including but not limited to race, sex, gender identity, ethnicity, or sexual orientation. It should further prohibit any use of social media that brings the Department into disrepute, including any posts, comments, or likes that show disrespect toward Department leadership; that undermine Department policies; or that compromise the integrity of the law enforcement function. The social media policy should incorporate by reference the City of Oakland's recently enacted policy prohibiting association with extremist groups.<sup>15</sup>

***OPD should implement clear rules and regulations concerning the use of personal devices, private text communications, and ephemeral media in the conduct of police work.***

Officer interviews revealed that the use of personal devices and messaging platforms to communicate on the job has become increasingly common. Although there are often legitimate explanations for using private devices and apps, neither a social media policy nor an anti-discrimination policy can be properly enforced when work-related communications are exchanged on private platforms. There are also security risks associated with the use of personal devices with varying levels of encryption, as well as legal risks created by the Department's lack of custody and control over work-related communications. Accordingly, the Department should undertake a thorough analysis of officers' use of devices and messaging platforms, and then draft and implement a policy that sets clear limits on how personal devices

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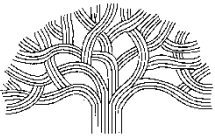
<sup>15</sup> Oakland City Council Resolution No. 88167 C.M.S. (Passed June 16, 2020).

and messaging platforms (including ephemeral media apps) may be used for work-related communications.

#### **IV. CONCLUSION**

The @crimereduction team Instagram page has rocked the Oakland Police Department on many levels. OPD's anemic response to the page bespeaks the need for a culture shift aided by robust anti-discrimination and social media policies. Positive steps the Department has taken in recent years toward compliance with the NSA have been temporarily overshadowed by evidence that some officers remain wedded to hurtful biases and a retrograde vision of policing. And negative media coverage has complicated the task of new leadership to rebuild the community's trust. For the sake of the many good officers in the Department and the relationship between the Department and the city it serves, OPD must take the necessary steps to address the root causes of this episode and erect structures to prevent the recurrence of similar events in the future.



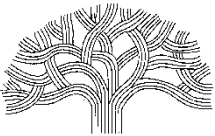


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Contains 10 rows of data for case 21-0028.

Definitions:

- Sustained: The act(s) alleged by the complainant occurred and constituted misconduct.
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.
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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.

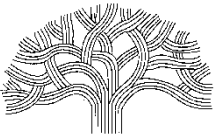


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include Subject Officer 3 and Subject Officer 4 with various allegations and findings like 'Sustained', 'Not Sustained', and 'Unfounded'.

Definitions:

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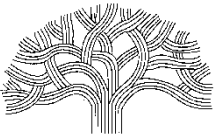


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include Subject Officer 6 and Subject Officer 7 with various allegations and findings like 'Unfounded', 'Not Sustained', and 'Sustained'.

Definitions:

- Sustained: The act(s) alleged by the complainant occurred and constituted misconduct.
Exonerated: The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.
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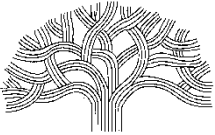


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include Subject Officer 8 and Subject Officer 9 with various allegations and findings like 'Unfounded', 'Sustained', and 'Not Sustained'.

Definitions:

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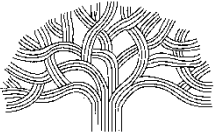


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigation Related to Officers' Use of Social Media*

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 10	Performance of Duty – General	<i>Unfounded</i>
						Reporting Violations of Laws, Ordinances, Rules or Orders	<i>Unfounded</i>
						Accessing, Viewing, Downloading, Providing, Sharing Inappropriate Material	<i>Unfounded</i>
					Subject Officer 11	Performance of Duty – General	<i>Unfounded</i>
						Reporting Violations of Laws, Ordinances, Rules or Orders	<i>Unfounded</i>
						Accessing, Viewing, Downloading, Providing, Sharing Inappropriate Material	<i>Unfounded</i>
					Subject Officer 12	Performance of Duty – General	<i>Unfounded</i>
						Reporting Violations of Laws, Ordinances, Rules or Orders	<i>Unfounded</i>

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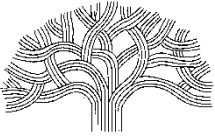


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigation Related to Officers' Use of Social Media*

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Accessing, Viewing, Downloading, Providing, Sharing Inappropriate Material	<i>Unfounded</i>
						Obstructing the Internal Affairs Process	<i>Unfounded</i>
					Subject Officer 13	Performance of Duty – General	<i>Not Sustained</i>
						Prevention of Harassment, Discrimination and Retaliation	<i>Unfounded</i>
						Reporting Violations of Laws, Ordinances, Rules or Orders	<i>Unfounded</i>
					Subject Officer 14	Supervisors – Authority and Responsibilities	<i>Unfounded</i>
						Reporting Violations of Laws, Ordinances, Rules or Orders	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>

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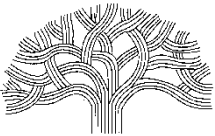


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include various allegations such as 'Reporting Violations of Laws, Ordinances, Rules or Orders' and 'General Conduct' with findings like 'Unfounded' and 'Not Sustained'.

Definitions:

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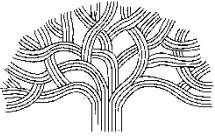
CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include findings like 'Not Sustained' and 'Unfounded' for various officers and allegations.

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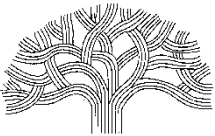


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COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

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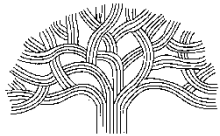


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include allegations like 'Reporting Violations of Laws, Ordinances, Rules or Orders' and 'Performance of Duty - General' with findings such as 'Not Sustained' and 'Unfounded'.

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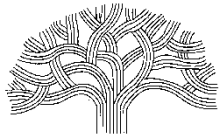


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include findings like 'Not Sustained' and 'Unfounded' for various officers and allegations.

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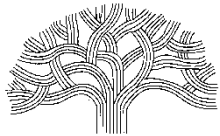


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include allegations like 'Reporting Violations of Laws, Ordinances, Rules or Orders' and 'Performance of Duty - General' with findings such as 'Not Sustained' and 'Unfounded'.

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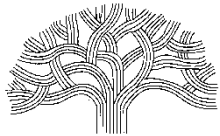


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Rows include details for Subject Officer 27 and Subject Officer 28, with findings such as 'Not Sustained' and 'Unfounded'.

Definitions:

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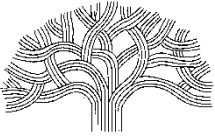


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigation Related to Officers' Use of Social Media

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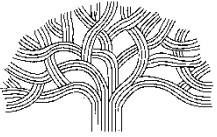
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigation Related to Officers' Use of Social Media*

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Reporting Violations of Laws, Ordinances, Rules or Orders	<i>Not Sustained</i>
						Accessing, Viewing, Downloading, Providing, Sharing Inappropriate Material	<i>Unfounded</i>
					Subject Officer 31	General Conduct	<i>Not Sustained</i>
						Performance of Duty – General	<i>Unfounded</i>
						Reporting Violations of Laws, Ordinances, Rules or Orders	<i>Not Sustained</i>
						Accessing, Viewing, Downloading, Providing, Sharing Inappropriate Material	<i>Unfounded</i>

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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigation Related to Officers' Use of Social Media*

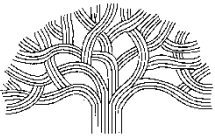
**CPRA Made the following Training Recommendations with Respect to Investigations in this Report**

1. CPRA recommended refresher training for an officer as to the parameters of Administrative Instruction 71, "Equal Employment Opportunity/Anti-Discrimination/Non-Harassment Policy and Complaint Procedure," and how they differ from typical Internal Affairs reporting requirements, with an understanding that AI 71 rules control. This training should include clarification that a complainant or someone in a protected class need not be offended by an image or joke for it to be an AI 71 violation.
2. CPRA recommended that the Department implement formal intelligence training for the Intel Unit, including training on how to identify extremist activity throughout the political spectrum. The training should address the excessive focus on "Antifa" and other groups associated with protests against police brutality, including Black Lives Matter, as potential threats to officer safety.
3. CPRA recommended that a supervisor receive additional training on supervisory duties to be an effective sergeant.

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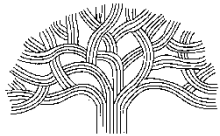
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigation Related to Officers' Use of Social Media*

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

1. CPRA recommended that the OPD social media policy should address the parameters for appropriate use of social media by officers, including clear examples of conduct that would be considered violations of OPD policy.
2. CPRA recommended that OPD implement a robust and aggressive overhaul of its training practices with respect to Administrative Instruction 71, "Equal Employment Opportunity/Anti-Discrimination/Non-Harassment Policy and Complaint Procedure," as well as other training that would support increased equity in the Department, including how to recognize objectionable or offensive content, including content with sexist or racist connotations. Additionally, to the extent there is conflict between AI 71 and General Order M-3 reporting standards as they relate to AI 71 complaints, OPD should send out an informational bulletin or other more immediate training material to make clear that AI 71 reporting standards control.

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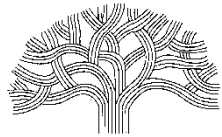


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigations Completed in September 2021
(Allegations in bold were discovered by CPRA investigators)

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. Contains 10 rows of investigation data.

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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in September 2021*  
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 (Total Completed = 23)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Conduct Toward Others – Harassment and Discrimination/Race	<i>Not Sustained</i>
						Conduct Toward Others – Harassment and Discrimination/Gender	<i>Not Sustained</i>
						Truthfulness	<i>Not Sustained</i>
AN	20-1323	6/1/20	9/7/21	10/13/21	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Refusal to Accept or Refer a Complaint	<i>Sustained</i>
					Subject Officer 2	Failure to Accept or Refer a Complaint	<i>Sustained</i>
AN	20-1282	9/28/20	9/17/21	10/5/21	Subject Officer 1	Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>

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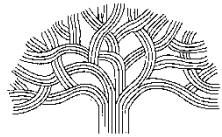
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					Subject Officer 3	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 4	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 5	Performance 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>
					Subject Officer 7	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>
					Subject Officer 9	Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 10	Conduct Toward Others – Demeanor	<i>Exonerated</i>
AL	20-1295	10/8/20	9/1/21	10/8/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>

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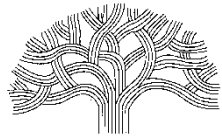
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					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded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

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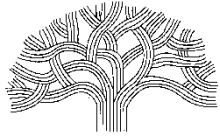
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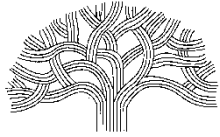
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						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 6	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded</i>
					Subject Officer 7	Performance of 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>
						Use of Force (Level 4)	<i>Unfounded</i>
					Subject Officer 9	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded</i>

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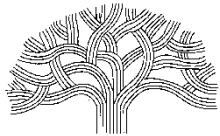
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					Subject Officer 10	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 11	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
AN	20-1542	11/15/20	9/7/21	12/5/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Reports and Bookings	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 3)	<i>Exonerated</i>
						Conduct Toward Others – Demeanor	<i>Sustained</i>
JS	20-1484	11/20/20	9/30/21	11/19/21	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>

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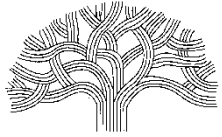
Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – Miranda	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 3	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Performance of Duty – Miranda	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
MB	21-0309	1/2/21	9/16/21	3/18/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 2	Custody of Prisoners – Treatment and Maintaining Control	<i>Unfounded</i>
						Custody of Prisoners – Treatment and Maintaining Control	<i>Exonerated</i>

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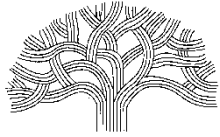


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					Subject Officer 3	Custody of Prisoners – Treatment and Maintaining Control	<i>Unfounded</i>
						Custody of Prisoners – Treatment and Maintaining Control	<i>Exonerated</i>
					Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
						Performance of Duty – General	<i>Unfounded</i>
RM	21-0179	2/15/21	9/13/21	2/14/22	Subject Officer 1	Performance of Duty – General	<i>Service Related</i>
						Service Complaint	<i>Service Related</i>
						Conduct Toward Others – Harassment and Discrimination/General	<i>Unfounded</i>
						Performance of Duty – General	<i>Exonerated</i>

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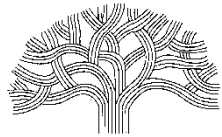


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						Performance of Duty – General	<i>Exonerated</i>
AL	21-0188	2/16/21	9/24/21	2/15/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						<b>Use of Force (Level 4)</b>	<b><i>Exonerated</i></b>
						Use of Force	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>

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					Subject Officer 3	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Use of Force	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 4	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>
AL	21-0217	2/23/21	9/14/21	2/22/21	Subject Officer 1	Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – General	<i>Unfounded</i>

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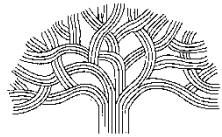
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						Performance of Duty – General	<i>Unfounded</i>
FC	21-0566	5/20/21	9/23/21	5/20/22	Unknown Officer	Use of Force	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
FC	21-0595	5/20/21	9/27/21	5/27/22	Subject Officer 1	Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – PDRD	<i>Exonerated</i>
						Conduct Toward Others – Harassment and Discrimination/Gender	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – General	<i>Unfounded</i>

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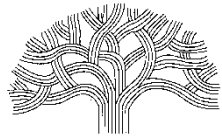
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – PDRD	<i>Exonerated</i>
						Conduct Toward Others – Harassment and Discrimination/Gender	<i>Unfounded</i>
						Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Not Sustained</i>
					Unknown Officer	Service Complaint	<i>Service Related</i>
MB	21-0679	6/6/21	9/3/21	6/16/22	Subject Officer 1	Use of Force	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
					Subject Officer 2	Use of Force	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>

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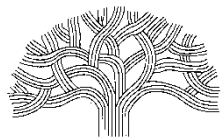
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					Subject Officer 3	Use of Force	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
					Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
MB	21-0772	6/12/21	9/24/21	7/5/22	Unknown Officer	Service Complaint	<i>No MOR Violation</i>
						Conduct Toward Others – Harassment and Discrimination/Gender	<i>Unfounded</i>
						No Duty/No MOR Violation	<i>No MOR Violation</i>
						No Duty/No MOR Violation	<i>No MOR Violation</i>
					Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>

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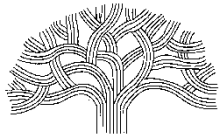
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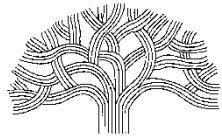
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in September 2021*  
*(Allegations in bold were discovered by CPRA investigators)*

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
FC	21-0794	6/12/21	9/10/21	7/8/22	Unknown Officer	Use of Force	<i>Unfounded</i>
						Use of Force	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>
						Service Complaint	<i>No MOR Violation</i>
MB	21-0696	6/19/21	9/2/21	6/18/22	Subject Officer 1	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 2	Use of Force	<i>Exonerated</i>

**Definitions:**

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

**Page 15 of 18**  
 (Total Completed = 23)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 3	Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
					Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
MB	21-0708	6/19/21	9/16/21	6/18/22	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Unfounded</i>
						Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
MB	21-0783	6/21/21	9/24/21	6/23/22	Unknown Officer	Conduct Toward Others – Demeanor	<i>Unfounded</i>
						Use of Force	<i>Exonerated</i>
FC	21-0741	6/21/21	9/10/21	7/1/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Not Sustained</i>
						Conduct Toward Others – Harassment and Discrimination/Gender	<i>Not Sustained</i>

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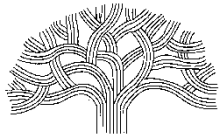
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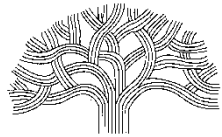


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in September 2021*  
*(Allegations in bold were discovered by CPRA investigators)*

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Conduct Toward Others – Demeanor	<i>Not Sustained</i>
						Service Complaint	<i>Service Related</i>
FC	21-0743	6/25/21	9/10/21	6/27/22	Unknown Officer	Conduct Toward Others – Harassment and Discrimination/Race	<i>Not Sustained</i>
						Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Not Sustained</i>
						Conduct Toward Others – Demeanor	<i>Not Sustained</i>
FC	21-0788	7/7/21	9/24/21	7/8/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Not Sustained</i>
						Conduct Toward Others – Harassment and Discrimination/General	<i>Not Sustained</i>
						Conduct Toward Others – Demeanor	<i>Not Sustained</i>

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

**Page 17 of 18**  
 (Total Completed = 23)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – PDRD	<i>Exonerated</i>
MB	21-0798	7/11/21	9/30/21	7/10/22	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
FC	21-1027	9/1/21	9/30/21	8/30/22	Unknown Officer	Performance of Duty – Demeanor	<i>Not Sustained</i>
						Obedience to Laws – Felony/Serious Misdemeanor	<i>Not Sustained</i>
						Use of Force	<i>Not Sustained</i>

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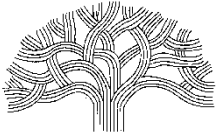
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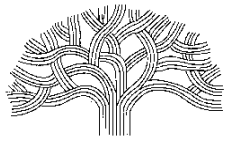
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in September 2021*  
*(Allegations in bold were discovered by CPRA investigators)*

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

1. CPRA recommended that a supervisor receive additional training regarding how to conduct a full investigation of an officer's use of force before reducing a Level 3 use of force to a Level 4 use of force.
2. CPRA recommended additional training that strikes to the body initially constitute a Level 3 use of force, even if a supervisor may ultimately reduce the use of force to Level 4.

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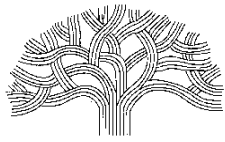


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases as of Sept. 30, 2021*  
*(Sorted by One-Year Goal)*

Attachment 9  
**Page 1 of 2**  
 (Total Pending = 73)

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)
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
20-1526	11/24/2020	11/24/2020	11/23/2021	Intake	FC	5/23/2021	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	AL	5/31/2021	11/30/2021	Profiling/ Discrimination	1	1	5	Profiling/Discrimination, Demeanor, Performance of Duty
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	Other	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	Other	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
21-0252	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	9	Racial Discrimination, Conduct toward others, Performance of Duty, Use of Force
21-0358	4/2/2021	4/7/2021	4/2/2021	Investigator	AL	10/4/2021	4/1/2022	Use of Force	1	1	2	Use of Force; Performance of Duty
21-0366	4/5/2021	4/7/2021	4/5/2021	Investigator	MM	10/4/2021	4/4/2022	Use of Force	1	4	8	Use of Force
21-0354	4/1/2021	4/2/2021	4/7/2021	Investigator	AN	10/4/2021	4/6/2022	Other	1	2	5	Performance of Duty/ Miranda Violation
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
21-0422	4/18/2021	4/20/2021	4/18/2021	Investigator	JS	10/17/2021	4/17/2022	Racial Discrimination	1	2	5	Discrimination, Refusal to Provide Name or Serial Number, PDRD Activation, Demeanor
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
21-0555	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
21-0618	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
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
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
21-0761	7/3/2021	7/7/2021	7/3/2021	Investigator	JS	1/3/2022	7/2/2022	Use of Force	1	2	2	Use of Force
21-0770	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
21-0816	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	1	3	Use of Force, Performance of Duty, No MOR (on CIR, however 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	Investigator	AL	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	1/18/2022	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

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



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases as of Sept. 30, 2021*  
*(Sorted by One-Year Goal)*

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-0868	7/29/2021	8/9/2021	7/29/2021	Investigator	MM	1/25/2022	7/28/2022	Racial Discrimination	1	1	4	General Conduct, POD - General, Compromising Criminal Cases, Racial Bias
21-0871	7/26/2021	8/4/2021	7/30/2021	Intake	MB	1/31/2022	7/30/2022	Other	2	1	2	Performance of Duty
21-0872	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	1	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
21-1027	9/1/2021	9/1/2021	9/1/2021	Intake	FC	3/1/2022	8/30/2022	Use of Force, Assault	1	0	3	Demeanor, Felony Assault, Use of Force
21-1010	8/31/2021	9/1/2021	8/31/2021	Intake	MB	2/28/2022	8/31/2022	Racial Discrimination	1	1	2	Racial Discrimination
21-1038	7/7/2021	9/3/2021	9/3/2021	Intake	FC	3/2/2022	9/2/2022	Racial Discrimination	1	1	3	Demeanor, Discrimination, Service
21-1052	6/20/2021	9/3/2021	9/7/2021	Intake	FC	3/2/2022	9/2/2022	Gender Discrimination	2	0	1	Performance of Duty
21-1047	9/3/2021	9/8/2021	9/3/2021	Intake	MB	3/7/2022	9/4/2022	Use of Force	1	2	2	Use of Force
21-1060	9/7/21	9/9/2021	9/7/2021	Intake	FC	3/8/2022	9/6/2022	Use of Force	1	1	3	Performance of Duty, False Arrest, UOF
21-1055	9/7/2021	9/9/2021	9/7/2021	Intake	MB	3/8/2022	9/7/2022	Racial Discrimination	1	1	2	Racial Discrimination
21-1072	9/11/2021	9/23/2021	9/11/2021	Intake	FC	3/22/2022	9/10/2022	Use of Force	1	1	2	Unlawful Detention, Use of Force
21-1089	9/16/2021	9/17/2021	9/16/2021	Intake	MB	3/16/2022	9/16/2022	Use of Force	1	1	1	Use of Force
21-1118	9/21/2021	9/27/2021	9/21/2021	Intake	FC	3/26/2022	9/20/2022	Use of Force	1	2	2	Use of Force
21-1099	9/19/2021	9/23/2021	9/19/2021	Intake	MB	3/22/2022	9/20/2022	Racial Discrimination	1	2	1	Racial Discrimination
21-1114	9/22/2021	9/22/2021	9/22/2021	Investigator	JS	3/22/2022	9/21/2022	Use of Force	3	3	3	Use of Force
21-1139	9/23/2021	9/23/2021	9/23/2021	Intake	FC	3/22/2022	9/22/2022	Discrimination	1	1	2	Discrimination Race/Gender
21-1123	3/14/2021	9/14/2021	9/23/2021	Intake	MB	3/13/2022	9/23/2022	Use of Force	1	1	2	Use of Force
21-1165	9/21/2021	9/29/2021	9/29/2021	Intake	FC	3/28/2022	9/28/2022	Other	2	1	1	Demeanor
20-0438	4/16/2020	4/16/2020	4/16/2020	Investigator	AN	10/13/2020	Tolled	Use of Force	1	21	30	Use of Force (Level 1, Level 4), Performance of Duty
20-1406	11/3/2020	11/3/2020	11/3/2020	Investigator	AN	5/2/2021	Tolled	Use of Force	1	2	2	Use of Force
21-0238	3/2/2021	3/2/2021	3/2/2021	Investigator	AN	8/29/2021	Tolled	Use of Force	1	5	5	Use of Force, Supervisory
21-1140	9/26/2021	9/26/2021	9/26/2021	Investigator	AN	3/25/2022	Tolled	Use of Force	1	4	4	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

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



**CITY OF OAKLAND | 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 AD HOC COMMITTEE ASSIGNMENTS (updated 9.23)**

<b>AD HOC COMMITTEES</b>	Dorado	Gage	Garcia	Harbin-Forte	Hsieh	Jackson	Jordan	Milele	Peterson
Annual Report						X			
Budget	X					X			
Community Policing OPD 15-01	X			X	X				
Inspector General Search						X		X	X
Mental Health Model	X								
Militarized Police Equipment		X	X				X		
Missing Persons Policy						X	X		
OBOA Allegations Investigation				X		X			
Police Chief Goals and Evaluation			X					X	X
Racial Profiling Policy	X					X		X	
Rules of Procedure		X	X	X					
Social Media Policy					X	X	X		
White Supremacists and Others	X			X		X			
<b>STANDING COMMITTEES</b>									
Outreach	X				X		X		
Personnel						X			
<b>TOTAL ASSIGNMENTS</b>	6	2	3	4	3	9	4	3	2



# OAKLAND POLICE COMMISSION

## MEETING MINUTES

September 23, 2021, 6:30 PM

**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

Absent/excused: Comm. Garcia joined at 7:30pm

**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.

*Public Comment provided by the following speakers:*

Salem Bey  
Nino Parker

**III. Update from Police Chief**

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

Chief Armstrong presented the latest numbers noting that tragically the OPD has passed the 100<sup>th</sup> homicide of the year, as well as the most recent officer involved shooting, the conclusion to the social media account investigation and his subsequent decision to revise OPD's internal policy regarding Department issued devices and the various anti-discrimination efforts underway.

Lt. Beaver joined Chief Armstrong to present the Department's findings related to non-militaristic vehicles and the replacement of the BearCats.

*Public Comment provided by the following speakers:*

John Lindsay-Poland





# OAKLAND POLICE COMMISSION

## MEETING MINUTES

September 23, 2021, 6:30 PM

Omar Farmer  
Rashida Grinage  
Oscar  
Assata Olugbala  
Jennifer Findlay  
Anne Janks

**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.***

Exec Director Alden reported to the Commission on the reopening of CPRA’s office to the public per the City’s requirements (full reopening expected for January 3, 2022). He also discussed the officer involved shooting reminded the Commission and public this is a pending investigation, with full cooperation from OPD.

*Public Comment provided by the following speakers:*

Rashida Grinage  
Assata Olugbala  
Oscar  
John Bey  
Nino Parker

**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.

Comm. Gage, on behalf of the Rules of Order Ad Hoc Committee, presented the groups suggestions for forming and consistently organizing and managing ad hocs. The Commissioners debated the merit of the new suggestions, especially related to public participation in ad hocs in general and regarding this work. Commissioners along with CPRA director Alden also discussed resourcing constraints and the Commissions ability to run and maintain ad hocs and standing committees, with Dir. Alden committing to a longer discussion on the matter at the next Commission meeting.

*Public Comment provided by the following speakers:*

John Lindsay-Poland  
Oscar  
Rashida Grinage  
Assata Olugbala  
Bruce Schmeichen



# OAKLAND POLICE COMMISSION

## MEETING MINUTES

September 23, 2021, 6:30 PM

Mariano Contreras  
Anne Janks  
Omar Farmer

Comm. Harbin-Forte brought a motion to refer ad hoc protocol rules to the Community Outreach Committee for them to propose procedures and rules for the operation of ad hocs.

Comm. Garcia seconds.

Comm. Gage amends the motion to specify the public engagement portion be handled by the Community Outreach Committee and returned to the Rules Committee to further discuss the policy review process. Comm. Harbin-Forte accepts the amendment.

Commission votes unanimously.

- 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.***

Exec. Director Alden presents progress made towards implementing Measure S1 and the work that remains, especially as relates to resourcing.

*Public Comment provided by the following speakers:*

Rashida Grinage  
Assata Olugbala  
Omar Farmer

- 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.***

Chair Jackson discussed the activities that went into planning and running the last Commission retreat and suggests Commissioners begin to consider planning for the next one, likely early 2022 and in person, if possible.

*Public Comment provided by the following speakers:*

Assata Olugbala

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



# OAKLAND POLICE COMMISSION

## MEETING MINUTES

September 23, 2021, 6:30 PM

### **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.

Commissioners shared the progress of their ad hocs, including two upcoming public forums (one culminating the activities for the IG search, the other on behalf of the Missing Person's policy revision) and discussion as to whether or not to fold in the work of the White Supremacy ad hoc into the Social Media Policy ad hoc.

*Public Comment provided by the following speakers:*

Jennifer Findlay

Omar Farmer

Anne Janks

Resa Jaffe

## **IX. Open Forum Part 2 (2 minutes per speaker)**



# OAKLAND POLICE COMMISSION

## MEETING MINUTES

September 23, 2021, 6:30 PM

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

*Public Comment provided by the following speakers:*

Anne Janks  
Assata Olugbala  
Resa Jaffe  
Jennifer Findlay

### 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.***

- Request to agendize training on Robert's Rules of Order (Comm. Harbin-Forte)

*Public Comment provided by the following speakers:*

Assata Olugbala  
Anne Janks

### XI. **Adjournment**

Meeting adjourned at 10:38pm



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

October 14, 2021, 6:00 PM

**Meeting started at 6:00 pm**

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

Vice Chair Jose Dorado

Roll Call: Vice Chair José Dorado; Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner David Jordan; Alternate Commissioner Jesse Hsieh; Alternate Commissioner Marsha Peterson

Absent/excused: Chair Jackson, Comm. Garcia, Milele

Commissioners move to elevate Alternate Comm. Hsieh to full Commission status to ensure quorum.

**II. Public Comment**

*Public Comment provided by the following speakers:*

None

**III. Adoption of City of Oakland Resolution**

Assembly Bill 361 amended provision of the Brown Act, allowing local jurisdictions to meet by teleconference. ***This is a new item***

Comm. Harbin-Forte brings a motion to adopt the City Resolution to allow the Police Commission to continue meeting virtually.

Comm. Gage seconds the motion.

Ayes

Comms. Gage, Harbin-Forte, Jordan, Hsieh

Nays

None

Abstentions

None

**IV. Adjournment**

Meeting ends 6:10 pm



# OAKLAND POLICE COMMISSION

## MEETING MINUTES

October 14, 2021, 6:30 PM

**I. Call to Order, Welcome, Roll Call and Determination of Quorum**  
Vice Chair Jose Dorado

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

Absent/excused: Chair Jackson + Comm. Garcia

**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.

*Public Comment provided by the following speakers:*

Rashidah Grinage  
Saleem Bey  
Michele Lazaneo

**III. Update from Police Chief**

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

Police Chief Armstrong updated the Commission on crime data including homicide rates reaching 110 citywide, 5% decrease in robberies, and firearm recoveries in collaboration with the ATF and the push for legislative change related to ghost guns. The Chief also noted that the three missing persons highlighted in the press releases (included in the packet) had all been found thanks to quick action and reliance on social media channels. The new ad hoc crafting the social media policy should be starting next month, on the direction of the Chair. The Chief also discussed attrition and staffing rates and the efforts underway to bring and keep officer numbers up.

*Public Comment provided by the following speakers:*

Rachel Beck



# OAKLAND POLICE COMMISSION

## MEETING MINUTES

October 14, 2021, 6:30 PM

Resa Jaffy  
Assata Olugbala  
Jennifer Findlay  
Saleem Bey  
Mary Vail  
Anne Janks

**IV. Review of Ad Hoc Committees and Standing Committees.** The Commission will hear a report about Standing and Ad Hoc Committees. *This is a new item*

Executive Director Alden (CPRA) talked through the information in the memo (see attachment in the packet) that outlines the resources, time and effort it takes to help support Commission ad hocs versus standing committees. He facilitated a conversation among commissioners related to prioritizing ad hocs, reviewing current standing committees and the possibility of reconfiguring or dissolve groups with completed objectives.

The commission requested more information from Commission counsel regarding relying on ad hocs with continued subject matter jurisdiction versus converting the group to a standing committee and the measures needed to dissolve standing committees. From staff, the commission would like to hear more about possible job classifications, especially in relation to outreach and engagement and what prioritizing current committees might look like.

*Public Comment provided by the following speakers:*  
Saleem Bey

Commissioner Gage brought a motion to move this matter to be continued to a future agenda pending receipt from staff of the information requested  
Commissioner Harbin-Forte seconds the motion  
Commission votes unanimously

**V. Recognition of Vice Chair Jose Dorado.** The Commission will recognize Vice Chair Jose Dorado for his service on the Commission as he completes his term. *This is a new item.*

Commissioners and staff thank Vice Chair Dorado for his time, efforts and service as one of the longest standing commissioners.

*Public Comment provided by the following speakers:*  
Rashidah Grinage  
Saleem Bey  
Mariano Contreras



# OAKLAND POLICE COMMISSION

## MEETING MINUTES

October 14, 2021, 6:30 PM

### VI. Committee Reports

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

#### **Inspector General Search**

##### **(Commissioners Milele, Jackson, Peterson)**

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

Comm. Milele shared that the ad hoc has narrowed its search to three finalists, their last interview will be held in public at an open forum scheduled for Wednesday Oct 27. Members of the public are invited to watch and submit suggestions for interview questions via a short survey posted, along with details to join and access the event, on the commission's webpage.

#### **Missing Persons Ad Hoc**

##### **(Commissioners Jackson, Jordan)**

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

Comm. Jordan shared that line edits to the policy are still ongoing and the group is preparing for a public forum, more information to follow.

#### **Community Policing Policy revision (15-01)**

##### **(Commissioners Dorado, Harbin-Forte, Hsieh)**

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

Comm. Dorado shared the continued progress of this committee including the start of language rewrites to draft policy 15-01. The committee will reconvene on Saturday Nov 6 to discuss edits to the roles of CROs and others referenced in the OPD policy.

#### **Community Engagement - Standing Committee**





# OAKLAND POLICE COMMISSION

## MEETING MINUTES

October 14, 2021, 6:30 PM

### **(Commissioners Dorado, Hsieh, Jordan)**

The purpose of this Committee is to broaden the reach of the Oakland Police Commission ensuring that every Oakland community knows of the Commission and its duties, and can engage with the Commission/Commissioners in a substantive way. This committee will seek to pilot and explore innovative means towards community outreach, transparency of its efforts and engagement so that public voices are captured and elevated.

Comm. Hsieh shared that the committee has met discuss organizing principles for this committee including scope and objectives, as well as composition and cadence. More work is still required, and the committee will keep moving forward.

*Public Comment provided by the following speakers:*

Saleem Bey

### **VII. Open Forum Part 2 (2 minutes per speaker)**

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

*Public Comment provided by the following speakers:*

Assata Olugbala

Maria Arroyo

Saleem Bey

### **VIII. Review and adoption of meeting minutes**

The Commission will vote to approve minutes from August 12 and September 16. ***This is a recurring item.***

Comm. Harbin-Forte noted a spelling mistake in the Aug 12 minutes and brings a motion to approve and adopt the minutes, once the correction is made.

Comm. Jordan seconds the motion

Commission votes unanimously to approve and adopt minutes for the August 12 meeting.

Comm. Jordan brings a motion to approve and the adopt the minutes for the September 16 meeting.

Comm. Milele seconds

Commission votes unanimously to approve and adopt the minutes for September 16.



# OAKLAND POLICE COMMISSION

## MEETING MINUTES

October 14, 2021, 6:30 PM

*Public Comment provided by the following speakers:*

Saleem Bey  
Assata Olugbala

### IX. **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.***

- Request to agendize a discussion on what information is reportable in the Bey case (Comm. Milele)
- An update on the IG selection and town hall (Comm. Peterson)

*Public Comment provided by the following speakers:*

Assata Olugbala  
Saleem Bey  
Rashidah Grinage  
Jennifer Findlay

### X. **Adjournment**

Meeting adjourned at 9:47 pm

**From:** [Rashidah](#)  
**To:** [Regina Jackson](#); [Jose Dorado](#); [Sergio Garcia](#); [Tyfahra Milele](#); [Brenda Harbin-Forte](#); [Henry Gage, III](#); [David Jordan](#); [Marsha Peterson](#); [Jesse Hsieh](#)  
**Cc:** [Alden, John](#); [Zisser, Aaron](#); [Adwan, Rania](#)  
**Subject:** Instagram scandal and misplaced priorities  
**Date:** Thursday, October 14, 2021 11:48:31 AM

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[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Chair Jackson and Commissioners:

I was very disappointed that there was not a more robust discussion of this item at your last Commission meeting.

You devoted a considerable amount of time to the selection of a replacement vehicle for the Bear Cat, and seemed to be far less engaged in what is truly objectionable behavior on the part of members of OPD, many of whom didn't see any of the messaging as any kind of a 'red flag' and were not truthful in their characterization of the issue to a journalist.

So, thanks to the Public Safety Committee, there was finally an in depth discussion of this matter which you can hear below on the recording:

[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_oakland.granicus.com\\_player\\_clip\\_4490-3Fview-5Fid-3D2-26redirect-3Dtrue&d=DwIFaQ&c=6ZboKdJzR8nZOqwBjhPnCw&r=I3oKbpQ-tHB1OV0pglSQMdknQnL6CQgHVJIUHVq0A8g&m=BxPGFSTyJoB2811fQYcg\\_9C7vY\\_Qw9YwV2buyGhv7gk&s=ILdJDKBLcXbZqVEtiZVv79Od4JQCcPdrVbom69ISou8&e=Fast forward to 4.05.42](https://urldefense.proofpoint.com/v2/url?u=http-3A__oakland.granicus.com_player_clip_4490-3Fview-5Fid-3D2-26redirect-3Dtrue&d=DwIFaQ&c=6ZboKdJzR8nZOqwBjhPnCw&r=I3oKbpQ-tHB1OV0pglSQMdknQnL6CQgHVJIUHVq0A8g&m=BxPGFSTyJoB2811fQYcg_9C7vY_Qw9YwV2buyGhv7gk&s=ILdJDKBLcXbZqVEtiZVv79Od4JQCcPdrVbom69ISou8&e=Fast%20forward%20to%204.05.42)

This was at the end of a very long meeting... four hours in.... and I would hope that the Commission would take the lesson here. The Police Commission was referenced in several comments (particularly by Council member Reid) and it is clear that the Council expects you to be playing a primary role, not only in policy but also in the issue of accountability for those who did not discharge their responsibilities appropriately. So does the community.

Please take the time to hear this discussion.

Rashidah

**From:** [Maria Arroyo](#)  
**To:** [Adwan, Rania](#)  
**Subject:** Request to Speak at Police Commission Meeting Tonight  
**Date:** Thursday, October 14, 2021 12:15:21 PM  
**Attachments:** [IMG\\_57805248.MOV](#)

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[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Good afternoon,

My name is Maria Arroyo and I am requesting to speak during an off topic time during the meeting tonight. It was suggested by a member of The Citizens Police Review Agency that I do so. The subject that I would like to bring up is daily harassment by Patrick Gonzales while flying the OPD helicopter. I would like to ask the other members how many times a day he circles their homes. I assume most people would answer "never" I would like to bring to others attention that he circles my house just about everyday. Yesterday, he circled my house 3 different times spread across the day. I can prove that he did this. On 10/13/21, he flew above my house, then dropped altitude to 222 feet above the ground then came to a complete stop. Then he took off and gained altitude again. I will attach a video of this. I actually have so much flightpath records and videos to prove that he has been doing this to me for about a year now. It got really bad about May 2021. I have been reporting this all over the place and I am currently working with the Citizens Police Review Agency about this. My concern is that this is not something that is typically mandated for them to investigate and despite all the proof and evidence I have, Internal Affairs keeps treating me like he is not really doing this to me. I have actually had 2 different officers from Internal Affairs deny ownership of this helicopter on 2 different occasions, on another occasions they denied ownership to The Citizens Police Review Agency as well. Thank you very much in advance for the opportunity to bring up my concern.

Maria Arroyo

**From:** [Mary Vail](#)  
**To:** [Adwan, Rania](#)  
**Cc:** [Regina Jackson](#); [Israel, Debra](#); [Lupoff, Kenneth](#); [grinage, rashidah](#); [Cathy Leonard](#); [Gallo, Noel](#); [Kaplan, Rebecca](#); [Katy Morsony](#); [Reid, Treva](#); [Mariano Contreras](#); [jbcofc@aol.com](mailto:jbcofc@aol.com)  
**Subject:** My advance testimony for the OPC's October 14, 2021 meeting  
**Date:** Thursday, October 14, 2021 4:08:30 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

### 1) Instagram case/situation:

a) The Administration's staff report to Council on this subject says that Department first learned of about the existence of the 'Crime Reduction Team' (CRT) site in *December 2020*, when in fact that knowledge existed in *September 2020*. Had the Department first learned of the situation in December 2020, the special investigator would not have been rushing to complete its investigation and findings/recommendations last month. It's disturbing that the OPD and/or the Administration continues to try to massage facts to make OPD look better.

b) Substantively, the investigation of the CRT and its officer-posters disclosed the ongoing (and until recently totally unsanctioned) issues with OPD's culture, including racism/White Supremacy, misogyny/sexism and defiance/resistance to policing reform, including NSA-mandated reforms. The site posts should leave absolutely no doubt as to why the City/OPD has yet to reach full NSA compliance after 18+ years of Federal Court oversight and no doubt as to why OPD leadership struggles with recruiting and retaining female officers, of all races, but particularly Black women.

c) The most disturbing aspect of the Clarence Dyer report, however, is its findings as to what OPD middle and upper management did and didn't do during the months of September-December 2020: Hoping the situation would fade away/never be exposed, characterizing the problematic posts as a problem created by 'anti-police' community members, not investigating those who made posts on the CRT site, even though their posts unambiguously opposed Court-ordered policing reforms (and) objected and mocked what the Department says are its values around race, equity, equal employment opportunity and building community-OPD trust. Such inaction is deeply problematic for a Department that holds itself out to Oaklanders as striving to comply with the NSA and to improve police-community relations and as being committed to deep cultural reform of the Department.

This is where, as the Council's PSC, measure's LL and S-1 and community members say, the Police Commission comes in. The Commission, no one else, has the authority to investigate those responsible (including members of IAD and the Intelligence Unit) responsible for the Department's actions and in-actions in the September-December 2020 time period. If the Commission fails to launch such an inquiry, it will fail Oaklanders in two ways. First, OPD has a disparate (by race and rank) discipline history. Only imposing discipline on those who did posts on the CRC site, leaving untouched those (all of higher rank, many in Intelligence and IAD) who

mis-characterized the situation and failed to launch an investigation or made (disturbing) statements such as those offended by the posts lacked a sense of humor or that the site was harmless, just a venue for officers to let off steam perpetuates those discipline disparities. Second, failure to act would be to condone/further embed OPD's impunity culture. In 2016, no OPD member or leader faced any personnel consequences for attempting to cover up the Department's rape/sex scandal. That zero accountability outcome cannot be repeated.

## **2) Chief Armstrong's October 12 presentation to the Montclair Greater Oakland Democratic Club:**

Although the Chief's presentation was largely thoughtful and useful, I was concerned with two aspects of it.

First, attendee's were given a long, detailed presentation about OPD suffering through under-staffing, budget cuts and vacancies during a violence/crime spike, during the Chief's opening remarks. Exposing the public to the Department's position on the Council's prior budget decisions is just not constructive. Nor is repeating the traditional position of police and police union leaders' "crimes up, so your City must increase the size of the police department", because over decades that approach has been proven unsuccessful in making the public safer..

A truly reform-minded Chief would have spoken to how the Department's capacity to address current serious crime levels has been aided by the RPS Task Force's and City Council's decisions to relieve OPD of certain non-core functions, to increase its investigative capacity and to transfer certain public-safety supporting work from OPD to other City Departments and/or community service providers. The Chief did not speak to any of that, at all.

Second, the Chief said he shared the public's concerns with budget-forced reductions in walking beat officers and re-assignment of CRO's (both true/shared), but also with disbanding OPD's traffic officer unit (so not true).

As a 36 year resident of the Glenview District and Park Blvd. homeowner, I can say that OPD's traffic unit was near useless to intervene/reduce the previously pervasive, now near 24-7 speeding and reckless driving on Park Blvd. For years, OPD officers have told my neighbors that the traffic unit can do little to nothing for us because it only has three officers. It is the consensus in the neighborhood that traffic calming and street engineering/design solutions (versus OPD or CHP enforcement increases) are the only ones that will make Park Blvd. safer. There is also a near-consensus in the neighborhood that the RPS Task Force recommendation to move most traffic enforcement to the City's DOT is a good thing. For the aforementioned reasons, the Chief's above-noted statements @ the MGO Zoom call were deeply concerning to me.

Mary Vail  
District 5/Glenview resident



**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</b> (as to current commissioners)		



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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		

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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>			

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

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14	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of: 1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; 2. Arbitration decisions or other related results; 3. The ways in which it has supported the police discipline process; and 4. Significant recent developments in police discipline. The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7	High	Semi-annually Next one should be October, 2021		Jackson
15	Sloan Report	5/13/2021	Discuss the independent review commissioned by the City as part of a Step 3 Grievance procedure related to the Pawlik investigation	Tabled from May 13, 2021 meeting, discussed June 24, 2021 -- Commission counsel submitted report	High	COMPLETED		
16	Training on Brown Act, Sunshine Ordinance, and Parliamentary Procedure	5/21/2021	Receive a training session for Commissioners to understand rights and obligations under the Brown Act, the Sunshine Ordinance, Robert's Rules of Order, and the Commission's Rules		High	COMPLETED		
17	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado

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

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25	Report Regarding OPD Chief's Report	1/1/2018	Submit a report to the Mayor, City Council and the public regarding the Chief's report in addition to other matters relevant to the functions and duties of the Commission	The Chief's report needs to be completed first.	Medium	Annually; once per year		
26	Review Budget and Resources of IAD	10/10/2018		In Discipline Training it was noted that many "lower level" investigations are outsourced to direct supervisors and sergeants. Leaders in IAD have agreed that it would be helpful to double investigators and stop outsourcing to Supervisors/Sgts. Commissioners have also wondered about an increase civilian investigators. Does the Commission have jurisdiction over this?	Medium			
27	Review Commission's Outreach Policy	4/25/2019			Medium			Dorado
28	Revise Contracts with CPRA and Commission Legal Counsels	10/10/2018		The contract posted on the Commission's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City Attorney's Office, not the Commission. The Commission has yet to see the CPRA attorney's contract, but it, too, may be problematic.	Medium			
29	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019	The chair will create adhoc and staff standing committees as appropriate		Medium	Ongoing		Jackson
30	Amendment of DGO C-1 (Grooming & Appearance Policy)	10/10/2018		DGO C-1 is an OPD policy that outlines standards for personal appearance. This policy should be amended to use more inclusive language, and to avoid promoting appearance requirements that are merely aesthetic concerns, rather than defensible business needs of the police department.	Low			
31	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	Spring, 2022		Jackson

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32	Assessing Responsiveness Capabilities	10/6/2018		Review OPD policies or training regarding how to assess if an individual whom police encounter may have a disability that impairs the ability to respond to their commands.	Low			
33	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	Low	August, 2021		
34	Creation of Form Regarding Inspector General's Job Performance	1/1/2018	Create a form for Commissioners to use in providing annual comments, observations and assessments to the City Administrator regarding the Inspector General's job performance. Each Commissioner shall complete the form individually and submit his or her completed form to the City Administrator confidentially.	To be done once Inspector General position is filled.	Low			
35	Discipline: Based on Review of MOU	10/6/2018		How often is Civil Service used v. arbitration? How long does each process take? What are the contributing factors for the length of the process? How often are timelines not met at every level? How often is conflict resolution process used? How long is it taking to get through it? Is there a permanent arbitration list? What is contemplated if there's no permanent list? How often are settlement discussions held at step 5? How many cases settle? Is there a panel for Immediate dispute resolution? How many Caloca appeals? How many are granted? What happened to the recommendations in the Second Swanson report?	Low	2023		

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



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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			