



# OAKLAND POLICE COMMISSION

## REGULAR MEETING AGENDA

September 25, 2025 - 5:30 PM  
City Hall Chamber (1 Frank H. Ogawa Plaza) Oakland

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department to ensure its policies, practices, and customs conform to national standards of constitutional policing and to oversee the Office of the Inspector General, led by the civilian Office of the Inspector General for the Department, as well as the Community Police Review Agency (CPRA), led by the Executive Director of the Agency, which investigates police misconduct and recommends discipline.

**Please note that Zoom links will be for observation only.  
Public participation via Zoom is not possible currently.**

**NOTE: Attachment 1 – Supplemental – provided to correct the omission of page eight (8)**



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### PUBLIC PARTICIPATION

The Oakland Police Commission welcomes and encourages public participation in its meetings. Please review the options below for observing the meeting and providing public comment:

#### OBSERVE THE MEETING

- Television:  
Watch the meeting on KTOP Channel 10 via:
  - Xfinity (Comcast)
  - AT&T Channel 99 (City of Oakland KTOP - Channel 10)
- Online (Zoom Video Conference):  
Join via video at the scheduled meeting time:  
<https://us02web.zoom.us/j/88294451366>  
Instructions: [Joining a Meeting by Video](#)
- Phone (Audio Only):  
Dial at the scheduled meeting time:
  - +1 669 444 9171, **Meeting ID: 882 9445 1366#**
  - +1 669 900 9128 (San Jose), Meeting ID: 882 9445 1366#*If prompted for a participant ID, press #.*

Note: Zoom may only be used to observe. Public comment will not be taken via Zoom.

#### PROVIDE PUBLIC COMMENT IN PERSON

- To comment, complete a speaker card for each agenda item you wish to address.
- Speaker cards must be submitted before public comment begins for that item.
- Submit your speaker card to the Chief of Staff before being recognized.

#### Guidelines:

- Comments must be specific to the written agenda item listed on the card.
- Comments not tied to a listed item will be designated as Open Forum.
- One comment per person per agenda item.
- Speaking time limit: 2 minutes per comment. Time is not transferable.
- Groups sharing the same position may designate a spokesperson (3-minute time limit).

#### E-COMMENT (Written Submission Only)

- Submit written comments via the [Public Comment & Question Submission Form](#).
- E-comments must be submitted at least 24 hours before the meeting.
- Clearly indicate the agenda item your comment relates to.
- All comments are subject to a 2-minute time limit.
- Only one Open Forum comment per person will be accepted.



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- I. **Call to Order, Welcome, Roll Call, Determination of Quorum (and Read-Out from Prior Meeting, if any)**  
**Roll Call:** Chair Ricardo Garcia-Acosta  
Vice Chair Shawana Booker, Commissioners Wilson Riles, Shane Williams, Samuel Dawit, Angela Jackson-Castain, and Alternate Commissioner Omar Farmer

- II. Closed Session (approximately 5:30 PM - 6:30 PM)  
The Police Commission will take Public Comment on the Closed Session items.

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

***CONFERENCE WITH LEGAL COUNSEL***

***EXISTING LITIGATION (Government Code Section 54956.9(d)(1))***

***Delphine Allen et al. v. City of Oakland et al. - N.D. Cal. No. 00-cv-4599-WHO***

***EXISTING LITIGATION (Government Code Section 54956.9(d)(1))***

***Ali Saleem Bey et al. v. City of Oakland et al. - Alameda Super. Ct. No. 25-cv-121547***

***PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE***

***(Government Code Section 54957(b))***

***Title not disclosed under personnel privacy laws, California's Brown Act, and the City's Sunshine Ordinance***

- III. **Redetermination of Quorum (and Read-Out from Closed Session and/or announcements, if any)**  
**Roll Call:** Chair Ricardo Garcia-Acosta  
Vice Chair Shawana Booker, Commissioners Wilson Riles, Shane Williams, Samuel Dawit, Angela Jackson-Castain, and Alternate Commissioner Omar Farmer



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

Members of the public wishing to address the Commission on matters not listed on tonight's agenda but related to the Commission's work should submit a speaker card before this item is addressed. Comments regarding agenda items should be reserved until the respective agenda item is called for discussion. Speakers unable to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2. ***This is a recurring item.***

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

V. **OPD Pursuit Policy Recommendations Vote by the Commission**

The Chief of Police has submitted proposed revisions to the OPD Pursuit Policy. The Oakland Police Commission will hold a discussion on the recommended revisions and vote on whether to adopt the changes as proposed. ***(Attachment 1 – Supplemental – provided to correct the omission of page eight (8)).***

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

VI. **Oakland Police Department Update**

Representatives of the Oakland Police Department will provide an update. Topics discussed in the update may include Negotiated Settlement Agreement (NSA) status, risk analysis, crime response, a preview of topics that may be placed on a future agenda, responses to community member questions, and specific topics requested by the Commission. ***This is a recurring item. (Attachment 2)***

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

VII. **CPRA Mediation Program — Commission Approval of Amended Mediation Program**

The Commission will review, provide feedback, ask questions, and vote on adopting the Mediation Program amendments. These amendments are intended to clarify the scope, process, and administration of CPRA's mediation program. ***(Attachment 3)***

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





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### VIII. **Update from Office of the Inspector General**

Inspector General Zurvohn Maloof will provide an update on the OIG's work. Topics discussed in the update may include project priorities under the City Charter; staffing updates; community engagement and outreach. This is a recurring item. (*Attachment 4*)

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

### IX. **Ad Hoc Committee Reports**

This item provides an opportunity for Chair Garcia-Acosta to share general updates regarding ad hoc committees, if applicable, and for representatives from active or upcoming ad hoc committees to report on their work, upcoming meetings, and events. Please note that ad hoc committee discussions are often fluid and may not follow a formal agenda. Recordings and minutes of meetings open to the public are available on the Commission's [YouTube Channel](#) and [website](#). Discussion, public comment, and any proposed actions related to Ad Hoc Committees will be held **after all ad hoc readouts are complete**. This ensures each committee can deliver its full report without interruption and that commissioner and public input is addressed in a consolidated discussion period. ***This is a recurring item.***

#### **Staff Search / Evaluations Ad Hoc: Commissioner Williams (Chair), OPC Chair Garcia-Acosta, Angela Jackson-Castain**

The Staff Search Ad Hoc Committee is tasked with defining the role, attracting a diverse pool of qualified candidates, and managing a thorough and fair evaluation process. This includes screening applications, conducting interviews, and presenting the most suitable finalists to the hiring authority. The committee ensures an unbiased selection process, promotes diversity and inclusion, and assists with the onboarding of the chosen candidate. This Ad Hoc committee is also tasked with conducting the evaluation of the CPRA Director, Inspector General, and OPD Chief of Police, and OPC Chief of Staff.

#### **Strategic Planning / Retreat (Chair), Jackson-Castain, OPC Chair Garcia-Acosta, Alternate Commissioner Farmer**

The Strategic Planning Retreat Ad Hoc Committee is responsible for organizing the Police Commission's strategic planning retreat and drafting a comprehensive strategic plan. This plan outlines the Commission's goals, initiatives, and priorities over a specified period, serving as a roadmap to guide its activities, enhance operations, and better serve the community. Committee planning meetings are **not** open to the public. Committee retreats are open to the public.

#### **OPD & OPC Policy Alignment and Collaboration Ad Hoc Committee: Commissioner Dawit (Chair), OPC Chair Garcia-Acosta, OPC Vice Chair Booker**

This Ad Hoc Committee ensures clear communication and coordination between the Police Commission, OPD, and the City Council's Public Safety Committee on policy decisions. The committee tracks Commission actions with potential public safety implications, confirms purview, engages City stakeholders, and provides quarterly updates to promote transparency, alignment, and collaboration. ***This ad hoc is not open to the public.***



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*Ad hoc committee reports continued...*

**NSA Ad Hoc: Alternate Commissioner Farmer (Chair), OPC Chair Garcia-Acosta, Vice Chair Booker**

The NSA Ad Hoc Committee is tasked with: (1) Representing the Commission in all deliberations and discussions with other stakeholders pertaining to the Sustainability Period and efforts to resolve Court oversight; (2) Reviewing the status of OPD compliance with NSA Tasks 5 (investigations) and 45 (racial disparity in discipline) and make recommendations as to any policies that may be required to achieve compliance in these areas; and (3) Recommend policies and actions required to ensure that the constitutional policing mandated by the NSA continues beyond the Sustainability Period.

***These meetings are open to the public every Monday from 6 p.m. to 7:00 p.m.***

**Discipline Matrix Ad Hoc: Commissioner Garcia-Acosta (Chair), Commissioner Jackson-Castain, Commissioner Riles**

The Discipline Matrix Ad Hoc committee is responsible for reviewing and providing guidance on the Oakland Police Department's Discipline Matrix to ensure it aligns with the objective of fair and consistent disciplinary practices. The committee works to ensure that the matrix, associated policies, and resulting disciplinary actions reflect contemporary industry standards for progressive discipline. This includes recommending updates, possibly reviewing cases for adherence to these standards, and ensuring transparency and accountability in the disciplinary process. Committee Chair Garcia-Acosta will provide an update on the status and/or next steps, if applicable. ***These meetings are open to the public every 1<sup>st</sup> and 3<sup>rd</sup> Wednesday from 6 p.m. to 7:30 p.m.***

**Militarized Equipment Ad Hoc: Commissioner Riles (Chair), Commissioner Dawit, Alternate Commissioner Farmer**

The Militarized Equipment Ad Hoc Committee is tasked with drafting and updating policies regulating the acquisition and use of militarized equipment by the Oakland Police Department in accordance with the City of Oakland's Controlled Equipment Ordinance (OMC 9.65) and state law (AB 481; Gov Code 7070 et seq.).

***These meetings are open to the public every 1<sup>st</sup> and 3<sup>rd</sup> Tuesday from 6:30 p.m. to 7:30 p.m.***

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

X. **Upcoming/Future 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. The Commission will work on creating a list of agenda items for future meetings.

***This is a recurring item. [Upcoming / Future Agenda Items](#)***

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



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- XI. **Open Forum Part 2** (2 minutes per speaker, 15 minutes total)  
Members of the public wishing to address the Commission on matters that were not on tonight's agenda but are related to the Commission's work should submit a speaker card before the start of this item. Persons who spoke during Open Forum Part 1 will not be called upon to speak again without prior approval of the Commission's Chairperson. ***This is a recurring item.***

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

- XII. **Re-adjourn to Closed Session (if needed) and Read-Out of Closed Session (if any)**

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

- XIII. **Adjournment**

**NOTICE:** In compliance with the Americans with Disabilities Act and Equal Access Ordinance, for those requiring special assistance to access the video conference 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 departmental email at [OPC@oaklandcommission.org](mailto:OPC@oaklandcommission.org) for assistance. Notification at least 72 hours before the meeting will help enable reasonable arrangements to ensure accessibility to the meeting and to provide the required accommodations, auxiliary aids, or services.



## MEMORANDUM

**TO:** Chair Ricardo Garcia-Acosta, Oakland Police Commission  
**FROM:** Chief Floyd Mitchell  
**DATE:** August 6, 2025

**SUBJECT: OPD Pursuit Policy J-04 Recommendations**

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On May 19, 2025, I formally submitted my recommendation to modify the departments current pursuit policy# J-04 during the regular Police Commission meeting. Since then, I have received feedback from various stakeholders including the Plaintiffs' Attorneys involved with the NSA, the Independent Monitoring Team, the City Attorney's Office, and the Police Commission regarding the content and form of these recommendations.

At this time, I am formally amending the May 19 proposed policy changes, and submit the attached proposed changes which incorporate feedback gleaned from stakeholders involved in this process. I respectfully request that the Police Commission review these proposed policy changes within 120 days of today's date.

Respectfully,

A handwritten signature in blue ink, appearing to read "Floyd Mitchell", written over a horizontal line.



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Pursuit Driving

Effective Date

~~25-Aug-14~~XXXXXXXXXX

Evaluation Coordinator:  
Training Section Commander

Evaluation Due Date:

~~25-Feb-15~~XXXXXXXXXX

Modified By:

SO-9192-(28-Dec-18)

## PURSUIT DRIVING

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Effective Date  
25 Aug 14

Evaluation Coordinator:  
Training Section Commander

Evaluation Due Date:  
25 Feb 15

Automatic Revision Cycle:  
3 Years

## PURSUIT DRIVING

The purpose of this order is to establish Departmental policy and procedures for vehicle pursuits.

### I. VALUE STATEMENT

The protection of human life shall be the primary consideration when deciding to engage in a vehicle pursuit. Vehicle pursuits are inherently dangerous, but at times may be necessary to apprehend dangerous criminals who evade police in an attempt to escape. However, the decision to engage in a vehicle pursuit to immediately apprehend a fleeing suspect requires a careful weighing of the risks to the safety of officers, motorists, bystanders and the general public versus the benefit to public safety. Therefore, this policy only allows vehicle pursuits for violent forcible crimes and/or crimes involving the use or possession of firearms.

### II. ENGAGING IN A VEHICLE PURSUIT

#### A. What is a vehicle pursuit

A **Vehicle Pursuit** is an event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off a highway or turning suddenly and failing to yield to the officer's signal to stop.

#### B. When a pursuit may be initiated

Vehicle pursuits may only be initiated when there is **reasonable suspicion** to believe the suspect committed a violent forcible crime (See Appendix A) and/or a crime involving the use of a firearm, or **probable cause** that the suspect is in possession of a firearm.

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A monitoring commander may authorize a pursuit for a crime not involving a violent forcible crime or firearms, under exigent circumstances, when the fleeing suspect's actions pose an immediate and serious threat to officers and the public. A pursuit report shall be completed and forwarded to the Department Safety Coordinator for all pursuits initiated under exigent circumstances and shall go before the Department Safety Committee for a full review to determine policy compliance.

C. When a pursuit must be terminated

Pursuits shall be terminated whenever the totality of circumstances known or which should be known to involved personnel during the pursuit indicate that the risks in continuing the pursuit reasonably appear to outweigh the risks resulting from terminating the pursuit. Any officer and/or monitoring supervisor/commander shall neither be criticized nor disciplined for terminating a pursuit.

### III. RISK FACTORS

Involved personnel shall consider all Risk Factors, in determining whether to initiate and continue a vehicle pursuit, including but not limited to:

1. The volume of vehicular and pedestrian traffic in the area;
2. Traffic conditions;
3. Location of pursuit;
4. Safety of the public in the area of the pursuit (e.g., the presence of children, the elderly or disabled, the proximity to hospital or school zones in the vicinity of the pursuit);
5. Safety of the pursuing officers;
6. Speeds of both officer and suspect vehicles;
7. Familiarity of the officer and supervisor with the area of the pursuit;
8. Road and weather conditions;
9. Time of day;
10. Quality of communications between the pursuing units, the Communications Section, and/or supervisor;



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11. The performance capabilities of the police vehicle or the operation of the emergency lights and siren;
12. Availability of air or field support;
13. Whether the officer has a ride-along passenger with him/her;
14. Whether the suspect is known and can be apprehended at a later time;
15. Whether the suspect is known to be a juvenile;
16. When a non-suspect vehicle and/or pedestrian accident has occurred during a pursuit;
17. The safety of occupants in the fleeing vehicle;
18. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile; and
19. The pursued vehicle's location is no longer known.

#### IV. DUTIES OF INVOLVED PERSONNEL

“Involved personnel” refers to officers, supervisors and commanders who are involved in the pursuit of the fleeing suspect or making command and control decisions relative to the pursuit.

A supervisor or commander, who becomes engaged in the pursuit, shall relinquish his/her supervisory control to an uninvolved supervisor or commander as soon as reasonably practical.

A passenger officer in a pursuit vehicle is considered involved personnel and shall be held accountable for advising the driver whenever a pursuit should be terminated.

Involved personnel shall comply with all other policy requirements including the driving rules, notification and reporting requirements.

##### A. Initiating a pursuit

1. When initiating a pursuit, involved officers must ensure there is:
  - a. **Reasonable Suspicion** the pursuit is for a violent forcible crime and/or a crime involving the use of a firearm; or
  - b. **Probable Cause** that the suspect is in possession of a firearm.

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2. All vehicle pursuits shall be conducted with red light and siren, as required by 21005 VC, and with due regard and caution for the safety of all persons using the highway, as required by 21056 VC.
3. During a pursuit, involved officers and monitoring supervisors/commanders shall continually consider the Risk Factors and whether the pursuit should be terminated in order to protect officers and the public from the risks associated with the pursuit. All involved personnel may be required to explain their decision making and analysis of the risk factors.

B. Terminating a vehicle pursuit

1. Vehicle Pursuits shall be terminated when, after evaluating the risk factors and the safety risks to officers and the public, the risks outweigh the benefits of immediately apprehending fleeing suspects.

Involved officers and monitoring supervisors/commanders are responsible for terminating a pursuit whenever the need to immediately apprehend a fleeing suspect is outweighed by the need to protect officers and the general public from harm.

2. The Communications Section shall be notified when a decision is made to terminate a pursuit. The pursuing unit(s) shall immediately:
  - a. Disengage the pursuit by turning off from the pursued vehicle's direction of travel or pulling to the curb<sup>1</sup>. Units **shall not** trail or parallel the previously-pursued vehicle;
  - b. Deactivate their emergency red lights and siren; and
  - c. Obey all speed and traffic laws.

Involved personnel shall comply with all other policy requirements including the driving, notification and reporting requirements.

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<sup>1</sup> Circumstances may occur where it is not possible to turn off from the pursued vehicle's direction of travel and/or it is unsafe to pull to the curb (e.g., on the freeway). Accordingly, members shall follow parts b and c of Section IV.B.2 above and seek: the next exit point from the roadway to turn off of the path or a safe location to pull to the curb.

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## V. AUTHORIZED UNITS AND OFFICER RESPONSIBILITY

Only two units shall be authorized to engage in a vehicle pursuit, unless additional units are approved by a supervisor or commander via radio or other communication.

The requirements of this policy apply equally to the driver and passenger officers of primary and secondary units.

### A. Primary Unit

1. The officer(s) who initiates a pursuit is designated as the primary pursuit unit in control of the pursuit until control is relinquished to another unit or otherwise directed by a supervisor or commander.
  - a. The responsibility of the primary unit is to safely apprehend fleeing suspects without unnecessarily endangering the lives and safety of officers or the general public.
  - b. The primary unit shall make the initial decision to continue in a pursuit until a supervisor/commander authorizes or terminates the pursuit.
  - c. Communications Notification
2. Upon initiating a pursuit, the primary unit shall immediately, or as soon as reasonably practical, notify the dispatcher on a radio channel of:
  - a. Reasons for the pursuit and suspected or known law violations;
  - b. Description of the fleeing vehicle;
  - c. Number and description of occupants, if known; and
  - d. Continually report location, direction of travel, traffic conditions and speeds

### 3. Supervisory approval

Once an officer initiates a pursuit, the primary unit shall notify the immediate supervisor ~~as soon as reasonably practical~~ and obtain verbal approval ~~for~~ to continue the pursuit. If immediate verbal approval is not given, the primary unit shall terminate the pursuit.

In the event the immediate supervisor is not available, another

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supervisor may authorize the pursuit and assume the responsibility for supervising the pursuit.

4. Broadcast Progress

The primary unit shall be responsible for broadcasting the progress of the pursuit, unless relieved by a secondary unit, or if required to relinquish the responsibility to the secondary unit in order to concentrate on pursuit driving.

5. Driving requirements

The primary unit shall be required to:

- a. Activate the vehicle's emergency red lights and/or auxiliary lights;
- b. Continuously sound the siren as a warning to other drivers and pedestrians; and
- c. Maintain contact with the Communications Section.

B. Secondary Unit

The secondary unit shall notify the Communication Division and immediate supervisor or supervisor monitoring the pursuit immediately when responding or joining as the secondary unit.

1. The secondary unit shall meet the same driving requirements as specified for the primary unit above.
2. The secondary unit must remain a safe distance behind the primary unit unless authorized to assume the primary officer role or if the primary unit is unable to continue the pursuit.
3. The secondary unit also has a responsibility of assessing the pursuit and making a determination to continue or terminate the pursuit.
4. When practical, the secondary officer/unit shall assume responsibility of providing updates to the Communications Section when engaged in the pursuit.

C. Additional Units

1. A monitoring supervisor or commander may authorize more units to become engaged in the vehicle pursuit if warranted by the circumstances. The supervisor or commander must specifically state

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the number of additional units that are allowed to be in the pursuit.

2. Additional units shall meet all requirements specified for the secondary unit above.

D. Other Units

1. An unmarked unit may initiate or join a pursuit but shall disengage immediately when marked units become available and are in position to take over the pursuit. As soon as practical, the first marked unit becomes the primary pursuing unit.
2. A motorcycle unit may initiate a pursuit but shall disengage immediately when a marked unit joins the pursuit. Motorcycle units shall not continue or join in a pursuit as a cover unit due to the elevated risk involved.
3. Units transporting prisoners, victims, witnesses, civilians, an officer in the back seat without ability to exit the vehicle; or units with a civilian ride-along are prohibited from initiating, engaging or joining in a pursuit. This does not prohibit units with a civilian ride-along or an officer in the back seat without the ability to exit from trailing a pursuit (See Part VII. A “Trailing”.)
4. Employees (non-sworn) are prohibited from initiating, engaging or joining in a vehicle pursuit.

## VI. DRIVING RULES, TACTICS AND TECHNIQUES

The following rules and guidelines apply and involved officers and monitoring supervisors/commanders are required to adhere to these requirements:

- A. Vehicle pursuits are subject to the provisions of California Vehicle Code Sections 21055(a)/21056 and the requirements of this policy that involved personnel **(1) activate the vehicle's emergency red and/or auxiliary lights; and (2) continuously sound the siren as a warning to drivers and pedestrians.**
- B. A Code 3 response is governed by DGO J-4.1, EMERGENCY DRIVING REGULATIONS.
- C. Pursuit Intervention Maneuver (PIM) techniques
  1. PIM techniques shall only be used after receiving approval from a supervisor/commander or when exigent circumstances exist.

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2. PIM techniques, as specified in Training Bulletin III-B.9, PURSUIT INTERVENTION MANEUVER TECHNIQUES, may be utilized in order to apprehend the suspect by bringing a pursuit to a safe conclusion and minimizing the risk to public safety and reducing property damage.
3. In determining whether to request and/or authorize the use of PIM techniques, the involved officers and the monitoring supervisor/commander shall continually consider: (a) the gravity of the offense and (b) the importance of and necessity for the immediate apprehension in relationship to public safety and the Risk Factors enumerated in this policy.

## VII. ROLE OF AUXILIARY/UNINVOLVED UNITS

Assisting units and uninvolved personnel shall comply with all policy requirements, including driving, notification and reporting requirements.

### A. Trailing

Trailing is the following of a pursuit and/or responding to the area of a pursuit. Trailing is conducted to provide assistance in the apprehension of a fleeing suspect, to provide information relative to the initiating crime or subsequent crimes, to assist in the recovery of any discarded evidence or to provide for the safety of those involved in or in the area of the pursuit. Although Trailing has a function of a vehicle pursuit (i.e. apprehension of a fleeing suspect), Trailing is not a vehicle pursuit because the officer is not signaling the driver to stop.

#### 1. Trailing with helicopter support

Upon notification by the helicopter unit of visual contact with the fleeing vehicle, all ground units, unless authorized to continue by a commander, **shall disengage from the pursuit of the vehicle by deactivating the emergency lights and siren and obeying all speed and traffic laws (Code 2 status.)** After disengaging from the pursuit, members may trail the fleeing vehicle by responding to the directions of the helicopter unit, **with the intent of not being seen by the suspect** and to facilitate the arrest or detention of the driver and/or occupants of the vehicle.

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2. Trailing without helicopter support

**Trailing requires that units maintain sufficient distance from the pursuit units and/or the pursued vehicle by deactivating their emergency lights and siren and obeying all speed and traffic laws in order to clearly establish the absence of participation in the pursuit (Code 2 status.)**

3. Trailing to conduct Safety Measures or additional duties

Officers must obey all speed and traffic laws and drive in a non-emergency status (Code 2) when responding to the area of the pursuit to assist with evidence recovery, clearing intersections, traffic control or with duties involved in the termination of the pursuit, unless emergency response (Code 3) is authorized by a supervisor or commander.

Upon arrival at an intersection along the pursuit path, uninvolved units shall activate their emergency lights and siren, as necessary, to alert and safely clear vehicular and pedestrian traffic from the pursuit path.

4. Trailing may be done by:

- a. The primary or secondary units who relinquish control of the pursuit to another unit, the helicopter unit or other jurisdiction;
- b. Uninvolved Area Officers;
- c. Adjacent<sup>2</sup> Area Officers; or
- d. Non-Adjacent<sup>2</sup> Area Officers with supervisory approval.

5. Trailing outside of the city requires supervisory or command approval.

B. Area and Adjacent Area Officers

Trailing should be conducted primarily by officers assigned to the Area or Adjacent Area to the pursuit.

C. Non-Adjacent Area Officers

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<sup>2</sup> Adjacent Area is defined as sharing a border with the Area where the pursuit is occurring. Non-Adjacent Area is defined as not sharing a border with the Area where the pursuit is occurring.

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Officers assigned to the Non-Adjacent Areas to the pursuit should remain in their assigned area and should not become involved in the pursuit unless directed by a supervisor.

### **VIII. SUPERVISORY AND COMMAND RESPONSIBILITY**

- A. Supervisors and commanders shall provide appropriate levels of supervision and command and control at all times during a vehicle pursuit.
1. A supervisor/commander shall monitor the pursuit via radio transmissions and maintain control of the pursuit through clear directives and communications with involved officers and relevant personnel.
  2. Upon notification of a pursuit, the supervisor or commander shall assume command, control, and responsibility of the pursuit and shall verbally authorize or terminate the pursuit.
  3. The immediate supervisor of the primary unit shall have primary responsibility for supervising and monitoring the pursuit. In the event the immediate supervisor is unavailable, the pursuit may be authorized and monitored by the following:
    - a. Supervisor from the same Area;
    - b. Another field supervisor (i.e., adjacent Area supervisor, specialized unit supervisor, etc.);
    - c. Area Commander or other commander; or
    - d. Communications Section Sergeant/Commander

The monitoring supervisor, if not the immediate supervisor, shall complete the Pursuit Report.

- B. The duties of the monitoring supervisor include consideration of the following factors in making supervisory decisions related to the pursuit:
1. The supervisor/commander reasonably believes that the pursuing unit has:
    - a. Reasonable suspicion the pursuit involves a violent forcible crime and/or a crime involving the use of a firearm; or
    - b. Probable cause that the suspect is in possession of a firearm;



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2. The pursuit is justified based on an evaluation of the Risk Factors;
  3. Proper type and number of units are involved in the pursuit;
  4. Available aircraft has been requested;
  5. Proper communication protocols and radio channel are used;
  6. Affected agencies are being notified;
  7. The decision to request an outside agency's assistance;
  8. The decision to grant assistance in response to the request of an outside agency conducting its own vehicle pursuit; and
  9. The decision whether or not to terminate the pursuit.
- C. The monitoring supervisor of the pursuing officer shall have the primary responsibility for supervising the pursuit and evaluating the risk factors in deciding whether a pursuit should continue. If the pursuing officer's immediate supervisor is unavailable, another supervisor or commander may assume primary supervisory responsibility and transmit that decision.
1. Upon making a decision to terminate or continue a pursuit, the supervisor shall communicate it to the pursuing units.
  2. If practical, a supervisor/commander shall not be actively involved in a pursuit.
- D. The supervisor/commander shall proceed to the termination point of the pursuit and direct the actions of field personnel unless relieved by a higher ranking officer.
- E. Accountability
- Supervisor/commanders shall be held equally accountable for authorizing the continuation of a pursuit.
1. Involved officers and the approving supervisor/commander shall be held accountable for the continuation of a pursuit they knew or reasonably should know violates policy.

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2. Upon termination of the pursuit the supervisor shall, when operationally feasible, debrief the pursuit with those members involved in the pursuit.

**IX. PURSUITS INTO OTHER JURISDICTIONS**

- A. When a pursuit extends into the jurisdiction of another law enforcement agency, the monitoring supervisor or commander shall determine whether to terminate or relinquish the pursuit. In making this determination, the following factors, in addition to the Risk Factors, shall be considered:
  1. Whether involved OPD officers are familiar with the area;
  2. The distance involved;
  3. Communication limitations; and
  4. Whether the pursuit can be assumed by another agency.
- B. The involved officers or supervisor/commander shall request the Communications Section notify the other jurisdiction of the pursuit.
- C. The involved officer or supervisor/commander shall inform the Communications Section if assistance from another agency will likely be needed.
- D. If it is determined that the pursuit is to be relinquished to another agency, the request shall be clearly relayed by the Communications Section to that agency and confirmation of acceptance of the pursuit shall be obtained before the pursuit is relinquished. Mere notification to another agency of a pursuit in progress shall not constitute a request to join or transfer responsibilities for the pursuit.
- E. When a pursuit is terminated, the involved officers, supervisor or commander shall immediately notify the Communications Section who shall broadcast to all involved personnel, pursuit units and auxiliary units to abandon the pursuit. This information shall also be immediately relayed to any other involved agency.
- F. When a pursuit is taken over by another agency, the officer engaged in the initial pursuit shall proceed, if practical and with supervisor or command approval, to the termination point in Code 2 status to provide information which may be required for the arrest.

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- G. The control and management of a scene which terminates in another agency's jurisdiction is the responsibility of that agency. Any officer at the termination point shall coordinate their actions with the other agency and update the appropriate OPD supervisor/commander as necessary

**X. OUTSIDE AGENCY PURSUITS WITHIN THE CITY OF OAKLAND**

At times outside agencies will initiate a vehicle pursuit within the City of Oakland or continue a pursuit that started elsewhere into Oakland city limits. The policy of the department in responding to outside agency pursuits occurring within city limits is as follows:

- A. The Department may participate in outside agency pursuits occurring in Oakland only when the pursuit meets OPD Department Policy criteria for a pursuit.
- B. The outside agency must formally request the involvement of OPD; notification that a pursuit is in progress and in Oakland does not constitute a formal request.
- C. Only authorized personnel at the level of sergeant or commander may approve OPD's participation in an outside agency pursuit.
- D. The notification of the decision to decline or accept the outside agency's request to join and/or take over control of their pursuit shall be relayed by the Communications Section.
- E. In determining whether to approve OPD's participation and the nature of OPD's participation, the following factors shall be considered:
1. Whether OPD should take over the pursuit or engage as a secondary unit;
  2. Evaluate the Risk Factors (Part II);
  3. Whether the outside agency already has two (2) or more vehicles involved in the pursuit; and
  4. Whether there is adequate communications between the outside agency and OPD units.
- F. Upon authorization of OPD's involvement in the outside agency pursuit, the authorizing sergeant or commander shall designate the units authorized to engage in the pursuit and inform the designated units of the specific role authorized.

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- G. Authorized units/involved officers shall comply with the provisions of this order when participating in a pursuit involving an outside agency.
- H. If necessary, the monitoring supervisor/commander shall direct an appropriate number of units to the vicinity/direction of flight of the pursuit in an appropriate response mode to assist the outside agency, but not to become actively involved in the pursuit.
- I. OPD has the primary responsibility for the control, coordination and management of all police personnel at the termination point, inside Oakland city limits, of an outside agency pursuit that was joined or taken over by OPD.
- J. The involved officers and monitoring supervisor/commander shall continually consider the gravity of the offense and the importance of and necessity for the immediate apprehension in relationship to public safety and Risk Factors (Part II) in determining whether to terminate engagement or assistance in the pursuit. If a decision is made to terminate OPD participation in an outside agency's pursuit, involved personnel shall notify the Communications Section. The Communication Section shall then notify the outside agency.
- K. Nothing in this policy prohibits officers in the area of the pursuit, when not authorized to join and/or take over an outside agency pursuit within the City of Oakland, from providing traffic control measures to protect other drivers or pedestrians.

**XI. HELICOPTER SUPPORT**

- A. The Helicopter Unit shall respond, when practical, to the scene of a pursuit to assist and coordinate ground activities.
- B. When visual contact with a pursuit is made, the helicopter unit shall notify the Communications Section.
- C. Upon notification by the helicopter unit of visual contact with the fleeing vehicle, all ground units shall disengage from the pursuit of the vehicle by **deactivating the emergency lights and siren and obey all speed and traffic laws**. After disengaging from the pursuit, members may trail the fleeing vehicle by responding to the direction of the helicopter unit, **with the intent of not being seen by the suspect** and to facilitate the arrest or detention of the driver and/or occupants of the vehicle (See Part VII. A "Trailing".)

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A Commander, under exigent circumstance, may authorize ground units to not disengage and continue in direct pursuit. When this occurs a pursuit report shall be completed and forwarded to the Department Safety Coordinator and shall go before the Department Safety Committee for a full review to determine policy compliance.

- D. In order to assist ground units, the helicopter unit shall be used for, but not limited to:
1. Identify and broadcast the direction of flight and the number of ground units trailing or involved in a pursuit;
  2. Advise trailing or pursuing officers and the monitoring supervisor/commander of potential hazards/safety risks to be considered in continuing or terminating a pursuit;
  3. Facilitate coordination of ground units for arrest procedures;
  4. Video record the pursuit and the post-pursuit activity, when available; and
  5. Provide information on risk factors to be evaluated in deciding whether the pursuit should be continued or terminated.
- E. Supervisors or Commanders may terminate the entire pursuit, including helicopter support, and shall notify the Communications Section. Upon notification of such termination members shall comply with policy requirements for terminating a vehicle pursuit, as specified in Part IV.B, and the helicopter unit shall return to normal service.
- F. A Supervisor or Commander may utilize the helicopter, if available, to continue observing the direction of flight of the fleeing vehicle/suspect after the pursuit has been terminated to facilitate coordination of ground units for arrest procedures.
- G. A Supervisor or Commander may authorize ground units to re-engage in a pursuit should the helicopter unit be redirected or circumstances arise that restrict or prevent the helicopter unit from safely continuing.

## **XII. POST PURSUIT APPREHENSION**

Applicable Department policies relevant to the apprehension of outstanding suspects following the end of a vehicle pursuit include but are not limited to:

- TB III-B.9, High-Risk Vehicle Stops;

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- TB III-Z, Gaining The Advantage Over A Suspect In A Foot Pursuit;
- DGO K-3, Use Of Force; and
- DGO K-5, Tactical Operations Team

### **XIII. REPORTING REQUIREMENTS**

#### **A. State Reporting Requirement**

California Vehicle Code Section 14602.1 requires that every local law enforcement agency complete a California Highway Patrol (CHP) report concerning a police pursuit, and forward to the CHP. A CHP 187A form is not required for a “Non-Response Pursuit” (see Parts G and H of this Section.)

#### **B. Level 1 – Supervisor/Commander Responsibilities**

1. If a vehicle pursuit within the City of Oakland results in a death or injury likely to cause death, the assigned supervisor/commander shall:
  - a. Ensure medical assistance is summoned;
  - b. Respond to the scene;
  - c. Ensure the scene is secured;
  - d. Ensure a Crime Scene Security Log is maintained to record the time and identifying information of all persons entering and exiting the scene, to include:
    - 1) Department personnel;
    - 2) Medical personnel;
    - 3) Fire Department unit number and personnel; and
    - 4) Other persons.
  - e. Ensure the Crime Scene Security Log is delivered to the appropriate investigator (criminal and/or traffic) for inclusion in the investigative case file;
  - f. Ensure the Area Commander is notified and briefed of the incident;

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- g. Ensure the Fatal Accident Standby Team (FAST) is notified;
- h. Ensure the Internal Affairs Division (IAD) is notified;
- i. Ensure the Homicide Section is notified and briefed of the incident, if OPD personnel are involved in the pursuit;
- j. Ensure involved and witness personnel have been separated and advised that communication is prohibited;
- k. Attempt to obtain and document a Public Safety Statement, to include:
  - 1) A verbal account from involved personnel to help determine the general circumstances of the incident;
  - 2) Assess the need for resources and notifications;
  - 3) Help set the perimeter;
  - 4) Locate injured persons;
  - 5) Determine the nature of the evidence to seek;
  - 6) Identify the number of suspects involved;
  - 7) Identify the number of suspects outstanding; and
  - 8) The supervisor shall not ask the involved personnel to provide a step-by-step narrative of the incident or to provide a motive for their actions.
- 2. Coordinate the apprehension of the suspect, if still outstanding;
- 3. Coordinate the preliminary investigation with Departmental investigators including but not limited to:
  - a. Identifying involved and witness personnel;
  - b. Ensuring the preservation of evidence; and
  - c. Identifying other witnesses
- 4. Assist Traffic investigators to ensure proper statements are taken;

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5. Respond to the location of a witness who has declined to give a statement or has refused to give witness identification information when requested by a member or employee. The outcome shall be documented in the member's Supplemental Report after the supervisor has talked to the witness;
  6. Separate and prohibit communication between involved and witness personnel;
  7. Ensure involved personnel limit any discussion of the incident to information necessary:
    - a. For a Public Safety Statement;
    - b. To assist in the investigation; or
    - c. Leading to the apprehension of the suspect.
  8. Ensure personnel complete a Supplemental Report who were on scene at the time of the incident (not including involved or witness personnel) or were assigned to assist at the scene;
  9. Offense/Supplemental Reports shall be prepared independently without discussing the details of the incident with other personnel on scene. Group reporting and interviewing is prohibited;
  10. Contact and provide the IAD investigator with complaint information, if notified of an allegation of misconduct.
- C. Level 2 – Primary Officer Reporting Responsibilities
1. Complete an offense report and other documentation, as required, to document the details of the pursuit<sup>3</sup>; and
  2. Submit the completed offense report and other documentation to his/her supervisor for review.
- D. Level 2 – Supervisor/Commander Responsibilities
1. For Level 2 vehicle pursuits, the supervisor/commander shall:
    - a. Ensure medical assistance is summoned, if necessary;

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<sup>3</sup> See Part XV, IMPOUNDING VEHICLES UNDER AUTHORITY 14602.7 CVC



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- b. Respond to the termination point of the pursuit;
- c. Ensure the scene is secured;
- d. Coordinate the apprehension of the suspect, if still outstanding;
- e. Ensure the on-duty Area Commander or Watch Commander is notified and briefed of the incident;
- f. Ensure involved and witness personnel, outside agency personnel and private person witnesses are identified;
- g. Designate personnel to prepare a vehicle collision report, if required;
- h. In the event of a collision involving a police vehicle, conduct a separate, personal interview with involved and witness personnel including, if necessary, a written statement;
- i. Ensure the suspect is admonished and an attempt is made to take a statement, when possible. A suspect shall not be admonished in any case in which there is a Criminal Investigation Division (CID) callout unless an approved exception exists as specified in RWM S-01, STATEMENTS;
- j. Contact and provide the Communications Section with the required pursuit information for entry on the Pursuit Tracking Log;
- k. By the end of the reporting supervisor's next scheduled work day, send a copy of the Pursuit Report face sheet to BFO Admin for tracking purposes; and
- l. Within seven (7) calendar days of the pursuit, the reporting supervisor/commander shall:
  - 1) Review the Offense Report and other documentation;
  - 2) Complete the appropriate Pursuit Report for each incident;
  - 3) The narrative of the Pursuit Report shall include but not limited to the following:

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- a) A brief summary of the pursuit including the events that led to engaging in the pursuit;
  - b) Document any discrepancies of interviews (or statements) of non-personnel and personnel witnesses;
  - c) Based on the analysis of the facts revealed by the investigation, make a determination as to whether the pursuit was in compliance with Departmental policy;
  - d) Document any relevant training issues revealed by the investigation; and
  - e) Analysis of relevant evidence including PDRD video.
2. Endorse (signature required) the Pursuit Review Tracking Sheet (TF-3257).
3. Prepare a Pursuit Report packet to include:
- a. Original Pursuit Report (TF-3051);
  - b. Original signed Pursuit Review Tracking Sheet (TF-3257);
  - c. Copy of CHP 187A form;
  - d. Copy of Collision Report;
  - e. Copy of Radio purge;
  - f. Copy of the electronic recording file (PDRD), if available, or that a request for a copy is documented;
  - g. Photographs, if available;
  - h. Copy of any statements, if taken;
  - i. Copy of Offense Report; and
  - j. Ancillary documents.

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4. Prepare and forward the original CHP 187A report to the Department Safety Coordinator;
  5. Maintain a copy of the Pursuit Report for his/her file for one (1) year from the date of the pursuit; and
  6. Forward the Pursuit Report packet for review through the appropriate chain-of-review.<sup>4</sup>
- E. Level 3 – Primary Officer Reporting Responsibilities
1. Complete an offense report and/or other documentation, as required, to document the details of the pursuit; and
  2. Submit the completed offense report and/or other documentation to his/her supervisor for review by the end of tour of duty.
- F. Level 3 - Supervisor/Commander Responsibilities
- For Level 3 pursuits, the supervisor/commander shall:
1. Respond to the termination point of the pursuit;
  2. Review the Offense Report and/or other documentation;
  3. Contact and provide the Communications Section with the required pursuit information for entry on the Pursuit Tracking Log;
  4. Prepare and forward the original CHP 187A report to the Department Safety Coordinator;
  5. Prepare and endorse (signature required) a Pursuit Review Tracking Sheet (TF-3257); and
  6. Forward the Pursuit Review Tracking Sheet, Offense Report and a copy of the CHP 187A through the appropriate chain-of-review within seven (7) calendar days of the pursuit.
- G. Non-Response Pursuit – Primary Officer Reporting Responsibilities

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<sup>4</sup> For the purpose of this order, the appropriate chain-of-review shall be through the first level-commander under which the involved officer was working during that tour of duty when the pursuit occurred.

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In all cases, where an officer attempts to stop a violator and the violator flees or fails to stop and the officer makes no attempt to keep up with or pursue the violator, the incident shall be deemed a “Non-Response Pursuit.”

The primary officer shall:

1. Complete offense report and/or other documentation, as required, to document the details of why the vehicle stop was attempted; and

NOTE: For the majority of Non-Response Pursuits, the most appropriate documentation to complete is an FI/Stop Data Report, which is required per DGO M-19 and RWM R-1.

The completion of a Crime Report for 2800.1, in addition to the FI/Stop Data Report, is not required unless a member desires further follow-up on the incident such as: the member knows or has the ability to positively identify the driver and is attempting to have him/her charged with the crime or the member is seeking to have the vehicle impounded as specified in TB III-E.5.

2. Notify his/her supervisor of the Non-Response Pursuit.

H. Non-Response Pursuit Supervisor/Commander Responsibilities

For all Non-Response pursuits the supervisor or commander shall:

1. Review the Offense Report and/or other documentation; and
2. Contact and provide the Communications Section with the required information for entry on the Pursuit Tracking Log (TF-3283b). No CHP 187A or pursuit report is required.

I. BFO Admin Responsibilities

Upon receipt of a Pursuit Report packet, BFO Admin shall:

1. Shall ensure the original CHP 187A form was forwarded to the Training Section by the supervisor completing the report;
2. Forward a copy of the Level 2 Pursuit Report packet to the Department Safety Coordinator;
3. Forward original Pursuit Report packets to the Training Section;

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4. Maintain a spreadsheet tracking information obtained from the Pursuit Report packets; and
5. Maintain statistics regarding “Non-Response Pursuits” logged.

J. Training Section Responsibilities

Upon receipt of a Pursuit Report packet, the Training Section shall:

1. Assign a Pursuit Number to the incident;
2. Enter information into the Department Pursuit Database;
3. For any pursuit received from the Department Safety Coordinator with an “out of compliance” finding, forward to an IAD Intake Officer for creation of an IAD case to track discipline; and
4. Maintain pursuit documentation for a period of five (5) years.

K. Communications Section Responsibilities

Upon notification of a pursuit or non-response pursuit from a supervisor/commander, Communications Section personnel shall:

1. Enter the pursuit information provided on the Pursuit Tracking Log (TF-3283b).
2. Forward a copy of the Pursuit Tracking Log to BFO Admin on a daily basis after 0600 via email ([BFOadmin@oaklandnet.com](mailto:BFOadmin@oaklandnet.com)).

L. Fatal Accident Scene Team (FAST) Responsibilities

For Level 1 pursuits, the FAST shall conduct the fatal accident investigation in accordance with established procedures.

M. Internal Affair Division (IAD) Responsibilities

1. For Level 1 pursuits, IAD shall conduct a Vehicle Pursuit Related Death (VPRD) investigation and prepare the Vehicle Pursuit Related Death Report in accordance to established procedures.
2. IAD Investigators shall also contact the Communications Section to place the pursuit on the Pursuit Tracking Log.

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N. Homicide Responsibilities

For Level 1 pursuits, Homicide investigator shall conduct interviews in accordance with established policy and procedures.

**XIV. IMPOUNDING VEHICLES UNDER AUTHORITY 14602.7(a) CVC**

CVC section 14602.7(a) allows officers to obtain a warrant to remove vehicles that are used in violation of CVC §§ 2800.1 2800.2, 2800.3 or 23103 and impound them for 30 days. See Training Bulletin III-E.5, IMPOUNDING VEHICLES UNDER AUTHORITY 14602.7(a) CVC for policy and procedures.

**XV. DEPARTMENTAL SAFETY COORDINATOR/COMMITTEE**

A. The Departmental Safety Coordinator shall:

1. Forward original CHP 187A forms to the CHP; and
2. Advise the Safety Committee Chairperson of pursuit incidents requiring review by the Department Safety Committee;
3. Review all pursuits, Level 2 & 3 Pursuits, for compliance with OPD policy, training recommendations and/or liability issues. Prepare and forward a quarterly report of all pursuits to the Safety Committee Chairperson and the Chief of Police. The quarterly report shall minimally include:
  - a. The number of pursuits for the quarter;
  - b. The number of pursuits resulting in a collision and/or an injury;
  - c. The number of reports found in compliance or out of compliance; and
  - d. Any patterns/trends identified.

B. The members of the Departmental Safety Committee shall review all Level 2 & 3 pursuits for compliance with OPD policy, training recommendations, and/or liability issues.

C. Any Departmental Safety Committee member may refer any pursuit to a Department Safety Committee full review.

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A full Department Safety Committee review requires a presentation from the investigating supervisor and subject members involved in the pursuit to the Department Safety Committee.

NOTE: The Office of Inspector General shall conduct a yearly audit to ensure pursuits are being reviewed in accordance with this policy.

- D. The Departmental Safety Committee Chairperson or designee shall convene the Departmental Safety Committee for a full board review, to review the following pursuit reports in accordance with the provisions of DGO J-4 Pursuit DRIVING, DGO J-4.1 EMERGENCY DRIVING, DGO G-4, DEPARTMENTAL SAFETY:
1. A pursuit resulting in injury;
  2. Departmental vehicle damage; and
  3. At the request of any supervisor, commander, the Departmental Safety Coordinator, or any member of the Departmental Safety Committee, who has reviewed the Pursuit Report packet, to address Departmental training and/or tactical issues that cannot be handled at his or her level of supervision/command.
  4. A full Department Safety Committee review requires a presentation from the investigating supervisor and subject members involved in the pursuit to the Department Safety Committee.
- E. The Chief of Police may direct a full board review of any pursuit.
- F. The Departmental Safety Committee Chairperson or designee shall forward all pursuits found “out of compliance” to the Internal Affairs Division to initiate the discipline process.

## **XVI. TRAINING REQUIREMENTS<sup>5</sup>**

- A. Members are required to attend annual training on vehicle pursuits, Departmental policy and procedures and as required by Vehicle Code Section 17004.7(c) and Police Officers’ Standards and Training Guidelines (Penal Code 13519.8.)
- B. Members shall certify in writing that they have received all required training and have read and understand the provisions of this policy.

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<sup>5</sup> Per SB 719; VC Section 17004.7 (b)(1) and (2)

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- C. The Training Section shall be responsible for collecting, tracking and maintaining required training records.

By order of

A handwritten signature in black ink, appearing to read "Sean Whent".

Sean Whent  
Chief of Police

Date Signed: 8-25-14



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**APPENDIX A**

**DEFINITIONS AND TERMINOLOGY**

A. Vehicle Pursuit

A **Vehicle Pursuit** is an event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off a highway or turning suddenly but failing to yield to the officer's signal to stop.

B. Non-Response Pursuit

A **Non-Response Pursuit** is when an officer attempts to stop a vehicle and the violator flees or fails to stop and the officer does not respond to the driver's action, making no attempt to keep up with or pursue the vehicle. A Non-Response Pursuit is not a vehicle pursuit.

C. Serious Bodily Injury (SBI)

Serious bodily injury means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

D. Great Bodily Injury (GBI)

Great bodily injury means a significant or substantial physical injury.

E. Pursuit Intervention Maneuvers (PIM)

One or more authorized techniques designed to terminate a Vehicle Pursuit in a safe and prudent manner.

F. Officer

For the purpose of this order, the term "officer" shall include sworn and reserve officers, sergeants, and commanders.

G. Involved Officer

Driver or passenger of a police vehicle engaged in vehicle pursuit.

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## H. Violent Forcible Crime

For purposes of this policy, a Violent Forcible Crime is defined as the **commission or attempted commission of**:

1. Murder;
2. Manslaughter;
3. Mayhem
4. Kidnapping;
5. Robbery;
6. Carjacking;
7. Arson to an inhabited structure, inhabited property or that causes GBI;
8. Explode or ignite a destructive device or any explosive causing GBI or death;
9. Use or possession of a weapon of mass destruction;
10. Use of a firearm in the commission of a felony;
11. Assault with a deadly weapon, firearm;
12. Assault with a deadly weapon, other than a firearm\*, with SBI/GBI;  
  
\* The use of a motor vehicle to solely flee a scene or enforcement action does not meet the criteria for this part unless there is a clearly articulable intentional act by the driver to use the vehicle as a weapon.
13. Aggravated Battery with SBI/GBI; and
14. Any of the following sexual assaults committed against a person's will by means of force, violence, duress, menace, fear of immediate and unlawful bodily injury on the person or another, or in concert:
  - a. Rape;
  - b. Sodomy;
  - c. Oral Copulation;
  - d. Lewd Act on a Child under the age of 14; or
  - e. Sexual penetration

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I. Unmarked vehicle

Any non-black and white police vehicle displaying distinctive markings including “Oakland Police” lettering, the Department insignia and a vehicle number. The Department does not have any “semi-marked” vehicles.

J. Level 1 Pursuit

1. A vehicle pursuit that results in death or serious injury likely to cause death;  
or
2. A Level 2 pursuit raised to a Level 1 by a supervisor or commander.

K. Level 2 Pursuit

A vehicle pursuit which involves injury or property damage and/or whenever a PIM was utilized shall be a Level 2 Pursuit Report.

L. Level 3 Pursuit

A vehicle pursuit which does not result in injury or property damage, unless a PIM technique was utilized.

**OAKLAND POLICE DEPARTMENT REPORTING TEMPLATE  
FOR POLICE COMMISSION MEETING**

*There hereby is established the Oakland Police Commission (hereinafter, Commission), which shall oversee the Oakland Police Department (hereinafter, Department) in order to ensure that its policies, practices, and customs conform to national standards of constitutional policing. \* - Oakland City Charter Section 604(a)(1)*

**Prepared 9/18/2025**

**I. 52 NSA Task Force – Status of Compliance, Charter 604(f)(5)**

<b>Task</b>	
Tasks 2, 5, and 45	<p>The monitoring team has completed the Ninth NSA Sustainability Period Report of the Independent Monitor for the Oakland Police Department.</p> <ul style="list-style-type: none"> <li>▪ 10<sup>th</sup> IMT Sustainability Report (2 Jun 25):</li> <li>▪ Task 2: Timeliness Standards and Compliance with IAB Investigations <ul style="list-style-type: none"> <li>○ Not in compliance</li> </ul> </li> <li>▪ Task 5: Complaint Procedures for IAB <ul style="list-style-type: none"> <li>○ Not in compliance</li> </ul> </li> <li>▪ Task 45: Discipline Policy <ul style="list-style-type: none"> <li>○ No compliance finding</li> </ul> </li> </ul>
IMT Visit	3 Sep 25
Next CMC	9 Dec 25

**II. Policies Related to Constitutional Policing Matters – Status Update, Charter 604(b)(2) and 604(b)(4)-(5)**  
**III. Any Other Policy, Procedure, Custom, or General Order Regardless of Its Topic – Status Update, Charter 604(b)(2) and 604(b)(6)**

<b>Policy</b>	
J-04 Pursuit Policy	In the OPC Community Policing Ad Hoc. Attended and presented at the Public Forum on 31 Jul 24. Presented at OPC 23 Jan 25.
BFO P&P 15-01 Community Policing	OPC approved the Draft First Reading – 25 Jul 24 Police Commission Reviewing Policy outcome from Ad Hoc. The approval of the Police Commission of the language is pending.
Sexual Misconduct Policy	Under review with the City Attorney's Office and IG. No timeline of completion was given as of 24 Sep 24.
Racial Profiling / Bias Policy (DGO M-19)	IMT consult/ OPC review completed, sent to Chief Mitchell for signature. In-service training is working on training instructors as well as a training plan for the Department.
K-4: Reporting and Investigating the Use of Force. (SO 9214)	Sent to OPC on 5 Feb 25. OPD will present on 13 Mar 25, the new timelines for use of force reporting and investigations.
Discipline Matrix	Currently with the Police Commission Ad Hoc.
Militarized Equipment Annual Report	The 2024 report is completed and posted on the city website.

\* "Constitutional Policing Matters" include: Use of force; Use of force review boards; Profiling based on any of the protected characteristics identified by Federal, State, or local law; First Amendment assemblies; Use of militarized equipment; and Elements expressly listed in Federal court orders or Federal court settlements such as the Negotiated Settlement Agreement.

## IV. OPD Budget, Charter 604(b)(7) &amp; MC 2.45.070(C)-(D)

Topic																																																					
Staffing & resource management	<p>Sworn Staffing Authorized: 678 Filled: 644 Operation Strength: 519</p> <p>Communications Dispatchers Authorized: 78 Filled: 70 (7 new Dispatcher Trainees started on Oct. 28<sup>th</sup>. 18 are currently in training) Six Dispatchers hired eff 30 Aug 25.</p> <p>Professional Staffing Authorized: 272.5 Filled: 242</p> <p><del>Vacancies of note:</del> All vacant positions are frozen, with the exception of the Police Communication Dispatchers. Police Communications Dispatcher (14)</p> <table><tr><th>As of Aug 20, 2025 (Sworn only)</th><th>Admin Leave</th><th>Medical Leave On-Duty Illness/ Injury</th><th>Medical Leave Personal Illness/ Injury</th><th>Military Leave</th></tr><tr><td>2+ Years</td><td>6</td><td>3</td><td></td><td></td></tr><tr><td>1-2 Years</td><td>12</td><td>16</td><td>1</td><td></td></tr><tr><td>6 mo.– 1 Year</td><td>7</td><td>17</td><td></td><td></td></tr><tr><td>2-6 months</td><td>9</td><td>19</td><td>2</td><td></td></tr><tr><td>Less than 2 months</td><td>2</td><td>7</td><td>4</td><td></td></tr><tr><td></td><td>36</td><td>62</td><td>7</td><td></td></tr></table>	As of Aug 20, 2025 (Sworn only)	Admin Leave	Medical Leave On-Duty Illness/ Injury	Medical Leave Personal Illness/ Injury	Military Leave	2+ Years	6	3			1-2 Years	12	16	1		6 mo.– 1 Year	7	17			2-6 months	9	19	2		Less than 2 months	2	7	4			36	62	7		<p>Long-term leave: 105 sworn employees</p> <ul style="list-style-type: none"><li>69 Medical Leave</li><li>36 Admin Leave<ul style="list-style-type: none"><li>6 Sergeants of Police</li><li>30 Police Officers</li></ul></li><li>27 Sworn on Modified Duty</li><li>0 Military Leave<ul style="list-style-type: none"><li>9 Active Military Reservists</li></ul></li></ul> <p>Of the 30 sworn personnel on admin leave, 12 have been off for 1-2 years. The annual cost associated with those 12 employees is \$3,636,874. The cost breakdown is below:</p> <table><tr><th>Admin Rank</th><th>Position</th><th>Cost</th><th>Total Cost</th></tr><tr><td>Sergeant</td><td>2</td><td>347,682</td><td>695,364</td></tr><tr><td>Police Officer</td><td>10</td><td>294,151</td><td>2,941,510</td></tr><tr><td>Total</td><td>12</td><td></td><td>3,636,874</td></tr></table> <p>Attrition Rate – 6/mo. (45 separated over the past year)</p> <p>Reemployments – None</p> <p>Retirement Projections for 2025: 70 possible</p> <ul style="list-style-type: none"><li>1 Assistant Chief of Police</li><li>2 Deputy Chief of Police</li><li>2 Captains of Police</li><li>6 Lieutenants of Police</li><li>24 Sergeants of Police</li><li>35 Police Officers</li></ul>	Admin Rank	Position	Cost	Total Cost	Sergeant	2	347,682	695,364	Police Officer	10	294,151	2,941,510	Total	12		3,636,874
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Academy Recruits	195 <sup>th</sup> Academy: Began July 19, 2025 – 18 Police Officer Trainees (POT) 196 <sup>th</sup> Academy: TBD																																																				
General Department functions (Internal Affairs Bureau, IAB Skelly Process)	<p><b>Skelly Data:</b></p> <p># of pending Skelly by Case: 61 (-15) # of pending Skelly by Subject: 84 (-16) # of Skelly awaiting dissemination – 24 (+6) Number of Skelly Hearing Officers: 16 (-2)**</p> <ul style="list-style-type: none"><li>Upcoming retirements, laterals, and reassignments</li></ul>	<p>* Wait time for each Skelly – Varies * How are Skelly Officers selected (training, recusals, etc.) - Must attend Skelly Hearing Officer Training &amp; be of appropriate rank **Retirement (1 Lt, 1 A/DC)</p>																																																			

	<b>Process Improvements:</b> <ul style="list-style-type: none"> <li>All trained Commanders and Managers can conduct Skelly's (But subject to recusal assessments)</li> <li>Changed to digital format</li> <li>Waiver for Officers <ul style="list-style-type: none"> <li>Working with the City Attorney to formalize</li> </ul> </li> <li>Added personnel to assist</li> <li>VISION integration (assists in tracking ex. Reminders, emails)</li> <li>Skelly Dashboard fully operational</li> </ul>	Skelly Comparison by Month <table> <tr> <th>2025</th><th>By Case</th><th>By Subject</th></tr> <tr> <td>Jan</td><td>-</td><td>158</td></tr> <tr> <td>Feb</td><td>-</td><td>157</td></tr> <tr> <td>Mar</td><td>-</td><td>149</td></tr> <tr> <td>Apr</td><td>-</td><td>148</td></tr> <tr> <td>May</td><td>86</td><td>123</td></tr> <tr> <td>Jun</td><td>83</td><td>119</td></tr> <tr> <td>Jul</td><td>78</td><td>112</td></tr> <tr> <td>Aug</td><td>62</td><td>85</td></tr> <tr> <td>Sep</td><td>61</td><td>84</td></tr> </table>	2025	By Case	By Subject	Jan	-	158	Feb	-	157	Mar	-	149	Apr	-	148	May	86	123	Jun	83	119	Jul	78	112	Aug	62	85	Sep	61	84
2025	By Case	By Subject																														
Jan	-	158																														
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Mar	-	149																														
Apr	-	148																														
May	86	123																														
Jun	83	119																														
Jul	78	112																														
Aug	62	85																														
Sep	61	84																														
IAB Cases	<p><b>2024</b> Total cases closed – 1508 (126) Sustained cases (235) Sustained allegations</p> <p><b>2025</b> (Through 15 Sep 2025) Total cases closed YTD – 1136 Total cases opened in Intake YTD – 1033 Total Cases assigned to Intake (not yet assigned to an investigator) – 188</p> <p><b>Case Load</b> Total investigations assigned to IAB – 121 Total investigations assigned as DLIs – 226 Total cases currently open – 596</p> <p>This number represents all open cases, including those awaiting CPRA concurrence and Skelly hearing results. It should be noted that this number does not indicate that the IAB investigation is not completed, only that the case is not completely closed out.</p>																															
SB 2	<a href="https://post.ca.gov/Peace-Officer-Certification-Actions">https://post.ca.gov/Peace-Officer-Certification-Actions</a>	<b>SB 2 List:</b> 2025(Year-To-Date) 3 total Oakland PD																														
General Department functions (CID)	<p><b>SVS Juvenile Cases:</b> 2025 (Year-To-Date)</p> <ul style="list-style-type: none"> <li>Juvenile Arrests: 177 total juvenile arrests</li> <li>YTD Referrals to restorative justice programs: 35 <ul style="list-style-type: none"> <li>Neighborhood Opportunity &amp; Accountability Board (NOAB) - 34</li> <li>Community Works West Referrals – 1 (No longer a partner as of January 2025)</li> </ul> </li> </ul> <p><b>Missing Persons:</b> 2025 (Year-To-Date)</p> <ul style="list-style-type: none"> <li>YTD MPU Cases: 968</li> <li>YTD Closed MPU Cases: 806</li> </ul>	<p><b>Hate Crimes:</b> 2025 (Year-To-Date)</p> <ul style="list-style-type: none"> <li>Total Cases: 4</li> <li>New cases: 0</li> </ul> <p><b>DVU Cases:</b> 2025 (Year-To-Date)</p> <ul style="list-style-type: none"> <li>Total cases: 2,866</li> <li>The clearance rate on DV cases is nearly 100%. These are named suspect cases. An investigator reviews all I/C and Out-of-custody cases.</li> <li>Domestic Dispute – 945</li> <li>Domestic Battery, 243(e)(1) - 728</li> <li>Inflict corporate Injury Spouse/cohabitant 273.5 - 807</li> </ul>																														

Education and training regarding job-related stress, PTSD, Wellness	
Budget <b>QUARTERLY</b>	Last: Next:
Citywide Risk Management <b>QUARTERLY</b>	Last: 12 Aug 25 Next: 25 Nov 25

**V. Collaboration with OIG**

Project	Status
NSA Inspections Tasks: 3, 4, 7,8, 9, 11, and 13	Meetings and data sharing.
OPD Staffing Study	Biweekly meetings with OIG and PFM. Ongoing data collection and sharing.
M-19 Audit Response	Completed and provided to the Ad Hoc on 3 Apr 24.
Sexual Misconduct Policy	Policy: see policy section.
"Patterns" definition	Collaboration meeting with OIG, CPRA, IMT on 19 Mar 24.
OIG Document on OPD Policy Types	Created by OIG and OPD, completed review.
FTO Study	Completed.

**VI. Collaboration with CPRA****VII. Rules and Procedures for Mediation and Resolution of Complaints of Police Misconduct, OMC 2.45.070(N)**

Project	Status
Transition of IAB to CPRA	Meet and confer is being scheduled.
Daily Complaint Log, Weekly IAB Meetings	Ongoing
Complaints & Mediation	Pending
"Patterns" definition	Collaboration meeting with OIG, CPRA, IMT on 19 Mar 24.

**VIII. Collaboration with the Community**

Coffee with a Cop	
Militarized Equipment Use Annual Report Town Hall Meeting	1021 81 <sup>st</sup> Avenue Oakland, CA 94621 July 16 <sup>th</sup> 5:00 p.m. - 7:00 p.m.

**IX. Status of Submitting Records/Files Requested by Commission, Charter 604(f)(2)**

File	Status
None	

**X. New Laws Affecting OPD**

Law	
2025 New Laws	<ul style="list-style-type: none"> <li>Presented on 27 Feb 25 - Lieutenant Dorham</li> </ul>

**XI. Required Reporting to the California Department of Justice / Attorney General**  
**XII. Policy/Practice on Publishing Department Data Sets, OMC 2.45.070(P)**

Report	Status
OIS or SBI (GC 12525.2)	Annual report: sent 26 Jan 24
DOJ Clearance Rates	OPD Records Division provides monthly validated crime data to the DOJ. Uniform Crime Reporting (UCR). <a href="https://openjustice.doj.ca.gov/exploration/crime-statistics/crimes-clearances">https://openjustice.doj.ca.gov/exploration/crime-statistics/crimes-clearances</a>
Stop Data (GC 12525.5)	Annual report 2024 Stop data was transmitted to State – sent 11Mar 25

**XIII. Any Commission Requests Made by Majority Vote of Commission – Status Update, Charter 604(b)(8)**

**XIV. Report from the Department via City Administrator or designee, on Issues Identified by Commission through the Commission’s Chair, OMC 2.45.070(R)**

Request	
Budget	<ul style="list-style-type: none"> <li>Deputy Director Suttle and Fiscal Manager Marshall - July 24<sup>th</sup></li> </ul>
Update on Pursuit Policy	<ul style="list-style-type: none"> <li>Chief Mitchell – 22 May 25</li> </ul>
Update on Pursuit Policy	<ul style="list-style-type: none"> <li>Chief Mitchell – 13 Mar 25</li> </ul>
Special Order 9214	<ul style="list-style-type: none"> <li>Use of Force Timelines – DC Ausmus on 13 Mar 25</li> </ul>
Update on 2025 New Laws	<ul style="list-style-type: none"> <li>Presented on 27 Feb 25 - Lieutenant Dorham</li> </ul>
Update on Pursuit Policy	<ul style="list-style-type: none"> <li>Presented 23 Jan 25 – Chief Michell <ul style="list-style-type: none"> <li>History of the Pursuit Policy since 2014</li> </ul> </li> </ul>
Sanctuary Ordinance	<ul style="list-style-type: none"> <li>Presented on 23 Jan 25 – Lieutenant Dorham <ul style="list-style-type: none"> <li>Sanctuary Ordinance Training for OPD</li> </ul> </li> </ul>
Pursuit Policy	<ul style="list-style-type: none"> <li>Presented on 9 Jan 25 and on 15 Jan 25 - Acting Deputy Chief Ausmus and Sergeant Urquiza</li> </ul>
Youth Services	<ul style="list-style-type: none"> <li>Presented on 24 Oct 24 – Lieutenant Campos <ul style="list-style-type: none"> <li>Juvenile Arrest Referrals</li> <li>NOAB</li> </ul> </li> </ul>
Encampment Management	<ul style="list-style-type: none"> <li>Presented on 10 Oct 24 - Captain Eriberto Perez- Angeles</li> </ul>
Missing Persons	<ul style="list-style-type: none"> <li>Presented on 10 Oct 24 – Lieutenant Campos</li> </ul>
Ceasefire	<ul style="list-style-type: none"> <li>Presented on 26 Sep 24 - Director Reverend Damita Davis <ul style="list-style-type: none"> <li>Ceasefire</li> </ul> </li> </ul>
30x30 - OPOA Women’s Committee	<ul style="list-style-type: none"> <li>Presented on 19 Sep 24 - Lt. Alexis Nash <ul style="list-style-type: none"> <li>30x30</li> <li>OPOA Women’s Committee</li> <li>Women Leaders in Law Enforcement Symposium (WLLE)</li> </ul> </li> </ul>
Patterns Definition	<ul style="list-style-type: none"> <li>Presented on 22 Aug 24 - “Patterns” Definition – Lt. Hubbard</li> </ul>
Skelly	<ul style="list-style-type: none"> <li>Presented on 22 Aug 24 - Update on Skelly – Act. Capt. Dorham</li> </ul>
Wellness Unit	<ul style="list-style-type: none"> <li>Presented on 22 Aug 24 - Wellness Unit Update – Dr. Nettles</li> </ul>
J-04 Pursuit Policy	<ul style="list-style-type: none"> <li>Presented on 31 Jul 24 at the Community Policing Ad Hoc Public Forum</li> <li>Capt. Ausmus, A/Captain E. Perez-Angeles, and Sgt. Urquiza-Leibin</li> </ul>



SB 2	<ul style="list-style-type: none"> <li>Presented on 25 July 24 – Lt. Dorham</li> </ul>
911 System Grand Jury Report Presentation	<ul style="list-style-type: none"> <li>Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng</li> </ul>
MACRO Strategy Development	<ul style="list-style-type: none"> <li>Presented on 11 July 24 – Deputy Director Suttle and Mgr. Cheng</li> </ul>
Paid Admin Leave Budget	<ul style="list-style-type: none"> <li>Presented on 13 Jun 24, Manager Marshall and Chief Mitchell</li> </ul>
MACRO Presentation	<ul style="list-style-type: none"> <li>Presented on 23 May 24 Communications Manager – Mgr. Cheng</li> </ul>
Ceasefire	<ul style="list-style-type: none"> <li>Presented on 8 May 24 – A/Capt. Valle</li> </ul>
IAD/Skelly	<ul style="list-style-type: none"> <li>Presented on 8 May 24 and 13 Jun 24 - Lt. Dorham</li> </ul>
MACRO Data	<ul style="list-style-type: none"> <li>September 1<sup>st</sup> – 15<sup>th</sup> 2025 bi-weekly data:</li> <li>96 calls were referred from OPD Dispatch to MACRO</li> <li>6 incidents were returned from OFD and sent back to OPD to handle</li> </ul>

**XV. Police Chief's Annual Report, OMC 2.45.070(F) (ANNUALLY)**

# Rules and Procedures – CPRA Mediation Option

## I. PURPOSE AND INTENT

The purpose of this document is to set forth rules and procedures for the CPRA Mediation Option.

The purpose of the CPRA Mediation Option is to provide Oakland community members who complain about select police conduct with a safe, neutral, and facilitated forum to speak directly to the Oakland Police Department (OPD) officers involved in their complaints. The Mediation Option is voluntary, non-disciplinary process.

The intent of the Mediation Option is to provide, on a case-by-case basis, an opportunity for direct and meaningful dialogue between a community member and a sworn member of OPD in a safe, neutral, and facilitated environment.

## II. RULES AND PROCEDURES

### Eligibility

CPRA shall identify select cases for Mediation Option eligibility. Cases **ineligible** for mediation shall include:

- a. Class I allegations of misconduct, including but not limited to:
  - a. Sexual Misconduct
  - b. Use of Force
  - c. Death in Custody
  - d. Racial Profiling
  - e. Untruthfulness
- b. Cases pertaining to pending litigation.
- c. Cases subject to an open criminal case.

Cases that may be eligible for mediation shall include:

- a. Service complaints<sup>1</sup>
- b. Cases scheduled for closure without investigations or findings, e.g. administrative closures.

Prior to deeming a case eligible for mediation, CPRA staff shall review evidence relating to the complaint. A CPRA designee shall make a final determination of Mediation Option eligibility. All cases identified as eligible for mediation shall be referred for approval by the Chief of Police or their designee.

Upon the agreement of the Chief, the Agency Director, the complainant(s) and the subject officer(s), the Agency Director shall appoint a qualified mediator.

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<sup>1</sup> See Department General Order M-3, which describes a service complaint as, “A complaint from any source regarding an inadequate policy, procedure, practice, service level, or legal standard or statute required of the Department that would not result in discipline. Service complaints shall be assigned an IAD case number and documented in the IAD database. A service complaint is not an allegation of misconduct.

### **Mediator Criteria**

Mediators for the CPRA Mediation Option must fit the following criteria:

- a. Have received 40-hour Basics of Mediation certification from a licensed/accredited mediation program, or equivalent training<sup>2</sup>
- b. Have received CPRA Mediation Option Training
- c. Have at least 5-years of experience mediating employment or other relevant disputes, from a conflict resolution company or association that employs mediators
- d. Cannot be a current or former sworn member of a law enforcement agency.
- e. Cannot be a Commissioner, City employee, or former Department sworn officer.

### **Contacting Complainants**

Upon determination that a case is eligible for mediation, assigned CPRA staff shall make reasonable efforts to contact the complainant to offer mediation. CPRA staff contacting a community member for this purpose shall inform the community member that the Mediation Option is voluntary, confidential, and non-disciplinary. CPRA staff shall offer the community member literature regarding the CPRA Mediation Option explain the mediation process. If the community member agrees to mediation, they must sign a mediation release form.

If a community member declines mediation, the case proceeds as usual. If a community member accepts mediation, the Internal Affairs Bureau (IAB) Deputy Chief and Captain are notified.<sup>3</sup>

### **Contacting Officers**

Upon notification from CPRA that a community member has requested to mediate their complaint, and unless there is disagreement as to whether the complaint is eligible for mediation, CPRA and OPD will develop a process for notifying the subject officer of the community member's agreement to mediate to determine whether the subject officer would like to mediate the complaint. The subject officer shall be notified that: Mediation is a voluntary, confidential, and non-disciplinary process. CPRA will also explain to the subject officer understand the nature of the complaint, provide relevant literature regarding the CPRA Mediation Option, and confirm the officer's continued interest in participating.

If a subject officer declines mediation, the case proceeds as usual. If a subject officer accepts mediation, the officer must sign a mediation release form.

### **Notification to the Mediator**

When both a community member and an officer have accepted mediation, CPRA will notify the mediator and provide a means of contacting both the community member and the subject officer. CPRA will not provide the mediator with information regarding the complaint.

### **Scheduling the Mediation**

The Mediator will work with the subject officer and community member to find a mutually agreeable time to meet for one hour. Mediations may be conducted virtually or in person. Each Mediation is facilitated by two mediators who receive mediation training. The Mediator will strive to complete mediations within 60 days of receiving a referral from CPRA.

### **The Mediation**

The mediation session shall be organized and facilitated by the Mediator. The mediation will be scheduled for one hour.

Requests for reasonable accommodations will be assessed by CPRA and the Mediator on a case-by-case basis.

During a mediation session, a community member and a subject officer are provided a forum to discuss the community member's complaint. If a mediation proceeds for more than one hour, parties and mediators may elect to:

- a) Extend the mediation; or
- b) Schedule an additional session.

### **Memorialization**

Upon the completion of a mediation between a community member and a subject officer, CPRA shall administratively close the allegations cited in the community member's initial complaint as "Mediated." Cases that proceed to a mediation session are presumed closed.

CPRA shall notify IAB when a complaint is administratively closed as "Mediated."

A resolution achieved through mediation:

- a. Does not constitute an admission of guilt or wrongdoing; and
- b. Shall not be considered a factor (considered a prior offense or an aggravated circumstance) in determining progressive discipline; and
- c. Shall not be considered a Sustained finding; and
- d. Shall not limit the discretion of a supervisor, commander, or manager to provide training or take non-disciplinary, corrective action; and
- e. Is incorporated into the subject's complaint history.
- f. Shall be recorded in the subject officer's personnel file as a positive (Supervisory Note File) entry SNF.



# **CITY OF OAKLAND OFFICE OF INSPECTOR GENERAL**

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**AGENDA REPORT  
SEPTEMBER 25, 2025**



# AGENDA

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## RESOURCES

- Staffing Updates
- Professional Services Agreement Updates

## CURRENT OIG PROJECTS

- Policy Review and Assessment Report
  - DGO O-01: Persons with Mental Illness - August 26, 2025
- Policy Review and Assessment Report
  - DGO O-01.1: Crisis Intervention Program - August 26, 2025

## OUTREACH & ENGAGEMENT

- Oakland Chinatown Night Market
- Creek to Bay Day

## PROFESSIONAL DEVELOPMENT

- NACOLE Bay Area Regional Meeting
- NOBLE Conference
- NACOLE Annual Conference





# RESOURCES

The Office of Inspector General is reviewing different options to conduct core functions without a Policy Analyst or Performance Auditors.



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## AUDITING SERVICES

Making progress onboarding MGT Impact Solutions, LLC.

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## STAFFING UPDATES

Performance Auditor - Frozen  
Performance Auditor - Eliminated  
Auditor Manager - Eliminated  
Policy Analyst - Eliminated







# Policy Review of DGO O-1

## Published August 26, 2025

### DGO O-1: PERSONS WITH MENTAL ILLNESS

The purpose of DGO O-1 is to “set forth policy and procedures regarding detentions and arrests of persons with mental illness,” as guided by the Welfare and Institutions Code (W&I) Section 5008(h)(1), Section 5150, and Section 5585; commonly the method or issue referred to as a “5150.”

### WHY THIS POLICY MATTERS

The Oakland Police Department (OPD) has a duty to protect and serve all members of the Oakland Community. Adherence to that duty is especially important when officers must detain or arrest people with mental disorders. DGO O-1 ensures that when detention and/or arrest of a person with a mental disorder is required, OPD officers understand proper identifying factors and necessary procedures, so that the officers can serve individuals who are in significant need in accordance with the law and constitutional policing.

### RELEVANT LAW & POLICY

- Charter of the City of Oakland, Section 604(f)5
- Departmental General Order (DGO) O-1
- California Senate Bill 43
- Welfare and Institutions Code (W&I) Section 5008(h)(1)
- W&I Section 5150
- W&I Section 5585.25
- American Psychiatric Association, Diagnostic and Statistical Manual (DSM- V: 2022)







# Policy Review of DGO O-1 Findings

## FINDINGS

- DGO O-1 was implemented in October 2014, but there is no record that the policy has been revised or updated since then.
- Important changes, additions, and revisions in the law, including the language of the Welfare and Institutions Code, require OPD to align with those changes.
- Updates to relevant resources regarding mental illness, especially APA's Diagnostic and Statistical Manual, require OPD to align DGO O-1 with new best practices related to mental health conditions.

## METHODOLOGY & LIMITATIONS

- The OIG reviewed related laws, bills, and legal codes regarding mental disorders and law enforcement; in addition, the OIG utilized academic and scholarly reports, media and resource documents, and scholarly publications as a part of this methodology.
- This report is a policy review and assessment of DGO O-1. This report is not an audit, inspection, or compliance review.







# Policy Review of DGO O-1

## Recommendations & Considerations

### RECOMMENDATIONS

- 1(a) Update and revise Section I to include the current definition of a mental disorder and provide examples of characteristics officers should recognize to deduce that a person potentially has a mental disorder.
- 1(b) Update and revise Section I to reflect the updated definition of “gravely disabled” and “gravely disabled minor.”
- 2 Update Section II to provide the correct names of the treatment facilities and revise the list to include all Section 5150 hold facilities.
- 3 Update Section IV to concur with Section III, specifically that ambulance personnel have the authority to make the determination of whether a person with a mental disorder requires medical attention.
- 4 Update and revise Section V to include the current definition of dementia and provide examples of characteristics officers should recognize to deduce that a person potentially has dementia.





# Policy Review of DGO O-1

## Recommendations & Considerations

### RECOMMENDATIONS (cont.)

- 5 Update and/or revise Form TF 3354 referred to in Section VI to include current, accurate mental health resources.

### CONSIDERATIONS

- 1 The OIG submits for consideration that in addition to the above recommendations, OPD update and revise DGO O-1 to include relevant definitions, explanations, and clarifications regarding the detention and arrest of persons with mental disorders based on the current language of Welfare and Institutions Code §5008, §5150 and §5525, and Senate Bill 43 (SB-43).
- 2 The OIG submits for consideration that OPD revise DGO O-1 or create a new DGO to include information to guide an officer into providing meaningful service when they have contact with people with mental disorders, but no resulting detention or arrest is necessary.







# Policy Review of DGO O-1

## OPD Response

OPD Response		
OIG Recommendation / Consideration	OPD Response	Action
Recommendation 1(a) - Update and revise Section I to include current definitions and example characteristics so officers can deduce that a person has a mental disorder.	Agree	<ul style="list-style-type: none"> <li>Update definition to align with DSM-5</li> <li>Insert new characteristics</li> <li>Update Training Bulletin III-N, <i>Police Contact with Mentally Ill Persons</i></li> </ul>
Recommendation 1(b) - Update and revise Section I to reflect the updated definition of “gravely disabled” and “gravely disabled minor.”	Agree	<ul style="list-style-type: none"> <li>Update definition of Gravely Disabled Adult</li> <li>Add definition of Gravely Disabled Minor</li> </ul>
Recommendation 2 - Update Section II to provide correct names of treatment facilities and revise the list to include all Section 5150 hold facilities	Partially Agree	<ul style="list-style-type: none"> <li>Update change of facility names</li> <li>Define facilities for juveniles</li> <li>Remove facilities</li> </ul>
Recommendation 3 - Update Section IV to concur with Section III, specifically that ambulance personnel have authority to determine whether a person with a mental disorder requires medical attention.	Agree	<ul style="list-style-type: none"> <li>OPD will update Section IV.C.1 to concur with Section III</li> </ul>





# Policy Review of DGO O-1

## OPD Response

OPD Response		
OIG Recommendation / Consideration	OPD Response	Action
Recommendation 4 - Update and revise Section V to include current definitions of dementia and provide characteristic examples.	Agree	<ul style="list-style-type: none"><li>• Update Section V with a definition</li><li>• Conduct a review to provide officers with necessary guidance.</li></ul>
Recommendation 5 - Update and revise Form TF 3354 to include current, accurate mental health resources	Agree	<ul style="list-style-type: none"><li>• Update Form TF 3354 to ensure all information is accurate</li><li>• Add new resource information</li></ul>
Consideration 1 - Update and revise DGO O-1 to include relevant definitions, explanations, and clarifications regarding the detention and arrest of persons with mental disorders based on the current language of Welfare and Institutions Code §5008, §5150 and §5525, and Senate Bill 43 (SB43).	Acknowledge	<ul style="list-style-type: none"><li>• After forming a team to work on the policy, OPD will consider.</li></ul>
Consideration 2 - Revise DGO O-1 or create a new DGO to include information to guide an officer into providing meaningful service when they have contact with people with mental disorders, but no resulting detention or arrest is necessary.	Acknowledge	<ul style="list-style-type: none"><li>• After forming a team to work on the policy, OPD will consider.</li></ul>







# Policy Review of DGO O-1.1

## Published August 26, 2025

### DGO O-1.1: CRISIS INTERVENTION PROGRAM

DGO O-1.1 was established for select, crisis intervention trained officers to provide “evaluation, de-escalation, and referral services” for persons suspected of having a mental disorder who may be in need of crisis intervention, and/or pose a risk to themselves and/or others, or are “gravely disabled.” OPD has set forth this policy “to ensure the appropriate triage of individuals with mental health challenges who come to the attention of the Oakland Police Department.”

### WHY THIS POLICY MATTERS

The Oakland Police Department (OPD) has created a Crisis Intervention Program which seeks to provide evaluation, de-escalation, and referral services for persons with mental disorders. DGO O-1.1 establishes a Crisis Intervention Team (CIT) which consists of officers selected and trained to carry forward the goals of the Crisis Intervention Program. This policy is important in conjunction with DGO O-1 to ensure that during the triage process, the CIT officers have the guidance to implement their specialized training and understand the procedures necessary for effective and accountable crisis intervention.

### RELEVANT LAW & POLICY

- Charter of the City of Oakland, Section 604(f)5
- Departmental General Order (DGO) O-1.1
- Welfare & Institutions Code Section 5150







# Policy Review of DGO O-1.1 Findings

## FINDINGS

- DGO O-1.1 was created at the same time as an analogous policy to DGO O-1 in October 2014.
- When CIT officers respond to situations when mental disorder is a concern, CIT officers are trained to attempt to provide evaluation, de-escalation, and referral services, as well as detain and arrest if necessary.

## METHODOLOGY & LIMITATIONS

- The OIG reviewed related laws, bills, and legal codes regarding mental disorders and law enforcement; in addition, the OIG utilized academic and scholarly reports, media and resource documents, and scholarly publications as a part of this methodology.
- This report is a policy review and assessment of DGO O-1. This report is not an audit, inspection, or compliance review.





# Policy Review of DGO O-1

## Recommendations & Considerations

### RECOMMENDATIONS

- 1 Update and revise the Mental Health Resource Card as indicated in DGO O-1 Section V Policy

### CONSIDERATIONS

- 1 The OIG submits for consideration that OPD update and revise Section III CIT Personnel to include the recruitment and selection criteria for officers who might want to become CIT members.
- 2 The OIG submits for consideration that OPD conduct a thorough review of the current CIT training referred to in Section IV Training, to determine necessary updates and revisions.







# Policy Review of DGO O-1

## OPD Response

OPD Response		
OIG Recommendation / Consideration	OPD Response	Action
Recommendation 1 - Update and revise the Mental Health Resource Card as indicated in DGO O-1 Section V Policy.	Agree	<ul style="list-style-type: none"><li>• Update Form TF 3354 to ensure all information is accurate</li><li>• Add new resource information</li></ul>
Consideration 1 - Update and revise Section III CIT Personnel to include the recruitment and selection criteria for officers who might want to become CIT members.	Partially Agree	<ul style="list-style-type: none"><li>• Update DGO O-1.1 to reflect current practice.<ul style="list-style-type: none"><li>◦ Training is offered to all officers and dispatchers who have successfully completed field training.</li></ul></li></ul>
Consideration 2 - Conduct a thorough review of the current CIT training referred to in Section IV Training, to determine necessary updates and revisions.	Agree	<ul style="list-style-type: none"><li>• POST attended the CIT class on February 10-13, 2025. OPD received the POST auditor’s recommendations for changes to the CIT training curriculum.</li></ul>







# COMMUNITY ENGAGEMENT & OUTREACH



## Oakland Chinatown Night Market September 13, 2025

## Creek to Bay Day September 20, 2025

THANK YOU, OFFICER SUMPTER, FOR ALL THAT YOU DO FOR MELROSE! YOU TRULY EMBODY THE SPIRIT OF A HERO, AS YOU NEVER HESITATE TO TACKLE THE MOST DIFFICULT PROBLEMS. YOUR BRAVERY AND DEDICATION INSPIRE US ALL.







# PROFESSIONAL DEVELOPMENT

## NACOLE BAY AREA REGIONAL MEETING

August 27-28, 2025



## NOBLE CONFERENCE

August 8-11, 2025

### NEXT

NACOLE Annual Conference  
October 26-30, 2025



AGENDA REPORT  
SEPTEMBER 25, 2025







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Attachment 4







# **CITY OF OAKLAND OFFICE OF INSPECTOR GENERAL**

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## **QUESTIONS**