

Supervised Release Inquiry Policy Assessment

Oakland Police Commission, Outreach Committee

Public Announcement of the Change to DGO R-02

Tuesday, July 9 2019 marked a historic milestone for the Oakland Police Commission as the City Council unanimously adopted Oakland Police Department (OPD) General Order R-02 Searches of Individuals on Supervised Release, authored by the Commission. This policy establishes a clear precedent for other law enforcement agencies around the nation to develop community-informed search policies.

The new Department General Order (DGO) includes an affirmative statement regarding the adverse community impact of unjustified inquiries into individuals' supervised release status and sets clear limitations on the time between a check of individuals' supervised release status and any search conducted by OPD. "Inquiring about an individual's Supervised Release, at the beginning of an interaction without proper justification is unjust." (DGO R-02 B-3).

In advocating to the Council for the adoption of the DGO, Commissioner Tara Anderson emphasized that language matters: "As we work to shift the culture in the Oakland Police Department we must use direct language to denounce unjust conduct . . . each Department General Order is an opportunity to increase the insight of those sworn to protect Oakland." Commission Chair Regina Jackson added that "[t]his policy content sends a message to the community that the Oakland Police will no longer presume our citizen's engagement with criminal history... this is a huge step in the right direction concerning culture shift."

Council President Rebecca Kaplan stated after the adoption of the DGO that the City of Oakland must "ensure that OPD is not stopping and searching people unless there is a valid reason to do so. This policy can also help reduce racial disparities in policing and strengthen community-police relations."

The Commission heard directly from impacted communities, including those currently on parole and probation as well as key community advocates. Brendon Woods, the Public Defender for the County of Alameda, provided analysis and support for the Commission's efforts and added that: "This is an amazing accomplishment by the Commission and the City of Oakland. This new policy will prevent OPD from arbitrarily stopping and automatically searching members of our community simply because they are on probation or parole. This policy will help eliminate public mistrust and result in a safer community for everyone."

The Commission intends to develop a plan to monitor OPD's implementation of DGO R-02, to ensure proper training and oversight. The Commission will hold OPD accountable for its performance under this new General Order.

From Oakland Police Department DGO R-02

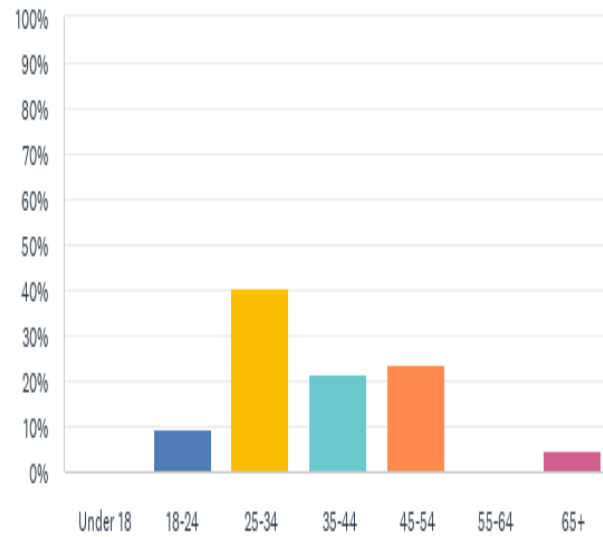
- B - 3. Inquiring About Supervised Release Status Inquiring about an individual's Supervised Release status, at the beginning of an interaction without proper justification is unjust. Such an immediate inquiry is viewed by the community as an improper assumption by the Officer that the individual has a criminal history. To that end, Officers shall not immediately inquire whether an individual is on Supervised Release unless there is an Immediate Threat to Officer safety or the safety of others. Any subsequent inquiries about probation, parole, mandatory supervision, and PRCs status shall be framed in a respectful manner.

Policy Assessment

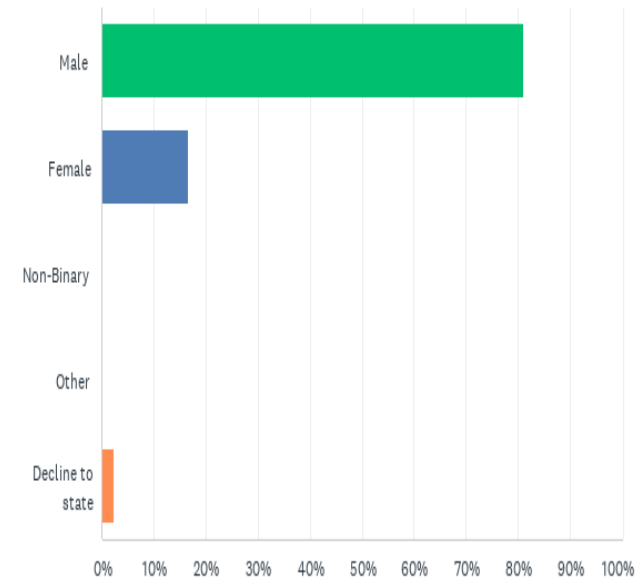
- As stated in the press release regarding DGO R-02 B-3, the Police Commission understands the need to monitor the implementation and efficacy of the policy it creates. In an effort to follow through on this stated intent, the Outreach Committee initiated a policy assessment to gather qualitative feedback on how the community is experiencing this policy change, as well as their general awareness of the policy.
- Members of the Outreach Committee held two community forums with a specific focus on the reentry population. The Director of the CPRA was also able to attend one of the community forums.
- Additionally, an online survey was posted on the Committee website and disseminated via social media and community groups.
- A total of 42 surveys were completed and 28 individuals attended in-person forums.
- Although this effort was limited by time and resources, it did yield some useful information and served to increase community awareness of both the Police Commission and the CPRA.
- Ideally, the Commission will use the momentum from this effort to engage OPD and assess its implementation and training on DGO R-02 B-3 as a companion piece to the information gathered here.

Demographics

Q1 What is your Age?

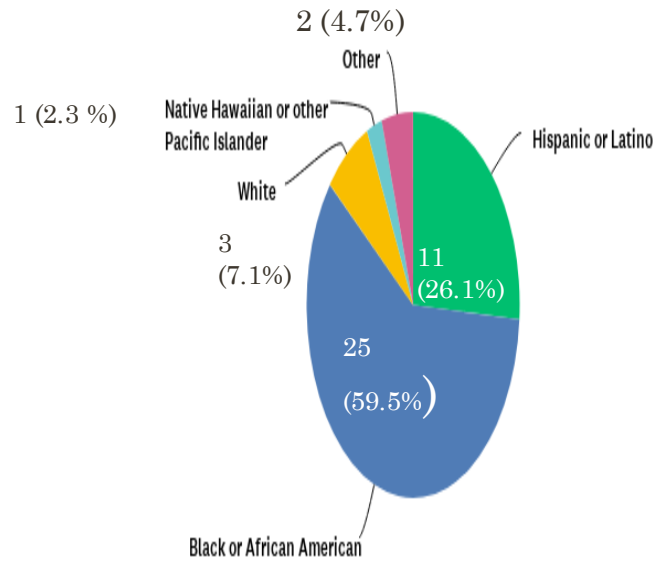


Q2 What is your gender?

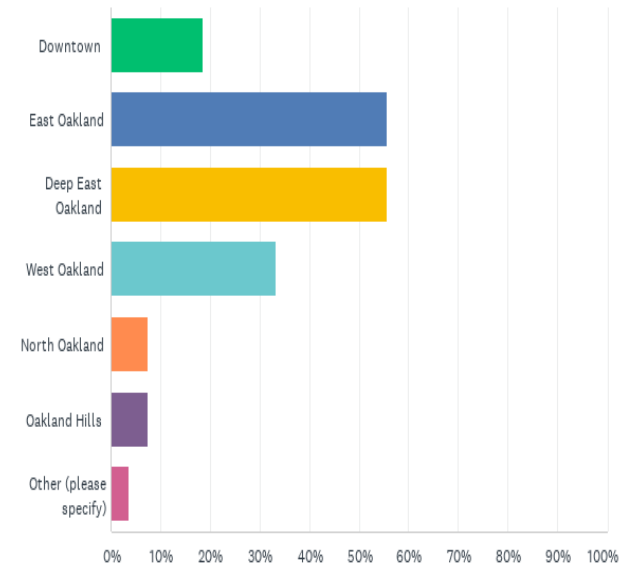


Demographics Continued

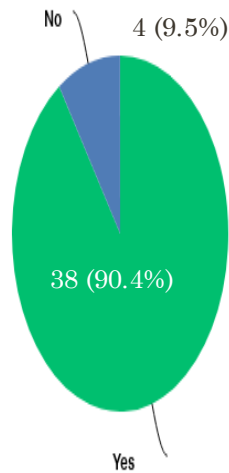
Q3 What is your race?



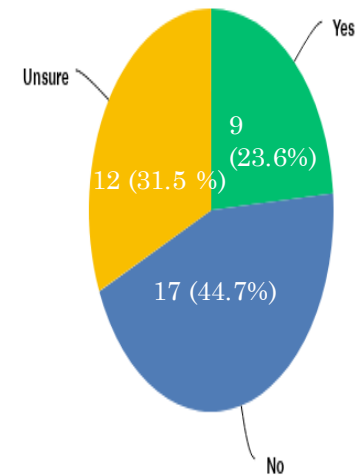
Q5 In what neighborhoods have you been stopped and questioned or searched by members of the Oakland PD? Please check all that apply.



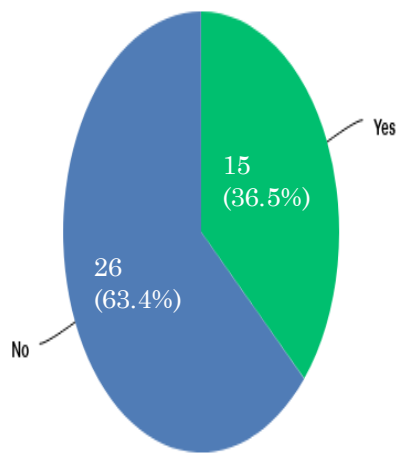
Q4 Are you aware that if you are on supervised release, officers may legally conduct a warrantless search of your body, vehicle or dwelling?



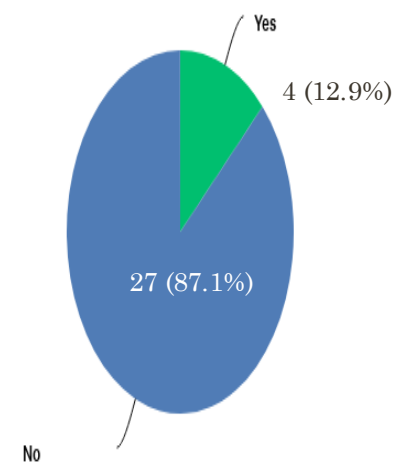
Q6 When stopped and questioned or searched by a member of the Oakland PD, did they ask whether you were on probation, parole or another type of supervised release?



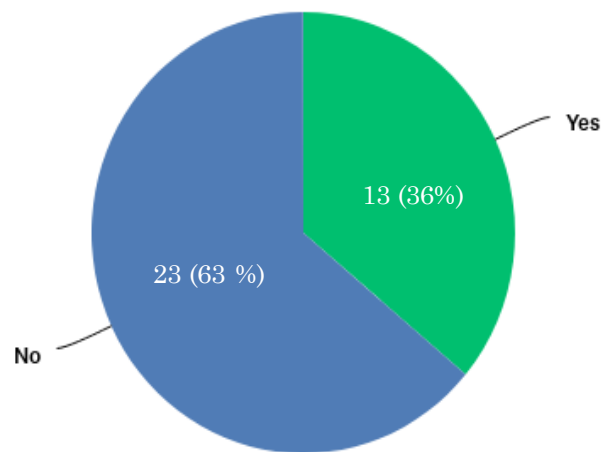
Q7 Are you aware that OPD policy states that officers may not immediately ask about your parole/probation status unless there is an immediate threat to the officer or others?



Q8 When stopped and questioned or searched, if the officer asked about your probation/parole status did you feel there was a clear threat to the officer or others?



Q9 The policy also states that officers must be respectful when asking about and individuals probation/parole status. In you experience, have officers been respectful under these circumstances?



Based on your experience do you have any suggestions on how to improve OPD policy covering its interaction with individuals on supervised release?

- Just be respectful and approach us as humans
- become more aware of unconscious racial bias that influences black and brown people to be harassed more than whites
- tell them to try and put themselves in people's shoes
- they are not at all respectful when I've been stopped
- Be more respectful to our people. Be more kind, honest and more human
- just be careful with the ability to confront them without being out of pocket
- not sure
- responding on time. Help the public stop crime
- don't assume that because I'm black I'm on probation or parole.
- don't be so aggressive
- further training
- Trauma-informed training
- Stop harassing people who are following the law.