



OAKLAND POLICE COMMISSION SPECIAL MEETING AGENDA

December 12, 2019

5:30 PM

**East Oakland Youth Development Center
8200 International Boulevard, Oakland, CA 94621**

I. Call to Order
Chair Regina Jackson

II. Roll Call and Determination of Quorum
Chair Regina Jackson
Excused Absence: Ginale Harris

III. Public Comment on 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.

IV. Closed Session
PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE - Gov't Code § 54957(b)

V. Determinations of Closed Session

- a. The Commission will report on any actions taken during Closed Session, as required by law.
- b. Public Comment

VI. Welcome, Purpose, and Open Forum (2 minutes per speaker)
Chair Regina Jackson will welcome and call public speakers. The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

VII. Draft Ordinance on Military Police Equipment
The Ad Hoc Committee for Military Police Equipment will present a revised version of a draft ordinance for review. ***This item was discussed on 11.14.19. (Attachment 7).***

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

VIII. Report on Policing of Oakland’s Unhoused Communities

The Commission will discuss the report which was prepared on behalf of the Coalition for Police Accountability by students at the University of California, Berkeley. ***This item is continued from 11.14.19. (Attachment 8).***

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

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

To the extent permitted by state and local law, Executive Director John Alden will report on the Agency’s pending cases, completed investigations, staffing, and recent activities. ***This is a recurring item. (Attachment 9).***

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

X. Use of Force Working Group

The Use of Force Working Group will present its draft report which needs to be complete by the end of the year. ***This is a new item. (Attachment 10).***

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

XI. Vote to Cancel Meeting Scheduled for December 26, 2019

The Commission will vote to cancel the second meeting of the month on December 26, 2019. ***This is a new item.***

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

XII. Meeting Minutes Approval

The Commission will vote to approve minutes from May 23, June 13, and July 11, 2019. ***This is a recurring item. (Attachment 12).***

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

XIII. Police Officers Bill of Rights Training

CPRA Executive Director John Alden will deliver to the Commission training on the Police Officers Bill of Rights. ***This is a new item and is continued from 10.24.19 and 11.14.19. (Attachment 13).***

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

XIV. **Committee/Liaison/Other Commissioner Reports**

This time is set aside to allow Commissioners to present a brief report on their own activities, including service on committees or as liaisons to other public bodies. No action may be taken as a result of a report under this section other than to place a matter for consideration at a future meeting. ***This is a recurring item.***

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

XV. **Agenda Setting and Prioritization of Upcoming Agenda Items**

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***This is a recurring item.*** ([Attachment 15](#)).

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

XVI. **Adjournment**



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Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantones, Mandarín, o de lenguaje de señas (ASL) por favor envíe un correo electrónico a jrus@oaklandca.gov o llame al 510-238-3325 o 711 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

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To: Oakland Police Commission
From: Commissioner Henry Gage III
Date: 06 November 2019
RE: Police Equipment Policy

Dear Colleagues on the Oakland Police Commission and Members of the Public,

OVERVIEW & PROCESS

Attached please find a DRAFT DOCUMENT for an Ordinance to regulate the Police Department's acquisition and use of militarized equipment. This document is not final, and is presented for your debate, consideration, modification, and future endorsement.

I kindly request that you review and analyze the attached proposal. In order for the envisioned regulatory structure to become active, the Oakland City Council must adopt this proposed Ordinance. Council is unlikely to take such an action absent an endorsement from the Police Commission.

RECOMMENDATION

I am requesting that our Commission endorse this proposed Ordinance and forward an updated version to Council for further consideration.

LEGISLATIVE SUMMARY

This legislation is being offered to enhance the Police Commission's ability to regulate the means and methods by which our city is policed. The structure created by this legislation closely models the Oakland Surveillance Ordinance in terms of workflow and it models California Assembly Bill 3131, a prior attempt to establish statewide requirements for the regulation of military equipment,¹ in terms of subject matter.

The primary concepts of the proposed Ordinance are as follows:

1. Requires the Police Department to submit Military Equipment Use Policies and Military Equipment Impact Reports to the Police Commission for review and recommendation.
2. Requires the Police Commission to review submissions at a public hearing and determine whether such submissions warrant a recommendation to Council for adoption or rejection.
3. Requires the City Council to ratify or reverse the Police Commission's recommendations following the Commission's review of Military Equipment Use Policies.
4. Requires the Police Department to submit an annual report describing the use of authorized Military Equipment during the year prior.
5. Requires the Police Commission to review the annual Military Equipment report, determine whether covered equipment has complied with the standards for approval, and recommend renewal or modification of Use Policies, or the revocation of authorization for use.

¹ This bill passed the Legislature, but was vetoed by then-Governor Jerry Brown

6. Requires the City Council to ratify or reverse the Police Commission's recommendations following the Commission's review of the Military Equipment annual report.

ANALYSIS

The acquisition of military equipment and its deployment in our communities can adversely impact the public's safety and welfare, including significant risks to civil rights, civil liberties, and physical and psychological well-being. Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used. The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

In his 2016 book, To Protect and Serve, former Seattle Police Chief Norm Stamper notes that:

“Although there is a time and a place for military-like tactics, weaponry, and equipment, it's indisputable that the nation's police have often misused and abused the 'military approach.' In many jurisdictions there seems to be a 'boys with toys' mentality; if you have these 'toys' on hand, you want to use them, 'play' with them. And where personal and organizational discipline is lacking, people get hurt, cops and citizens alike.”²

The Oakland Police Commission is the institution best suited to ensure that the Police Department's acquisition and use of military equipment is regulated and audited. The present framework for Police Department acquisition of military equipment does not provide for sufficient ongoing oversight of how such equipment is used, and whether such equipment should continue to be used in the future. By adopting the proposed Ordinance, the City of Oakland can create a procedure to determine the necessity and use of equipment that, if misused or abused, holds the potential to cause irreparable harm.

FISCAL IMPACT

This proposal has not yet been submitted to the Finance Department for analysis. By more closely scrutinizing the acquisition and use of military equipment by the Police Department, there may be some cost savings over time. Some military equipment is funded by grants, but these grants do not necessarily cover ongoing maintenance.

PUBLIC OUTREACH

This legislation was co-authored by Commissioner Henry Gage and John Lindsay-Poland of the American Friends Service Committee. More than thirty community organizations have endorsed this effort to regulate the Police Department's acquisition and use of military equipment, and feedback from these organizations has been incorporated into the attached draft. The organizing coalition behind this legislation held a townhall on militarized policing on October 03, 2019, and recorded testimony from individuals who have been directly affected by militarized police raids.

² Norm Stamper, To Protect and Serve: How to Fix America's Police 83, (2016)

COORDINATION

We obtained input from an organizing committee, comprised of representatives from endorsing organizations. More than thirty community organizations have endorsed the effort to regulate the Police Department's acquisition and use of military equipment, and feedback from these organizations has been incorporated into the attached draft. Additional feedback has been solicited from members of City Council and/or their staff. These conversations are continuing, and we will request additional meetings as appropriate.

CONCLUSION

For questions regarding this report, please email Commissioner Henry Gage, at hgage@oaklandcommission.org.

Sincerely,

Henry Gage III
Oakland Police Commission

Oakland Police Commission
November 14, 2019
Item: _____

DRAFT ORDINANCE ON ACQUISITION AND USE OF MILITARIZED EQUIPMENT

WHEREAS, the City Council finds that the acquisition of military equipment and its deployment in Oakland can adversely impact the public's safety and welfare, including introducing significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurring significant financial costs; and

WHEREAS, the Law Enforcement Equipment Acquisition Working Group created by President Barack Obama in Executive Order 13688 (later rescinded by President Donald Trump) recommended requiring "local civilian government (non-police) review of and authorization for law enforcement agencies' request for or acquisition of controlled equipment," and that such review included detailed justification for the acquisition and collecting information on and reporting on its use; and

WHEREAS, the City Council finds that the public has a right to know about any funding, acquisition, or use of military equipment by the City of Oakland, as well as a right to participate in any City decision to fund, acquire, or use such equipment; and

WHEREAS, the City Council finds that decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input; and

WHEREAS, several studies indicate that police departments in the United States that acquire military-grade equipment are more likely to use violence and are no more successful in reducing crime than those that acquire less such equipment;¹ and

WHEREAS, the City Council finds that legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used; and

WHEREAS, the City Council finds that the lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service; and

WHEREAS, the City Council finds that if military equipment is acquired, reporting measures must be adopted that empower the City Council and public to verify that mandated civil rights safeguards have been strictly adhere to.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

¹ Jonathan Mummolo, "Militarization fails to enhance police safety or reduce crime but may harm police reputation," *Proceedings of the National Academy of Sciences*, September 11, 2018 (37) 9181-9186; Casey Delehanty, Jack Mewhirter, Ryan Welch and Jason Wilks, "Militarization and police violence: The case of the 1033 program," *Research and Politics*, April-June 2017, 1-7; and Edward Lawson Jr., "Police Militarization and the Use of Lethal Force," *Political Research Quarterly*, 2018, 1-13.

SECTION 1. This Ordinance shall be known as the Police Equipment and Community Safety Ordinance.

REGULATIONS ON CITY'S ACQUISITION OF MILITARY POLICE EQUIPMENT

SECTION 2. Definitions

A. "Military Equipment" means equipment that is militaristic in nature and includes, but is not limited to, all of the following:

- (1) Wheeled vehicles that are either built or modified to provide ballistic protection to their occupants, including a mine-resistant ambush protected (MRAP) vehicle or an armored personnel carrier.
- (2) Wheeled vehicles that are either built to operate both onroad and offroad in supporting military operations, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, or a five-ton truck, or built with a breaching or entry apparatus attached.
- (3) Tracked vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (4) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (5) Weaponized aircraft, vessels, or vehicles of any kind, whether manned or unmanned.
- (6) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, and equipment that is ballistic, such as a slug, or equipment that is explosive in nature.
- (7) Firearms of .50 caliber or greater.
- (8) Ammunition of .50 caliber or greater.
- (9) Specialized firearms and associated ammunition of less than .50 caliber, as defined in Sections 30510 and 30515 of the California Penal Code.
- (10) Any firearm or firearm accessory, excluding the service weapons described in paragraph (9), that is designed to launch small projectiles, including, but not limited to, a grenade launcher or a riot gun used to disperse chemical agents.
- (11) Any knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.
- (12) Explosives and pyrotechnics, including grenades referred to as flashbang grenades and explosive breaching tools.
- (13) Riot batons, riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons.
- (14) Sonic weapons, such as the Long Range Acoustic Device sound cannon.
- (15) Area denial weapons, such as the Taser Shockwave and microwave weapons.
- (16) Any other equipment as determined by the City Council.

(B) "City" means any department, agency, bureau, and/or subordinate division of the City of Oakland as provided by Chapter 2.29 of the Oakland Municipal Code.

(C) "**City Staff**" means City personnel authorized by the City Administrator or designee to seek City Council approval of the acquisition of Military Equipment in conformance with this Ordinance.

(D) "**Military Equipment Impact Statement**" means a publicly released, written document that includes, at a minimum, all of the following:

- (1) Description: A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the Military Equipment.
- (2) Purpose: The purposes and reasons for which the Oakland Police Department (hereinafter, "Police Department") proposes to use each type of Military Equipment.
- (3) Fiscal Cost: The fiscal cost of each type of Military Equipment, including the initial costs of obtaining the equipment, the costs of each proposed use, the costs of potential adverse impacts, and the annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.
- (4) Impact: An assessment specifically identifying any potential impacts that the use of Military Equipment might have on the welfare, safety, civil rights, and civil liberties of the public, and what specific affirmative measures will be implemented to safeguard the public from potential adverse impacts.
- (5) Mitigations: Specific, affirmative technical and procedural measures that will be implemented to safeguard the public from such impacts.
- (6) Alternatives: Alternative method or methods by which the Police Department can accomplish the purposes for which the Military Equipment is proposed to be used, the annual costs of alternative method or methods, and the potential impacts of alternative method or methods on the welfare, safety, civil rights, and civil liberties of the public.
- (7) Location: The location(s) it may be used, using general descriptive terms.
- (8) Third Party Dependence: Whether use or maintenance of the Military Equipment will require the engagement of third party service providers.
- (9) Track Record: A summary of the experience (if any) other entities, especially government entities have had with the proposed Military Equipment, including, if available, quantitative information about the effectiveness of the Military Equipment in achieving its stated purpose in other jurisdictions, and any known adverse information about the Military Equipment (such as unanticipated costs, failures, or civil rights and civil liberties abuses).

(E) "**Military Equipment Use Policy**" means a publicly released, legally enforceable written document governing the use of military equipment by the Oakland Police Department that addresses, at a minimum, all of the following:

- (1) Purpose: The specific purpose or purposes that each type of Military Equipment is intended to achieve.
- (2) Authorized Use: The specific uses of Military Equipment that are authorized, and rules and processes required prior to such use.
- (3) Prohibited Uses:
- (4) Training: The course of training that must be completed before any officer, agent, or employee of the Police Department is allowed to use each specific type of Military Equipment.

(5) Auditing and Oversight: The mechanisms to ensure compliance with the Military Equipment Use Policy, including which independent persons or entities have oversight authority, and what legally enforceable sanctions are put in place for violations of the policy.

(6) Transparency: The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the Police Department will ensure that each complaint, concern, or question receives a response in a timely manner.

(F) "**Police Area**" refers to each of the geographic districts assigned to a police commander and as such districts are amended from time to time.

(G) "**Exigent Circumstances**" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person requires the use of Military Equipment.

SECTION 3. Approval of Military Equipment Acquisition.

(A) (1) The Oakland Police Department shall submit to the Oakland Police Commission (hereinafter "Police Commission") a Military Equipment Impact Report and a Military Equipment Use Policy prior to engaging in any of the following:

(a) Requesting the transfer of Military Equipment pursuant to Section 2576a of Title 10 of the United States Code.

(b) Seeking funds for Military Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency, including commanding, controlling, or otherwise directing that agency or its personnel, in the deployment or other use of Military Equipment within Oakland.

(e) Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this Ordinance.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Military Equipment.

(B) (1) In seeking the review and approval of the Police Commission pursuant to Section 3, subdivision (A), the Police Department shall submit to the Police Commission a proposed Military Equipment Impact Report and a Military Equipment Use Policy.

(2) At least 15 days prior to any public hearing concerning the military equipment at issue, the Department shall publish the proposed Military Equipment Impact Report and Military Equipment Use Policy for public review. Publishing to the Department's website shall satisfy the requirements of this subsection.

(C) The Police Commission shall consider proposed Military Equipment Impact Reports and Military Equipment Use Policies as an agenda item for review at an open session of a regularly noticed meeting.

(D) (1) The Police Commission shall only approve a request to fund, acquire, or use Military Equipment pursuant to this chapter if it determines all of the following:

- (a) The Military Equipment is needed despite available alternatives.
- (b) The proposed Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (c) The use of Military Equipment will not be used based on race, national origin, religion, sexual orientation, gender, gender identity, political viewpoint, or disability, or disproportionately impact any community or group.
- (d) The use of Military Equipment is the most cost-effective option among all available alternatives.

(2) In order to facilitate public participation, any proposed or final Military Equipment Impact Report and Military Equipment Use Policy shall be made publicly available on the Department's website for as long as the military equipment is proposed or available for use.

(3) If the Military Equipment Impact Report identifies a risk of potential adverse effects on the public's welfare, safety, civil rights, or civil liberties, the approval for the funding, acquisition, or use of Military Equipment by the Police Commission pursuant to this Ordinance shall not be deemed an acquiescence to those effects, but instead an acknowledgment of the risk of those effects and the need to avoid them proactively.

(E) Police Commission Review Required for New Military Equipment Before City Council Approval.

1. The funding, acquisition, or use of Military Equipment by the Police Department shall not be permitted without the review by the Police Commission of a Military Equipment Impact Report and the approval of a Military Equipment Use Policy submitted pursuant to this Ordinance.

2. The Police Commission shall recommend that the City Council adopt, modify, or reject the proposed Military Equipment Use Policy. If the Police Commission proposes that the Military Equipment Use Policy be modified, the Police Commission shall propose such modifications to City Staff. City Staff shall present such modifications to City Council when seeking City Council approval pursuant to this Ordinance.

3. Failure by the Police Commission to make its recommendation on a proposal within ninety (90) days of submission shall enable City Staff to proceed to the City Council for approval of the proposal.

(F) (1) The Police Commission shall review any recommendation that it has adopted pursuant to this Ordinance approving the funding, acquisition, or use of Military Equipment at least annually and vote on whether to recommend renewal of the approval.

(G) (1) The Police Department shall have one year from the date of passage of this Ordinance to submit a Military Equipment Use Policy for approval, pursuant to this Ordinance, for the continued use of Military Equipment acquired prior to the passage of this Ordinance.

(2) If the Police Department seeks to continue the use of any Military Equipment that was acquired prior to the passage of this Ordinance, it shall commence the approval process in accordance with this Ordinance and present to the Police Commission a list of Military Equipment possessed and/or used by the City. The Police Department shall provide a prioritized ranking of Military Equipment possessed and/or used by the City, and the Police Commission shall consider this ranking in determining the Military Equipment that is prioritized for review. Within sixty (60) days of the Police Commission's prioritization of review, City Staff shall begin the submission of proposals, beginning with the highest-ranking items as determined by the Police Commission, and continuing until a Military Equipment Impact Report and a Military Equipment Use Policy has been submitted for each item on the list.

(H) City Council Approval Process

1. After the Police Commission Notification and Review requirements have been met, City Staff seeking City Council approval shall schedule for City Council consideration the proposed Military Equipment Impact Report and proposed Military Equipment Use Policy, and include Police Commission recommendations, at least fifteen (15) days prior to a public meeting.

2. The City Council shall only approve a proposed Military Equipment Impact Report and proposed Military Equipment Use Policy after first considering the recommendation of the Police Commission, and subsequently making a determination that the City's interest in community safety outweighs the potential adverse affects of using Military Equipment.

3. For approval of existing Military Equipment for which the Police Commission has failed to make a recommendation within ninety (90) days as provided by this Section, if the City Council has not reviewed and approved such item within four (4) City Council meetings from when the item was initially scheduled for City Council consideration, the City shall cease its use of the Military Equipment until such review and approval occurs.

(I) Use of Unapproved Military Equipment during Exigent Circumstances

(1). City Staff may temporarily use, or allow use by other entities, of Military Equipment without following the notification and review requirements of this Ordinance only when Exigent Circumstances exist.

(2). If City Staff uses, or allows use by other entities, of Military Equipment pursuant to the above-mentioned circumstances, City Staff shall:

- (a). Use the Military Equipment solely to respond to the Exigent Circumstances.
- (b). Cease using the Military Equipment when the Exigent Circumstances end.

- (c). Only keep and maintain Military Equipment that is directly relevant to an active, ongoing investigation, and discharge such Military Equipment once investigation has concluded, absent an intervening approval for retention pursuant to this section.
- (d). Following the end of the Exigent Circumstances, report the use of Military Equipment to the Police Commission at their next meeting for discussion and possible action.

SECTION 4. Reports on the Use of Military Equipment.

(A) The Oakland Police Department shall submit to the Police Commission an annual report on Military Equipment to the Police Commission within one year of approval, and annually thereafter for as long as the Military Equipment is available for use. The annual report shall be provided no later than March 15th of each year, unless the Police Commission advises the Police Department that an alternate date is preferred. The Police Department shall also make each annual report required by this section publicly available on its website for as long as the military equipment is available for use. The annual report shall, at a minimum, include the following information for the immediately preceding calendar year:

- (1) Production descriptions for Military Equipment and numbers of each product in the Police Department's possession.
- (2) A summary of how Military Equipment was used.
- (3) If applicable, a breakdown of where Military Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days Military Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
- (4) A summary of any complaints or concerns received concerning Military Equipment.
- (5) The results of any internal audits, any information about violations of Military Equipment Use Policies, and any actions taken in response.
- (6) An analysis of any discriminatory, disparate, any other adverse impacts that the use of Military Equipment may have had on the public's safety, welfare, civil rights, and civil liberties and on any community or group, including, but not limited to, those protected by the First, Fourth, and Fourteenth Amendments to the United States Constitution.
- (7) The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for Military Equipment in the calendar year following submission of the annual report.

(B) Within 60 days of the Police Department submitting and publicly releasing an annual report pursuant to this section, the Police Commission shall place the report as an agenda item for an open session of a regular meeting. After review and approval by the Police Commission, City Staff shall submit the annual report to City Council.

(C) The Police Commission shall determine, based on the annual report submitted pursuant to Section 4, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in Section 3. If the Police Commission determines that any Military Equipment identified in the annual report has not complied with the standards for

approval set forth in Section 3, the Police Commission shall either recommend revocation of the authorization for that piece of Military Equipment or modify the Military Equipment Use Policy in a manner that will resolve the lack of compliance. Recommendations for revocations pursuant to this section shall be forwarded to City Council in accordance with the approval process in Section 3.

SECTION 5. Enforcement.

(A). Violations of this Ordinance are subject to the following remedies:

- (1). Any violation of this Ordinance, or of a Military Equipment Use Policy promulgated under this Ordinance, constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in the Superior Court of the State of California to enforce this Ordinance. An action instituted under this paragraph shall be brought against the respective city department, and the City of Oakland, and, if necessary to effectuate compliance with this Ordinance or a military equipment acquisition or use policy, any other governmental agency with possession, custody, or control of Military Equipment subject to this Ordinance, to the extent permitted by law.
- (2). Any person who has been subjected to the use of military equipment in violation of this Ordinance may institute proceedings in the Superior Court of the State of California against the City of Oakland and shall be entitled to recover actual damages (but not less than liquidated damages of one thousand dollars (\$1,000.00) or one hundred dollars (\$100.00) per day for each day of violation, whichever is greater).
- (3). A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought under subpart (1) or (2) above.
- (4). Violations of this Ordinance by a city employee shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements and in accordance with any memorandums of understanding with employee bargaining units.

SECTION 6. Transparency

- (A) It shall be unlawful for the City to enter into any Military Equipment-related contract or other agreement that conflicts with the provisions of this Ordinance, and any conflicting provisions in such future contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.
- (B) To the extent permitted by law, the City shall publicly disclose all of its Military Equipment-related contracts, including any and all related non-disclosure agreements, if any, regardless of any contract terms to the contrary.

SECTION 7. Whistleblower Protections.

(A). Neither the City nor anyone acting on behalf of the City may take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment, including but not limited to discriminating with respect to compensation, terms and conditions of employment, access to information, restrictions on due process rights, or civil or criminal liability, because:

1. The employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of Military Equipment based upon a good faith belief that the disclosure evidenced a violation of this Ordinance; or
2. The employee or applicant was perceived to, about to, or assisted or participated in any proceeding or action to carry out the purposes of this Ordinance.
3. It shall be grounds for disciplinary action for a city employee or anyone else acting on behalf of the city to retaliate against another city employee or applicant who makes a good-faith complaint that there has been a failure to comply with any Military Equipment Use Policy or administrative instruction promulgated under this Ordinance.
4. Any employee or applicant who is injured by a violation of this Section may institute a proceeding for monetary damages and injunctive relief against the city in any court of competent jurisdiction.

DRAFT

TO: Regina Jackson
Chair, Oakland Police Commission

FROM: Anne E. Kirkpatrick
Chief of Police, Oakland Police Department

Chair Jackson,

Pursuant to an information request from the Police Commission, please find attached to this submission letter documents responsive to the following question:

OAKLAND POLICE DEPARTMENT; Response to Militarized Equipment DRAFT

The Oakland Police Department received a Militarized Equipment DRAFT Ordinance from the Oakland Police Commission with a request for a response to the DRAFT. The Department assembled a focus group of department Subject Matter Experts to assist with defining Militarized Equipment and to provide an inventory of all OPD Tactical Equipment, to determine what equipment does the department consider militarized.

Included in this report is the written response, list of department equipment, and all corresponding policies and procedures.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

The Oakland Police Department (OPD) has never requested or received any Department of Defense (DOD) 1033 equipment. OPD has never found a use for the military surplus equipment offered by this program as most equipment was made for the purpose of war and then occupying non-permissive environments after the initial violent conflict. One example is the Mine-Resistant Ambush Protected (MRAP).

The MRAP armored vehicle was part of the DOD 1033 program and offered to police agencies in America. This 18-ton vehicle was made to withstand an anti-tank mine and has machine gun mounts on top. This has no place outside of a war zone. Based on this example we have recognized three categories of equipment. They are **specific military**, **specific police**, and **military like equipment modified for police** use.

Specific military equipment such as the MRAP is offered by the DOD 1033 program as a response to potential terrorism in America. The equipment includes belt-fed machine guns (fires 100 round belt of ammunition non-stop), .50 Caliber machineguns and rifle, and attack aircraft (armed with machine guns and/or rockets). It was this specific military equipment that alarmed President Obama and several communities in America. Again, OPD does not possess, use, or own any such equipment.

Specific police equipment was created over time to improve community and officer safety. There is a large amount of **specific police** equipment that has been purchased by the military as their missions evolved to peace keeping and humanitarian aid. The military uses police equipment in semi-permissive environments to reduce the military footprint while performing police like security functions in locations not considered hostile or a war zone. These functions include crowd control, which lead to the DOD 1033 program offering riot batons and non-lethal chemical agents.

It should also be noted the military includes the state National Guard forces who are required to operate under the same military standards and supplement the active duty military forces when authorized by the President of the United States. The National Guard forces are under the control of each state governor to respond to domestic emergencies. This is important to understand because some equipment purchased by the DOD and offered under the 1033 program is **specific police** equipment needed by the National Guard to respond to these domestic emergencies.

The **specific police** equipment listed on the proposal and currently used by OPD has specific written policy guiding the use and reporting by OPD officers. OPD officers are also required to be certified by the State of California Police Officer Standards and Training (POST) prior to using this equipment.

The **military like equipment modified for police** is a category created over time as we experienced military grade weapons such as assault rifles and body armor being sold in the United States. This equipment found its way onto our city streets and were being used to commit violent crimes. One example was the 1997 North Hollywood bank robbery where the Los Angeles Police Department attempted to arrest two bank robbers and were met with assault rifles. The offenders used high caliber assault rifles to shoot at officers who were only armed with handguns. The police handguns would not penetrate the offender's military grade body

armor. The offenders rifle rounds were powerful enough to penetrate the officers armored vests and their vehicle doors. The wounded people involved could not be rescued due to the superior equipment the offenders were using on the police and community.

This resulted in designated trained tactical officers getting higher grade body armor, bullet resistant helmets, and rescue vehicles with thick enough protection to sustain against assault rifle bullets. This vehicle is known as the bearcat and has been instrumental in several OPD incidents to protect officers and the community (see printout for bearcat deployments).

It should be noted that some **military like modified for police** equipment is also purchased by the DOD in order for military police agencies, within the United States, to provide police services on military bases.

The **military like equipment modified for police** use, like the **specific police** equipment, has existing written policy guiding the use and reporting by OPD officers. OPD officers are also required to be certified by the State of California Police Officer Standards and Training (POST) prior to using this equipment.

The OPD response to the militarized weapons proposal strongly emphasizes the need to understand there is **specific military** equipment, **police specific** equipment, and **military like equipment modified for police** to meet the evolving threat created by military specific equipment being sold in America. Understanding the types of equipment will give insight to how broad the proposal is and goes far outside the scope of needed accountability, pointed out by President Obama.

This proposal is identical to California State AB3131 that was vetoed due to the broad scope of equipment potentially compromising the police ability to maintain public safety in our constantly changing environment.

OPD currently requests purchases and grant funded acquisitions of **specific police** and **military like equipment modified for police** through the open Public Safety Committee and open City Council (OPD has never requested **specific military** equipment). OPD receives guidance on policy regulating the use and reporting for all **specific police** and **military like modified for police** equipment by the open Police Commission. The proposal would remove these three councils from their part in governing the City of Oakland and the Oakland Police Department¹.

I conclude OPD does not have any specific military or any equipment from the DOD 1033 program. The equipment we currently have has been requested in a public forum at our various governing councils. OPD has written guidance through state law, POST, and our own policy for all equipment listed on the proposal as DOD 1033.

¹ Definition - Military Equipment "Military Equipment – Weapon systems that can be used directly by the Armed Forces to carry out battlefield missions. Military equipment has an expected useful life of two or more years; is not intended for sale in the ordinary course of business; does not ordinarily lose its identity or become a component part of another article; and is available for the use of the reporting entity for its intended purpose. Examples include: combat aircraft, pods, combat ships, support ships, satellites, and combat vehicles. Examples excluded are training aircraft and simulators."

#	Draft Ordinance (page 2)	OPD's Stance	OPD's current equipment in this category	OPD Policies	Exec Order 13688
	N/A	N/A	N/A	In general, DGO K-03 and K-04 cover the use and reporting of force DGO B-12 Firearms Range Program covers training DGO K-05 Tactical Operations Team assigns responsibility for the use of many of the items/tactics	N/A
1	Wheeled armored vehicles that are either built or modified to provide ballistic protection to their occupants, including a mine-resistant ambush protected (MRAP) vehicle or an armored personnel carrier.		BearCat Armored Suburban	Training Bulletin being drafted and in review process with IMT	Controlled
2	Wheeled tactical vehicles that are either built to operate both onroad and offroad in supporting military operations, such as a high mobility multipurpose wheeled vehicle (HMMWV, commonly referred to as a Humvee, a two and one half-ton truck, or a five-ton truck, or built with a breaching or entry apparatus attached.		None	None - Would be covered by new policy being drafted for armored vehicles	Controlled
3	Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.		None	None - Would be covered by new policy being drafted for armored vehicles	Prohibited
4	Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.		OFD/OPD Command Post Weed and Seed Command Post Tactical Negotiations Team truck	None	Controlled
5	Weaponized aircraft, vessels, or vehicles of any kind, whether manned or unmanned.		None	N/A - None possessed by OPD	Prohibited
6	Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, ballistic, such as a slug, or that is explosive in nature.		Hook and Key Kinetic breaching tool Ram on BearCat (accessory, not fixed) Explosive breaching equipment (owned, but hasn't been used)	TB III-P Barricaded Subject, Hostage Negotiation (mentions forced entry tools, but not much more)	Controlled
7	Firearms of .50 caliber or greater.		None	N/A - None possessed by OPD	Prohibited
8	Ammunition of .50 caliber or greater.		None	N/A - None possessed by OPD	Prohibited
9	Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Section 30515 of the California Penal Code, with the exception of other service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of the Oakland Police Department.		Patrol Rifles Entry Team Element Rifles Sniper Element Rifles	DGO C-4 Safety Equipment (covers Privately-owned Rifle AR/Bolt Gun) DGO K-6 Patrol Rifle Program (covers patrol rifles) TB III-P Barricaded Subject, Hostage Negotiation (Entry & Sniper firearms--way out of date)	Controlled
10	Any firearm or firearm accessory, excluding the service weapons described in paragraph (9), that is designed to launch small projectiles, including, but not limited to, a grenade launcher or a riot gun used to disperse chemical agents.		37mm & 40mm launchers	TB III-H Specialty Impact Munitions	Grenade launchers prohibited, but differentiated from tear gas launchers
11	Any large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.		None	N/A - None possessed by OPD	Bayonets prohibited
12	Explosives and pyrotechnics, including grenades referred to as flashbang grenades and explosive breaching tools.		Partial duplicate of #6 Hand-thrown chemical agents or pyrotechnic gas dispersal devices	TB V-F-2 Chemical Agents TB III-G Crowd Control and Crowd Management (covers Hand-thrown chemical agents or pyrotechnic gas dispersal devices)	Controlled
13	Riot batons (Batsons >24"), riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons.		Riot helmets Riot shields (owned, but haven't been used)	DGO C-4 Safety Equipment (covers Riot Helmet)	Controlled
14	Sonic weapons, including microwave weapons and the Long Range Acoustic Device sound cannon.	LRAD is not a weapon and OPD does not own anything else listed. LRAD is a communication device used during evacuations, crowd control, and with barricaded suspects.	Long Range Acoustic Device (LRAD)	None	Not in Exec Order

RO #	Incident #	Date of Incident	Time of Incident	Location of Incident (Outland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, tent, etc.) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (park or yard) - Service of high risk warrant - Sitework - Protection of public at event	Injuries or deaths during deployment caused by OPD or subject	Nature of Injury - First Aid - Hospitalization - Death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large warrant or incident. No injuries or arrests directly related to arrested vehicles.	Incident Summary	BeaCat	Suburban
18-016529	LOP18040200391	2-Apr-18	10:07	900 E. 21st St	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	1	PC245(C) X2 - Assault with a deadly weapon on a peace officer VC10851(A) - Stolen Vehicle PC096D(A) - Possession of a stolen vehicle PC094(A)(2) - Vandalism PC066 - Possession of burglary tools Warrant arrest for 187 PC - Homicide, (Modesto PD took custody)	Armed vehicle requested, but then cancelled prior to arrival. Officers observed stolen vehicle and attempted to block it in. Driver of stolen vehicle rammed police vehicle until stolen vehicle was disabled and then refused to exit the vehicle. Suspect surrendered prior to arrival of armored vehicle. Homicide suspect in vehicle and unresponsive. Subject arrested.	Yes	No (unknown)
18-017081	LOP180404000271	5-Apr-18	09:45	123 Foster Ave	Attempting to arrest dangerous person in vehicle	Yes - One person (public)	First Aid	posure to chemical ag	1	211 PC - Robbery with Firearm	Caller reported robbery in progress. Employees hid inside. Appears person fled prior to containment being set. Robbery suspect not located.	Yes	No (unknown)
18-017821	LOP180409001122	9-Apr-18	20:38	3020 9th St	Attempting to arrest dangerous person in structure	None	N/A	N/A	0		Caller reported they were repairmen at a house when the robber became angry, retrieved a firearm, and shot it. Subject arrested	Yes	No (unknown)
18-018209	LOP180411000804	11-Apr-18	15:47	9326 Golf Links Road	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	246.3 PC - Willful Discharge Firearm in Negligent Manner	Suspect fled from officers. Not found in yards.	Yes	No (unknown)
18-015717	LOP180412000959 LOP180412000956	22-Apr-18	11:13	1000 53rd St	Attempting to arrest dangerous person in public	None	N/A	N/A	0	245(a)(2) PC - Assault with Firearm on Person	Officer on viewed vehicle with unresponsive driver with firearm in lap. Firearm later found to be a pellet gun. Subject arrested.	Yes	No (unknown)
18-018470	LOP180413000701	13-Apr-18	02:31	900 Foothill Blvd	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	1	233.52(a) VC - Driving Under the Influence 246.3 PC - Willful Discharge Firearm on Person 245(a)(2) PC - Assault with Firearm on Person 247.01 PC - EXHIBIT FIREARM 417.01 PC - EXHIBIT FIREARM PC2731 - VIOLENT CRUELTY TO CHILD PC29600 (A)(1) - FELONY/ADICT/POSSESS/OWN/ETC FIREARM PC39945 (A)(1) - PROHIBITED POSSESS AMMUNITION OR RELOADED AMMUNITION PC31360 (A) - VIOLENT FELON POSSESS/OWN/PURCHASE BODY ARMOR	Officer on viewed vehicle with unresponsive driver with firearm in lap. Firearm later found to be a pellet gun. Subject arrested.	Yes	No (unknown)
18-019663	LOP180413000109	19-Apr-18	20:59	9023 A St	Attempting to arrest dangerous person in structure	None	N/A	N/A	0		Caller who had fled her home reported husband assaulted her and pointed a firearm (handgun) at her. Officers surround house, but eventually determined husband was not inside. Two firearms and body armor found inside. Armored vehicle requested, but then cancelled prior to arrival. Caller reported person in vehicle with a firearm (unknown) on lap. Vehicle gone when area checked by helicopter and then patrol vehicles.	Yes	No (unknown)
18-021752	LOP180501000332	1-May-18	09:50	1600 89th Ave	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	0	No charges related to vehicle.	Caller reported person in vehicle with a firearm (unknown) on lap. Vehicle gone when area checked by helicopter and then patrol vehicles.	Yes	No (unknown)
18-020571	None/unknown	1-May-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Citywide response for May Day activities	Yes	No (unknown)
18-020956	LOP180502000065	2-May-18	05:00	1246 Oak Haven Way, Antioch	Service of high risk warrant	Yes - One person (public)	First Aid	posure to chemical ag	1	38005 (A) PC - ILLEGALLY POSSESS ANY ASSAULT WEAPON 38000 (A)(2) PC - FELONY/ADICT/POSSESS/OWN/ETC FIREARM 2023.2(A) PC - VIOLATION OF PROBATION-FELONY	On 2 May 18, at 0500 Hrs the OPD Tactical Operations Team responded to 1246 Oak Haven Way in Antioch to serve a search warrant. Antioch PD was on scene to assist. The subjects associated with the residence were involved in several shootings in Oakland and known to have weapons. Upon serving the warrant a rifle and handgun were recovered and three adult male were arrested. According to Antioch PD, no residence called in regarding this incident. This is an open investigation and anyone with further information should contact the Criminal Investigations Division.	Yes	Yes
None	LOP180502001144	2-May-18	23:27	3500 MacArthur Blvd	Attempting to arrest dangerous person in public	None	N/A	N/A	0	None	Caller reported a person making swinging movements towards encroaching vehicles. Unable to locate.	Yes	Yes
None	LOP180502001035	2-May-18	21:05	FSH MANCH RD & GRIZZLY PEAK BLVD	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	0	None	Officers responded to Grizzly Peak & Old Fish Ranch Road to assist with locating a person threatening suicide with a firearm (rifle). The BeaCat was used for the DAT on scene and the Suburban was used to canvass the neighboring area where the subject's phone was pinged. The subject was not located during the incident.	Yes	Yes

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason for Deployment	Injuries or deaths during deployment caused by OPD or subject	Neure of injury -First Aid -Hospitalization -Death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armored vehicles.	Incident Summary	BeaCat	Suburban
18-02456	LOP18051700999	17-May-18	1842	3301 Partridge Ave	Attempting to arrest dangerous person in structure (house, building, tent) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yards) - Service of high risk warrant - Stikeshow - Protection of public at event	None	N/A	N/A	0	422PC-THREAT CRIME/INF/TERRORIZE	Caller reported one neighbor went to another neighbor's house and started shooting. Suspected shooter was placed on a hold for mental evaluation (5150 W&A). Armored vehicle requested, but then cancelled prior to arrival. Outside agency pursued robbery suspects into Oakland and then the suspects fled. Suspects detained prior to arrival of armored vehicle.	Yes	No
None	LOP18052001193	22-May-18	2323	5700 Market St	Attempting to arrest dangerous person in public	None	N/A	N/A	0	None by Oakland PD	Caller reported husband has severe alcohol problems and mental health issues. Caller advised he is in room with a couple loaded guns and has been talking about suicide. He threatened to shoot her and then put gun in his mouth. Subject arrested. Two firearms (handguns) recovered. Subject arrested.	Yes	No (unknown)
18-02583	LOP180523001089	23-May-18	2039	3250 MacArthur Blvd	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	273.5(a) PC - Inflict Corporal Injury on Spouse/Cohabitant 422PC-THREAT CRIME/INF/TERRORIZE 249(a)(1) PC - Domestic Battery	Multiple callers about a man shooting a rifle in the air along with Shot-Spotter activations. Officers on scene heard gunshots. Subject arrested. Firearm (rifle) recovered.	Yes	No (unknown)
18-02619	LOP18052500157	25-May-18	0606	1065 Balla Vista Ave	Attempting to arrest dangerous person in public	None	N/A	N/A	0	P.C. 246.3 ANYONE WHO WILLFULLY DISCHARGES A FIREARM IN A GROSSLY NEGLIGENT MANNER P.C. 62651(D) DISCHARGE FIREARM IN SCHOOL ZONE P.C. 28500(A) CARRY LOADED FIREARM ON/IN PERSON/VEH: PUBLIC PLACE P.C. 249.6(1) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(2) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(3) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(4) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(5) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(6) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(7) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(8) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(9) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(10) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(11) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(12) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(13) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(14) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(15) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(16) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(17) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(18) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(19) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(20) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(21) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(22) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(23) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(24) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(25) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(26) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(27) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(28) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(29) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(30) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(31) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(32) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(33) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(34) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(35) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(36) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(37) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(38) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(39) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(40) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(41) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(42) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(43) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(44) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(45) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(46) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(47) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(48) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(49) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(50) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(51) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(52) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(53) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(54) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(55) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(56) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(57) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(58) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(59) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(60) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(61) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(62) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(63) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(64) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(65) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(66) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(67) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(68) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(69) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(70) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(71) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(72) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(73) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(74) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(75) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(76) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(77) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(78) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(79) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(80) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(81) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(82) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(83) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(84) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(85) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(86) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(87) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(88) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(89) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(90) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(91) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(92) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(93) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(94) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(95) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(96) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(97) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(98) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(99) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.6(100) MFPD-CARRY LOADED HANDGUN; NOT REGISTERED OWNER	Yes	No	
18-02688	None/unknown	31-May-18		Coliseum/Arena	Attempting to arrest dangerous person in public Protection of public at event	None	N/A	N/A	0	None	Multiple callers about a man shooting a rifle in the air along with Shot-Spotter activations. Officers on scene heard gunshots. Subject arrested. Firearm (rifle) recovered.	Yes	No
18-02748	LOP180603000672	3-Jun-18	1218	2000 Harrison St	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	417.6(a) PC - Exhibit Deadly Weapon; Serious Bodily Injury Inert	Caller reported subject armed with firearms (handgun and shotgun) pointed the firearms at her and threatened to shoot her. Subject located in tent and arrested. No firearms recovered.	Yes	No (unknown)
18-02732	None/unknown	3-Jun-18		Coliseum/Arena	Attempting to arrest dangerous person in structure Protection of public at event	None	N/A	N/A	0	None	NBA Finals game 1 NBA Finals game 2	Yes	Yes
18-02842	LOP180607000163	7-Jun-18	0554	7900 Noy Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	249E(1)PC-BATTERY/SPOUSE/EX SPOUSE/DATE/ETC 417(A)(2)PC-EXHIBIT FIREARM	Caller reported her boyfriend assaulted her and pointed a firearm (handgun) at her. Subject arrested. No firearms recovered.	Yes	No (unknown)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, bus) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yards) - Service of high risk warrant - Sideshow - Protection of public at event	Injuries or deaths during deployment caused by OPD or subject	Nature of Injury -First Aid -Hospitalization -Death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armored vehicles.	Incident Summary	BearCat	Suburban
18-028619	LOP1806800095 LOP18068000166	8-Jun-18	0616	5919 Foothill Blvd	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	*Large event or incident. No injuries or arrests directly related to armored vehicles.	On Friday, 8 Jun 18, at approximately 0616 hours, Patrol officers responded to reports of gunfire in the 5900 block of Foothill Blvd. While investigating the area, officers observed a person at the door of 5919 Foothill Blvd. Additional rounds were fired. The person retreated inside the residence and Patrol officers surrounded it. Officers tried for several hours to have the suspect exit the residence, but he remained inside. At 0640 hours, a Tactical Operations Team call-out was initiated by the watch commander. Eventually, four people entered the residence but the suspect remained inside. The Tactical Operations Team deployed light and sound diversion devices outside the residence and were able to make phone contact with the suspect who finally exited the residence and was taken into custody.	Yes	
18-028652 18-029132	LOP18068000949 None/Unknown	8-Jun-18 12-Jun-18	2120	Various Downtown	Attempting to arrest dangerous person in structure Sideshow Protection of public at event	None None None	N/A N/A N/A	N/A N/A N/A	0 0 0	246.3 PC - WILFUL DISCHARGE FIREARM IN NEGLIGENT MANNER 11959 HS - POSSESS MARIJUANA/HASHISH FOR SALE 23900 PC - ALTER/REMOVE/ETC IDENTIFICATION MARKS ON FIREARM 25800(a) PC - CARRY LOADED FIREARM ON/IN PERSON/VEHICLE PUBLIC PLACE	No one was found that had been injured by the gunfire and no property was found that was damaged by the gunfire. Camps and a firearm were recovered.	Yes Yes Yes	
18-029500	LOP180613000315	13-Jun-18	0935	3500 Harrison St	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	0	25400 (A)(3) PC - MISC-CARRY CONCEALED WEAPON IN VEHICLE OCCUPANT 2800.1 (A) VC - EVADING PEACE OFFICER	Officers prevailing crowds and sideshow activity after NISA finish in Berkeley shown at them by numerous persons at NISA Parade. Severe arrests made.	Yes	
18-030216	LOP180617000690	17-Jun-18	1612	330 Ashton Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	245(a)(2) PC - Assault with Firearm on Person 417(a)(3) PC - Exhibit Deadly Weapon other than Firearm 422 PC - Criminal Threats with intent to Terrorize 597(e) PC - Cruelty to Animals	Patrol enforcement on viewed a person asleep in a vehicle with a firearm (handgun) on his lap. BearCat unavailable so vehicle couldn't be blocked in. Person woke up, fled in the vehicle, and evaded pursuit.	No	
18-030223	LOP180617000703	17-Jun-18	1643	2580 63rd Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	422 PC - Criminal Threats	Caller reported a stabbing. Caller said the suspect was also armed with a firearm (handgun) and ran into a building. Suspect not located.	Yes	No (unknown)
											Caller reported person posted that they were going to shoot up a school and had posted a picture of a firearm (rifle). Subject detained. Replica Ah-15 firearm and BB rifle recovered from subject's room. Other firearms (shotgun and handgun) also found in home taken for safekeeping. Subject placed on hold for mental fitness (SISO WI) and not arrested pending further investigation.	Yes	No (unknown)

RO #	Incident #	Date of incident	Time of incident	Location of incident (Oakland if not specified otherwise)	Reason	Injuries or deaths during deployment caused by OPD or subject	Nature of injury -Fire/aid -Hospitalization -Death	Cause of injury	Arrests	Charge and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armored vehicle.	Incident Summary	Beat/Cat	Suburban
18-032596	LOP180705000717	19-June-18	1457	1215 10th St	-Attempting to arrest dangerous person in structure (house, building, tent) -Attempting to arrest dangerous person in vehicle -Attempting to arrest dangerous person in public (street or park) -Service of high risk warrant -Sidewalk -Protection of public at event	None	N/A	N/A	1	- 29800(A)(1) PC - FELLOW/ADDICT/POSSESS/OWN/ETC FIREARM - 30505(A)(1) PC - PROHIBITED POSSESS AMMUNITION OR RELOADED AMMUNITION - 25400(A)(2) PC - CARRY CONCEALED WEAPON ON PERSON - 25400(C)(6)(A) PC - CARRY LOADED CONCEALED WEAPON ON PERSON - 25400(C)(3) PC - CARRY CONCEALED WEAPON - CRIMINAL STREET GANG - 25400(C)(4) PC - CARRY CONCEALED WEAPON - UNLAWFUL POSSESS - 25400(C)(6) PC - CARRY A LOADED CONCEALED WEAPON ON PERSON - 25950(C)(1) PC - CARRY LOADED FIREARM W/PRIOR FELONY CONVICTION - 25950(C)(3) PC - CRIMINAL STREET GANG MEMBER CARRY LOADED FIREARM - 25950(C)(6) PC - CARRY LOADED HANDGUN; NOT REG OWNER - 902(L) PC - PREPASS-OCCUPY PROPERTY W/O CONSENT - 464(A)(1) PC - OBSTRUCT/RESTRICT PUBLIC PEACE OTHER EMERGENCY MED TECH	Officers attempted to stop a known gang member to issue him a citation for vehicle code violation. The suspect fled from officers and dropped a backpack. Officers recovered the backpack and found a firearm (handgun) inside. Subject located in building and arrested. Two cancelled prior to arrest. Officers heard shots and then found multiple gunshot victims nearby. Large hostile crowd present and shooter(s) possibly in the area still. Scene stabilized prior to arrival of an armored vehicle.	Yes	No (unknown)
18-032487	LOP180705001215	29-June-18	2348	1300 Franklin St	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	187(a) PC - Murder 245(a)(2) PC - Assault with Firearm	On Thursday, 5 Jul 18, at approximately 1540 hours, Patrol officers were in the 300 block of Ashton Ave and observed two individuals who had felony arrest warrants for assault. The officers conducted an enforcement stop and took one of the individuals into custody. The second suspect fled from officers and ran into 350 Ashton Ave. Patrol officers surrounded the location and tried for several hours to have the suspect exit the residence. At 1840 hours, a Tactical Operations Team call-out was initiated by the watch commander.	Yes	No (unknown)
18-034434	None/unknown	4-Jul-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	The Tactical Operations Team deployed with an armored vehicle and made further announcements, but received no response. Chemical Agents were deployed into the residence, but there was no response. A search of the residence revealed there were no occupants inside the location. It appears the second warrant suspect fled from the rear of the location prior to officers setting up a perimeter.	Yes	No (unknown)
18-032516	LOP180705000846	5-Jul-18	1640	350 Ashton Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	None One warrant arrest for 245(a)(1) PC, Assault with a Deadly Weapon, prior to deployment.	On Thursday, 5 Jul 18, at approximately 1540 hours, Patrol officers were in the 300 block of Ashton Ave and observed two individuals who had felony arrest warrants for assault. The officers conducted an enforcement stop and took one of the individuals into custody. The second suspect fled from officers and ran into 350 Ashton Ave. Patrol officers surrounded the location and tried for several hours to have the suspect exit the residence. At 1840 hours, a Tactical Operations Team call-out was initiated by the watch commander.	Yes	No (unknown)
18-033403	LOP180705000467	5-Jul-18	1040	2011 Myrtle	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	245 (A)(2) PC - Assault with Firearm 422 PC - Criminal Threats with Intent to Terrorize 417 (A)(2) PC - Exhibit Firearm 273 (A) PC - Willful Cruelty to Child	Armored vehicle requested, but then cancelled prior to arrival. Caller reported neighbor hit her with a firearm (shotgun). Named suspect had previously threatened suicide by cop. Suspect surrendered prior to arrival of armored vehicle. Firearm (rifle) recovered.	Yes	No (unknown)

RO #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, tent) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (park or yard) - Service of high risk warrant - Sideshow - Protection of public at event	Injuries or deaths during deployment caused by CPD or subject	Reasons of injury - First Aid - Hospitalization - Death	Cause of injury	Arrests	Charges and/or Crimes Reported *Large events at incident. No injuries or arrests directly related to armored vehicles.	Incident Summary	Beat/Cat	Suburban
18-035700	LOP18071300055	17-Jul-18	2355	1610 11th Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	2	211 PC - Robbery with Firearm	Officers observed subjects believed to be involved in a take over robbery with firearms (handguns) enter a building. Two people arrested outside the building. The building was searched and no one else located.	No	Yes
18-036134	LOP18072000030	20-Jul-18	0932	5711 Telegraph Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	66A/211 PC - Attempt Robbery 459 PC - Burglary 594B(1) PC - Vandalism S400+ 422 PC - CRIMINAL THREATS THREATENED CRIME W/INTENT TO TERRORIZE 242 PC - BATTERY 417A(1) PC - EXHIBIT DEADLY WEAPON OTHER THAN FIREARM	Armored vehicle requested, but then cancelled prior to arrival. Caller reported being robbed. Suspects had firearms (handguns) and now were burglarizing his business. Suspects detained prior to arrival of armored vehicle.	Yes	No (unknown)
18-036827	LOP18072000024	24-Jul-18	0916	1310 76th Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	PC 245(a)(2) / Assault w/ Deadly Weapon, Firearm PC 29000(a) / Felony (w-felon in possession of Firearm) PC 269.5D (Discharge Firearm W/ 1000 Feet of School) PC 269.5D(1) (Possession of Firearm by Prohib. Person) Pds 1135C (Possession of Narcotics)	Officers flagged down about a subject brandishing a knife, assaulting her, and threatening to kill her. Suspect arrested.	Yes	No (unknown)
18-036840	LOP18080200064	2-Aug-18	1829	2515 Adeline St	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	None	Caller reported one relative shot at another. Suspect arrested. Firearm (handgun) recovered.	Yes	No (unknown)
18-036754	None/unknown	3-Aug-18		Downtown	Protection of public at event	None	N/A	N/A	0	None	First Friday	No	Yes
18-037241	None/unknown	20-Aug-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	None	Raiders vs Lions	Yes	Yes
18-040758	LOP18081100099	11-Aug-18	0947	3822 International Blvd	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	417A(2) PC - Exhibit Firearm	Caller reported the roommate unpublished a firearm (handgun) in his room. Suspect arrested.	Yes	No (unknown)
18-038542	None/unknown	12-Aug-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Oakland Fall Marathon	No	Yes
18-031246	LOP18081000772	15-Aug-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Oakland Triathlon	No	Yes
18-042624	LOP18082300024	24-Aug-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	*None	Raiders vs Packers	Yes	Yes
18-044210	LOP180831000919	31-Aug-18	1645	2791 Ritchie St	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	261A(2) PC - Rape 288A PC - Oral Copulation 236 PC - False Imprisonment 10851(a) VC - Vehicle Theft	Caller reported being raped. Suspect residence searched, but suspect not located.	Yes	No (unknown)
18-045384	LOP180903000792	3-Sep-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Rally for Health Care	No	Yes
18-045402	LOP180907000658	7-Sep-18		Downtown	Protection of public at event	None	N/A	N/A	0	None	First Friday	No	Yes
18-045921	LOP180910000437	10-Sep-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	*None	Raiders vs Rams	Yes	Yes
18-046109	LOP180911000440	11-Sep-18	1142	2718 Nishi Av	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	PC 417 (a)(1) - EXHIBIT DEADLY WEAPON OTHER THAN FIREARM PC 422 - CRIMINAL THREATS THREATENED CRIME W/INTENT TO TERRORIZE PC 29000 (A)(1) - FELONY/ADDP/POSSESS/OWN/ETC	Parole agent advised he was checking on a parolee when he came out armed with a sword and is suicidal.	Yes	No (unknown)
18-046664	LOP180913001256	13-Sep-18	2359	881 58th St	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	FIREARM PC 25800 (C)(2) - CARRY STOLEN LOADED FIREARM PC 25800 (A)(1) - PROHIBITED POSSESS AMMUNITION OR RELOADED AMMUNITION	Shot/patrol report of three gunshots and then neighbor advised gunshots occurred in a house. Suspect arrested. Firearm (handgun) recovered.	Yes	No (unknown)
18-046678	LOP180914000390	13-Sep-18			Protection of public at event	None	N/A	N/A	0	None	Rolling Loud Festival	No	Yes
18-046678	LOP180914000390	13-Sep-18			Protection of public at event	None	N/A	N/A	0	None	Rolling Loud Festival	No	Yes
18-047718	LOP180920000184	20-Sep-18	0725	5825 International Blvd	Attempting to arrest dangerous person in public	None	N/A	N/A	1	43A(1) PC - OBSTRUCTS/RESISTS PUBLIC OFFICER/ETC 60201 PC - TRESPASS OCCUPY PROPERTY W/O CONSENT Felony No Bail Warrant - 29889a1 PC	Caller reported person hiding in building with a firearm (rifle or shotgun). Suspect arrested. Replica firearm located.	Yes	No (unknown)
18-048262	LOP180923000052	23-Sep-18			Sideshow	None	N/A	N/A	D	*None	Sideshow	Yes	Yes
18-048274	LOP180923000154	23-Sep-18	0048	Citywide	Sideshow	None	N/A	N/A	D	*None	Sideshow	Yes	Yes

27 Sep 19

PRR list of deployments (2018)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, etc.) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yards) - Sideshow - Protection of public at event	Injuries or deaths during deployment caused by OPD or subject	Nature of injury -First Aid -Hospitalization -Death	Cause of injury	Arrests	Charges said/or Crimes Reported related to arrested vehicles.	Incident Summary	Involved	Suburban
18-049024	LOP180927000155	27-Sep-18	0659	201 Oakland Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	PC 245(a)(2) - Assault with Firearm on Person PC 211 - Bobbery PC 664/215 - Attempt Carjacking PC 664/207 - Attempt Kidnapping	Caller received an attempted carjacking where she was hit on the head with a firearm (handgun) and her phone was stolen. Building searched. Suspect not located, but phone recovered. Officer observed person asleep in vehicle with a firearm (handgun) on the floorboard. Person detained. Two replica firearms recovered.	Yes	Yes
18-050119	LOP181009000037	3-Oct-18	0106	Coral Rd & Sarcus Rd	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	0	None	On Thursday, 4 Oct 18, at 0600 hours, the Oakland Police Department Tactical Operations Team assisted in serving warrants in the 3900 Block of Nevil and the 6000 Block of MacArthur Blvd. This was the culmination of an investigation conducted by the Criminal Investigations Division. Light and sound diversion devices were deployed outside. Between the two locations, five people exited and were detained. There were no injuries reported, although on scene medical personnel did examine an occupant who was exposed to CS gas. A weapon was recovered. Any further information will be provided by the Criminal Investigation Division.	Yes	No (unknown)
18-050354	LOP181009000074	4-Oct-18	0600	3739 Newell Street	Service of high risk warrant	Yes - One person (public)	First Aid	Exposure to chemical agent	1	29800(a)(1) PC - Felony/Adultery/Possess/Own/Use Firearm	On Thursday, 4 Oct 18, at 0600 hours, the Oakland Police Department Tactical Operations Team responded to a report of a person in a vehicle in the 3900 Block of MacArthur Blvd. This was the culmination of an investigation conducted by the Criminal Investigations Division. Light and sound diversion devices were deployed outside. Between the two locations, five people exited and were detained. There were no injuries reported, although on scene medical personnel did examine an occupant who was exposed to CS gas. A weapon was recovered. Any further information will be provided by the Criminal Investigation Division.	Yes	Yes
18-050368	LOP181009000021	4-Oct-18	0730	6026 MacArthur Blvd	Service of high risk warrant	None	N/A	N/A	0	11378 HS - Possess Controlled Substance for Sale	First Friday	Yes	Yes
18-050726	None/unknown	5-Oct-18		Downtown	Protection of public at event	None	N/A	N/A	0	None		No	Yes
18-050968	LOP1810070000718	7-Oct-18	1703	1442 8th Ave	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	1	422 P.C. - Criminal Threats 417(a)(2) P.C. - Brandish Firearm 25850 (A) P.C. - Carry Loaded Firearm in Public 25400 (A) (1) P.C. - Carrying Concealed Firearm in Vehicle 11390 (A) H.S. - Possession of Controlled Substance PC25900 (A)(1) - FELLOW/ADDICT/POSSESS/OWN/USE FIREARM PC30905 (A)(1) - PROHIBITED POSSESS AMMUNITION OR RELOADED AMMUNITION PC23850 (A)(2) - CARRY LOADED FIREARM PUBLIC PLACE PC23850 (C)(4) - CARRY LOADED FIREARM UNLAWFUL PC23850 (C)(6) - MED-CARRY LOADED HANDGUN; NOT REGISTERED OWNER PC12032 - VIOLATION OF PROBATION-FELONY	Caller reported a person brandished a firearm (handgun) at him and was now in a vehicle. Suspect arrested. Firearm (handgun) recovered.	Yes	No (unknown)
18-051361	LOP1810090001188	9-Oct-18	2248	2937 E. 22nd St.	Attempting to arrest dangerous person in structure	None	N/A	N/A	1		Officers attempting to stop a warrant suspect (mugshot) and secure residence for a search warrant. Firearm recovered.	Yes	No (unknown)
18-051570	LOP1810110000930	11-Oct-18	0104	1028 88th Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	417(A)(2)(PC - EXHIBIT FIREARM)	Caller reported relative brandished a firearm (handgun) at her and was now asleep in the house. Suspect arrested.	Yes	No (unknown)

27 Sep 19

PRR list of deployments (2018)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Outland if not specified otherwise)	Reason	Injuries or deaths during deployment caused by OPD or subject	Nature of Injury - Fire Aided - Hospitalization - Death	Cause of Injury	Arrests	Charge and/or Crime Reported *Large event or incident. No injuries or arrests directly related to arrested vehicles.	Incidents Summary	BestCat	Suburban
18-050451	LOP181011000854	11-Oct-18	1650	3415 66th Ave Citywide	- Attempting to arrest dangerous person in structure (house, building, farm) - Attempting to arrest dangerous person in vehicle (car, van, truck, motorcycle) - Attempting to arrest dangerous person in public (street or park) - Services of high risk warrant - Sidehow - Protection of public at event	None	N/A	N/A	2	H511370 (1A) PC32525(A)	Officers arrested suspect in public and recovered a firearm (handgun). Search warrant was then served at a building and another firearm (handgun) was recovered. DC Wonder Woman Bunking Series SK and 10K (handgun) recovered. Suspect not located.	No	Yes
18-051849	LOP181012000556	13-Oct-18			Protection of public at event	None	N/A	N/A	0	664/187(G) PC - Attempted Murder	Suspect fleeing from an officers shot at the officer. Firearm (handgun) recovered.	No	Yes
18-053031	LOP181013000076	19-Oct-18	0313	2300 17th St	Attempting to arrest dangerous person in public	None	N/A	N/A	0	273.5 PC - INFLECT CORPORAL INJURY ON SPOUSE/COHABITANT	Caller reported boyfriend assaulted her. He had multiple warrants including one related to firearms. Suspect arrested and barricaded himself in the basement. Son then responded to have armed himself with a firearm (rifle). Son arrested. Pellet rifle recovered.	Yes	No (unknown)
18-054276	LOP181025000832	25-Oct-18	1637	2575 Fruitvale	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	PC 166(A)(4) - CONTEMPT OF COURT/DREBRY COURT ORDER/ETC	Officers responded to a report of a vehicle parked with an armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
18-054348	LOP181026000103	26-Oct-18	0330	11046 Apricot St	Attempting to arrest dangerous person in structure	Yes - One person (public)	Hospitalization	Impaired suicide by self	1	PC 5400 (A)(1) - CARRY CONCEALED WEAPON IN VEHICLE ORDER/ETC	Armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
18-054670	LOP181027001141	27-Oct-18	2333	10100 MacArthur Blvd	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	0	PC 2580 (A) - CARRY CONCEALED WEAPON IN VEHICLE ORDER/ETC	Armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
18-054721	LOP181028000276	28-Oct-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	None	Armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
None	None/unknown	31-Oct-18		Citywide	Sidehow	None	N/A	N/A	0	None	Armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
18-055579	LOP181102000131	2-Nov-18	0545	1420 Chestnut St	Attempting to arrest dangerous person in public	None	N/A	N/A	1	PC222 - CRIMINAL THREATS CRIME W/INTENT TO TERRORIZE	Armed vehicle requested, but then cancelled prior to arrival. Caller reported neighbor's boyfriend was bleeding the driveway and shouting that he has a gun and is going to kill everyone. Subject arrested prior to arrival of armored vehicle.	Yes	No (unknown)
18-055915	LOP181104000245 LOP181104000270	4-Nov-18	0739	1420 32nd Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	PC 247(B) SHOOT AT UNOCCUPIED DWELLING/VEHICLE/ETC VC 2800 (A)(1) - FELONY/ADULT/POSSESS/OWN/ETC FIREARM PC 1209.2 - VIOLATION OF PROBATION-FELONY PC 25850 (A) - CARRY LOADED FIREARM ON/IN PERSON/VEHICLE PUBLIC PLACE PC 30305 (A)(1) - PROHIBITED POSSESS AMMUNITION OR RELOADED AMMUNITION X 10 PC 25850 (C)(1) - CARRY LOADED FIREARM W/PRIOR FELONY CONVICTION PC 25850 (C)(4) - CARRY LOADED FIREARM UNLAWFUL/PROHIBITED POSSESSION PC 25850 (C)(6) - CARRY LOADED HANDGUN, NOT REG OWNER PC 248 (A)(2) - Assault with Firearm on Person PC 594 (A)(2) - Vandalism: Damage Property	ShotScore and callers received gunshots. Officers found a multiple strike marks on a house. Suspect vehicle was identified and also linked to a robbery. A location for the suspects was identified. One subject arrested.	Yes	No (unknown)
18-057176	LOP18111000145	11-Nov-18	0335	E. 39th St & 9th Ave	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	1	None	Caller reported an occupied vehicle in the middle of the intersection with the engine running and the driver passed out behind the wheel. Upon their arrival, officers observed two unconscious occupants in the vehicle. Officers also observed a firearm (handgun) in plain view on the front passenger seat. Subjects detained. One arrested. Firearm (handgun) recovered.	Yes	No (unknown)
18-056467	LOP18107000295	11-Nov-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	None	Armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
18-057448	LOP181112000917	12-Nov-18	2201	363 Grand Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	PC245 (A)(1) - FORCE/ADW-OTHER DANGEROUS WEAPON	Caller reported being stabbed by a person also armed with a firearm (handgun). Officers located tent subject weapons. Tent emptied, but subject was gone.	Yes	No (unknown)
18-057593	LOP1811130006578	13-Nov-18	1550	10038 Kirkham Ct	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	248(C)PC - ADW ON PEACE OFFICER-OTHER DANGEROUS WEAPON	ShotScore and callers received gunshots. Officers found a multiple strike marks on a house. Suspect vehicle was identified and also linked to a robbery. A location for the suspects was identified. One subject arrested.	Yes	No (unknown)
18-057866	LOP181115000144	15-Nov-18	0718	2218 24th Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	PC 594 (A)(2) - Vandalism: Damage Property	Caller reported boyfriend shot her vehicle while she was inside of it. Suspect arrested.	Yes	No

BD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, etc.) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yard) - Service of high risk warrant - Stashout - Protection of public at event	Injuries or deaths during deployment caused by OPD or subject	Reasons of injury - First Aid - Hospitalization - Death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armed vehicles.	Incident Summary	Beat/Cat	Suburban
18-063194	LOP181219000458 LOP181219000461 LOP181219000469	15-Dec-18	1214	1815 13th Ave	Attempting to arrest dangerous person in structure	Yes - One person (public)	First Aid	seizure to chemical ag	1	PC 213.5 (a) - Robbery/Inhabited Dwelling - Firearm PC 202.2 (a) - Violation of Probation	On Saturday, 15 Dec 18, at 1214 hours, a residential robbery involving a firearm was reported in the 1900 block of 13th Ave. Patrol officers responded, contacted the victim, and set a perimeter around the residence. Shortly after this officers took one female adult into custody as she fled from the residence. Officers attempted to make contact with other suspects, but received no response. Additionally, they developed information that a hostage might be inside the residence. At 1350 hours, the Oakland Police Department Tactical Operations Team was called out to assist with the incident. The Tactical Operations Team utilized various tools, but also received no response from the residence. The Criminal Investigations Division was also called out and obtained a warrant for the residence. Chemical agents were deployed and at approximately 2330 hour a male adult was taken into custody exiting the residence. The residence was checked, but no hostage was located.	Yes	Yes
18-063835	LOP181219000265	19-Dec-18	0909	8275 San Leandro St.	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	None	Armed vehicle requested, but then cancelled prior to arrival. Caller reported a person with a firearm (handgun) and shot fired. Subject reported to be in nearby yards. Area checked, but no victims or suspects found. Caller reported his brother had been recently incarcerated and was now at his home acting erratically. The brother was reported to be armed with a firearm (handgun). Caller reported that he had seen his brother sitting on the couch with a gun in his lap. The suspect had an outstanding warrant for domestic battery and a restraining order against him.	Yes	No (unknown)
18-063951	LOP181219001078	19-Dec-18	2151	532 Jones Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	PC 166(C)(4) - Violation of Protective Order	Caller reported a person brandished a firearm (handgun) at her and threatened to kill her. Residence checked, but suspect not located.	Yes	No (unknown)
18-064558	LOP181229000722	23-Dec-18	1943	1727 86th Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	417(a)(2)PC - Exhibit Firearm 422PC - Criminal Threats with intent to Terrorize	Caller reported people screaming outside. Officers responded and found a vehicle wanted by Richmond PD Homicide Unit for a shooting. Area searched, but no one found.	Yes	Yes
18-064548	LOP181229000649	24-Dec-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	249(e)(1)PC - Domestic Battery *None	Caller reported people screaming outside. Officers responded and found a vehicle wanted by Richmond PD Homicide Unit for a shooting. Area searched, but no one found.	Yes	Yes
18-065157	LOP181227000514	27-Dec-18	1317	3924 Kempton	Attempting to arrest dangerous person in public	None	N/A	N/A	0	None	Caller reported domestic violence and that the subject had a firearm (unknown). Residence searched, but suspect not located.	Yes	Yes
18-065259	LOP181229000911	29-Dec-18	2036	8500 International Blvd	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	PC 273.5(a) - Inflict Corporal Injury on Spouse PC 273.4(d) - Inflict Cruelty to Child PC 262.5(a) - Continuous Sexual Abuse of Child PC 268.6(A) - Lewd or Lascivious Act with Child	Citywide response for New Year's Eve activities	Yes	No (unknown)
18-065252	None/Unknown	31-Dec-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Citywide response for New Year's Eve activities	Yes	Yes

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PRR list of deployments (2019)

RO #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason -Attempting to arrest dangerous person in structure (house, building, tent) -Attempting to arrest dangerous person in vehicle -Attempting to arrest dangerous person in public (street or yards) -Service of high risk warrant -Sideshow -Protection of public at event	Injuries or deaths during deployment caused by CPD or subject	Nature of injury -First Aid -Hospitalization -death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armored vehicles.	Incident Summary	Beat/Cat	Suburban
19-000120	LOP190104000927	01-Jan-19	1800	8693 Greenridge Dr Downtown	Attempting to arrest dangerous person in structure Protection of public at event	0	N/A	N/A	1	417 (b)(2) PC - Exhibit Firearm 236 PC - False Imprisonment 29000 PC - Compelled Person Possess Firearm	Person reported being held at gunpoint inside a residence. Officers surrounded residence and subject surrendered and was arrested. Two firearms (handguns) recovered. First Friday	Yes	No
19-001276	LOP190108000674	08-Jan-19	1821	1808 90th Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	None	Person reported domestic violence. Subject has multiple firearms registered to him. Two firearms (handgun and shotgun) recovered.	No	Yes
19-001536	LOP190110000117	10-Jan-19	0600	3687 Maybelle	Service of high risk warrant	0	N/A	N/A	0	Arrest and investigation conducted by ATF.	On Thursday, 10 Jan 19, at 0600 hours, the Oakland Police Department Tactical Operations Team assisted in serving warrants at 3687 Maybelle units 1 and 3. This was the culmination of a lengthy investigation conducted by the ATF. Light and sound diversion devices were deployed outside. Between the two locations, two people exited and were detained. There were no injuries reported. Any further information will be provided by the ATF.	Yes	Yes
19-001742	LOP190111000323	11-Jan-19	0954	2221 Fruitvale	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	422 PC - Criminal Threats with Intent to Terrorize	Callers reported a person was threatening to shoot up the building and a firearm (handgun) had been seen. Officers attempted to conduct a vehicle stop on a murder suspect. The suspect fled in a vehicle with another person, crashed, and then both fled on foot. Both found and arrested.	No	Yes
19-000656	LOP190128000380	18-Jan-19	1106	5000 MacArthur Blvd	Attempting to arrest dangerous person in public	2 (arrested persons)	First Aid	Injuries from accident and/or while fleeing through yards	2	187(a) PC - Murder 28002.0(a) VC - Evade Police Officer; Disregard Safety		Yes	Yes
19-003104	LOP190118001109	18-Jan-19	2233	1424 90th Ave Downtown	Attempting to arrest dangerous person in structure Protection of public at event	0	N/A	N/A	1	246.3 PC - ANYONE WHO WILLFULLY DISCHARGES A FIREARM IN A GROSSLY RECKLESS MANNER 273.5(b) PC - CORPORAL INJURY-HANDS, FEET, FISTS-AGGRAVATED 422 PC - CRIMINAL THREATS THREATENED CRIME W/INTENT TO TERRORIZE 23800(b)(1) PC - FELONY/ADULT/POSSESS/OWN/ETC FIREARM 88050(b)(1) PC - PROHIBITED POSSESS AMMUNITION ON PERSON 1300.0 PC - PROBATION OR PROBATION-FELONY 4737(b)(2) PC - EXHIBIT FIREARM	Callers reported being chased by someone with a firearm. Officers surrounded residence. A person exited and was arrested for a warrant. Residence searched, but named suspect was not inside. First Friday	Yes	Yes
19-003287	LOP190130000362	19-Jan-19		Citywide	Sideshow	0	N/A	N/A	0	None		No	Yes
19-004375	LOP190130001081	20-Jan-19		Citywide	Sideshow	0	N/A	N/A	0	None		No	Yes
19-004334	LOP190124000910	25-Jan-19	1829	5500 Holway St Downtown	Attempting to arrest dangerous person in vehicle Protection of public at event	0	N/A	N/A	0	None	Officers responded to a report of drug dealing involving an individual and with a firearm (handgun) Sawtooth Valley	No	Yes
19-004462	LOP190126000466	27-Jan-19		Downtown	Protection of public at event	0	N/A	N/A	0	None	Callers reported domestic violence and that the subject was armed with a firearm (rifle). Suspect surrendered. Firearm (rifle) recovered. Callers reported male wearing a bullet proof vest with an AR-15 strapped to his body and carrying a duffel bag. Area searched, but subject not located.	No	Yes
19-005048	LOP190128000711	29-Jan-19	1515	7638 Crest Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	243E(1) PC - BATTERY/SPOUSE/EX SPOUSE/DATE/ETC	Callers reported vehicle involved in an accident had an unconscious person inside and a firearm (rifle). One person detained. No firearm located.	Yes	No
None	LOP190201000169	01-Feb-19	0714	Fruitvale Av & San Leandro	Attempting to arrest dangerous person in public	0	N/A	N/A	0	None		Yes	Yes
19-006217	LOP190205000113	05-Feb-19	0553	10704 Estepa Dr	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	0	None		Yes	Yes

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PRR list of deployments (2019)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason	Injuries or deaths during deployment caused by CPD or subject	Nature of injury -first Aid -hospitalization -death	Cause of injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to arrested vehicles.	Incident Summary	BearCat	Suburban
19-007239	LOP150210000986 LOP150210001006	10-Feb-19	2249	1911 Linden St	- Attempting to arrest dangerous person in structure (house, building, tent) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yards) - Service of high risk warrant - Sitdown - Protection of public at event	0	N/A	N/A	1	245 (A)(2) PC - ASSAULT WITH FIREARM ON PERSON 422 PC - CRIMINAL THREATS THREATENED CRIME W/INTENT TO TERRORIZE	Officers responded for a ShotSpotter call and contacted a victim of a shooting who directed officers to the suspect's residence. Officers surrounded the residence and the suspect eventually surrendered. Firearm (handgun) recovered.	Yes	No
19-007265	LOP150210001017	11-Feb-19	0650	1200 Embarcadero	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	0	None 211 PC - Robbery - Firearm 25850(a)(6) PC - Carry Loaded Handgun; Not Reg. Owner 25850(a) PC - Carry Loaded Firearm in Public 25900(a) PC - Carry Loaded Firearm, with intent to Commit a Felony 242 PC - Battery	Officer observed person asleep in a vehicle with a firearm (handgun). Person detained and firearm (handgun) recovered. Person determined to be a licensed armed security guard and released.	Yes	Yes
19-007249	LOP150212000700	12-Feb-19	1538	5425 Wadswell Pl	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	187(a) PC - MURDER-FIRST DEGREE 11720.1 H&S - POSS CONTROLLED SUBSTANCE WHILE ARMED W/LOADED FIREARM 25400(a)(2) H&S - CARRY CONCEALED WEAPON ON PERSON 25400(a)(3) H&S - CARRY CONCEALED WEAPON IN VEHICLE 25850(a)(2) H&S - CARRY STOLEN LOADED FIREARM	Caller reported driver of other vehicle involved in an accident threatened him with a firearm. Officers responded to surround the driver's residence and detained him as he was exiting. Firearm (handgun) recovered.	Yes	Yes
19-007294 19-009403 19-008623	LOP150215000224 LOP150215000372 LOP150215000171	15-Feb-19 19-Feb-19	0728 Downtown	2620 Wood St Downtown	Attempting to arrest dangerous person in structure Protection of public at event	0 0	N/A N/A	N/A N/A	1 0	None	Officers responded for a ShotSpotter call and a report of a shooting. Upon arrival, a shooting victim was located. Officers identified the location of the suspect and surrounded it. Suspect eventually surrendered. Firearms (handgun and shotgun) recovered.	Yes NO	Yes Yes
19-003267	LOP150212000283	23-Feb-19	0609	3652 77th Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	187(a) PC - MURDER-FIRST DEGREE 11720.1 H&S - POSS CONTROLLED SUBSTANCE WHILE ARMED W/LOADED FIREARM 25400(a)(2) H&S - CARRY CONCEALED WEAPON ON PERSON 25400(a)(3) H&S - CARRY CONCEALED WEAPON IN VEHICLE 25850(a)(2) H&S - CARRY STOLEN LOADED FIREARM	Officers responded to the residence of a murder suspect and surrounded the residence. The suspect called and was arrested.	Yes	Yes
19-003367 19-009403 19-008441	LOP150303000287 LOP150303000378 LOP150323000005	23-Feb-19	1145	1871 66th Ave	Service of high risk warrant	0	N/A	N/A	0	187(a) PC - MURDER-FIRST DEGREE 11720.1 H&S - POSS CONTROLLED SUBSTANCE WHILE ARMED W/LOADED FIREARM 25400(a)(2) H&S - CARRY CONCEALED WEAPON ON PERSON 25400(a)(3) H&S - CARRY CONCEALED WEAPON IN VEHICLE 25850(a)(2) H&S - CARRY STOLEN LOADED FIREARM	Duland Police Department Tactical Operations Team assisted in executing a search warrant at 1871 66th Ave. This was related to an ongoing investigation being conducted by our Criminal Investigations Division. During the operation 10 people exited the location and were detained. There were no injuries reported.	Yes	Yes
19-009599	LOP150227000239	27-Feb-19	0757	800 Pine St	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	1	245 (a)(2) PC - Assault with Firearm on Person 1597(a) PC - Cruelty to Animal PC25400 (C)(16) - CARRY A LOADED CONCEALED WEAPON ON PERSON PC417 (A)(2) - EXHIBIT FIREARM PC422 - CRIMINAL THREATS THREATENED CRIME W/INTENT TO TERRORIZE	Officers developed information that a shooting suspect was in an RV. Officers surrounded the RV using armored vehicles and the suspect surrendered. Firearm (handgun) recovered.	Yes	Yes
19-010853	LOP150303000287 LOP150303000378	03-Mar-19	1002	845 92nd Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	PC245 (A)(2) ASSAULT WITH FIREARM ON PERSON - PISTOL WHIP	Caller reported a brandishing and pointing of a firearm at 845 92nd Avenue. Officers established a perimeter and identified the suspect. Armed vehicles were deployed and the suspect surrendered. Firearm (handgun) recovered.	Yes	Yes
19-011779	LOP150308000388	08-Mar-19	0920	2235 E. 15th St	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	PC 211 ROBBERY-FIREARM	Caller reported being pistol-whipped and robbed while inside the suspect's residence. Residence surrounded and suspect surrendered.	Yes	Yes
19-012045	LOP150310000005	10-Mar-19	0006	4844 MacArthur Blvd	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	211 PC - ROBBERY-FIREARM	Caller reported being robbed and directed officers to the suspect's location. Suspect surrendered. Replica firearm recovered.	Yes	No
19-012128	LOP150310000624	10-Mar-19	1640	2008 88th Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	PC 41.7(a)(2) - Exhibit Firearm	Caller reported neighbor on his porch pointing a firearm (rifle) at her. Suspect not located.	Yes	No

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Obtained if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, barn) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yard) - Service of high risk warrant - Protection of public at event	Injuries or deaths during deployment caused by DPD or subject	Nature of injury - Fire - Aid - Hospitalization - Death	Cause of injury	Arrest	Charges and/or Citations Reported * Large events or incidents. No injuries or arrests directly related to arrested vehicles.	Incident Summary	Best-Cut	Suburban
19-012485	LOP190312000364	12-Mar-19	1015	3730 Keller Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	None	Caller reported a person came out of a residence waving a firearm (handgun). Officers surrounded residence and attempted to make contact. Officers left residence without making entry as a crime could not be determined and the person inside was possibly suffering from a mental condition.	Yes	No
19-012485	LOP190316000313	15-Mar-19	1824	1919 E. 19th St	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	PC24E (A)(2) ASSAULT WITH FIREARM ON PERSON PC24E (A)(2) AT INHABITED DWELLING/VEHICLE/ETC PC24E (A)(2) SHOOT AT INHABITED DWELLING/VEHICLE/ETC PC24E (A)(2) WILLFUL DISCHARGE FIREARM IN NEGLIGENT MANNER	Officers responded to ShotSpencer calls and a caller reporting someone shot at a vehicle. Residence surrounded. Occupants exited prior to arrival of armed vehicles. Suspects not located. Firearms (handgun and rifle) recovered.	Yes	Yes
19-013471	LOP190318000005	18-Mar-19	0008	6531 Fenham	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	None by OPD. Investigation handled by Oakland Housing Authority Police Department.	Officers heard gunshots and detained one suspect and a firearm (handgun). A second suspect was believed to have entered a residence and was surrounded. Further investigation revealed there was not a second suspect.	Yes	No
19-014258	LOP190321000856	21-Mar-19	1735	1921 50th Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	207(A) PC: KIDNAPPING 243(B)(1) PC: BATTERY/SPOUSE/EX-SPOUSE/DATE/ETC	Caller reported domestic violence. Subject believed to be barricaded in a bedroom and possibly armed with a firearm as he had been arrested with a rifle and handgun earlier in the month. Residence cleared, but suspect not located.	Yes	No
19-014354	LOP190322000154	22-Mar-19	0646	500 Webster Pl	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	0	PC 265(A)(2) - ASSAULT WITH FIREARM ON PERSON - PISTOL WHIP PC 417(A)(2) - EXHIBIT FIREARM PC 422 - CRIMINAL THREATS - THREATENED CRIME W/INTENT TO TERRORIZE	Officers responded to a report from a caller of possible gunshots. Upon arrival officers learned that there had not been a shooting, but that an adult female had been assaulted by an adult male. The victim advised officers that the suspect lived in an RV parked in the 500 block of Webster Place and had additional firearms. Suspect not located.	Yes	Yes
19-014512	LOP190323000652	23-Mar-19	0114	1950 50th Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	245(A)(2) PC - ASSAULT WITH FIREARM ON PERSON 246 PC - SHOOT AT INHABITED DWELLING/VEHICLE/ETC 246.3 PC - WILLFUL DISCHARGE FIREARM IN NEGLIGENT MANNER	Officers responded for a shooting and victims identified the residence where the suspect was located. The residence was surrounded and the suspect surrendered. Firearm (handgun) recovered.	Yes	Yes
19-014663	LOP190324000146	24-Mar-19		Downtown	Protection of public at event.	0	N/A	N/A	0	None	Oakland Marathon	No	Yes
19-014907	LOP190325000500	25-Mar-19	1146	5349 Walnut St	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	459 PC - Burglary	Caller reported that she was livestreaming video from the camera inside her home and was watching a male suspect who had broken into her house armed with a firearm. Residence surrounded and suspect surrendered. No firearm recovered. Further review of video revealed suspect did not have a firearm.	No	Yes
19-015180	LOP190126000174	26-Mar-19	0040	833 Polar Court	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	237 PC, FALSE IMPRISONMENT W/VIOLENCE/ETC 1203.2 PC, VIOLATION OF PROBATION-FELONY 272A(B) PC, WILLFUL CRUELTY TO CHILD 236 PC, FALSE IMPRISONMENT W/VIOLENCE/ETC 243(B)(1) PC, BATTERY/SPOUSE/EX-SPOUSE/DATE/ETC	Caller reported family member was a victim of domestic violence. Indicated that the suspect would not allow for her and her child to leave, and he had assaulted her. Officers surrounded residence. Suspect allowed victim and child to exit and then surrendered.	Yes	No

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PRR list of deployments (2019)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason	Injuries or deaths during employment caused by OPR or subject	Nature of injury -First Aid -Hospitalization -Death	Cause of injury	Arrests	Changes and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armored vehicles.	Incident Summary	BearCat	Suburban
					-Attempting to arrest dangerous person in structure (house, building, tent) -Attempting to arrest dangerous person in vehicle -Attempting to arrest dangerous person in public (street or yards) -Service of high risk warrant -Show -Protection of public at event								
19-015418	LOP19032800359 LOP19032800315	28-Mar-19	1042	4500 Fleming Ave	Attempting to arrest dangerous person in public	0	N/A	N/A	1	2800.1(a) VC - Evading a police officer 246.3 PC - Willful discharge firearm in negligent manner 29800(a)(2) PC - Felon/Adult/possess/own/etc firearm 25400 PC - Carry concealed weapon in vehicle 25850(a) PC - Carry loaded firearm in public 30600(a) PC - Unauthorized mfg/sale/etc assault weapon 626.9(b) PC - Have firearm at public/etc school 19230 PC - mfg/sale/etc large capacity magazine 19235 PC - mfg/sale/etc short barreled rifle 30305 PC - Prohibited possess ammunition 30305 PC - Violation parole; felony	Officer attempted to make a traffic enforcement stop. An occupant of the vehicle fled on foot and the officer heard a gunshot. Firearm (rifle) recovered. Suspect found in yards. Armored vehicle staged nearby, but not used.	Yes	No
19-015598	LOP19032900553	29-Mar-19	1245	1400 8th St	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	1	187(b) PC - Murder	Officers attempting to arrest subject with a warrant for 187(b) PC, Murder.	No	Yes
19-015683	LOP19032900131	29-Mar-19	2315	1800 Gleason Way	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	0	None	Officers responded to reports that a person was passed out in the driver's seat of a vehicle, armed with a firearm (unlawful). Occupant detained. No firearm located.	Yes	Yes
19-015877	LOP19033100027	31-Mar-19	0822	1801 Embarcadero	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	None	Caller reported a named person livestreaming while holding a firearm (rifle) in public. Person was located in a motel room. A perimeter was established and the person was detained. Investigation determined the allegation was unsubstantiated.	Yes	Yes
19-015932	LOP190331000606	31-Mar-19	1627	1506 79th Ave	Attempting to arrest dangerous person in public	0	N/A	N/A	1	246.3(a)(2)PC-Despult with a Firearm on a Person 29800(a)(1)PC-Felon in Possession of a Firearm 30320(a)(3)PC-Felon in Possession of Ammunition	Officers on a vehicle stop hearing gunshots nearby. Officers located victims of the shooting and detained the suspect exiting a residence. A perimeter was set. No additional suspects were located.	Yes	Yes
19-015999	LOP190401000776	01-Apr-19	1500	3250 MacArthur Blvd	Service of high risk warrant	0	N/A	N/A	1	187(b) PC - Murder	Officers responded to this location to attempt to arrest a murder warrant suspect. Officers surrounded the location and the suspect surrendered. Perimeter (hangtag) recovered.	Yes	Yes
19-015620	LOP190406000962												
19-015642	LOP190406001034	04-Apr-19	1219	Citywide	Attempting to arrest dangerous person in public	0	N/A	N/A	2	PC211 - ROBBERY PC212.5(A) - ROBBERY/INHABITED DWELLING PC495(A) - RECEIVE/ETC KNOWN STOLEN PROPERTY	Oakland police officers responded to the 3150 Lakeshore Avenue on a report of a robbery. When officers arrived on scene they were informed by a bay area news crew, they had been robbed and their car keys had been taken while in the area of Fruitvale Avenue and Harold Street.	No	Yes
19-017141	LOP190406000962 LOP190406001034	06-Apr-19	2130	2436 E. 27th St	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	PC278.6(D) - VIO CRT ORD DOM VIO W/PR PC1208.2 - VIOLATION OF PROBATION	At approximately 2:15 PM, Oakland Police Officers collaborated with the San Francisco Police Department and detained two individuals in the City of San Francisco and recovered a new camera.	Yes	Yes

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PRI list of deployments (2019)

RO #	Incident #	Date of Incident	Time of Incident	Location of Incident (Citywide if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, tent) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or park) - Sideshow - Protection of public at event	Injuries or deaths during deployment caused by CPD or subject	Nature of injury - First Aid - Hospitalization - Death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armed vehicles.	Incident Summary	BearCat	Suburban
19-017183	LOP150407000323	07-Apr-19	1:56	7300 San Leandro St.	Attempting to arrest dangerous person in public	0	N/A	N/A	0	Report by Amtrak PD	Amtrak PD officer on-viewed a male adult with a rifle pointing it at the BART tracks. CPD units responded a male adult suspect was detained without incident. Officers searched the area and located a BB gun that looked like a firearm (rifle).	Yes	Yes
19-017234	LOP150407000860	07-Apr-19	1:50	Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	Yes	Yes
18-463772	LOP150410000722	10-Apr-19		8500 Elaine	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	187(a) PC - Murder	Officers attempted to conduct a stop on a murder suspect. The suspect fled into a building. He was found and arrested.	Yes	No
19-018462	LOP150414000242	24-Apr-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-019501	LOP150420000298	20-Apr-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow - same RD # for Sat & Sun	No	Yes
19-019503	LOP150420000298	20-Apr-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow - same RD # for Sat & Sun	No	Yes
19-021128	LOP150420000298	20-Apr-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-021129	LOP150420000298	20-Apr-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-021268	LOP150503000459	03-May-19		West Grand/ Telegraph	Protection of public at event	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021318	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021326	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021329	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021332	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021354	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021357	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021358	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021359	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021360	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021361	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021362	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021363	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021364	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021365	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021366	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021367	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021368	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021369	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021370	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021371	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021372	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021373	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021374	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021375	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021376	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021377	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021378	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021379	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021380	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021381	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021382	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021383	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021384	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021385	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021386	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021387	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021388	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021389	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021390	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021391	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021392	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021393	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021394	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021395	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021396	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021397	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021398	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021399	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021400	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021401	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021402	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021403	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021404	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021405	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021406	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021407	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021408	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021409	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021410	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021411	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021412	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021413	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021414	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021415	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021416	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021417	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021418	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021419	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021420	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021421	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021422	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021423	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021424	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021425	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021426	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021427	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021428	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021429	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021430	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021431	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A					

30515.

(a) Notwithstanding Section 30510, "assault weapon" also means any of the following:

(1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:

- (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
- (B) A thumbhole stock.
- (C) A folding or telescoping stock.
- (D) A grenade launcher or flare launcher.
- (E) A flash suppressor.
- (F) A forward pistol grip.

(2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that does not have a fixed magazine but has any one of the following:

- (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
- (B) A second handgrip.
- (C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.
- (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

- (A) A folding or telescoping stock.
- (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that has the ability to accept a detachable magazine.

(8) Any shotgun with a revolving cylinder.

(b) For purposes of this section, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) The Legislature finds a significant public purpose in exempting from the definition of "assault weapon" pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of "assault weapon" pursuant to this section are exempt, as provided in subdivision (d).

(d) "Assault weapon" does not include either of the following:

(1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision

(c):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI		280 .22LR
HAMMERLI		280 .32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

To: Oakland Police Commission

From: Commissioner Henry Gage III

Date: 13 November 2019

RE: Rebuttal to Oakland Police Staff Report on Draft Equipment Ordinance

Dear Colleagues on the Oakland Police Commission and Members of the Public,

Please accept the following as my comments in rebuttal to the recently-published staff report from the Oakland Police Department (OPD) regarding my previously proposed draft ordinance regulating military equipment.

ISSUES

1. OPD erroneously claims that the draft ordinance “goes far outside the scope of needed accountability”.

It is outrageous for the Oakland Police Department to attempt to define the “scope of needed accountability”. OPD has been under federal oversight since January of 2003.¹ The Negotiated Settlement Agreement itself recites the original allegations- that the OPD was indifferent to, or otherwise ratified or encouraged, an ongoing practice of misconduct to violate civil rights.² In 2011, the Oakland Police Department’s use of covered equipment during the Occupy Oakland protests led to one protestor, Scott Olsen, suffering a fractured skull.³ The OPD additionally used chemical weapons and explosives against protestors writ large, with no apparent attempt to focus their use of covered equipment on alleged vandals.⁴ The draft ordinance upholds the core principle that the terms and conditions of “needed accountability” from the OPD shall be dictated by the Police Commission and by City Council.

2. OPD erroneously claims that the draft ordinance would remove oversight authority from City Council and the Police Commission.

The draft ordinance would create a regulatory structure that is modeled on the workflow of the Oakland Privacy Ordinance. The draft ordinance requires that use policies for proposed equipment be submitted first to the Police Commission to conduct an initial review. After Commission review, proposed policies are forwarded to the Council, which serves as an appellate authority, and can determine whether to maintain or overturn the Commission’s recommendations. Contrary to OPD’s claim, the draft ordinance empowers both Council and the Commission, as the abovementioned review must occur before OPD requests the transfer of covered equipment, seeks funding for covered equipment, or collaborates with other agencies in the use of covered equipment.⁵

3. OPD erroneously asserts that its certification process is a sufficient protection that renders the draft ordinance unnecessary.

¹ <https://www.oaklandca.gov/resources/oakland-police-negotiated-settlement-agreement-nsa-reports>

² Delphine Allen, et al. v. City of Oakland, et al., Negotiated Settlement Agreement at 1:20-25, January 22, 2003

³ <https://sanfrancisco.cbslocal.com/2011/10/28/opd-chief-defends-use-of-force-as-criticism-grows-over-‘occupy’-violence/>

⁴ <https://www.theguardian.com/world/2011/nov/03/occupy-oakland-police-teargas>

⁵ See Draft Ordinance Section 3 (A)(1), (E)(1-3), and (H)(1-3)

OPD's report notes that officers are unable to use certain types of covered equipment until they complete certification by the State of California Police Officer Standards and Training (POST)⁶ This argument is irrelevant. The draft ordinance is primarily concerned with creating a mechanism for determining the types of equipment that will be authorized for acquisition or use by a civilian police force. A post-acquisition certification by POST that determines which officers can use covered equipment does nothing to determine whether covered equipment should be acquired and used in the first place.

4. OPD implies that its present written guidance is sufficient to regulate the use of covered equipment.

OPD's report notes that the department has specific written policy that guides the use and reporting of covered equipment by OPD officers. A number of these policies are cited in the matrix attached to the OPD report.⁷ It is laudable that the department has established policies for some of the equipment covered by the draft ordinance. This should aid in implementation of the proposed ordinance, as the department may have some language at the ready for future submission under the framework created by the proposed ordinance.

OPD's insistence that its present policy guidance is a sufficient protection is questionable, as many of the listed policies were enacted in their present form as a consequence of our ongoing federal oversight, not as a result of OPD's ability to self-police its use of covered equipment.⁸ First, the listed policies have not been substantively reviewed for some time.⁹ Second, there is no present structure for systemically re-evaluating the use of previously-approved equipment and tactics. We are presently left with ad hoc regulation when covered equipment is used, and its use is subject to public scrutiny.

The draft ordinance provides this necessary structure. It is important for us to regularly return to the justifications cited by the police department for the use of covered equipment when determining whether authorization to use such equipment should continue. We cannot afford to react and regulate only when the use of covered equipment makes the front page of local reporting.

5. OPD erroneously asserts that AB 3131 was vetoed due to its potential to compromise the police ability to maintain public safety.

The California legislature has twice attempted to enact regulations that would govern police department's ability to acquire certain types of equipment. Both attempts, AB 36 (Campos, 2015), and AB 3131 (Hill, 2018), were vetoed by Governor Brown. In his 2015 veto message for AB 36, Governor Brown noted that the legislation was "unnecessary" because President Obama's Executive Order 13688 implemented a similar regulatory requirement.¹⁰ This executive order was revoked by President Trump in August 2017.¹¹ In his 2018 veto message for AB 3131, Governor Brown instead

⁶ <https://post.ca.gov>

⁷ Specifically, OPD's attachment cites the following Department General Orders and Training Bulletins: DGO C-04, DGO K-03, DGO K-04, DGO K-05, DGO K-06, TB III-G, TB III-P, TB V-F.2

⁸ DGO K-03 (Use of Force) is a continuing focus of the Independent Monitoring Team, and multiple policies that address crowd control, chemical agents and less-lethal munitions were revised following the 2011 Fraizer Report, which examined OPD's response to the 2011 Occupy Oakland protests.

⁹ The most recently revised policy, DGO K-03 was updated in 2014 and is the subject of an upcoming Special Order following the passage of AB 932. Most other listed policies date from 2000 to 2008.

¹⁰ https://leginfo.ca.gov/faces/billStatusClient.xhtml?bill_id=201520160AB36

¹¹ See, Executive Order 13809, <https://www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2017>

asserts that the bill creates an “unnecessary bureaucratic hurdle”.¹² This is a matter of opinion that, while it may be applicable to state legislation, says nothing about whether such regulation should apply to a police department with Oakland’s history. OPD erroneously asserts that Governor Brown’s 2018 veto was based on AB 3131’s alleged potential to compromise public safety. As noted by one of its co-authors,

“AB 3131 is about building trust between police and the people they are sworn to protect. If law enforcement agencies want to arm themselves with military-grade equipment, I believe the public has a right-to-know. Adding this layer of transparency and engagement with the public acknowledges that police and the public are our partners in creating safe and liveable neighborhoods.”¹³

6. OPD has unnecessarily attempted to redefine covered equipment.

The draft ordinance defines “Military Equipment” as equipment that is “militaristic in nature”. The draft provides multiple specific examples of the types of equipment that would be subject to review and approval requirements. The purpose of the definitions section of the draft ordinance is to provide direction on the general types of equipment covered by the ordinance, and the ordinance is intentionally written to cover broad categories of equipment.

7. The 1997 North Hollywood bank robbery is statically unusual event, not a blanket justification for police militarization.

OPD’s report states that over time, military grade weapons “found [their] way onto our city streets and were being used to commit violent crimes”, and OPD’s report cites the 1997 North Hollywood bank robbery.¹⁴ This argument is erroneous to the point of it being borderline mendacity.

A 1995 report from the Bureau of Justice Statistics (BJS) found that (1) most crime is not committed with guns, and (2) most gun crime is committed with handguns.¹⁵ A 2013 BJS report covering 1993 – 2011 found that (1) firearm-related homicides declined 39% over the studied period (from 18,253 in 1993 to 11,101 in 2011) and (2) during the studied period, 70% to 80% of firearm homicides and 90% of nonfatal firearm victimizations were committed with a handgun. Unfortunately, more recent data are unavailable. The Department of Justice (DOJ) no longer separates its data by type of weapon used, and reports issued after 2011 aggregate all firearms-related violence.

Exceptionally violent incidents like the 1997 North Hollywood bank robbery must be viewed as what they are, exceptional and unusual. We can prepare for exceptional circumstances without pretending that they are routine.

8. The draft ordinance accurately defines the Long Range Acoustic Device as a weapon.

The Long Range Acoustic Device (LRAD) is a communications device in name, and a sonic weapon in practice. On the website of its manufacturer, Genasys, its designed use is to “Safely communicate

¹² https://leginfo.ca.gov/faces/billStatusClient.xhtml?bill_id=201720180AB3131

¹³ <https://witnessla.com/gov-brown-shoots-down-bill-to-increase-accountability-around-police-acquisition-of-military-gear/>

¹⁴ <https://www.latimes.com/local/lanow/la-me-ln-north-hollywood-shootout-revisited-20170223-htmlstory.html>

¹⁵ <https://www.bjs.gov/content/pub/pdf/GUIC.PDF>

critical instructions to targeted people over distance, so you can establish large safety zones, resolve uncertain situations and save lives.”¹⁶ LRAD can certainly accomplish this use, but in practice, this putative “mass notifications system” has been used as a less-than-lethal weapon.

OPD’s claim that “LRAD is not a weapon” is belied by how the department is alleged to have previously used the device. An anonymous Occupy protestor reported that OPD’s deployment of LRAD caused protestors to become dizzy and disoriented, and induced vomiting.¹⁷ OPD apparently intended to use LRAD against protestors gathered to hear the verdict in the Johannes Mehserle trial.¹⁸

Uses in other jurisdictions demonstrate the ease with which LRAD can be weaponized. At a 2009 G20 summit in Pittsburgh, “police fired a sound cannon that emitted shrill beeps, causing demonstrators to cover their ears and back up, then threw tear gas canisters that released clouds of white smoke and stun grenades that exploded with sharp flashes of light.”¹⁹ The St. Louis County (Missouri) Police used LRAD during the protests that followed the police’s killing of Michael Brown in Ferguson.²⁰ Somewhat comically, video of this deployment is prominently posted on the Genasys website as an example of “LRAD Use to Communicate to Protestors in Ferguson, MO”.²¹ It stretches the imagination to determine what “communication” goal is accomplished by subjecting protestors to targeted beeps and siren noise at more than 150 decibels, well above the 85 decibel level at which permanent hearing damage may occur. The Pittsburgh PD allegedly used LRAD again following the 2011 Superbowl.²² A federal district court ruled in 2014 that LRAD is potentially a weapon of excessive force; a deployment in New York caused ringing pain for days, and targeted sound waves apparently deformed a bone in the ear of one protester.²³

CONCLUSION

I continue to urge that our Commission endorse the draft Ordinance and forward an updated and/or amended version to Council for further consideration.

For questions regarding this report, please email Commissioner Henry Gage, at hgage@oaklandcommission.org.

Sincerely,

Henry Gage III
Oakland Police Commission

¹⁶ <https://genasys.com/products/long-range-acoustic-devices/>

¹⁷ <https://www.theguardian.com/commentisfree/cifamerica/2011/nov/03/occupy-militarisation-policing-protest>

¹⁸ <https://www.eastbayexpress.com/SevenDays/archives/2010/07/07/oakland-cops-decide-to-not-use-sound-cannon-on-protesters>

¹⁹ <https://www.nytimes.com/2009/09/25/us/25pittsburgh.html>

²⁰ <https://slate.com/technology/2014/08/lrad-long-range-acoustic-device-sound-cannons-were-used-for-crowd-control-in-ferguson-missouri-protests.html>

²¹ <http://genasys.com/video/fox-news-lrad-safely-disperses-ferguson-mo-protesters/>

²² https://www.huffpost.com/entry/chicago-police-sound-cannon-lrad-nato-summit_n_1518322

²³ <https://www.fastcompany.com/40585221/piercing-sound-can-be-excessive-police-force-federal-court-rules>

Justice for All: The Policing of Oakland's Unhoused Communities



A Research Report For:
The Coalition for Police Accountability

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Note: Cover photo by Tian Chenwei for Oakland North. February 7, 2017. Accessed here: <https://oaklandnorth.net/2017/02/07/city-of-oakland-approaches-deadline-to-find-housing-for-homeless-living-in-encampment/>

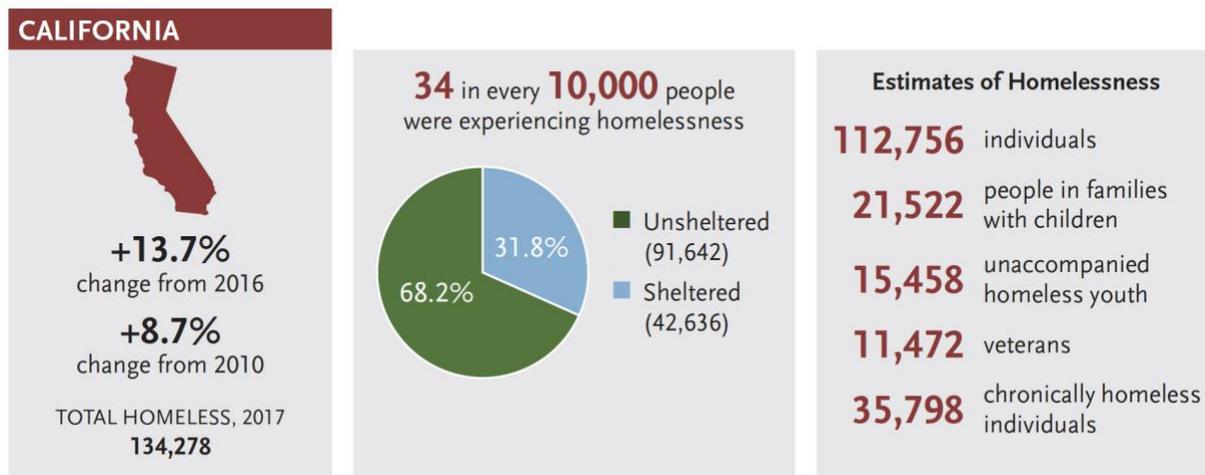
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Executive Summary

Homelessness in the City of Oakland is increasing at an alarming rate. In 2017, the annual Alameda County Point-in-Time Count estimated that there were 2,761 homeless residents in Oakland, 35% of which were experiencing homelessness for the first time.¹ The increase in homelessness has generated public health and safety concerns, as outbreaks of Hepatitis A have ballooned and more unhoused residents battle substance abuse and drug addiction.

Figure 1: Homelessness in California: Key Facts



Source: Police Executive Research Forum, (June 2018). Critical Issues in Policing Series: The Police Response to Homelessness. Police Executive Research Forum, Washington, D.C.

As Oakland's housing affordability crisis continues, more residents are vulnerable to losing their homes. The City has a vested interest in ensuring that unhoused residents are connected to permanent shelter and mental health services. While only 4% of U.S. adults have a severe mental illness, approximately 26% of unhoused individuals staying in shelters suffer from one.² Currently, the Oakland Police Department (OPD) serves as the primary responders to any concerns regarding unhoused residents, though law enforcement is not required to receive crisis intervention training and has limited mental health and de-escalation trainings. OPD is often called to assist with encampment closures at the request of the Department of Public Works, further ensuring contact between unhoused residents and law enforcement. During encampment closures and other interactions with law enforcement, homeless individuals face the threat of property seizure, as belongings are often confiscated during these encounters.

Many negative interactions between police and unhoused residents result from property seizure and mental health crises. Police are often unaware of best practices from the mental health field and therefore, fail to implement them when engaging with unhoused residents in mental health

¹ City of Oakland Homeless Census & Survey Jurisdictional Report, 2017, accessed May 10, 2019, <http://everyonehome.org/wp-content/uploads/2017/11/2017HIRDReport-Oakland.2-2-3.pdf>.

² "Mental Health By The Numbers," National Alliance on Mental Illness, 2019, accessed May 10, 2019, <https://www.nami.org/learn-more/mental-health-by-the-numbers>.

crisis. Furthermore, while OPD has explicit guidelines on how to notify individuals of encampment evictions, and on how to protect confiscated personal possessions, implementation of this guidance often falls short, resulting in lost property. These two situations often lead to unhoused residents harboring mistrust and fear of police.

To decrease tensions between unhoused residents and police, our team recommends that the Coalition of Police Accountability and the Police Commission consider the following policy options in the coming months and years:

- Define the Oakland Police Department’s role in eviction and property seizure
- Ensure homeless residents and advocates are involved in the eviction decision and implementation process
- Improve tracking and reporting processes for property seized by City
- Reduce encampment evictions overall and prioritize housing-first policies
- Improve and emphasize crisis intervention training (CIT) for police officers
- Increase funding for mobile mental health response teams to accompany officers
- Reroute mental health crisis calls from the police department to mental health providers

This report outlines City of Oakland and OPD procedures around mental health de-escalation techniques and property seizure in Oakland using information from news sources, public records, advocacy reports and interviews with local unhoused residents. After establishing the status quo, the remaining sections provide potential policy alternatives, evaluations of these alternatives based on the criteria of effectiveness, efficiency, and political feasibility, and case studies to demonstrate what an alternative could look like once implemented.

Definitions and Acronyms

Homeless: In this paper, we adopt the US Department of Health and Human Services’ definition for homeless from Section 330(h)(5)(A): “an individual without permanent housing who may live on the streets; stay in a shelter, mission, single room occupancy facilities, abandoned building or vehicle; or in any other unstable or non-permanent situation.”³

That being said, we recognize that some people who live without permanent housing prefer to be identified as *unhoused* rather than homeless. Many who live without permanent housing consider the geographic region they live in and/or their unstable/non-permanent situation as their home. With this in mind, we use the term *unhoused* interchangeably with *homeless* to describe those without permanent housing.

Eviction: We recognize that there are multiple terms for the act of requiring that unhoused people leave their current premises, particularly structured encampments. Throughout this paper, we use the term *eviction* to describe this process so that we acknowledge those that consider such

³ “What Is the Official Definition of Homelessness?”, accessed May 10, 2019, <https://www.nhchc.org/faq/official-definition-homelessness/>.

premises their home. We recognize that law enforcement and court systems may also use terms such as *encampment closures* or *homeless sweeps*.⁴

Oakland Coalition for Police Accountability (CPA): The CPA is a registered 501 c-4 nonprofit made up of organizations and individual members. The mission of CPA is “to advocate for accountability of the Oakland Police Department to the community so that the Oakland Police Department operates with equitable, just, constitutional, transparent policies and practices that reflect the values and engender the trust of the community.”⁵

Oakland Police Department (OPD): Responsible for policing the City of Oakland.

Background & Impetus for Project

The policing of homeless communities has recently come to the forefront of policy discussions at national and local levels. In 2018, approximately 553,000 people experienced homelessness on any given night in the United States, a 0.3% increase from the previous year.⁶ Many laws exist to criminalize this population, which creates a revolving door between the criminal justice system and homelessness.⁷ It is estimated that in 2018, 15% of incarcerated individuals report having been previously homeless.⁸

Some California counties report that as many as one in five parolees is homeless, often for civil crimes such as loitering, illegal dumping, or drug possession.⁹ In addition to being on parole, the very nature of being homeless also increases exposure to law enforcement contact. The City of Oakland Code of Ordinances prohibits the following actions that directly impact unhoused residents: sleeping in public, sitting or lying in streets, public loitering, loitering outside of establishments, and blighted property.¹⁰ This exposure further criminalizes the population and increases interactions among police officers and unhoused residents.

The policing of homeless residents is not an issue specific to Oakland. In 2017, the National Point-in-Time Homeless count found an increase in homelessness for the first time in the last decade, and 72% of member agencies at the 2017 Police Executive Research Forum (PERF) reported that homelessness had increased in their jurisdiction.¹¹ However, Oakland and California’s homeless crisis has increased at a speed unrivaled by any other part of the country. In California, homelessness has increased by 14% since 2016, and the State accounts for 25% of the national homeless population. The City of Oakland reports that the unsheltered population has increased by 26% from 2015-2017. It is estimated that there are 2,716 homeless residents and

⁴ "Homeless Sweeps – Important Case Law and Frequently Asked Questions," ACLU of Washington, April 17, 2017, accessed May 10, 2019, <https://www.aclu-wa.org/docs/homeless-sweeps---important-case-law-and-frequently-asked-questions>.

⁵ "Who We Are," Coalition for Police Accountability, accessed May 10, 2019, <https://www.coalitionforpoliceaccountability.com/about>.

⁶ Sarah Ruiz-Grossman, "Homelessness Rises For Second Year In A Row In U.S. After Years Of Decline," HuffPost, January 22, 2019, accessed May 10, 2019, https://www.huffpost.com/entry/homelessness-statistics-united-states-2018_n_5c1970a9e4b02d2cae8e322e?gucounter=2.

⁷ "Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness," June 2012, accessed May 10, 2019, https://www.usich.gov/resources/uploads/asset_library/Searching_Out_Solutions_2012.pdf.

⁸ "Reduce Criminal Justice Involvement," August 15, 2018, accessed May 10, 2019, <https://www.usich.gov/solutions/criminal-justice/>.

⁹ Gillian Flaccus, "Homeless Parolees Weigh on California Counties," The San Diego Union-Tribune, July 4, 2014, accessed May 10, 2019, <https://www.sandiegouniontribune.com/sdut-homeless-parolees-weigh-on-california-counties-2014jul04-story.html>.

¹⁰ Tristia Bauman et al., No Safe Place: The Criminalization of Homelessness in U.S. Cities, National Law Center on Homelessness & Poverty, 2014, accessed May 10, 2019, https://nlchp.org/wp-content/uploads/2019/02/No_Safe_Place.pdf.

¹¹ The Police Response to Homelessness, Police Executive Research Forum, Critical Issues in Policing Series, June 2018, accessed May 10, 2019, <https://www.policeforum.org/assets/PoliceResponseToHomelessness.pdf>.

only around 350 shelter beds.¹²

In Oakland, local news has highlighted the impacts of over-policing on this vulnerable population, largely focusing on homeless encampment evictions. In the fall of 2018, encampment residents filed suit against the city, stating that evictions were equivalent to cruel and unusual punishment, and therefore unconstitutional. This case rested on a recent judicial ruling, *Martin v. Boise*, which found criminal penalties for homeless individuals who sleep, sit, or lie outside on public property unconstitutional under the 8th amendment, specifically for those who cannot access shelter. In practical terms, this means that a city cannot criminalize homeless individuals for sleeping outside when it does not provide enough shelter beds. A district judge ruled that this decision did not apply in Oakland as there were enough shelter beds for the plaintiffs who pressed charges.¹³

The City continues to push forward with encampment closures. Most recently, the City shut down an encampment located at East 12th Street and 23rd Avenue in East Oakland, requiring that 39 people move to a community cabin site.¹⁴ Encampments have also been removed around Lake Merritt.¹⁵ The Public Works Department and City Administrator's office, in coordination with the Police Department, assembles a schedule for evictions and releases it publicly in an effort to notify residents of removal proceedings and give them sufficient time to clear out.¹⁶ The Oakland Police Department does not have direct authority over which encampments are subject to removal. Their involvement and presence at encampment closures is at the request of the Department of Public Works.¹⁷

In Oakland, both Waste Management and the Department of Public Works refuse to interface with homeless residents without police presence.¹⁸ Therefore, homeless residents are subjected to further law enforcement contact, even outside of public safety concerns. Additionally, the City Administrator and Department of Public Works decide which homeless encampments are subject to removal, but request police presence at each removal process.¹⁹ This results in police presence without responsibility or input on the eviction process and ensures they interface with homeless residents during an extremely tense situation, when residents are subject to property and vehicle forfeiture.

¹² "The Crisis," City of Oakland, accessed May 10, 2019, <https://www.oaklandhomelessresponse.com/the-problem>.

¹³ Darwin BondGraham, "Federal Judge Says Oakland Can Close Homeless Camp on City-Owned Property," East Bay Express, November 28, 2018, accessed May 10, 2019, <https://www.eastbayexpress.com/SevenDays/archives/2018/11/28/federal-judge-says-oakland-can-close-homeless-camp-on-city-owned-property>.

¹⁴ "City Clears Out Homeless Camp in East Oakland," CBS San Francisco, February 01, 2019, accessed May 10, 2019, <https://sanfrancisco.cbslocal.com/2019/02/01/city-clears-homeless-camp-oakland/>.

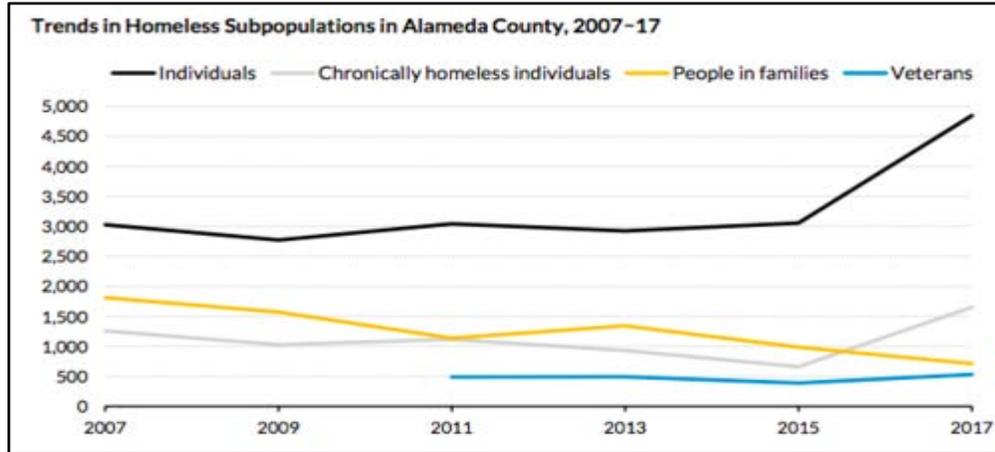
¹⁵ Susie Steimle, "City Of Oakland Clears Homeless From Lake Merritt," CBS San Francisco, February 14, 2019, accessed May 10, 2019, <https://sanfrancisco.cbslocal.com/2019/02/14/oakland-homeless-camps-cleared-lake-merritt/>.

¹⁶ "Homeless Encampment Clean Up Schedule," City of Oakland, November 16, 2018, accessed May 10, 2019, <https://www.oaklandca.gov/documents/homeless-encampment-clean-up-schedule>.

¹⁷ Almedom, E., Lenson, O., & Levinson, R. "Interview with Dan Lindheim," April 16, 2019.

¹⁸ "Who We Are," Homeless Action Center, accessed May 10, 2019, <http://homelessactioncenter.org/>.

¹⁹ "Homelessness in Oakland," Oakland Homeless Response, accessed May 10, 2019, <https://www.oaklandhomelessresponse.com/>.

Figure 2: Trends in Homelessness in Alameda County

Source: Applied Survey Research. Alameda County 2017 Homeless Census and Survey: Comprehensive Report. 2017.

In looking at national and local press coverage, several key themes emerged for further exploration. Firstly, it is important to **investigate how Oakland Police Department policy leads to the criminalization of local homeless individuals**. Secondly, the theme of **encampment closures seems particularly prevalent in this locality** – as such, it is also key to investigate the process behind evictions and property seizures and identify opportunities for improvement. Additionally, **much research has been compiled nationally on best practices on serving and protecting homeless residents**. These should be studied to determine whether they can be replicated in Oakland.

Methodology

We began our process by performing a literature review to establish the current state of policing within the homeless community, both nationally and locally. After completing this initial research, our team conducted 35 interviews with homeless individuals residing in Oakland. All 35 interviews were conducted during a public Town Hall hosted by the Police Commission on February 16, 2019. There were four interviewers: three Goldman MPP students and one CPA volunteer. All interview participants were given a \$20 stipend upon completion of the interview. Respondents were asked an initial screening question to gauge if they were currently homeless (see Appendix for the full interview script).

The table below and the Appendix depicts the demographic makeup of our interview respondents. In comparison to the Alameda County Point-in-Time (PIT) count, male and multi-racial respondents were slightly overrepresented (+10%) and (+7%). Our sample was underrepresented for black or African American respondents (-30%), Latino respondents (-6%), and White respondents (-6%). Our sample ranged from 25 years old to 69 years old. This was similar to the PIT count, which estimated that 71% of the homeless population in Alameda County is 25 years old and over.

Table 1: Demographics of Interview Sample

Age	Count	% of Total
25-29	2	6%
30-34	1	3%
35-39	5	15%
40-44	2	6%
45-49	5	15%
50-54	5	15%
55-59	7	21%
60-64	6	18%
65-69	1	3%
Gender	Count	% of Total
Male	26	74%
Female	9	26%
Race/Ethnicity	Count	% of Total
Black or African American	20	57%
Multiracial	7	20%
White	3	9%
Asian	2	6%
Latino	1	3%
Native American	1	3%
Other	1	3%
Length of Homelessness	Count	% of Total
0-3 months	4	12%
3-6 months	1	3%
6-9 months	1	3%
9-12 months	28	82%

In addition to conducting these interviews, our team met with or received resources from the following groups to gain multiple perspectives on how policing affects the homeless community:

- Criminal justice faculty members and academics at UC Berkeley
- Homeless advocates and other staff from St. Mary's Center
- San Francisco Police Department's Healthy Streets Operation Center
- Staff at the Homeless Action Center
- Staff at Justice Teams Network

Research Findings & Current State Assessment

As a result of our interviews and literature review, we identified two key areas that are in need of policy evaluation and reform.

Key Finding #1: Oakland police officers have too much discretion in handling unhoused residents' property

Oakland's homeless residents experience too many negative interactions with police regarding their property.²⁰ A significant concern around property seizure emerged from survey respondents as well as in our review of local press and national court cases. Interviewees shared that police took vehicles, clothes, tents, bikes and other items as a result of evictions, tickets, or police stops. They identified two main reasons police confiscate property: through encampment closures and police stops.²¹

Evidence

Property Loss due to Eviction

A majority of respondents stated that their most memorable negative police interaction involved an encampment eviction.²² Overall, respondents reported that property was seized unnecessarily as a result of eviction. For example, one respondent described how the police threw away her recyclables, personal belongings, and shelter in the process of eviction.²³ Other respondents highlighted that residents' property was destroyed during evictions at Lake Merritt on February 14th, 2019, even though they had been told by city officials that it would be stored for pick up.²⁴

Property Loss due to Tickets or Police Stops

Respondents also reported property seizure as a result of minor infractions. Respondents shared that vehicles were taken as payment for late tickets, resulting in the loss of their most valuable property, and often sources of shelter. For example, one respondent mentioned that her RV was taken, which did have some tickets, when she would not turn over local drug dealers to the police.²⁵ Another stated that several cars, which had been serving as her home, were taken from her, as a result of not having proper registration.²⁶

These policies can lead to monetary issues both for the affected homeless individuals and for the police department itself. Lost property can lead to monetary loss for homeless individuals who have few resources and often use items perceived as trash (e.g. cans) for income. Receiving tickets also places an undue burden on this population that does not have resources to cover fines.

While public information is not available for Oakland specifically, we can use figures from other cities as examples to understand the cost of sweeps and imposing fines on unhoused individuals. In Los Angeles, the city's 2019 budget included \$30 million in allocated funding for encampment sweeps and cleanups. This increased from \$13 million in 2018. Homeless advocates wish to reallocate this funding for services such as improved sanitation and trash cleanup.²⁷ In 2017,

²⁰ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," February 16, 2019.

²¹ Ibid.

²² Ibid.

²³ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview RL6, February 16, 2019.

²⁴ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview RL3, February 16, 2019.

²⁵ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview OL1, February 16, 2019.

²⁶ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview OL21, February 16, 2019.

²⁷ Matt Tinoco, "LA Will Spend \$30M This Year On Homeless Sweeps. Do They Even Work?" LAist, April 10, 2019, accessed May 06, 2019, https://laist.com/2019/04/10/homeless_sweeps_los_angeles_public_health.php.

Seattle spent \$10 million on homeless sweeps; this number includes outreach to the local homeless community, labor, police costs, and garbage cleanup.²⁸ San Francisco incurred approximately \$20.6 million for sanctioning homeless individuals in 2015, 90% within the police department.²⁹ Additionally, one survey of San Francisco unhoused residents found that only 7% of all fines issued were paid in full.³⁰

Diagnosing the Problem

The process of eviction is not transparent, leaving many homeless individuals at risk of losing their property and being caught by surprise. Police work with other departments to create eviction schedules. However, since these are closed door meetings, it is unknown how they make these decisions.³¹ As a result of this closed door policy, the process for choosing which encampments to evict often seems arbitrary, especially to encampment residents.³²

At least two weeks prior to an eviction, the City is required to post notice of the upcoming event at the site.³³ As seen on Oakland's Homeless Action Working Group's website, this practice should ensure that individuals have time to clear out their belongings, and that they know to contact Public Works to pick up any personal property seized.³⁴ While notice is required by law, in practice, it is often not adequately communicated. As noted in the City of Oakland's website, the schedule is "subject to change at any time without further notice."³⁵ As a result, residents do not know to clear out of the encampment and eviction can come as a surprise.³⁶ If residents are present during the encampment closure process, their property is often subject to confiscation and destruction. For example, one interviewee cited the destruction of his tent, which was bulldozed during an eviction, stating that the police had not made clear where he could relocate his belongings to avoid destruction.³⁷

The Department of Public Works (DPW) is required to hold residents' belongings and communicate to them where they can pick them up. However, interviewees report that DPW sometimes does not tell residents where they store the items, or chooses to destroy them rather than take them to the specified pick-up location. One individual witnessed DPW breaking with the protocol of bagging and tagging belongings and storing them for the specified length of time. She cited an example of an encampment clearing where inhabitants were not allowed to remove personal belongings, and those clearing the encampment disposed of them.³⁸ Another interviewee

²⁸ Chris Daniels, "Seattle Spent \$10 Million on Homeless Sweeps in 2017," K5 News, May 18, 2018, accessed May 06, 2019, <https://www.king5.com/article/news/local/homeless/seattle-spent-10-million-on-homeless-sweeps-in-2017/281-554503199>.

²⁹ City and County of San Francisco Budget and Legislative Analyst's Office, "Homelessness and the Cost of Quality of Life Laws," May 2016, <https://sfbos.org/sites/default/files/FileCenter/Documents/56045-Budget%20and%20Legislative%20Analyst%20Report.Homelessness%20and%20Cost%20of%20Quality%20of%20Life%20Laws.Final.pdf>.

³⁰ "California's New Vagrancy Laws: The Growing Enactment and Enforcement of Anti-Homeless Laws in the Golden State," Berkeley Law Policy Advocacy Clinic (University of California, Berkeley Law School, June 2016), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Californias-New-Vagrancy-Laws.pdf>.

³¹ Call with St. Mary's Center staff, March 12th, 2019.

³² Ibid.

³³ "Homeless Encampment Clean Up Schedule," City of Oakland, November 16, 2018, accessed May 10, 2019, <https://www.oaklandca.gov/documents/homeless-encampment-clean-up-schedule>.

³⁴ Oakland Homeless Action Working Group Homeless Encampment Clean-up Schedule 2019. Accessed here: <https://www.shelteroak.org/cleanups/closures.html>.

³⁵ City of Oakland Homeless Encampment Clean-Up Schedule. <https://www.oaklandca.gov/documents/homeless-encampment-clean-up-schedule>.

³⁶ Call with St. Mary's Center staff, March 12th, 2019.

³⁷ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview EA9, February 16, 2019.

³⁸ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview RL3, February 16, 2019.

stated that he watched his and other encampment members' belongings get thrown into a garbage compactor, even though prior notice had specified that they would be stored.³⁹

As stated previously, loss of property extends beyond evictions. One interviewee cited losing property during a practice called “trash duty,” where police dispose of belongings that extend beyond an assigned property line.⁴⁰ Others had cars they lived in taken from them, resulting in them becoming unsheltered – a disproportionate consequence for a minor offense such as unpaid parking tickets. Still other respondents lost their property when they were arrested, or as payment for outstanding tickets. The practices of DPW and OPD can lead to a deprivation of shelter or belongings, further harming homeless residents by confiscating where they live, sources of income, and other goods.⁴¹

Justifying Intervention

As previously stated, this process leaves unhoused individuals with little protection for their personal belongings, leading to property loss with few options for recourse. Moreover, from reports by unhoused individuals suggest the eviction and seizure process do not operate as intended by law. This practice puts unhoused residents as well as City agencies at risk. For example, Caltrans commonly destroys property in their “homeless sweeps” and has faced several lawsuits as a result of this practice.⁴² If the City of Oakland is found to have similar practices, it is likely that the City could eventually face similar consequences.

As such, there is an opportunity to improve protections for homeless individuals' personal belongings. Furthermore, investigating monetary impacts would be worthwhile to determine whether improvements in the current policy could result in savings for the City.

The current approach to handling property leads to worsening relationships between City agency representatives and the unhoused community. As most unhoused individuals voiced that an encampment eviction was their most negative interaction with OPD, this is an especially salient opportunity to improve interactions among law enforcement officers and unhoused residents. Changing these practices could lead to improved relationships and trust between these disparate groups.

Policy Options and Criteria to Address Property Seizure and Evictions

In response to our findings in the previous section, we have collected insights on Oakland's current policies (referred to as the existing policy within the “status quo”) and will present a set of

³⁹ Almedom, E., Lenson, O., & Levinson, R. “Public Hearing Interviews on Homelessness and the Police,” Interview RL9, February 16, 2019.

⁴⁰ Almedom, E., Lenson, O., & Levinson, R. “Public Hearing Interviews on Homelessness and the Police,” Interview OL7, February 16, 2019.

⁴¹ Almedom, E., Lenson, O., & Levinson, R. “Public Hearing Interviews on Homelessness and the Police,” February 16, 2019.

⁴² “Civil Rights Groups Sue Caltrans to Stop Illegal Raids Against California's Homeless,” ACLU of Northern CA, December 13, 2016, accessed May 10, 2019, <https://www.aclunc.org/news/civil-rights-groups-sue-caltrans-stop-illegal-raids-against-california-s-homeless>.

potential alternative policy options for consideration. Each will be assessed against three criteria, outlined below.

Effectiveness

Will this policy effectively address the goal of reducing police involvement in encampment evictions? This will be measured by bringing in examples of successes in other jurisdictions.

Efficiency

Is this a cost-effective policy for the City of Oakland? Will this policy generate benefits that exceed the costs associated? We do not conduct a formal cost-benefit analysis to make this assessment. Instead, we identify the potential costs of the policy or, alternatively, the costs of maintaining today's status quo. As data to understand today's status quo, we note that the Oakland Police Department currently makes up nearly 45% of the City's General Fund.⁴³ As of 2018, Oakland had the highest percentage of police department expenditures when compared to large metropolitan cities, such as Atlanta (29.7% on police) and Orlando (32.3% on police).⁴⁴ Our assumption when assessing policy options is that this outsized expenditure on OPD can and must change. As an example, we point to recent changes in Alameda County. The Alameda County operating budget allocates the largest share of its funds to the Behavioral Health Care Services Department (BHCS). In 2019, BHCS received \$482.94 million (equating to 14.14% of the operating budget), compared to the Sheriff's Office, which received 424.27 million (12.42% of the operating budget).⁴⁵ This small, but promising, shift can be used as inspiration as the Police Commission considers the policy options brought forward in this report.

Political Feasibility

Will this policy survive the political process? In particular, how might this policy perform given the City's past decisions regarding police involvement in encampment evictions? We consider the past actions of the City Council, the Mayor, the City Administrator's office, and other relevant City departments.

Status Quo: Evictions

Existing Policy

Many interviewees indicated that police are only present at encampment evictions at the request of City officials or housed residents. As stated previously, the City Administrator's office has an inter-departmental Encampment Management Team in which OPD and other departments work

⁴³ "Open Budget: Oakland," Open Budget: Oakland, accessed May 10, 2019, <https://openbudgetoakland.org/>.

⁴⁴ Freedom to Thrive: Reimagining Safety & Security in Our Communities, Center for Popular Democracy, Center for Popular Democracy, 2018, accessed May 10, 2019, <https://static1.squarespace.com/static/5500a55ae4b05a69b3350e23/t/595cf69b1b631b031e0542a5/1499264677929/Freedom%20to%20Thrive%20Web.pdf>.

⁴⁵ "Alameda County Operation Budget," Alameda County, accessed May 10, 2019, <http://budget.acgov.org/#!/year/2019/operating/0/department?vis=barChart>.

together to create eviction schedules.^{46 47} However, most evictions in Oakland are initiated by Caltrans (the California Department of Transportation), the City of Oakland's Public Works Department, the City Administrator, or the Mayor.⁴⁸ In 2017, Caltrans received more than 5,600 complaints about roadside camps. Statewide, the department clears as many as 40 camps every day along highways and underpasses, aiming to "keep roads free of hazards and to clean up sites that can collect trash and hazardous waste."⁴⁹

Oakland's sworn police force is divided between patrol officers and Community Resource Officers (CROs). Patrol Officers are responsible for traditional beats, and the latter "engage[s] in problem solving projects, [and] attend[s] Neighborhood Crime Prevention Council (or Neighborhood Council) meetings."⁵⁰ They serve as liaisons with City service teams, lead enforcement projects and coordinate with other OPD patrol and professional staff. There are 57 community policing beats, and each has a Neighborhood Crime Prevention Council (NCPC) with a corresponding Community Resource Officer. Oftentimes, in neighborhoods where there are homeless encampments, the NCPC is responsible for addressing the concerns, needs, and/or complaints related to the homeless encampments.⁵¹

Current Outcomes of Existing Policy

Caltrans has tripled its spending on contracts to clear homeless camps since 2013, dedicating \$12 million to the issue in the 2017-18 budget year. We have not been able to secure data on OPD's expenditures related to supporting the clearing of encampments. However, according to records from 2015, calls for service regarding homeless encampments have been rising steadily.

Below are data provided by the Oakland Police Department on encampment-related police calls and police activity. The query includes a search for all calls for service (calls placed to dispatchers and calls generated by officers or employees in the field), field contacts (officers encountering homeless persons or encampments regardless of whether or not the encounter was generated by a call for service), and incident reports (crime reports or supplemental crime reports regarding camps). The results returned are based on a search of all records that contain the keywords "homeless" OR "transient" AND "encampment" OR "camp." Since 2005, there have been 1,270 of such records, 50% of which occurred in 2013 and 2014.⁵²

Given past trends of court cases against city officials, the current approach leaves the police department susceptible to lawsuits, negative local and international press, and other ramifications due to their potential complicity in violating the constitutional rights of unhoused individuals.

⁴⁶ Call with St. Mary's Center staff, March 12th, 2019.

⁴⁷ "Emergency Interventions," Oakland Homeless Response, accessed May 10, 2019, <https://www.oaklandhomelessresponse.com/emergencyinterventions>.

⁴⁸ Almedom, E., Lenson, O., & Levinson, R. Interview with Dan Lindheim, former Oakland City Administrator. April 16, 2019.

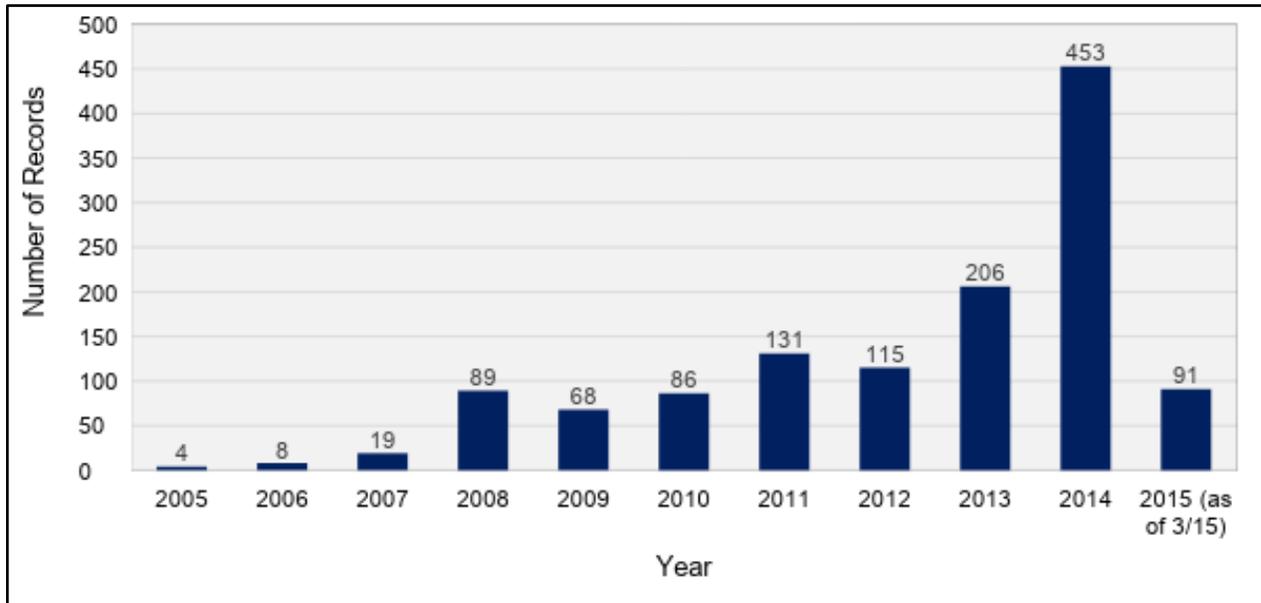
⁴⁹ Erin Tracy and Adam Ashton, "'You Don't Bulldoze People.' California Highway Homeless Camps Grow Dangerous," The Sacramento Bee, December 01, 2018, accessed May 10, 2019, <https://www.sacbee.com/news/politics-government/the-state-worker/article222344385.html>.

⁵⁰ "Community Resource Officers," City of Oakland, accessed May 10, 2019, <https://www.oaklandca.gov/topics/community-resource-officers>.

⁵¹ "Community Resource Officers," City of Oakland, accessed May 10, 2019, <https://www.oaklandca.gov/topics/community-resource-officers>.

⁵² OPD Calls for Service with the words "Homeless" OR "Transient" AND "Encampment" OR "Camp." Graph from A Place to Be: Alternatives to Unsanctioned Homeless Encampments, Goldman School of Public Policy, 2015.

Figure 3: OPD Calls for Service with the words “Homeless” OR “Transient” AND “Encampment” OR “Camp.”



Source: [A Place to Be: Alternatives to Unsanctioned Homeless Encampments](#), Goldman School of Public Policy, 2015.

Policy Alternative: Citizen or oversight body engagement in evictions

Potential Policy

While encampment evictions are not directly under OPD’s purview, police resources are used to carry out the City’s homelessness response. As a crucial and large line-item in Oakland’s annual general budget, the deployment and efficiency of officer time could be one of many reasons to reconsider Oakland’s current encampment management procedures. Per recommendations from the United Nations and the 9th Circuit Court, the City of Oakland could cease all encampment evictions when there is no alternative housing available for homeless individuals.⁵³ This would certainly be a large and long-term task, so instead, we can consider how to at least improve current eviction processes.

As noted, the City does post a schedule for encampment clean-ups and evictions (i.e. closures).⁵⁴ The schedule is released publicly for two-week increments and describes the date and location of the City’s “intervention.”⁵⁵ One alternative could be to build off of this practice, but with the inclusion of citizen or oversight body support. Community groups, such as the East Oakland

⁵³ "Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in This Context," A/73/310/rev.1 - E - A/73/310/rev.1, September 19, 2018, accessed May 10, 2019, <https://www.undocs.org/A/73/310/rev.1>.

⁵⁴ "Homeless Encampment Clean Up Schedule," City of Oakland, November 16, 2018, accessed May 10, 2019, <https://www.oaklandca.gov/documents/homeless-encampment-clean-up-schedule>.

⁵⁵ Ibid.

Collective (EOC) and the Homeless Action Working Group, are already routinely engaged in evictions as witnesses or volunteers dismantling or packing up belongings. The City Administrator's office could meet with a coalition of community groups, City agencies engaged in evictions (OPD, Public Works, etc.), and oversight bodies (Police Commission) to develop key guidelines for behavior during evictions. In this way, all parties can be aware of permitted and banned behavior during the process and citizens/oversight bodies can be better equipped to hold City representatives accountable.

Projected Outcomes of Potential Policy Alternative

Effectiveness

A City policy of inviting citizen or oversight body members to encampment evictions may not directly meet the goal of reducing police involvement in encampment evictions. However, by meeting together to determine guidelines during evictions, there is an opportunity for those most affected (i.e. unhoused residents and community) to voice their concerns about police involvement and for City officials (i.e. City Administrator's Office) to adapt procedures accordingly.

Efficiency

From our literature review, we find that encampment evictions are met with negative local and national media coverage and, at times, legal pushback. For instance, Caltrans has been approached with numerous lawsuits regarding their treatment of unhoused people's belongings. In 2016, there was a class-action lawsuit in Alameda County, where attorneys for unhoused people argued that Caltrans violated the Fourth Amendment by seizing private property at homeless camps.⁷ The amendment prohibits "unreasonable searches and seizures." As displacement and homelessness continue to rise in Oakland, it is worth considering the eventual costs associated with lawsuits against the City, particularly OPD, for potentially unlawful seizure of unhoused people's property. Given this risk and assumption, we anticipate that the benefits of including community oversight in the eviction process will outweigh the potential long-term costs, such as negative media attention and legal costs.

Political Feasibility

As evidenced by the December 2018 eviction of The Village, encampment evictions are the norm in homelessness response in Oakland, despite the court warnings.⁵⁶ Political motivations are strong both for and against encampment evictions. However, given the potential for negative press and costly court proceedings, we assume that City officials would at least be receptive to an initial meeting to discuss eviction guidelines.

⁵⁶ Sandhya Dirks, "After 11th-Hour Reprieve, Crews Return and Evict Oakland Homeless Encampment," KQED News, December 06, 2018, accessed May 10, 2019, <https://www.kqed.org/news/11710285/oakland-gives-female-led-homeless-encampment-last-minute-reprieve-from-eviction>.

Case Study: More Humane Evictions in Charleston, South Carolina

In early 2016, Charleston cleared out an encampment of more than 100 homeless individuals. We have provided this case study not to condone the eviction of homeless encampments, but because we recognize their continued prevalence in homelessness response. If eviction procedures do continue in Oakland, we want to highlight how they can be done in a more humane fashion by avoiding criminalization, protecting individual property, and partnering with social services organizations to ensure the implementation of a Housing First policy. This section concludes by highlighting examples of police involvement to show potential positive ways that police can be involved when an eviction does happen.

No arrests or property destruction resulted from the evictions in Charleston.⁵⁷ The encampment was located underneath a local highway and had existed for close to a year. The growth of the encampment was due to several key factors: a large number of individuals relocated there from other areas, volunteer support was available at the encampment, and a new policy criminalizing panhandling in Charleston's tourist areas was instated, resulting in those previously able to afford hotels or other forms of housing being forced onto the streets. In February 2016, city leaders decided to clear the encampment due to concerns around its inhabitants' quality of life. Several fires and violent incidents took place, catching the city's attention. Charleston city officials wished to provide these individuals with alternative housing.⁵⁸ The closure came at a time when the city's homeless population had more than doubled in the previous five years.⁵⁹

Prior to the eviction, the city implemented a 10-point plan (see Appendix), which included a timeline for removal and information about which shelters had openings. This plan aimed to center legal and safety concerns, property protection, and the health and safety of encampment residents.⁶⁰

This eviction is considered to be a model due to specific successes resulting from the 10-point plan. Firstly, the eviction included a specific timeline with firm beginning and end dates. Secondly, local leaders brought together diverse community stakeholders to coordinate eviction logistics and next steps to ensure service delivery to inhabitants. The plan also took into consideration the needs of the landowner, who was the South Carolina Department of Transportation (SCDOT). Their needs consisted of maintaining the roads and ensuring safety for individuals driving on local roadways. Due to the specific interests involved, SCDOT, the city, and the police coordinated the eviction.⁶¹

Accommodations were secured for inhabitants prior to the eviction; the mayor established relationships with local shelters to determine where there were available shelter beds. The city also provided additional housing options to those evicted; advocates, community outreach groups, and government agencies partnered with those needing housing to identify other options as

⁵⁷ "Tent City, USA: The Growth of America's Homeless Encampments and How Communities Are Responding," 2017, accessed May 5, 2019, http://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

⁵⁸ Ibid.

⁵⁹ Dustin Waters, "Charleston Officials Launch Plan to Clean up Tent City, Curb Homelessness," Charleston City Paper, November 20, 2017, accessed May 06, 2019, <https://www.charlestoncitypaper.com/TheBattery/archives/2016/02/05/charleston-officials-launch-plan-to-clean-up-tent-city-curb-homelessness>.

⁶⁰ "Tent City, USA: The Growth of America's Homeless Encampments and How Communities Are Responding," 2017, accessed May 5, 2019, http://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

⁶¹ Ibid.

needed. Private funding was also collected as an emergency fund for those who faced housing insecurity.⁶²

One key to this plan's success was the implementation of a housing first model at partner shelters. This model prioritizes housing ahead of considerations such as finding jobs, curing substance abuse issues, and completing other service programs. Studies from other locations have shown that Housing First models decrease the burden on shelters, hospitals, jails, and treatment facilities, sometimes offsetting program costs. Housing First programs may offer support services to participants, but do not require participation to keep housing.⁶³ In Charleston, some shelters with which the city partnered had previously adopted rules that served as barriers to short-term emergency shelter, including imposing curfews, requiring sobriety, having a clean criminal background, and having a minimum income. However, these requirements were relaxed with the Housing First model to ensure that all evicted individuals could get shelter.^{64 65}

Charleston officials found that a Housing First model allowed for easier placements into permanent housing as well. In an effort to prevent future encampments, the city created a commission to find long-term solutions to homelessness in the community. These efforts resulted in partnerships with landlords throughout the region to provide access to permanent affordable housing. More than half of those evicted found permanent housing.⁶⁶

It is important to call out the roles that the police played to highlight how a department can contribute positively. The Chief of Police became involved in the eviction planning process early, attending discussions with key stakeholders. During these discussions, the mayor prioritized enforcement only as a means to bring services to those in need, and the group committed to avoid criminalization of homeless residents during the eviction. The Police Department partnered with SCDOT and the city to ensure that road maintenance and repairs were completed on the adjacent highway, and to plan the eviction process. Police specifically did not issue citations during the eviction and did not arrest residents. Instead, officers partnered with social service workers to help transition residents to housing. Patrol officers were also tasked with documenting and protecting seized property.⁶⁷

Key Finding #2: Oakland police officers have too little training and knowledge on de-escalation methods in mental health crisis

Evidence

⁶² "Tent City, USA: The Growth of America's Homeless Encampments and How Communities Are Responding," 2017, accessed May 5, 2019, http://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

⁶³ "Housing First," National Alliance to End Homelessness, April 20, 2016, accessed May 06, 2019, <https://endhomelessness.org/resource/housing-first/>.

⁶⁴ "Tent City, USA: The Growth of America's Homeless Encampments and How Communities Are Responding," 2017, accessed May 5, 2019, http://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

⁶⁵ Dustin Waters, "Charleston Officials Launch Plan to Clean up Tent City, Curb Homelessness," Charleston City Paper, November 20, 2017, accessed May 06, 2019, <https://www.charlestoncitypaper.com/TheBattery/archives/2016/02/05/charleston-officials-launch-plan-to-clean-up-tent-city-curb-homelessness>.

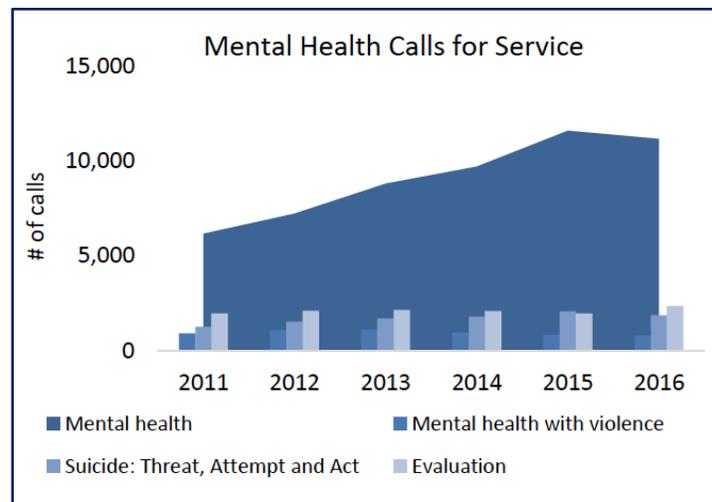
⁶⁶ "Tent City, USA: The Growth of America's Homeless Encampments and How Communities Are Responding," 2017, accessed May 5, 2019, http://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

⁶⁷ Ibid.

received it.⁷⁹ Because there is little training and few mental health response alternatives for law enforcement, they rely on 5150 holds too often.⁸⁰

This shortage of officers trained on trauma-informed, mental health crisis response often results in homeless residents interacting with law enforcement not trained on how to effectively support this population. Recognizing that police are not traditionally equipped with the appropriate background and skillset to handle mental health crises, the Department has identified certain officers to undergo more extensive crisis response training.⁸¹ However, these crisis team officers are still uniformed police officers, limiting their ability to make unhoused residents feel safe. Having an armed officer approach can escalate the interaction and lessen the possibility of a trauma-informed, humane interaction. Homeless advocates mentioned that having armed police officers unfamiliar with the community can further hinder trust between both parties.

Figure 4: Mental Health Calls to OPD, 2011-2016



Source: Courtesy of Oakland Police Department, Office of Inspector General, Quarterly Progress Report (July – September, 2017).

Diagnosing the Problem

Twenty-two out of the thirty-five unhoused residents interviewed highlighted the need for officers to treat unhoused people with more respect. When asked what would improve interactions between unhoused residents and Oakland Police officers, respondents pointed to the need for better communication skills to handle difficult situations involving homeless residents.

Respondents emphasized how those who are unhoused are still part of the community, and that officers need to learn how to interact with them and their property with more compassion.⁸² There

⁷⁹ "Coalition for Police Accountability," Coalition for Police Accountability, accessed May 10, 2019, <https://www.coalitionforpoliceaccountability.com/>.

⁸⁰ Brian Case and Travis Parker, Sequential Intercept Model Mapping Report for Alameda County, CA, Policy Research Associates, Inc., Alameda County Behavioral Health, September 14-15, 2017, accessed May 10, 2019, http://www.acbhcs.org/Providers/news/2018/SIM_Summit_AC_report.pdf.

⁸¹ The Police Response to Homelessness, Police Executive Research Forum, Critical Issues in Policing Series, June 2018, accessed May 10, 2019, <https://www.policeforum.org/assets/PoliceResponseToHomelessness.pdf>.

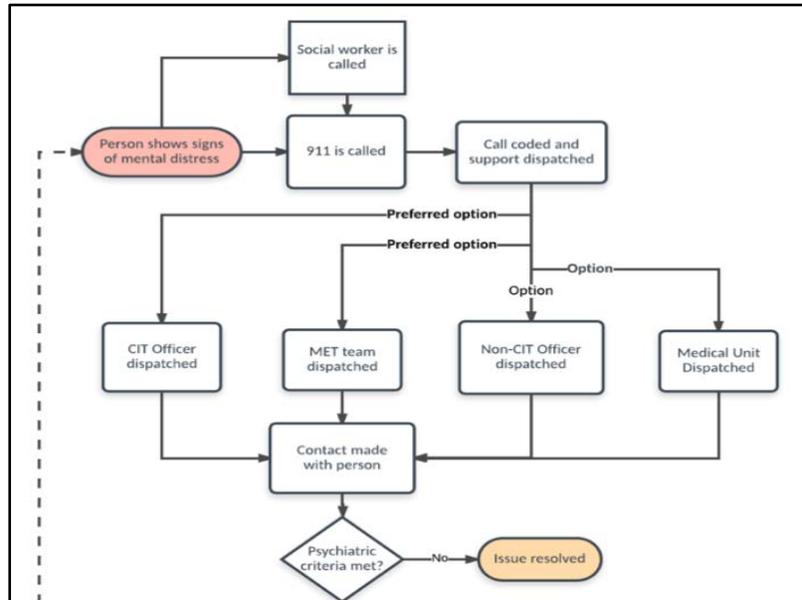
⁸² Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," February 16, 2019.

was also an emphasis on the need to train officers in de-escalation techniques, and for mental health providers to be the primary contacts for homeless residents battling mental illness.⁸³

As stated by Ventura County Police Chief Ken Corney, law enforcement officers feel that “homelessness is a community-wide problem that is often punted to the policing profession to solve.”⁸⁴ Officers often serve as the primary point of contact for city residents to complain of any issue connected to homeless residents. When requesting assistance, residents can contact the city in two ways: either by calling 311 for general non-emergency city services or by calling law enforcement. When a resident decides to call law enforcement for a complaint concerning homeless residents, the officers ordered to respond are not equipped with alternatives to handle problems other than through arrest. Furthermore, law enforcement officers themselves view arrest as an inadequate response to addressing homelessness.⁸⁵ It is often the case that police officers do not want to interface with homeless residents either; they do not want to clear encampments or respond to mental health crises. Furthermore, when deciding to clear encampments, law enforcement’s response is community complaint-driven, not based on a needs assessment or other metric.⁸⁶

Though OPD is the default response agency, they are unprepared to assist unhoused residents in mental health crises. The following snapshot of an OPD decision tree outlines the complicated process that ensues when 911 is called for a mental health crisis (full chart in Appendix), demonstrating that the resources given to OPD dispatch and officers are complex and convoluted.

Figure 5: Oakland’s Mental Health Crisis Response Process



Source: Oakland Police Department. Office of the Inspector General Quarterly Progress Report. July-September 2017.

⁸³ Almedom, E., Lenson, O., & Levinson, R “Interview with Justice Teams Action Network,” March 20, 2019

⁸⁴ The Police Response to Homelessness, Police Executive Research Forum, Critical Issues in Policing Series, June 2018, accessed May 10, 2019, <https://www.policeforum.org/assets/PoliceResponseToHomelessness.pdf>.

⁸⁵ The Police Response to Homelessness, Police Executive Research Forum, Critical Issues in Policing Series, June 2018, accessed May 10, 2019, <https://www.policeforum.org/assets/PoliceResponseToHomelessness.pdf>.

⁸⁶ “Coalition on Homelessness,” Coalition on Homelessness, accessed May 10, 2019, <http://www.cohsf.org/>.

While this chart only represents half of the decision-tree, it is clear that officers and dispatchers could have a hard time navigating this process quickly. Furthermore, there is no procedure to ensure that a CIT officer is on duty, and the MET remains unstaffed. This can lead to officers relying on the use of psychiatric holds, one of the only methods they are trained on to address mental health crises. The complexity of serving mentally ill unhoused residents is not addressed by current OPD policy, further exacerbating the issue of how unhoused residents are treated by officers.

Unhoused residents also expressed concern that officers do not take their own public safety complaints seriously, and that they have lost hope that police will protect them. One resident shared that when she reported an assault to an officer, he ticketed her RV and did not take a police report.⁸⁷ This distrust undermines law enforcement's efforts to serve and protect homeless residents in a humane, respectful and effective way. Furthermore, many interviewees shared that they do not feel safe working with police out of fear of retaliation from gang members or other homeless residents.⁸⁸ Police can interpret this as uncooperative behavior, further harming the relationship between officers and unhoused residents.

Justifying Intervention

With only 350 shelter beds available and limited to homeless residents without criminal convictions, outstanding warrants, pets, or a history of drug use, there is no place for many unhoused residents other than encampments.⁸⁹ As homelessness increases and encampments are shut down, more unhoused residents have nowhere to go. The City must take significant action to develop an effective response for this population.

In Oakland and other cities throughout the nation, cases of Hepatitis A have ballooned, putting many at risk of a dangerous, but preventable life-threatening disease.⁹⁰ Additionally, unhoused residents are more likely to have a disability, rely on public assistance, or battle substance abuse or drug addiction than the general public.⁹¹ While only 4% of U.S. adults have a severe mental illness, approximately 26% of unhoused individuals staying in shelters suffer from one.⁹² These public health vulnerabilities further import the need for a public health response to this population that law enforcement cannot provide. For those in mental health crises, contact with a police officer has a substantially different impact than contact with a social worker or mental health provider. If homelessness is indeed considered a public health issue, it should be handled by public health professionals. However, responsibility currently lies with law enforcement, whether they want it or not. With limited training and resources on best practices to serve those battling mental illness, law enforcement may resort to violence, as was the case with the fatal shooting of Joshua Pawlik.

⁸⁷ "Coalition on Homelessness," Coalition on Homelessness, accessed May 10, 2019, <http://www.cohsf.org/>.

⁸⁸ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," February 16, 2019.

⁸⁹ "Who We Are," Homeless Action Center, accessed May 10, 2019, <http://homelessactioncenter.org/>.

⁹⁰ Drew Costley, "Healthcare Workers Act to Prevent Hepatitis A Outbreak in Oakland," Oakland North, November 9, 2017, accessed May 10, 2019, <https://oaklandnorth.net/2017/11/09/healthcare-workers-act-to-prevent-hepatitis-a-outbreak-in-oakland/>.

⁹¹ "Health and Homelessness," National Alliance to End Homelessness, accessed May 10, 2019, <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/health/>.

⁹² "Mental Health By The Numbers," National Alliance on Mental Illness, 2019, accessed May 10, 2019, <https://www.nami.org/learn-more/mental-health-by-the-numbers>.

Many interviewees requested that officers treat them with more respect and acknowledge their humanity and existence as Oakland residents, also deserving of public safety.⁹³ Alternatively, police officers express frustration from feeling ill-equipped to provide help to unhoused residents. Officers are not informed on what resources exist to serve homeless residents, particularly those who suffer from mental illness. Additionally, the resources that do exist are very minimal.⁹⁴ The lack of training and information provided to law enforcement results in poor communication and interaction between unhoused residents and officers. OPD does not want to serve as the point of contact for mental health crises and homeless response, but no other public agency has the budget, personnel, or capacity to serve as first responders for this population. As localities face the mounting challenge of growing homeless populations, there is a need for a clear division of authority.

Policy Options and Criteria for Mental Health Crisis

In response to our findings in the previous section, we have collected insights on Oakland's current policies (referred to as the existing policy within the "status quo") and will present a set of potential alternative policy options for consideration. Each will be assessed against three criteria, outlined below.

Effectiveness

Will this policy effectively address the goal of reducing police involvement in mental health crisis? This will be measured by bringing in examples of successes in other jurisdictions.

Efficiency

Is this a cost-effective policy for the City of Oakland? Will this policy generate benefits that exceed the costs associated? We do not conduct a formal cost-benefit analysis to make this assessment. Instead, we identify the potential costs of the policy or, alternatively, the costs of maintaining today's status quo. As data to understand today's status quo, we note that the Oakland Police Department currently makes up nearly 45% of the City's General Fund.⁹⁵ As of 2018, Oakland had the highest percentage of police department expenditures when compared to other large metropolitan cities, such as Atlanta (29.7% on police) and Orlando (32.3% on police).⁹⁶ Our assumption when assessing policy options is that this outsized expenditure on OPD can and must change. As an example, we point to recent changes in Alameda County. The Alameda County operating budget allocates the largest share of its funds to the Behavioral Health Care Services Department (BHCS). In 2019, BHCS received \$482.94 million (equating to 14.14% of the operating budget), compared to the Sheriff's Office, which received \$424.27

⁹³ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview EA9, February 16, 2019.

⁹⁴ "Justice Teams Network," accessed May 10, 2019, <https://justiceteams.org/>.

⁹⁵ "Open Budget: Oakland," Open Budget: Oakland, accessed May 10, 2019, <https://openbudgetoakland.org/>.

⁹⁶ Freedom to Thrive: Reimagining Safety & Security in Our Communities, Center for Popular Democracy, Center for Popular Democracy, 2018, accessed May 10, 2019, <https://static1.squarespace.com/static/5500a55ae4b05a69b3350e23/t/595cf69b1b631b031e0542a5/1499264677929/Freedom%20to%20Thrive%20Web.pdf>.

million (12.42% of the operating budget).⁹⁷ This small, but promising, shift can be used as inspiration as the Police Commission considers the policy options brought forward in this report.

Political Feasibility

Will this policy survive the political process? In particular, how might this policy perform given the City's past decisions regarding police involvement in mental health crisis? We consider the past actions of the City Council, the Mayor, the City Administrator's office, and other relevant City departments.

Policy Options to Address Mental Health Crisis

Status Quo: Lack of Training

Existing Policy

The Oakland Police Department's current mental health response can be illustrated through its Crisis Intervention Team and its Mental Health Disposition Codes.

Since 2014, the Oakland Police Department has had a Crisis Intervention Team (CIT) whose officers are "trained to respond to incidents and attempt to provide evaluation, de-escalation and referral services in dealing with incidents involving individuals who are either known or suspected to be in acute mental health or emotional crisis and who may pose a risk to themselves or others or are determined to be gravely disabled."⁹⁸ A Patrol officer may request CIT officer support in cases such as: "when personnel reasonably believe that a subject, family, or caregiver may benefit from a CIT consult/intervention; a disturbance call where an individual may be suffering from a mental health related behaviors; or on-scene field personnel determine a need and request a CIT officer to respond."⁹⁸

The police department's mental health disposition codes, under Special Order No. 9098, demonstrate how officers will code an incident after it has occurred. They have three choices: Mental Health (MH), Mental Health Hold (MHH), and Crisis Intervention Team Officer on Scene (CIT).⁹⁹ Additionally, the Downtown Oakland Mobile Crisis Team of the Mental Health Association of Alameda County responds to requests from the Oakland Police Department, other agencies and individuals for assistance with mental health evaluations of adults in the community.¹⁰⁰

Current Outcomes of Existing Policy

⁹⁷ "Alameda County Operation Budget," Alameda County, accessed May 10, 2019, <http://budget.acgov.org/#!/year/2019/operating/0/department?vis=barChart>.

⁹⁸ "New DGO 0-1.1 Crisis Intervention Program," Office of Chief of Police Oakland Police Department, October 3, 2014, accessed May 10, 2019, <http://www2.oaklandnet.com/oakcal/groups/police/documents/webcontent/oak051676.pdf>.

⁹⁹ "Special Order No. 9098," Office of Chief of Police Oakland Police Department, March 25, 2013, accessed May 10, 2019, <http://www2.oaklandnet.com/oakcal/groups/police/documents/webcontent/oak051674.pdf>.

¹⁰⁰ "MHAAC - Need Help Now?" Mental Health Association of Alameda County, accessed May 10, 2019, <http://mhaac.org/need-help-now.html>.

As demonstrated in the Mental Health Disposition Codes, CIT officers have only one action-oriented tool to address mental health concerns: voluntary and involuntary psychiatric holds.¹⁰¹ Alameda County Behavioral Health Care Services found that Oakland has the highest rates of 5150 holds (i.e. psychiatric holds) in the county and that 75-78% of those transported for a psychiatric hold did not meet medical necessity criteria for inpatient acute psychiatric services.¹⁰²

In addition, Mobile Crisis Team services are only available from 8:30am to 5pm on Monday through Friday, which many advocates indicate is a severe limitation to the effectiveness of the program. Thus, we conclude that the current mental health response is inadequate and insufficient to meet the unique demands faced by Oakland law enforcement.

According to a study conducted by the Treatment Advocacy Center in 2015, individuals with untreated severe mental illness make up fewer than 1 in 50 U.S. adults, but are involved in at least 1 in 4 and as many as half of all fatal police shootings. Because of this prevalence, they claim that “reducing encounters between on-duty law enforcement and individuals with the most severe psychiatric diseases may represent the single most immediate, practical strategy for reducing fatal police shootings in the United States.”¹⁰³ Changes to today’s status quo should be considered in tandem with ongoing changes to the use-of-force status quo, at the state and local levels. This is particularly relevant in the aftermath of the case of Joshua Pawlik, an unhoused, mentally ill man who was shot and killed by four OPD officers while unconscious in March 2018.¹⁰⁴

The current approach is clearly politically feasible, though the City could potentially expect more political pressure to change their approach as the homelessness crisis grows, and other West Coast cities explore alternative approaches.

Policy Alternative: Integrating emergency mental health services in crisis intervention

Potential Policy

As evidenced in previous sections, Oakland has limited options for non-police response to mental health crisis and for responses outside of psychiatric holds. As an alternative, Oakland could consider integrating emergency mental health services into their response, either as an alternative to police or as a partner with police.

¹⁰¹ “Special Order No. 9098,” Office of Chief of Police Oakland Police Department, March 25, 2013, accessed May 10, 2019, <http://www2.oaklandnet.com/oakcal/groups/police/documents/webcontent/oak051674.pdf>.

¹⁰² “Adopt the Alameda County Behavioral Health Care Services Mental Health Services Act AB 114 Plan For Fiscal Years 2017-2018 Through 2019-2020 and the Mental Health Services Act Innovation Plan for Fiscal Years 2018-19 Through 2022-23,” Alameda County Health Care Services Agency, July 24, 2018, accessed May 10, 2019, http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_07_24_18/HEALTH CARE SERVICES/Regular Calendar/BHCS_268020.pdf.

¹⁰³ Heather Carroll, “Overlooked in the Undercounted,” Treatment Advocacy Center, December 2015, accessed May 10, 2019, <https://www.treatmentadvocacycenter.org/overlooked-in-the-undercounted>.

¹⁰⁴ Angela Ruggiero and George Kelly, “‘He Never Got a Chance to Live,’ Civil Rights Attorney Says of Man Shot by Oakland Police,” East Bay Times, February 06, 2019, accessed May 10, 2019, <https://www.eastbaytimes.com/2019/02/06/he-never-got-a-chance-to-live-civil-rights-attorney-says-of-man-shot-by-oakland-police/>.

Table 2: Two Potential Models for A New Mental Health Response

Level of Police Involvement	Examples in the Field
Side-by-Side with Mental Health Responders in All Responses	Tandem police-emergency mental health response in Berkeley, California
Not Required, Only When Requested by Mental Health Responders	Cahoots program in Eugene, Oregon

In our interviews, unhoused residents and advocacy organizations expressed a preference for no police presence during a mental health crisis, citing various incidents where police presence escalated a situation.

Projected Outcomes of Potential Policy Alternative

Effectiveness

In Oregon’s Cahoots program for mental health response without police presence (see Case Study for more detail), 17% of the city’s 96,115 calls are being routed to unarmed crisis counselors instead of police officers.¹⁰⁵ This demonstrates that such a policy can be effective at reducing police presence in mental health response. While a direct comparison study between police response and non-police response to residents experiencing mental health crisis has not been conducted, it is clear that a response from *unarmed* mental health professionals will reduce the risk for fatal police shootings of individuals in crisis. Future research should consider the risk that unarmed crisis respondents are subjected to, though we did not find such research. Also, it should be noted that we spoke with numerous practitioners providing case management, legal advocacy, and mental health treatment to unhoused residents who did not feel they were at heightened risk by working with those experiencing mental health crisis.¹⁰⁶

Additionally, the Police Commission could consider researching whether non-police response has any impact, positive or negative, on the likelihood of an individual being placed under an involuntary hold. An involuntary hold requires use of government resources for transportation, officer or respondent time, and placement in a government psychiatric facility.

Efficiency

The Cahoots program in Oregon has 39 employees and costs the city around \$800,000 a year plus vehicles, which is “a fraction of the Eugene police department’s \$58 million annual budget.”²⁹ They are also paid to handle calls for neighboring Springfield, which means that this program brings revenue into the city. This cost savings bodes well for the implementation of such a program in Oakland, where 45% of the annual budget goes to Police.¹⁰⁷

¹⁰⁵ Zusha Elinson, “When Mental-Health Experts, Not Police, Are the First Responders,” Wall Street Journal, November 24, 2018, accessed May 10, 2019, <https://www.wsj.com/articles/when-mental-health-experts-not-police-are-the-first-responders-1543071600>.

¹⁰⁶ Almedom, E. Lenson, O., and Levinson R. Interview with Homeless Action Center, April 4, 2019

¹⁰⁷ “Open Budget: Oakland,” Open Budget: Oakland, accessed May 10, 2019, <https://openbudgetoakland.org/>.

Political Feasibility

Unlike other Bay Area cities, Oakland does not have its own health services department. An integrated mental health response policy adopted by OPD would require the political capital to secure contracts between Oakland's Police Department and Alameda County Behavioral Health Care Services (BHCS) or with the independent not-for-profit Mental Health Association of Alameda County. BHCS has partnered with many departments and, specifically, police departments across Alameda County, including for the delivery of OPD's Crisis Intervention Training (CIT).¹⁰⁸ However, we did not find any specific partnerships regarding mental health response with Oakland's unhoused community.

BHCS' Mental Health Services Act for Fiscal Year 2018-19 to Fiscal Year 2022-23 notes a *planned* expansion of the aforementioned Mobile Crisis Team.¹⁰⁹ The pilot program will provide services from 7:00 am until midnight seven days per week, as this is when the majority of 5150s are placed in Alameda County. The program will aim to divert law enforcement from unwarranted 5150 holds and instead provide one clinician and one EMT to assess the situation and, when possible, direct individuals to "a sobering/detox center, crisis residential, crisis stabilization unit, or peer respite."¹¹⁰ After 18 months of testing in San Leandro and Hayward, the pilot program would be rolled out to Oakland (pending support from the City). However, the program still plans to have police officers arrive on the scene first to assess safety. The Police Commission can build off of this promising plan by a) advocating for Oakland to support BHCS' pilot expansion and b) investigating the need for police officers as first responders to 911 calls for mental health crisis.

Case Study: Mental Health Experts at the Forefront in Eugene, Oregon

In cases of mental health crisis, police are generally first responders, which raises the risk of a violent encounter between cops and mentally unstable individuals. Oregon's third largest city takes a new approach through their nonprofit program called Cahoots, which stands for Crisis Assistance Helping Out On The Street. This team calms tense situations, offers medical aid, and points people toward shelters. Launched by social activists in 1989, Cahoots handled 17% of the 96,115 calls for service made to Eugene police in 2017. Each Cahoots van has two Cahoots workers – a mental health specialist/crisis worker and an EMT or paramedic.¹¹¹ The vans carry

¹⁰⁸ *Mental Health Services Act FY 2014-15, 2015-16, 2016-17 Plan Update*, Alameda County Behavioral Health Care Services, Alameda County Behavioral Health Care Services, July 2015, accessed May 10, 2019, http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_3_9_15/HEALTH CARE SERVICES/Regular Calendar/MHSA_FY14_15_Plan_Update.pdf.

¹⁰⁹ "Adopt the Alameda County Behavioral Health Care Services Mental Health Services Act AB 114 Plan For Fiscal Years 2017-2018 Through 2019-2020 and the Mental Health Services Act Innovation Plan for Fiscal Years 2018-19 Through 2022-23," Alameda County Health Care Services Agency, July 24, 2018, accessed May 10, 2019, http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_07_24_18/HEALTH CARE SERVICES/Regular Calendar/BHCS_268020.pdf.

¹¹⁰ *Unwarranted* refers to the Alameda County Behavioral Healthcare Services' assessment that "75-78% of those transported for a psychiatric hold did not meet medical necessity criteria."

¹¹¹ Zusha Elinson, "When Mental-Health Experts, Not Police, Are the First Responders," Wall Street Journal, November 24, 2018, accessed May 10, 2019, <https://www.wsj.com/articles/when-mental-health-experts-not-police-are-the-first-responders-1543071600>.

warm clothing, blankets, food and water. Cahoots teams do not carry weapons and cannot arrest or detain individuals.

In 2017, police officers spent 21% of their time responding to or transporting people with mental illness, according to preliminary data from a survey of 355 U.S. law enforcement agencies.¹¹² More police departments across the country train their officers in techniques to deal with the mentally ill. Los Angeles, Houston and Salt Lake City pair officers with mental-health workers to respond to certain calls. Still, the survey findings showed that, in 45% of the agencies polled, the majority of officers have not received crisis-intervention training. The Cahoots program is exclusively focused on mental health response and has become a model for other cities, including New York City, where law enforcement spending is under scrutiny. The Cahoots program helps reduce law enforcement transit costs and ensures that those responding to mentally ill residents are equipped with best practices to ensure safety and conflict mediation for all parties.

Recommendations & Next Steps

Our objective is to provide a high-level set of considerations, background, and policy options for CPA and the Police Commission. Instead of prescribing policy changes, we will use this section to introduce short- and long-term recommendations, which CPA and the Police Commission can use to defend or promote future policy recommendations that they make.

We recognize that at the time of writing this report (May 2019) the Police Commission is below the level of resourcing originally expected when it was formed. We will note where, from our perspective, the Commission could address a recommendation under current levels of resourcing versus when additional resourcing is likely. We also recognize the political constraints under which the Commission operates and will note where we believe additional political buy-in would be necessary to address a recommendation.

Short-Term (3-6 months)

Coordinate with mental health response teams to learn operational realities

Our initial scan of existing mental health response models and research literature revealed benefits gained by other cities. The realities of how to launch and sustain these programs will require more in-depth discussion and partnership. We recommend starting by speaking with Cahoots because of its clear success, sustainability, and proximity to Oakland.

Below are initial details to discuss with Cahoots, or other successful mental health response teams:

- Making the case to City officials (law enforcement, finance, City Council, Mayor, etc.)

¹¹² Michael C. Biasotti, The Impact of Mental Illness on Law Enforcement Resources, Treatment Advocacy Center, Treatment Advocacy Center, December 2011, accessed May 10, 2019, https://www.treatmentadvocacycenter.org/storage/documents/The_Impact_of_Mental_Illness_on_Law_Enforcement_Resources__TAC.pdf.

- Working across government agencies and jurisdictions
- Recruiting qualified crisis responders (required skills, application pools)
- Determining rules of engagement with police officers - for instance, are there cases where Cahoots responders call the police?
- Understanding confidential privilege of mental health respondents, i.e. what are the reporting requirements for non-officer respondents who may witness law violations?

It is worth noting that Eugene and Oakland have some demographic differences. Oakland is 34.5% White and 28% Black, while Eugene is 84% White and 1.9% Black.¹¹³ The cities share similar population sizes, with Oakland at 425,204 residents and Eugene at 374,748 residents. These demographics can be further explored in DataUsa's comparison tool, cited in the footnotes.¹¹⁴ Furthermore, per the 2017 Alameda County Point-in-Time Count, 68% of unhoused individuals in Oakland identified as Black or African American.¹¹⁵ These demographic realities must be considered alongside the operational realities of running a mental health response model similar to Eugene's.

We believe this recommendation can be accomplished with the Commission's current level of resourcing.

Medium-Term (7-11 months)

Determine necessary structural changes to the Commission

As the Commission has only been in place for roughly a year, we recommend consulting with other independent police oversight bodies to understand best practices in the field.

From our interviews and research, topics to discuss with peer-level agencies could include:

- Core competencies – *can build off of the National Association for Civilian Oversight of Law Enforcement (NACOLE) competencies*¹¹⁶
- Best sources of leverage and coordination with City officials
- Best practices in overseeing police misconduct investigations

Long-Term (12+ months)

Conduct in-depth investigation of police policy regarding property seizure

To build off of the anecdotal data and comparison data from our research, we recommend that the Commission leverage its oversight position to gain access to more detailed data from the City Administrator, as well as from OPD and the Public Works departments. We believe such investigation would require legal expertise, particularly of the Commission's future Inspector

¹¹³ "U.S. Census Bureau QuickFacts: Oakland City, California; Eugene City, Oregon," Census Bureau QuickFacts, accessed May 10, 2019, <https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia.eugeneoregon/PST045218>.

¹¹⁴ "Data USA: Oakland, CA and Eugene, OR," Data USA, accessed May 10, 2019, <https://datausa.io/profile/geo/oakland-ca/?compare=eugene-springfield-or-metro-area>.

¹¹⁵ City of Oakland Homeless Census & Survey Jurisdictional Report, 2017, accessed May 10, 2019, <http://everyonehome.org/wp-content/uploads/2017/11/2017HIRDReport-Oakland.2-2-3.pdf>.

¹¹⁶ "Core Competencies for Civilian Oversight Practitioners," National Association for Civilian Oversight of Law Enforcement, accessed May 10, 2019, https://www.nacole.org/core_competencies_for_civilian_oversight_practitioners.

General and/or legal counsel. We recommend partnering with groups like the San Francisco Financial Justice Project and the East Bay Community Law Center (EBCLC) to contextualize OPD's policies in the larger Bay Area conversation on the impact of outsized and unconstitutional asset seizure.

Conclusion

As the homelessness crisis in Oakland continues, the City is allocating increased resources and energy to combating the issue. As the unsheltered, sheltered, and first-time homeless populations grow, more departments are called upon to serve these groups. When housing is inaccessible and individuals are managing life outdoors, mental health and others health crises are more likely to unfold in public, which can then increase one's likelihood of encountering police. On the surface, neither of these are policing issues, but due to failures across the continuum of care, police departments find themselves at the frontlines of social issues. However, because homeless people are 25% more likely to suffer from mental illness, this poses a significant concern about who to contact to serve the mentally ill.

Current police practices are not effective in protecting homeless residents, and often put them at even greater risk of police-initiated violence. As demonstrated by the fatal shooting of Joshua Pawlik, Oakland's unhoused residents are in excessive and violent contact with police, and the City can expect more violence against homeless residents as the population grows.

The Police Commission occupies the unique space as a voice for community advocacy and police oversight. Through the recent success of new parolee search restrictions implemented by the Commission, it is clear that this group is capable of reforming police practice through policy recommendations. We hope that the Commission is incentivized by this recent success to continue to demand policy reform in other areas, including the policing of homeless residents.

In our report, we outlined how both the Cahoots mental health response model and Charleston's handling of encampment evictions should be considered as illustrative solutions to address the interconnected issues of homelessness and mental illness. In order to maintain safety for *all* residents and be better stewards of financial resources, police departments have an opportunity to learn from the creativity in places like Eugene, Oregon and Charleston, South Carolina.

Oakland is a city with an unfortunate history of police misconduct. We hope that the lessons learned from the past and the recent fatal shooting of Joshua Pawlik will motivate the Commission and Department to work together to create policies that protect all Oakland residents, including the mentally ill and unhoused.

Appendix

Analytical Limitations

This report is the culmination of qualitative and ethnographic research, informed by practitioners, academics, and homeless residents of Oakland. We believe that this analysis will provide the Police Commission with evidence of the over-policing of homeless residents, and with policy reforms that can help OPD protect the public safety of all Oakland residents. That being said, we recognize that our analysis was informed by certain assumptions and limitations, detailed below.

Our policy recommendations only address police practices, not all City agencies that interact with Oakland's unhoused residents. The City Administrator serves as the coordinating body of the City's homeless response, including eviction clearance and closure. Additionally, the Department of Public Works is in charge of trash pick-up and debris removal services. Any recommendations made for OPD will not necessarily impact the decisions or processes of those two departments, who are the main two agents orchestrating evictions. Furthermore, these agencies often request police presence when interacting with the unhoused community, ensuring continued contact between OPD and homeless residents.

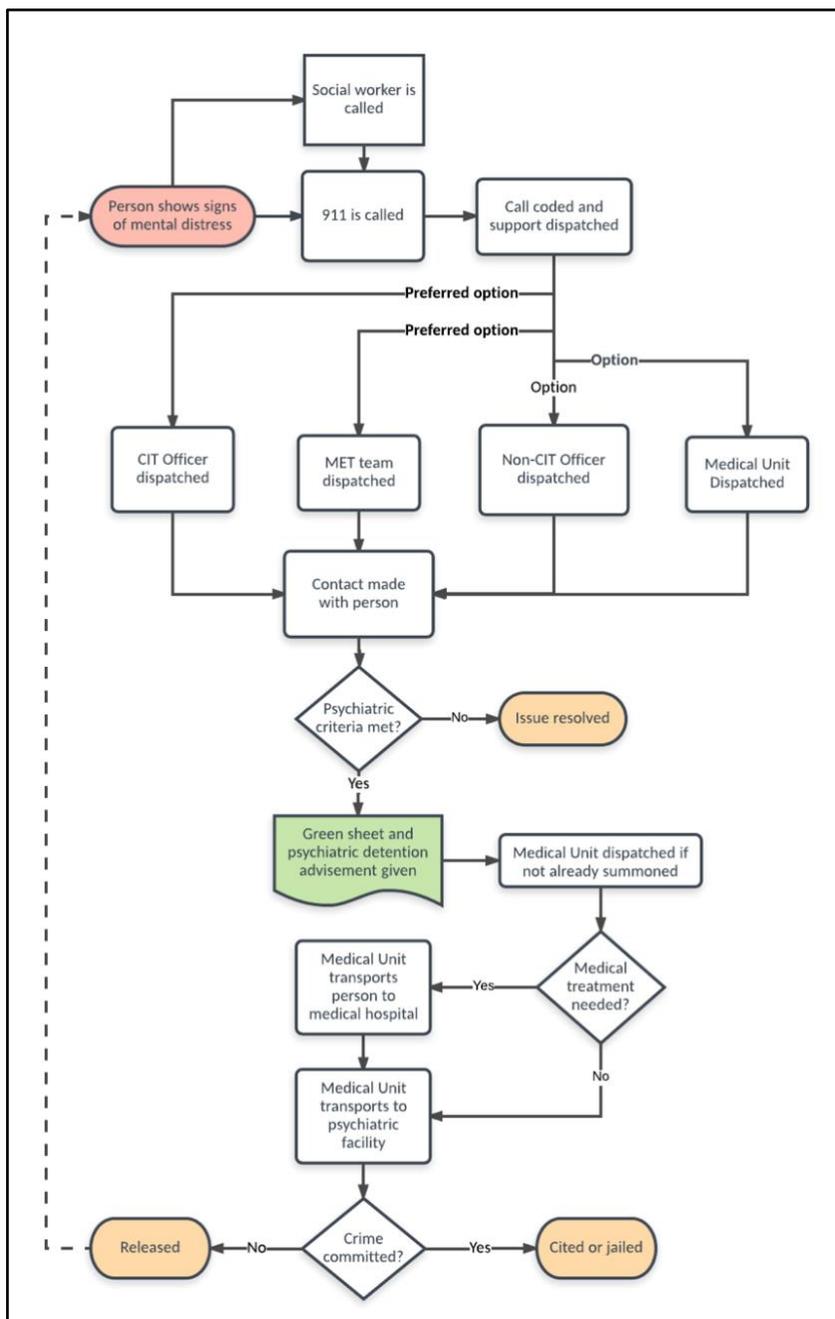
Secondly, the City of Oakland has not dedicated enough money to combat the issues of homelessness and housing affordability as a whole. Much of the funding for serving unhoused residents relies on shifting existing funding streams, and changing budget allocations within the General Fund. Our recommendations require significant financial investment, which may yield resistance from other City agencies. However, we assume that investing in preventative measures, such as training and re-routing mental health crises calls, can save the City money in the long run, from reduced overtime paid to police officers and a smaller number of unhoused residents interacting with the criminal justice system.

Lastly, due to the time constraints for this project, our findings were informed by who we spoke to and what we read. We understand that our findings may have been different had we spoken to more unhoused residents, law enforcement officers, practitioners and academics. In this analysis, we utilized the qualitative data from interviews to extrapolate sentiments and experiences of the unhoused community. Therefore, we believe the information generated in this report is both thorough and beneficial. However, we cannot claim that these interviews were representative of the community as a whole.

Law Enforcement Mental Health Crisis Process

The following chart outlines the complicated process that ensues when 911 is called for a mental health crisis in Oakland.

Figure 6: Oakland’s Mental Health Crisis Response Process



Source: Oakland Police Department. Office of the Inspector General Quarterly Progress Report. July-September 2017.

Survey Questions

The following questions comprised the script used for interviews conducted during the public hearings on homelessness and the police on February 16, 2019:

PART 1: Intake

1. Introduction - Thank you for volunteering to share your story. Today we want to learn about what your experience is like being homeless and contact you have had with the police during that time. This conversation is completely confidential. None of your identifying information will be used. You will be reimbursed with \$20 if you qualify for and complete the interview. Are you comfortable with me taking notes? Our conversation will not be recorded.
2. In the last 12 months, have you experienced homelessness? This could mean sleeping outdoors; in a shelter; in a car or other vehicle; in a garage, backyard, porch shed, or driveway; or in bus/train/BART station; a public or abandoned building or anyplace not meant for human shelter. **(If not homeless in the last 12 months, end interview here)**
3. What city or cities did you live in when you were homeless? **(If none were in Oakland, end interview here; otherwise list all localities)**
4. What is your gender identity?
 - a. Female
 - b. Male
 - c. Non-binary/ third gender
 - d. Transgender
 - e. Prefer to self-describe _____
 - f. Prefer not to say
5. What is your age?
6. Are you Latino or Hispanic?
7. What is your race? Tell me all that apply.
 - a. White
 - b. Black or African Descent
 - c. American Indian or Alaska Native
 - d. Asian
 - e. Pacific Islander
 - f. Some other race: please specify
8. What languages do you speak with family or close friends?

PART 2: Questions - *for those who go through intake and identify as having been homeless and having lived in Oakland in past 12 months:*

9. In the past 12 months, about how long were you homeless (i.e. living on the street, in a car, in a shelter, or other place not meant for human shelter)?
 - a. Less than one week
 - b. What 1-2 weeks
 - c. 3-4 weeks
 - d. Over 4 weeks - two months
 - e. 3 months or longer

10. If you had to guess, how many times in the last 12 months did you interact with the Oakland police while you were homeless?
11. What types of police contact did you experience most frequently while homeless in Oakland?
Interviewer to note whether it was: Called to where you live, Disturbance or dispute, Suspect of a crime, A traffic stop, Loitering
12. When was your most recent interaction with the Oakland police while you were homeless?
 - a. *Interviewer to note whether it was: 12 months ago or less, 13 - 24 months ago, over 2 years ago but less than 3 years ago, or more than 3 years ago*
13. What was your most memorable interaction with the Oakland police while you were homeless within the last 5 years?
 - a. What year did it take place?
 - b. Why was it memorable?
14. How did it start? Who initiated the police contact? *Interviewer to note whether it was initiated by: self, police, family member, someone else*
15. What was the nature of the contact? *Interviewer to note whether it was: Called to where you live, Disturbance or dispute, Suspect of a crime, A traffic stop, Loitering*
 - a. What happened during the interaction? *(examples if need prompting: physical/psychological harm, given ticket, detained, arrested and booked into jail, etc.)*
 - b. What was the result of this interaction? *(examples if need prompting: family break-up, loss of work, medical/mental health costs, loss of possessions [get more detail], disqualification for certain programs, criminal record, etc.)*
16. If you could make one change, what do you think could help relationships between the police and unhoused persons in Oakland?
17. Is there anything else you'd like to share about your experiences with Oakland police?

If time permits:

- What types of police contact did you experience at times you were not homeless?

That wraps up my questions. Thank you so much for your time today.

If interviewee noted an interest in filing a complaint, direct them to CRPA representative.

Survey Respondent Demographics

Table 1: Demographics of Interview Sample

Age	Count	% of Total
25-29	2	6%
30-34	1	3%
35-39	5	15%
40-44	2	6%
45-49	5	15%
50-54	5	15%
55-59	7	21%
60-64	6	18%
65-69	1	3%
Gender	Count	% of Total
Male	26	74%
Female	9	26%
Race/Ethnicity	Count	% of Total
Black or African American	20	57%
Multiracial	7	20%
White	3	9%
Asian	2	6%
Latino	1	3%
Native American	1	3%
Other	1	3%
Length of Homelessness	Count	% of Total
0-3 months	4	12%
3-6 months	1	3%
6-9 months	1	3%
9-12 months	28	82%

Encampment Principles and Practices

The following table outlines best practices for interacting with homeless encampments and individuals. This section should not be read to imply that evictions are a best practice, but instead that they can be improved upon with the implementation of best practices. These guidelines were taken directly from the National Law Center on Homelessness and Poverty.

Table 3: Encampment Principles and Practices

Principle	Description
All people need safe, accessible, legal place to be, both at night and during the day, and a place to securely store belongings— until permanent housing is found.	<ol style="list-style-type: none"> 1. Determine the community’s full need for housing and services, and then create a binding plan to ensure full access to supportive services and housing. affordable for all community members so encampments are not a permanent feature of the community. 2. Repeal or stop enforcing counterproductive municipal ordinances and state laws that criminalize sleeping, camping, and storage of belongings. 3. Provide safe, accessible, and legal places to sleep and shelter, both day and night. Provide clear guidance on how to access these locations. 4. Create storage facilities for persons experiencing homelessness, ensuring they are accessible—close to other services and transportation, do not require ID, and open beyond business hours.
Delivery of services must respect the experience, human dignity, and human rights of those receiving them.	<ol style="list-style-type: none"> 1. Be guided by frequent and meaningful consultation with the people living in encampments. Homeless people are the experts of their own condition. 2. Respect autonomy and self-governance for encampment residents. 3. Offer services in a way that is sensitive and appropriate with regard to race, ethnicity, culture, disability, gender identity, sexual orientation, and other characteristics. Use a trauma-informed approach.
Any move or removal of an encampment must follow clear procedures that protect residents.	<p>Create clear procedures for ending homelessness for people living in pre-existing encampments, including:</p> <ol style="list-style-type: none"> 1. Make a commitment that encampments will not be removed unless all residents are first consulted and provided access to adequate alternative housing or—in emergency situations—another adequate place to stay. 2. If there are pilot periods or required rotations of sanctioned encampments, ensure that residents have a clear legal place to go and assistance with the transition. Pilot periods or requiring rotation of legal encampments/parking areas on a periodic basis (e.g., annually or semi-annually) can help reduce local “not-in-my-back-yard” opposition, but shorter time periods hinder success. 3. Provide sufficient notice to residents and healthcare/social service workers to be able to determine housing needs and meet them (recommended minimum 30 days, but longer if needed). 4. Assist with moving and storage to enable residents to retain their possessions as they transfer either to housing, shelter, or alternative encampments.

Principle	Description
Where new temporary legalized encampments are used as part of a continuum of shelter and housing, ensure they are as close to possible to fully adequate housing.	<ol style="list-style-type: none"> 1. Establish clear end dates by which point adequate low-barrier housing or appropriate shelter will be available for all living in the legal encampments. 2. Protect public health by providing access to water, personal hygiene (including bathrooms with hand washing capability), sanitation, and cooking services or access to SNAP’s hot meals benefits. 3. Provide easy access to convenient 24-hour transportation, particularly if services are not co-located. 4. Statutes and ordinances facilitating partnerships with local businesses, religious organizations, or non-profits to sponsor, support or host encampments or safe overnight parking lots for persons living in their vehicles can help engage new resources and improve the success of encampments. 5. Do not require other unsheltered people experiencing homelessness to reside in the encampments if the facilities do not meet their needs.
Adequate alternative housing must be a decent alternative.	<ol style="list-style-type: none"> 1. Ensure that emergency shelters are low-barrier, temporary respites for a few nights while homeless individuals are matched with appropriate permanent housing; they are not long-term alternatives to affordable housing and not appropriate in the short term for everyone. Low-barrier shelter includes the “3 P’s”—pets, possessions, and partners, as well as accessible to persons with disabilities or substance abuse problems. 2. Adequate housing must be: <ol style="list-style-type: none"> a. Safe, stable, and secure: a safe and private place to sleep and store belongings without fear of harassment or unplanned eviction b. Habitable: with services (electricity, hygiene, sanitation), protection from the elements and environmental hazards, and not overcrowded c. Affordable: housing costs should not force people to choose between paying rent and paying for other basic needs (food, health, etc.) d. Accessible: physically (appropriate for residents’ physical and mental disabilities, close to/transport to services and other opportunities) and practically (no discriminatory barriers, no compelling participation in or subjection to religion).
Law enforcement should serve and protect all members of the community.	<ol style="list-style-type: none"> 1. Law and policies criminalizing homelessness, including those criminalizing public sleeping, camping, sheltering, storing belongings, sitting, lying, vehicle dwelling, and panhandling should be repealed or stop being enforced. 2. Law enforcement should serve and protect encampment residents at their request. <ol style="list-style-type: none"> e. Law enforcement officers—including dispatchers, police, sheriffs, park rangers, and private business improvement district security—should receive crisis intervention training and ideally be paired with fully-trained multi-disciplinary social service teams when interacting with homeless populations.

Taken from: National Law Center on Homelessness and Poverty. *Tent City, USA: The Growth of America’s Homeless Encampments and How Communities are Responding*. July-September 2017.

Charleston's 10-Point Plan for Evictions

The following steps comprise Charleston's aforementioned 10-point plan for evictions. These steps were taken directly from the City's press release on the eviction:

1. Beginning Friday, February 5th, the property's principal owner, the South Carolina Department of Transportation will begin to clean up the site, removing trash and debris that has accumulated near the main encampment.
2. On Monday and Tuesday, February 8th-9th, the area around Lee and Meeting streets, including the large white tent, will be cleared. Those currently living in that location will be offered immediate shelter by One80 Place.
3. In the same timeframe, the areas on the East side of Meeting St. will also be cleared, with shelter again offered by One80 Place.
4. The City will partner with SCDOT to establish clear legal jurisdiction over the area through a new lease agreement, which will be presented to Charleston City Council.
5. Collaborate directly with churches and other charitable organizations to coordinate any further distribution of donated items and to keep the encampment clean.
6. Support the work of the Lowcountry Homeless Coalition and other non-profit and faith-based organizations to provide information and housing assistance services to homeless individuals, including the development of individualized housing plans.
7. Continue current efforts with county officials and nonprofit partners to identify additional shelter space to house those who have been living in the encampment until more permanent housing options are available.
8. Work with area residents, local elected officials and neighborhood association leaders to ensure that the needs of neighborhood residents are protected throughout the process.
9. Establish a city-affiliated website, which will allow private citizens to get involved by making donations and volunteering their time. The associated fund will be opened with \$50,000 - \$35,000 from the City of Charleston and \$15,000 from the 2016 Charleston Inaugural Committee.
10. Appointment of a citizens' "blue ribbon" commission to begin bringing people together around long-term solutions to the problem of homelessness in our community, so that this situation does not repeat itself in the future.

Taken from: National Law Center on Homelessness and Poverty. *Tent City, USA: The Growth of America's Homeless Encampments and How Communities are Responding*. July-September 2017.

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

Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
ED	17-1009	9/13/17	11/15/19	Subject Officer 1	1. Use of Force (Taser)	Sustained
					2. Use of Force	Unfounded
				Training Recommendation(s)	CPRA recommends retraining on requirement that a member spark test their taser prior to each shift. CPRA recommends retraining on the requirement that a member not deactivate their PDRD until their involvement in a contact that required its activation is concluded.	

The Following Cases were Closed via Summary Finding at Intake

MB	19-0842	8/8/19	11/14/19	No OPD Officer	1. Performance of Duty – General	No Jurisdiction
RM	19-0675	7/7/19	11/14/19	Subject Officer 1	1. Use of Force	Unfounded
RM	19-0683	7/7/19	11/15/19	Subject Officer 1	1. Use of Force	Unfounded
RM	19-0718	7/12/19	11/15/19	General	1. Service Complaint	Service Complaint
RM	19-0654	7/1/19	11/15/19	Unable to ID	1. Harassment	Unable to Identify Officer
MB	19-0927	8/31/19	11/15/19	No OPD Officer	1. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest	No Jurisdiction
					2. Use of Force	No Jurisdiction
CD	19-0489	5/12/19	11/15/19	Subject Officer 1	1. Conduct Toward Others – Harassment and Discrimination	Unfounded

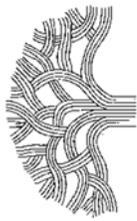


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY

*Recently Completed Investigations
 (Allegations in bold were discovered by CPRA investigators)*

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Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
CD	19-0399	1/11/19	11/15/19	Subject Officer 1	2. Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Exonerated
MB	19-0710	7/15/19	11/21/19	Subject Officer 1	1. Conduct Toward Others - Demeanor	Unfounded
CD	19-0569	3/9/19	11/21/19	Subject Officer 1	1. Use of Force	Unfounded
RM	19-0825	8/10/19	11/21/19	Subject Officer 1	1. Performance of Duty – Care of Property	Informal Complaint Resolution
CD	19-0582	6/12/19	11/22/19	General	1. Conduct Toward Others – Harassment and Discrimination	Unfounded
					1. Service Complaint	Service Complaint
					2. No MOR Violation	No MOR
					3. No MOR Violation	No MOR
				Subject Officer 1	1. Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	Exonerated
					2. Performance of Duty - General	Unfounded
					3. Use of Force	Unfounded
					4. Use of Force	Unfounded
				Subject Officer 2	1. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest	Unfounded

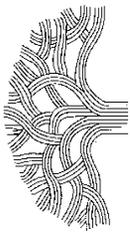


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY

Recently Completed Investigations
(Allegations in bold were discovered by CPRA investigators)

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Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
				Subject Officer 3	1. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest	Exonerated
					2. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest	Unfounded
					3. Use of Force	Unfounded
CD	19-0539	5/27/19	11/22/19	No OPD Officer	1. Use of Force	No Jurisdiction
				No OPD Officer	1. Use of Force	No Jurisdiction
CD	19-0461	5/5/19	11/7/19	Subject Officer 1	1. Performance of Duty – General	Exonerated
CD	19-0534	5/28/19	11/22/19	General	1. No MOR Violation	No MOR
					2. No MOR Violation	No MOR
				Subject Officer 1	1. Conduct Toward Others – Demeanor	Unfounded
					2. Use of Force	Unfounded
				Subject Officer 2	1. Conduct Toward Others - Demeanor	Unfounded
					2. Performance of duty – Unintentional/Improper Search, Seizure or Arrest	Unfounded
					3. Use of Force	Unfounded

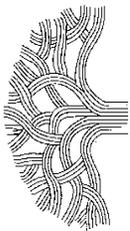


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases (Sorted by 3304)

11/25/2019
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 (Total Pending = 89)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
18-1331	12/10/18	12/17/18	12/10/18	Investigator	ED	06/15/19	12/09/19	Other	2	1	1	Demeanor.
18-1352	12/09/18	12/27/18	12/14/18	Investigator	AL	06/25/19	12/13/19	Use of Force	1	2	18	Excessive force; racial discrimination; improper search, seizure, or arrest; care of property; performance of duty
18-1349	04/02/18	09/25/19	12/14/18	Investigator	KT	06/12/19	12/13/19	Use of Force	1	3	6	Excessive force; performance of duty.
18-1364	12/06/18	12/19/18	12/19/18	Investigator	AL	06/17/19	12/18/19	Other	2	4	7	Wrongful detention; performance of duty; service complaint; failure to take a complaint.
18-1367	04/14/18	09/25/19	12/19/18	Investigator	CS	06/17/19	12/18/19	Use of Force	1	1	2	Excessive force; performance of duty.
18-1365	04/02/18	09/25/19	12/19/18	Investigator	KT	06/17/19	12/18/19	Use of Force	1	1	3	Excessive force; performance of duty.
18-1368	04/07/18	09/25/19	12/19/18	Investigator	MM	06/17/19	12/18/19	Use of Force	1	1	3	Excessive force; performance of duty; failure to activate PDRD
19-0027	06/21/18	09/25/19	01/07/19	Investigator	KT	07/06/19	01/06/20	Use of Force	1	2	4	Excessive force; performance of duty.
18-0524	05/21/18	05/29/18	05/19/18	Investigator	ED	07/07/19	01/07/20	Other	1	1	1	Unlawful activity.
19-0051	01/10/19	01/22/19	01/11/19	Investigator	ED	07/21/19	01/10/20	Use of Force	1	2	2	Excessive force.
19-0077	05/16/19	09/25/19	01/16/19	Investigator	KT	07/15/19	01/15/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0083	01/17/19	01/22/19	01/17/19	Investigator	JS	07/21/19	01/16/20	Use of Force	1	1	2	Excessive force; harassment, discrimination.
19-0114	01/28/19	02/05/19	01/26/19	Investigator	AL	08/04/19	01/25/20	Use of Force	1	2	4	Excessive force; demeanor; failure to provide name or serial number.
19-0123	01/29/19	02/06/19	01/28/19	Investigator	AL	08/05/19	01/27/20	Use of Force	1	5	13	Excessive force; performance of duty.
19-0134	01/29/19	02/08/19	01/29/19	Investigator	AN	08/07/19	01/28/20	Use of Force	1	4	4	Excessive force.
19-0142	01/30/19	02/08/19	01/30/19	Investigator	MM	08/07/19	01/29/20	Use of Force	1	1	1	Excessive force.
19-0206	02/16/19	02/26/19	02/16/19	Investigator	AL	08/25/19	02/15/20	Use of Force	1	2	4	Excessive force; performance of duty (improper search, seizure or arrest).
19-0212	02/19/19	02/01/19	02/19/19	Investigator	JS	07/31/19	02/18/20	Use of Force	1	1	1	Excessive force; refusal to provide name or serial number.
19-0220	02/20/19	03/01/19	02/20/19	Investigator	AN	08/28/19	02/19/20	Use of Force	1	1	2	Excessive force; conduct towards others (demeanor).
19-0220	02/20/19	02/20/19	02/20/19	Intake	CD	08/28/19	02/19/20			1		Excessive Force
19-0235	02/24/19	03/01/19	02/24/19	Investigator	CS	08/28/19	02/23/20	Use of Force	1	7	13	Excessive force; performance of duty (improper search, seizure or arrest); care of property.
19-0257	01/04/19	03/01/19	02/27/19	Investigator	ED	08/28/19	02/26/20	Use of Force	1	4	20	Excessive force; conduct towards others (demeanor).
19-0261	06/02/18	09/20/19	02/27/19	Investigator	KT	08/26/19	02/26/20	Use of Force	1	1	2	Excessive force; performance of duty.

* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other.

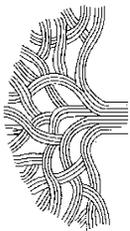


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases (Sorted by 3304)

11/25/2019
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 (Total Pending = 89)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
18-0214	02/24/18	02/27/18	02/24/18	Investigator	JS	N/A	02/28/20	Use of Force	1	2	4	Improper pointing of firearm; false arrest.
19-0263	03/03/19	03/15/19	03/03/19	Investigator	AL	09/11/19	03/01/20	Use of Force	1			Excessive force.
19-0276	04/08/18	09/20/19	03/05/19	Investigator	KT	09/01/19	03/03/20	Use of Force	1	2	3	Excessive force; performance of duty.
18-1241	10/31/18	11/14/18	11/11/18	Investigator	ED	05/10/19	03/14/20	Other	1	1	2	Improper dissemination of computer information; unauthorized use of electronic systems.
19-0207	02/18/19	03/01/19	02/18/19	Investigator	CS	08/28/19	03/17/20	Use of Force	1	3	13	Excessive force; performance of duty (improper search, seizure or arrest); conduct towards others (demeanor).
19-0336	02/27/19	04/11/19	03/27/19	Investigator	MM	10/08/19	03/25/20	Use of Force	1	3	8	Excessive force; performance of duty; failure to accept complaint
19-0416	04/17/19	04/19/19	04/17/19	Investigator	AN	10/16/19	04/15/20	Use of Force	1	7	8	Excessive force (K-9 bite); Authority and responsibilities (Commanding officers); Authority and responsibilities (Supervisors).
19-0422	04/20/19	05/07/19	04/20/19	Investigator	JS	11/03/19	04/18/20	Use of Force	1	5	10	Excessive force.
19-0497	05/14/19	05/15/19	05/14/19	Investigator	ED	11/11/19	05/12/20	Other	1	1	1	Conduct towards others (Harassment and discrimination / Race).
19-0515	05/20/19	05/20/19	05/20/19	Intake	CD	11/16/2019	05/18/20			1		Use of Force
19-0545	06/01/19	06/01/19	06/01/19	Intake	CD	12/4/2019	05/30/20			1		Harassment, Discrimination
19-0558	05/30/19	06/07/19	06/07/19	Investigator	JS	12/04/19	06/01/20	Other	2	3	2	Performance of duty (improper search, seizure, or arrest; refusal to adjust handcuffs when asked); service complaint.
19-0571	06/09/19	06/09/19	06/09/19	Intake	CD	12/10/2019	06/07/20			N/A		Improper Search/Seizure/Arrest
19-0585	06/11/19	06/12/19	06/12/19	Intake	CD	12/17/2019	06/10/20			3		Demeanor, Harassment, Excessive Force, Discrimination
19-0590	06/13/19	06/13/19	06/13/19	Intake	CD	12/17/2019	06/11/20			1		Discrimination, Failure to Take a Report, Failure to Act
19-0593	06/17/19	06/20/19	06/20/19	Intake	CD	12/17/2019	06/13/20			2		Excessive Force
19-0597	06/12/19	06/15/19	06/15/19	Intake	RM	12/17/2019	06/13/20			1		Improper Search, Excessive Force
19-0601	06/17/19	06/20/19	06/17/19	Investigator	JS	12/17/19	06/15/20	Use of Force	1			Excessive force.
19-0628	06/20/19	06/21/19	06/20/19	Investigator	JS	12/18/19	06/19/20	Other	2	1	1	Performance of duty
19-0651	07/01/19	07/01/19	07/01/19	Intake	CD	1/4/2020	06/29/20			1		Improper Stop, Failure to Provide Serial Number
19-0598	06/16/19	07/02/19	07/02/19	Intake	CD	12/29/2019	06/30/20			1		Discrimination
19-0654	07/01/19	07/01/19	07/01/19	Intake	RM	12/28/2019	06/30/20			1		Discrimination
19-0683	07/07/19	07/07/19	07/07/19	Intake	RM	1/8/2020	07/05/20			N/A		Excessive Force

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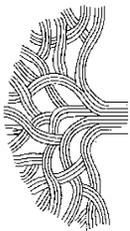


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases (Sorted by 3304)

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 (Total Pending = 89)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-0675	07/07/19		07/08/19	Intake	RM	1/8/2020	07/06/20			1	1	Excessive Force
19-0688	07/10/19		07/10/19	Intake	CD	1/6/2020	07/08/20			1	1	Harassment, Improper Search/Seizure/Arrest
19-0693	06/24/19		07/11/19	Intake	RM	5/4/2020	07/09/20			4	4	Use of Force, Unlawful arrest
19-0718	07/12/19		07/12/19	Intake	RM	1/8/2020	07/11/20			N/A	N/A	Harassment, 1st Amndmnt Assembly
19-0619	06/24/19		07/18/19	Intake	CD	1/14/2020	07/17/20			N/A	N/A	Improper Search, Excessive Force, Sexual Misconduct
19-0753	07/26/19	08/06/19	7/26/2019	Investigator	AL	02/02/20	07/24/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0827	N/A		08/10/19	Intake	CD	2/10/2020	08/08/20			N/A	N/A	Improper Arrest, Excessive Force, Discrimination, Service Complaint
19-0825	08/10/19		08/10/19	Intake	RM	2/10/2020	08/08/20			1	1	Discrimination
19-0839	08/08/19		08/12/19	Intake	RM	2/12/2020	08/10/20			1	1	Failure to Act, Discrimination
19-0849	08/14/19		08/14/19	Intake	RM	2/12/2020	08/12/20			2	2	Improper pointing of Firearm, Handcuffs too tight
19-0869	08/18/19	08/21/19	8/21/2019	Investigator	MM	02/17/20	08/16/20	Use of Force	1	2	2	Use of Force
19-0875	08/19/19		08/19/19	Intake	CD	2/17/2020	08/17/20			1	1	Profiling
19-0877	08/19/19		08/19/19	Intake	RM	2/17/2020	08/17/20			3	3	Harassment and Discrimination/Race, Unlawful arrest, Use of Force,
19-0878	06/27/19		08/20/19	Intake	RM	2/17/2020	08/18/20			N/A	N/A	False Arrest, Use of Force, Miranda Violation
19-0885	08/21/19		08/23/19	Intake	MB	02/19/20	08/22/20			1	1	Performance of Duty
19-0897	08/24/19		08/25/19	Intake	MB	02/23/20	08/23/20			1	1	Care of Property
19-0906	08/26/19		08/26/19	Intake	CD	2/24/2020	08/24/20			1	1	Excessive Force
19-0911	08/27/19		08/27/19	Intake	RM	2/25/2020	08/25/20			2	2	Excessive Force
19-0918	07/20/19		08/29/19	Intake	CD	3/1/2020	08/27/20			1	1	Unlawful Detention, Demeanor
19-0922	08/29/19		08/29/19	Intake	CD	3/1/2020	08/27/20			1	1	Excessive Force
19-0919	08/10/19		08/29/19	Intake	RM	3/1/2020	08/27/20			1	1	Excessive Force, Improper Arrest
19-0927	08/31/19		08/31/19	Intake	MB	03/03/20	08/29/20			1	1	Unlawful Arrest, Excessive Force
19-0993	09/14/19		09/14/19	Intake	RM	3/12/2020	09/13/20			2	2	Failure to Investigate

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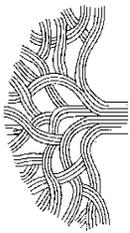


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Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-0987	09/14/19		09/17/19	Intake	MB	3/15/2020	09/14/20			1		UOF
19-1005	N/A		09/17/19	Intake	MB	03/15/20	09/16/20			1		Improper Investigation
19-1012	09/20/19		09/20/19	Intake	MB	03/22/20	09/18/20			2+		Excessive Force
19-1030	09/24/19		09/24/19	Intake	MB	03/22/20	09/22/20			1		Performance of Duty
19-1044	09/25/19		09/25/19	Intake	MB	03/29/20	09/23/20			1		Discrimination, Demeanor
19-1039	09/24/19		09/25/19	Intake	RM	3/25/2020	09/23/20			N/A		Improper Search, Care of Property
19-1093	10/05/19		10/05/19	Intake	RM	4/6/2020	10/03/20			2+		Use of Force, Improper Arrest
19-1114	10/09/19		10/10/19	Intake	MB	04/08/20	10/08/20			1		Harrassment
19-1123	10/10/19		10/11/19	Intake	RM	4/12/2020	10/09/20			2		Use of Force
19-1143	10/14/19		10/16/19	Intake	MB	4/13/2020	10/12/20			1		UOF
19-1150	10/15/19		10/15/19	Intake	RM	4/12/2020	10/13/20			2		Demeanor, Improper Arrest, Use of Force
19-1169	10/17/19	10/22/19	10/17/19	Investigator	ED	4/19/2020	10/15/20	Use of Force	1	4	10	Excessive force.
19-1159	10/17/19		10/17/19	Intake	RM	4/19/2020	10/15/20			3		Performance of Duty, Use of Force
19-1161	10/17/19		10/22/19	Intake	MB	4/19/2020	10/16/20			1		UOF
19-1190	10/25/19		10/29/19	Intake	MB	4/26/2020	10/23/20			2		UOF, POD
19-1218	11/02/19		11/05/19	Intake	MB	5/3/2020	10/31/20			1		UOF, POD
19-1228	11/03/19		11/03/19	Intake	MB	5/1/2020	11/01/20			1		Demeanor
19-1224	11/04/19		11/06/19	Intake	MB	5/4/2020	11/02/20			1		UOF
18-0335	04/04/18	04/12/18	04/04/18	Investigator	JS	N/A	Tolled	Use of Force	1	1	1	Use of Taser, PDRD violation.

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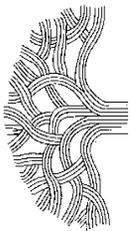


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Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
18-1352	12/09/18	12/27/18	12/14/18	Investigator	AL	06/25/19	12/13/19	Use of Force	1	2	18	Excessive force; racial discrimination; improper search, seizure, or arrest; care of property; performance of duty
18-1364	12/06/18	12/19/18	12/19/18	Investigator	AL	06/17/19	12/18/19	Other	2	4	7	Wrongful detention; performance of duty; service complaint; failure to take a complaint.
19-0114	01/28/19	02/05/19	01/26/19	Investigator	AL	08/04/19	01/25/20	Use of Force	1	2	4	Excessive force; demeanor; failure to provide name or serial number.
19-0123	01/29/19	02/06/19	01/28/19	Investigator	AL	08/05/19	01/27/20	Use of Force	1	5	13	Excessive force; performance of duty.
19-0206	02/16/19	02/26/19	02/16/19	Investigator	AL	08/25/19	02/15/20	Use of Force	1	2	4	Excessive force; performance of duty (improper search, seizure or arrest).
19-0263	03/03/19	03/15/19	03/03/19	Investigator	AL	09/11/19	03/01/20	Use of Force	1			Excessive force.
19-0753	07/26/19	08/06/19	7/26/2019	Investigator	AL	02/02/20	07/24/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0134	01/29/19	02/08/19	01/29/19	Investigator	AN	08/07/19	01/28/20	Use of Force	1	4	4	Excessive force.
19-0220	02/20/19	03/01/19	02/20/19	Investigator	AN	08/28/19	02/19/20	Use of Force	1	1	2	Excessive force; conduct towards others (demeanor).
19-0416	04/17/19	04/19/19	04/17/19	Investigator	AN	10/16/19	04/15/20	Use of Force	1	7	8	Excessive force (K-9 bite); Authority and responsibilities (Commanding officers); Authority and responsibilities (Supervisors).
18-1367	04/14/18	09/25/19	12/19/18	Investigator	CS	06/17/19	12/18/19	Use of Force	1	1	2	Excessive force; performance of duty.
19-0207	02/18/19	03/01/19	02/18/19	Investigator	CS	08/28/19	03/17/20	Use of Force	1	3	13	Excessive force; performance of duty (improper search, seizure or arrest); conduct towards others (demeanor).
19-0235	02/24/19	03/01/19	02/24/19	Investigator	CS	08/28/19	02/23/20	Use of Force	1	7	13	Excessive force; performance of duty (improper search, seizure or arrest); care of property.
18-0524	05/21/18	05/29/18	05/19/18	Investigator	ED	07/07/19	01/07/20	Other	1	1	1	Unlawful activity.
18-1241	10/31/18	11/14/18	11/11/18	Investigator	ED	05/10/19	03/14/20	Other	1	1	2	Improper dissemination of computer information; unauthorized use of electronic systems.
18-1331	12/10/18	12/17/18	12/10/18	Investigator	ED	06/15/19	12/09/19	Other	2	1	1	Demeanor.
19-0051	01/10/19	01/22/19	01/11/19	Investigator	ED	07/21/19	01/10/20	Use of Force	1	2	2	Excessive force.
19-0257	01/04/19	03/01/19	02/27/19	Investigator	ED	08/28/19	02/26/20	Use of Force	1	4	20	Excessive force; conduct towards others (demeanor).
19-0497	05/14/19	05/15/19	05/14/19	Investigator	ED	11/11/19	05/12/20	Other	1	1	1	Conduct towards others (Harassment and discrimination / Race).
19-1169	10/17/19	10/22/19	10/17/19	Investigator	ED	4/19/2020	10/15/20	Use of Force	1	4	10	Excessive force.
18-0214	02/24/18	02/27/18	02/24/18	Investigator	JS	N/A	02/28/20	Use of Force	1	2	4	Improper pointing of firearm; false arrest.
18-0335	04/04/18	04/12/18	04/04/18	Investigator	JS	N/A	Tolled	Use of Force	1	1	1	Use of Taser; PDRD violation.
19-0083	01/17/19	01/22/19	01/17/19	Investigator	JS	07/21/19	01/16/20	Use of Force	1	1	2	Excessive force; harassment; discrimination.

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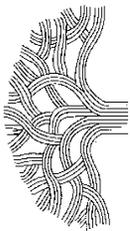


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Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-0212	02/19/19	02/01/19	02/19/19	Investigator	JS	07/31/19	02/18/20	Use of Force	1	1	1	Excessive force; refusal to provide name or serial number.
19-0422	04/20/19	05/07/19	04/20/19	Investigator	JS	11/03/19	04/18/20	Use of Force	1	5	10	Excessive force.
19-0558	05/30/19	06/07/19	06/07/19	Investigator	JS	12/04/19	06/01/20	Other	2	3	2	Performance of duty (improper search, seizure, or arrest; refusal to adjust handcuffs when asked); service complaint.
19-0601	06/17/19	06/20/19	06/17/19	Investigator	JS	12/17/19	06/15/20	Use of Force	1			Excessive force.
19-0628	06/20/19	06/21/19	06/20/19	Investigator	JS	12/18/19	06/19/20	Other	2	1	1	Performance of duty
18-1349	04/02/18	09/25/19	12/14/18	Investigator	KT	06/12/19	12/13/19	Use of Force	1	3	6	Excessive force; performance of duty.
18-1365	04/02/18	09/25/19	12/19/18	Investigator	KT	06/17/19	12/18/19	Use of Force	1	1	3	Excessive force; performance of duty.
19-0027	06/21/18	09/25/19	01/07/19	Investigator	KT	07/08/19	01/06/20	Use of Force	1	2	4	Excessive force; performance of duty.
19-0077	05/16/19	09/25/19	01/16/19	Investigator	KT	07/15/19	01/15/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0261	06/02/18	09/20/19	02/27/19	Investigator	KT	08/26/19	02/26/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0276	04/08/18	09/20/19	03/05/19	Investigator	KT	09/01/19	03/03/20	Use of Force	1	2	3	Excessive force; performance of duty.
18-1368	04/07/18	09/25/19	12/19/18	Investigator	MM	06/17/19	12/18/19	Use of Force	1	1	3	Excessive force; performance of duty; failure to activate PDRD
19-0142	01/30/19	02/08/19	01/30/19	Investigator	MM	08/07/19	01/29/20	Use of Force	1	1	1	Excessive force.
19-0336	02/27/19	04/11/19	03/27/19	Investigator	MM	10/08/19	03/25/20	Use of Force	1	3	8	Excessive force; performance of duty; failure to accept complaint
19-0869	08/18/19	08/21/19	8/21/2019	Investigator	MM	02/17/20	08/16/20	Use of Force	1	2	2	Use of Force
19-0220	02/20/19		02/20/19	Intake	CD	08/28/19	02/19/20			1		Excessive Force
19-0515	05/20/19		05/20/19	Intake	CD	11/16/2019	05/18/20			1		Use of Force
19-0545	06/01/19		06/01/19	Intake	CD	12/4/2019	05/30/20			1		Harrasment, Discrimination
19-0571	06/09/19		06/09/19	Intake	CD	12/10/2019	06/07/20			N/A		Improper Search/Seizure/Arrest
19-0585	06/11/19		06/12/19	Intake	CD	12/17/2019	06/10/20			3		Demeanor, Harassment, Excessive Force, Discrimination
19-0590	06/13/19		06/13/19	Intake	CD	12/17/2019	06/11/20			1		Discrimination, Failure to Take a Report, Failure to Act
19-0593	06/17/19		06/20/19	Intake	CD	12/17/2019	06/13/20			2		Excessive Force
19-0598	06/16/19		07/02/19	Intake	CD	12/29/2019	06/30/20			1		Discrimination

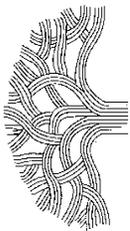
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COMMUNITY POLICE REVIEW AGENCY
Pending Cases (Sorted by Assigned Staff)

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19-0619	06/24/19		07/18/19	Intake	CD	1/14/2020	07/17/20			N/A		Improper Search, Excessive Force, Sexual Misconduct
19-0651	07/01/19		07/01/19	Intake	CD	1/4/2020	06/29/20			1		Improper Stop, Failure to Provide Serial Number
19-0688	07/10/19		07/10/19	Intake	CD	1/6/2020	07/08/20			1		Harassment, Improper Search/Seizure/Arrest
19-0827	N/A		08/10/19	Intake	CD	2/10/2020	08/08/20			N/A		Improper Arrest, Excessive Force, Discrimination, Service Complaint
19-0875	08/19/19		08/19/19	Intake	CD	2/17/2020	08/17/20			1		Profiling
19-0906	08/26/19		08/26/19	Intake	CD	2/24/2020	08/24/20			1		Excessive Force
19-0918	07/20/19		08/29/19	Intake	CD	3/1/2020	08/27/20			1		Unlawful Detention, Misdemeanor
19-0922	08/29/19		08/29/19	Intake	CD	3/1/2020	08/27/20			1		Excessive Force
19-0885	08/21/19		08/23/19	Intake	MB	02/19/20	08/22/20			1		Performance of Duty
19-0897	08/24/19		08/25/19	Intake	MB	02/23/20	08/23/20			1		Care of Property
19-0927	08/31/19		08/31/19	Intake	MB	03/03/20	08/29/20			1		Unlawful Arrest, Excessive Force
19-0987	09/14/19		09/17/19	Intake	MB	3/15/2020	09/14/20			1		UOF
19-1005	N/A		09/17/19	Intake	MB	03/15/20	09/16/20			1		Improper Investigation
19-1012	09/20/19		09/20/19	Intake	MB	03/22/20	09/18/20			2+		Excessive Force
19-1030	09/24/19		09/24/19	Intake	MB	03/22/20	09/22/20			1		Performance of Duty
19-1044	09/25/19		09/25/19	Intake	MB	03/29/20	09/23/20			1		Discrimination, Misdemeanor
19-1114	10/09/19		10/10/19	Intake	MB	04/08/20	10/08/20			1		Harassment
19-1143	10/14/19		10/16/19	Intake	MB	4/13/2020	10/12/20			1		UOF
19-1161	10/17/19		10/22/19	Intake	MB	4/19/2020	10/16/20			1		UOF
19-1190	10/25/19		10/29/19	Intake	MB	4/26/2020	10/23/20			2		UOF, POD
19-1218	11/02/19		11/05/19	Intake	MB	5/3/2020	10/31/20			1		UOF, POD
19-1224	11/04/19		11/06/19	Intake	MB	5/4/2020	11/02/20			1		UOF
19-1228	11/03/19		11/03/19	Intake	MB	5/1/2020	11/01/20			1		Misdemeanor

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19-0597	06/12/19		06/15/19	Intake	RM	12/17/2019	06/13/20			1		Improper Search, Excessive Force
19-0654	07/01/19		07/01/19	Intake	RM	12/28/2019	06/30/20			1		Discrimination
19-0675	07/07/19		07/08/19	Intake	RM	1/8/2020	07/06/20			1		Excessive Force
19-0683	07/07/19		07/07/19	Intake	RM	1/8/2020	07/05/20			N/A		Excessive Force
19-0693	06/24/19		07/11/19	Intake	RM	5/4/2020	07/09/20			4		Use of Force, Unlawful arrest
19-0718	07/12/19		07/12/19	Intake	RM	1/8/2020	07/11/20			N/A		Harassment, 1st Ammdmnt Assembly
19-0825	08/10/19		08/10/19	Intake	RM	2/10/2020	08/08/20			1		Discrimination
19-0839	08/08/19		08/12/19	Intake	RM	2/12/2020	08/10/20			1		Failure to Act, Discrimination
19-0849	08/14/19		08/14/19	Intake	RM	2/12/2020	08/12/20			2		Improper pointing of Firearm, Handcuffs too tight
19-0877	08/19/19		08/19/19	Intake	RM	2/17/2020	08/17/20			3		Harassment and Discrimination/Race, Unlawful arrest, Use of Force,
19-0878	06/27/19		08/20/19	Intake	RM	2/17/2020	08/18/20			N/A		False Arrest, Use of Force, Miranda Violation
19-0911	08/27/19		08/27/19	Intake	RM	2/25/2020	08/25/20			2		Excessive Force
19-0919	08/10/19		08/29/19	Intake	RM	3/1/2020	08/27/20			1		Excessive Force, Improper Arrest
19-0993	09/14/19		09/14/19	Intake	RM	3/12/2020	09/13/20			2		Failure to Investigate
19-1039	09/24/19		09/25/19	Intake	RM	3/25/2020	09/23/20			N/A		Improper Search, Care of Property
19-1093	10/05/19		10/05/19	Intake	RM	4/6/2020	10/03/20			2+		Use of Force, Improper Arrest
19-1123	10/10/19		10/11/19	Intake	RM	4/12/2020	10/09/20			2		Use of Force
19-1150	10/15/19		10/15/19	Intake	RM	4/12/2020	10/13/20			2		Demeanor, Improper Arrest, Use of Force
19-1159	10/17/19		10/17/19	Intake	RM	4/19/2020	10/15/20			3		Performance of Duty, Use of Force

* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly or Other.

CITY OF OAKLAND



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 Police Department Telephone Device for the Deaf (510) 238-3227

TO: Regina Jackson
 Chair, Oakland Police Commission

FROM: Anne E. Kirkpatrick
 Chief of Police, Oakland Police Department

Chair Jackson,

Pursuant to Oakland City Charter Section 604(b)(5), with this instrument the Oakland Police Department formally submits the attached **temporary revision** of Department General Order K-03, *Use of Force*, for the immediate approval of the Oakland Police Commission.

BACKGROUND:

Signed by Governor Gavin Newsom on August 19th, 2019, and taking effect on January 1st, 2020, Assembly Bill 392 (“AB 392”) makes changes to the California Law (Penal Code § 835a) which governs the use of force by California Peace Officers. Specifically, the Legislature in AB 392 set forth clear **intent** on when and how force, especially deadly (aka lethal) force, should be used, gave specific **direction** to peace officers regarding constraints on their use of force, and directed **evaluation standards** for how departments and courts review the use of force by peace officers. A summary of the pertinent sections of the revised law are set forth below:

Legislative Intent

AB 392 includes:

- A declaration that the authority of peace officers to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life;
- A stated intent that peace officers use deadly force only when necessary in defense of human life; and
- An acknowledgement that individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical

force during police interactions, as their disability may affect their ability to understand or comply with commands from officers.

Direction to Peace Officers

AB 392 directs that:

- In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer;
- Peace officers who have reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, prevent escape, or overcome resistance;
- Peace officers are justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to:
 - Defend against an imminent threat of death or serious bodily injury to the officer or another person, or
 - To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. In these cases, the officer shall make reasonable efforts to identify themselves and warn that deadly force may be used, if feasible;
- Peace officers shall not be deemed the aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with the law to effect an arrest, prevent escape, or overcome resistance.

Evaluation Standards

AB 392 sets forth force evaluation standards which state that:

- Decisions by peace officers to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of the authority to use force and the serious consequences of the use of force by peace officers;
- Decisions by peace officers to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and shall account for occasions when officers may be forced to make quick judgments about using force;

- Peace officers who make or attempt arrests need not retreat (retreat does not mean tactical repositioning or other de-escalation tactics) or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested;
- Deadly force (aka lethal force) means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm;
- A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm; instead, an imminent threat is one that, from appearances, must be instantly confronted and addressed;
- “Totality of the circumstances” means all facts known to the peace officer at the time of the use of force, including the conduct of the officer and the subject leading up to the use of force.

CITY OF OAKLAND RESPONSE TO AB 392

OPD’s current general order governing the use of force by its members (Department General Order K-03, *Use of Force*) was adopted in 2014. While this policy already incorporates much of the mandates of AB 392, the Department recognized the need to ensure that the policy completely comports with the law by January 1st, 2020. In order to accomplish this, the Department convened an ad hoc working group which included members of the Oakland Police Commission, Community Police Review Agency (CPRA) staff, Plaintiff’s attorneys from the *Delphine Allen et. al. v. City of Oakland* Negotiated Settlement Agreement, a community representative, Oakland City Attorney’s Office members, and members of the Department’s Executive Command and Training Staff.

The working group first met on October 8th, 2019, and in total conducted six (6) productive meetings. Early on, the working group recognized two clear realities: 1) the Department’s Use of Force policy needs a **major revision** to allow for community and Police Commission input and 2) a **temporary revision** of the policy, solely to reflect the changes mandated by AB 392, is necessary by January 1st, 2020. The working group agreed, therefore, on a two-step approach: first, to reach agreement on a **temporary revision** of the policy for implementation by January 1st, 2020, while simultaneously committing to continuing work on a **major revision** of the policy during calendar year 2020.

At the working group meeting on Thursday, November 21st, the working group agreed on a **temporary revision** to DGO K-03 which incorporates AB 392 requirements. The Independent Monitoring Team (IMT) reviewed the draft and made two slight stylistic changes which did not

alter content. As such, the Department submits the work product of the working group for approval by the Police Commission, see *Attachment A: Temporary Revision to DGO K-03*.

TEMPORARY REVISION SCOPE AND PURPOSE

The **temporary revision**, submitted with this instrument for Police Commission approval, modifies sections of General Order, K-03 *Use of Force*, to bring the Department's use of force policy into compliance with Assembly Bill 392. Assembly Bill 392 modifies California Penal Code § 835a, which sets forth constraints on when California peace officers may use force. This policy also incorporates changes made by Special Order 9196 (approved by Police Commission October 10th, 2019).

The Department is making these changes to ensure that the use of force policy complies with the law. However, the Department also realizes that the authority to use force, conferred on peace officers by the law of the State of California, is a serious responsibility that must be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. As such, the Department, in concert with community, the Police Commission, and other civic partners, is in the process of completely re-writing the General Order to provide a comprehensive use of force policy which encapsulates the best practices surrounding use of force as well as de-escalation. The Department recognizes the urgency surrounding the need for a comprehensive new use of force policy, and is committed to diligently working towards that goal with an ad hoc use of force policy workgroup

TRAINING PLAN FOR DGO K-03 TEMPORARY REVISION

Working from the assumption that the Police Commission will approve the **temporary revision** in its current form at the December 12th Commission meeting, the Department is moving forward with a train-the-trainer approach to training, beginning with Department members of the working group training Watch Commanders, Special Resource Section (SRS) Lieutenants, Special Operations Division (SOD) Lieutenants, and the Ceasefire Lieutenant. Field personnel will receive training from their respective Lieutenants during lineups at the beginning of their shifts, see *Attachment B: Training Plan for DGO K-03*.

Commanders of other units (e.g. Criminal Investigations Division or Recruiting and Backgrounds) will be responsible for either attending a train-the-trainer session and then training their respective personnel or having their personnel attend a field lineup where training occurs. All trainers will provide training to all available sworn personnel by December 27th, 2019, so that sworn personnel are aware of the changes in the law which take effect January 1st, 2020.

NEXT STEPS FOR THE TEMPORARY REVISION AFTER POLICE COMMISSION APPROVAL

The Department uses a ten-step process for all major policy revisions:

1. **Request for Revision directed to Training Division**
2. **Identification of Revision Project Manager / Working Group and Initial Draft**
3. **Legal Review of Draft by Oakland City Attorney's Office**
4. **Review of Draft by OPD Executive Team**
5. **Review by IMT and Plaintiff's Attorneys**
6. **Police Commission Approval**
7. **Applicable Union (e.g. OPOA, Local 21, SEIU 1021) Meet and Confer**
8. **Chief of Police Signature**
9. **Creation of In-Service Training Plan**
10. **Completion of Training**

As the working group for this **temporary revision** included members of the City Attorney's Office, OPD Executive Team, and Plaintiff's Attorneys, and because the IMT has reviewed and approved the revision, this **temporary revision** is at step six, awaiting approval by the full Police Commission. Due to the January 1st deadline, creation of the in-service training plan has already begun, and training will be run simultaneously with meet and confer requirements.

FUTURE STEPS FOR THE MAJOR REVISION OF DGO K-03

As noted in the scope and purpose of the **temporary revision**, the Department and working group are committed to continuing work on a **major revision** of the Use of Force policy. The working group has calendared meeting dates through April of 2020, which will typically occur on Thursdays opposite the regularly-scheduled meetings of the Police Commission (i.e. the 1st, 3rd, and possibly 5th Thursday of each month), see *Attachment C: Future Steps for the Major Revision of DGO K-03*.

Several parts of the current policy have already been identified as areas where improvements or changes will need to be made, and the working group has identified a robust process to include community meetings, input solicited from recognized use of force experts, and examination of best practices and model policies from other agencies across the United States. The working group identified several model policies to initially review, including:

- Seattle Police Department
- Denver Police Department
- Camden (New Jersey) County Police Department

- Washington DC Metro Police Department
- New Orleans Police Department
- San Francisco Police Department
- Cleveland Police Department

Additionally, the working group already recognized several areas of the current policy which will be discussed and revised during the next iteration of the revision process, to include:

- A robust de-escalation policy as part of the Use of Force policy;
- Revision of current policy documents regarding police interactions with persons with mental illness or disabilities;
- Clarification of some of the more ambiguous parts of current law, especially surrounding immediacy / imminence of a threat; and
- Ensuring that medical attention is rendered to any persons affected by police use of force.

The **major revision** of the policy is expected to create a document which looks extremely different than the current policy, and which creates simple and clear guidance to peace officers while also being accessible and responsive to the community we serve. I, along with the entire OPD team, look forward to partnering with members of the working group in 2020 in service of a new Use of Force policy which creates a national best practice standard.

Sincerely,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Attachments:

- A – Temporary Revision of DGO K-03, *Use of Force*
- B – Training Plan for Temporary Revision of DGO K-03.
- C – Future Steps for the Major Revision of DGO K-03



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Evaluation Coordinator:
Training Division

Index as:

Evaluation Due Date:
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Policy Working Group

Use of Force Policy

USE OF FORCE

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SCOPE AND PURPOSE – TEMPORARY REVISION 2

This temporary revision modifies sections of the following General Order, K-03 *Use of Force*, to bring the Department's use of force policy into compliance with Assembly Bill 392 (approved 19 Aug 19). Assembly Bill 392 modifies California Penal Code § 835a, which sets forth constraints on when California peace officers may use force. This policy also incorporates changes made by Special Order 9196 (approved by Police Commission 10 Oct 19).

The Department is making these changes to ensure that the use of force policy complies with the law. However, the Department also realizes that the authority to use force, conferred on peace officers by the law of the State of California, is a serious responsibility that must be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. As such, the Department, in concert with community, the Police Commission, and other civic partners, is in the process of completely re-writing the General Order to provide a comprehensive use of force policy which encapsulates the best practices surrounding use of force as well as de-escalation. The Department recognizes the urgency surrounding the need for a comprehensive new use of force policy, and is committed to diligently working towards that goal with an ad hoc use of force policy workgroup.

These temporary revisions encompass only those sections highlighted in yellow – all other text is language existing in DGO K-03 (16 Oct 14).

Revision Number	Revision Date	Reference Page Number(s)	Revision Number	Revision Date	Reference Page Number(s)
1	16 Oct 14	NEW	16		
2	1 Jan 20	1-5, 8-10	17		
3			18		
4			19		
5			20		
6			21		
7			22		
8			23		
9			24		
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11			26		
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Use of Force Policy

USE OF FORCE

The purpose of this order is to set forth Departmental policy and procedures for the use of force by members.

I. POLICY STATEMENT

- A. The Oakland Police Department values the protection and sanctity of human life. The Department is committed to accomplishing the police mission with respect and minimal reliance on the use of physical force. Members shall attempt to control an incident through sound tactics, including the use of time, distance, communications, tactical repositioning, and available resources, in an effort to reduce or avoid the need to use force whenever it is safe, feasible, and reasonable to do so. It is the intent of the Department that members use deadly force only when necessary in defense of human life.
- B. The authority to use force, conferred on peace officers by § 835a of the California Penal Code, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.
- C. This policy provides guidelines and procedures for using force in order to protect the safety of both members and the public in accomplishing the police mission.
- D. Members are allowed to **use a reasonable amount of force** based on a totality of the circumstances¹. Members are required to **de-escalate** the force when the member reasonably believes a lesser level or no further force is appropriate. Members shall **intervene and prevent or stop** the use of unreasonable force by other members. Members shall use available resources and techniques other than force if reasonably safe and feasible to an objectively reasonable officer.
- E. Members are prohibited from the use of unreasonable force and using force for interrogation or punishment.

¹ Reference Graham v. Connor, 490 U.S. 386 (1989).

- F. Although the use of force is primarily intended for sworn officers, various non-sworn employee job classifications include Departmental training in specific force options normally reserved for sworn officers. Employees are held to the same standard as members for the application of these authorized force options. All employees shall maintain their right to self-defense by any objectively reasonable means.
- G. A member or employee who uses force or directs a use of force shall be considered as “Involved Personnel.”
- H. Individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from officers. In an attempt to mitigate these effects, members shall follow the policy and guidelines set forth in training and Departmental General Orders and Training Bulletins on interacting with individuals with disabilities, including:
- **DGO O-1, *Persons with Mental Illness***
 - **DGO O-1.1, *Crisis Intervention Program***
 - **Training Bulletin III-N, *Police Contact with Persons with Mental Health Disabilities***
 - **Training Bulletin VIII-F, *Police Response to Persons with Mobility/Physical Disabilities***
- I. The decision by a member to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
- J. A member who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A member shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with section I, D and section IV, D to effect the arrest or prevent escape or to overcome resistance. For the purposes of this policy, “retreat” does not mean tactical repositioning or other de-escalation tactics.
- K. This policy limits when members may discharge firearms at another person. Section IV, D, states:
- “The discharge of a firearm at a person constitutes lethal force and is authorized only when there is reasonable cause to believe there is an immediate threat of

death or serious bodily harm.² Members are prohibited from discharging firearms, or using any lethal force, against persons who pose a threat solely to themselves if an objectively reasonable officer would believe the person does not pose an immediate threat of death or serious bodily injury to the member or to another person.

A member is authorized to discharge his or her firearm only in the following circumstances:

1. To defend against an immediate threat of death or serious bodily injury to the member or another person.
2. To apprehend or arrest a person when the following three conditions are met:
 - a. The member has reasonable cause to believe that the person is involved in the commission of a violent felony that includes the use or threatened use of deadly force; and
 - b. The member has reasonable cause to believe that the person poses an immediate threat of death or serious bodily injury to the member or a third person if not immediately apprehended; and
 - c. Other reasonably known and available means of apprehending the person have failed, are inadequate or are immediately unavailable.

In cases described in section IV, D, 2, where feasible, the member shall, prior to the discharge of the firearm, make reasonable efforts to identify themselves as a peace officer and warn the subject that deadly force may be used, unless the member has objectively reasonable grounds to believe the person is aware of those facts.”

II. FORCE CONSIDERATIONS

A. Reasonable Force

Reasonable force is that amount of force that is objectively reasonable to effect a lawful police purpose (i.e. effect an arrest, prevent escape, or overcome resistance) and protect the safety of members or others based upon the totality of the circumstances.

1. Force must be analyzed under the Fourth Amendment’s objective reasonableness test.³ The application of this test requires an analysis of the

² Tennessee v. Garner, 471 U.S. 1 (1985)

³ Graham v. Connor, 490 U.S. 386 (1989).

totality of circumstances, including these factors to determine if the seizure is reasonable:

- a. The severity of the crime at issue;
- b. Whether the suspect poses an immediate threat to the safety of law enforcement officers or others; and
- c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Evaluations of the decision by a member to use force shall be done from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and shall account for occasions when officers may be forced to make quick judgments about using force.

2. Factors when determining if force is reasonable include, but are not limited to:
 - a. Physical differences (e.g., age, size, relative strength, skill level, injuries, exhaustion, number of members/employees verses subjects);
 - b. Influence of drugs or alcohol on the subject;
 - c. Proximity of weapons to the subject;
 - d. The conduct of the member and the subject leading up to the use of force (e.g. consistency of member actions with training principles, tactics used by the member, and compliance with applicable policies);
 - e. Training and experience level of the member or employee; and
 - f. Other exigent circumstances.

B. Immediate Threat

An Immediate Threat is considered to exist if a suspect has demonstrated actions that would lead one to reasonably believe that the suspect will continue to pose a threat of death or serious bodily injury if not apprehended without delay.

A person is an immediate threat if the person is reasonably perceived by a member or employee to have the present intent, means, opportunity and ability to complete the threat, regardless of whether the threatened action has been initiated.

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An immediate threat is not merely a fear of future harm; instead, an immediate threat is one that, from appearances, must be instantly confronted and addressed.

1. Intent: The subject's apparent desire, which can be indicated by words, body language or actions.
2. Means: The instrument, mechanical or physical, that may be used to cause injury.
3. Opportunity: The time and/or place which allows the subject to use the means to cause injury.
4. Ability: The subject has the capability to carry out the action or threat.

C. Use of Force

Any physical or mechanical intervention used by a member or employee to defend, control, overpower, restrain, or overcome the resistance of an individual.

D. Less-Lethal Force

Any use of force, other than lethal force, which by design and application is less likely to cause serious bodily injury or death. However, the possibility of an unintended lethal outcome, although very rare, exists.

Less-Lethal Force options include, but are not limited to; those specified in Part III, FORCE OPTIONS THAT DO NOT INCLUDE FIREARMS.

E. Lethal Force

Lethal force is any force that creates a substantial risk of causing death or serious bodily injury. A member may use lethal force to protect themselves or others when the member objectively and reasonably believes that his/her life, or the life of another, is in immediate danger of death or serious bodily injury, AND the member objectively and reasonably believes that deadly force is necessary, based upon the totality of the facts known to the member at the time.

Lethal Force includes, but is not limited to:

1. Discharge of a firearm with lethal ammunition;
 - a. Lethal ammunition is ammunition that, by design and application, is intended to cause serious bodily injury or death.
2. Carotid restraint;

3. Intentional impact weapon strike to the head; and
4. Intentional use of a vehicle, at any vehicle speed, to strike a suspect.

F. Serious Bodily Injury

A serious impairment of physical condition, including but not limited to:

1. Loss of consciousness;
2. Concussion;
3. Bone fracture;
4. Protracted loss, impairment, serious disfigurement, or function of any bodily member or organ;
5. Wound requiring extensive suturing; and
6. Serious disfigurement

III. FORCE OPTIONS THAT DO NOT INCLUDE FIREARMS

A. Verbal Persuasion

Verbal commands are the minimum means of halting an offense, gaining compliance or overcoming resistance. A member, announcing his or her identity as a peace officer, presence and intentions, may result in the peaceful resolution of the situation. Verbal commands shall be courteous and clearly relay the police objective.

To the extent possible and without ever compromising safety, members are required to use verbal commands to accomplish the police objective before resorting to physical force. Members shall consider the possibility of any language barriers, noise, other distractions, or disabilities which may impair or frustrate the member's effort to courteously and clearly communicate with the person.

B. Use of Physical Force or Defensive Tactics and Techniques

At times it may be necessary for a member to use force or defensive tactics and techniques to accomplish the police objective, such as taking a subject into custody, preventing the commission of a crime or in response to a suspect's resistance.

The defensive tactics and techniques that may be used include, but are not limited to: hand/palm/elbow strikes, kicks, take-downs, leg sweeps, arm-bar takedown

and control holds, such as escort (elbow), bent wrist, twist lock and arm-bar hammerlock.

Absent exigent circumstances, all defensive, arrest and control techniques shall be compliant with Oakland Police Department policy and training. Refer to TB III-I.1, WEAPONLESS DEFENSE.

C. Use of Patrol Canines

The use of Police Canines is considered an intermediate force level that may inflict serious injury.

1. The primary purpose of Patrol Canine deployments is to search for, locate and assist in the apprehension of criminal suspects.
2. Canine handlers may deploy their canines to search for or bite a suspected criminal suspect.
3. Additional restrictions and reporting requirements apply to the use of Patrol Canines, as specified in DGO K-9, DEPARTMENT CANINE PROGRAM and DGO K-4, REPORTING AND INVESTIGATING THE USE OF FORCE.
4. An Unintentional Bite is not a use of force however has special reporting requirement. Refer to DGO K-9 for the definition of and reporting requirement for an Unintentional Bite.

D. Batons and Impact Weapons (other than intentional strikes to the head)

The use of an impact weapon is an intermediate use of force.⁴ The following are considered impact weapons:

1. Long baton;
2. Short baton;
3. Crowd control baton;
4. Asp®;
5. Specialty impact munitions (12-gauge Drag Stabilized Flexible Baton munitions, 37/40mm foam munitions, hand deployed SIM); and
6. Any other object used as an impact weapon other than vehicle.

⁴ Young v. LA County, 655 F.3d 1156 (9th Cir. 2011)

The use of an impromptu impact weapon or any weapon of necessity is justified when reasonable alternatives have been exhausted, are unavailable or are impractical.

Absent exigent circumstances, members shall only utilize Oakland Police Department authorized impact weapons and munitions. Use shall be compliant with Oakland Police Department policies and training. Refer to TB III-H.2, HAND-HELD IMPACT WEAPONS and TB III-H, SPECIALTY IMPACT WEAPONS

E. Electronic Control Weapon (ECW)

The ECW is an intermediate use of force.⁵ ECW's provide a force option that may be used to control dangerous and violent subjects. The goal of every ECW deployment is a safe restraint of the subject using the minimum amount of electrical stimulation that is reasonable to obtain control. When used properly, members can stay beyond the reach and immediate striking distance of a subject who may attack them, thereby reducing the risk of injury to the member and the subject.

Using the ECW may greatly reduce the need for other types of physical force by members, which could otherwise result in serious injuries or death to the member and/or offender. Absent exigent circumstances, members shall only utilize Oakland Police Department authorized ECW's. Use shall be compliant with Oakland Police Department policies and training. Refer to TB III-H.1, USE OF AN ELECTRONIC CONTROL WEAPON.

F. Chemical Agents and Oleoresin Capsicum (OC)

The use of OC and Chemical Agents are an intermediate use of force.⁶ Refer to TB V-F.2, CHEMICAL AGENTS and DGO C-8, OLEORESIN CAPSICUM

IV. USE OF FIREARMS AND OTHER LETHAL FORCE

A. Drawing, Exhibiting and Pointing Firearms

1. The pointing of a firearm at another person is a use of force.⁷
2. A member may point a firearm only when the member has reasonable cause to believe it may be reasonable for his/her safety or for the safety of others.

⁵ Bryan v. MacPherson, 630 F. 3d 805 (9th Cir. 2010)

⁶ Young v. LA County, 655 F.3d 1156 (9th Cir. 2011)

⁷ Robinson v. Solano County, 278 F. 3d 1007 (9th Cir. 2002)

3. The drawing, exhibiting or unholstering of a firearm by law enforcement officers can be perceived as threatening and intimidating and, when unwarranted, may cast a negative impression on members. Members may draw, exhibit, or unholster their firearms only when justified by appropriate circumstances, and the drawing, exhibiting, and unholstering of firearms will be tracked by the Department.

3. The pointing of a firearm at a person is a seizure and requires legal justification. No member shall draw and point a firearm at or in the direction of a person unless there is a reasonable perception of a substantial risk that the situation may escalate to the point where lethal force would be permitted. When it is determined that the use of lethal force is not necessary, as soon as practicable, firearms shall be secured or holstered.

B. Firearms Discharge

The act of discharging a firearm loaded with lethal ammunition. Firearm discharges are classified as follows:

1. Lethal – An intentional firearm discharge at a person, regardless of injury.
2. Discharge at an Animal – A firearm discharge for the purpose of dispatching an injured or vicious animal.
3. Unintentional – A firearm discharge that occurred as a result of an unintentional trigger pull or other unexpected external cause.

The discharge of firearms as a warning is prohibited at any time on or off-duty.

C. Other Firearm Discharges

No use of force investigation is required for any of the following:

1. An intentional discharge for purposes related to training, demonstration, practice, certification or testing while at an authorized range facility, unless the discharge results in injury or death;
2. A discharge while engaged in a lawful and policy-compliant recreational activity, such as hunting or target practice;
3. A discharge by Criminalistics Division personnel for the purpose of scientific examination; and

4. A discharge at an object (e.g., street light, alarm box, door lock or vehicle tire) to accomplish a tactical police purpose that does not result in injury.

D. Discharging a Firearm at a Person

The discharge of a firearm at a person constitutes lethal force and is authorized only when there is reasonable cause to believe there is an immediate threat of death or serious bodily harm.⁸ Members are prohibited from discharging firearms, or using any lethal force, against persons who pose a threat solely to themselves if an objectively reasonable officer would believe the person does not pose an immediate threat of death or serious bodily injury to the member or to another person.

A member is authorized to discharge his or her firearm only in the following circumstances:

1. To defend against an immediate threat of death or serious bodily injury to the member or another person.
2. To apprehend or arrest a person when the following three conditions are met:
 - a. The member has reasonable cause to believe that the person is involved in the commission of a violent felony that includes the use or threatened use of deadly force; and
 - b. The member has reasonable cause to believe that the person poses an immediate threat of death or serious bodily injury to the member or a third person if not immediately apprehended; and
 - c. Other reasonably known and available means of apprehending the person have failed, are inadequate or are immediately unavailable.

In cases described in section IV, D, 2, where feasible, the member shall, prior to the discharge of the firearm, make reasonable efforts to identify themselves as a peace officer and warn the subject that deadly force may be used, unless the member has objectively reasonable grounds to believe the person is aware of those facts.

E. Moving Vehicles

The use of lethal force against the occupant of a motor vehicle is only authorized when it is reasonably necessary to:

⁸ Tennessee v. Garner, 471 U.S. 1 (1985)

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OAKLAND POLICE DEPARTMENT

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Effective Date:
1 Jan 20

1. Defend the member or another person against the vehicle occupant's immediate threat of death or serious bodily injury, by means other than the vehicle; or
2. Defend the member or another person against the vehicle operator's use of the vehicle to cause death or serious bodily injury and the member or other person has no reasonable avenue of protection or escape.
 - a. Members are prohibited from intentionally positioning themselves in a location vulnerable to vehicular attack;
 - b. Whenever possible, members shall move out of the way of the vehicle, instead of discharging his or her firearm at the operator;
 - c. Members shall not discharge a firearm at the operator of the vehicle when the vehicle has passed and is attempting to escape.
3. Members shall consider whether the threat to the member or other persons (including all occupants of the vehicle) is increased by incapacitating the operator with lethal force, considering that if the operator is incapacitated, the vehicle may still be a threat to anyone in the vehicle's path. This threat shall be weighed against the threat posed by the suspect continuing in control of the vehicle.
4. Members shall also consider what risk the use of lethal force would pose to other vehicle occupants when weighed against the threat.
5. Absent exigent circumstances, the discharge of firearms from a moving vehicle is prohibited.

F. Other Lethal Force

Any force that poses a substantial risk of causing death or serious bodily injury is considered lethal force. This includes the use of the carotid restraint, an intentional strike to the head with an impact weapon or an impromptu impact weapon. Lethal force, regardless of the weapon used, is justified only in life-threatening situations where a member has reasonable cause to believe that a person poses an immediate threat of death or serious bodily harm to the member or to another person.

Lethal force is prohibited when its sole purpose is to affect an arrest, overcome resistance or prevent a subject from escaping when the subject does not present an immediate danger of death or serious bodily injury.

V. OTHER REQUIREMENTS

A. Use and Care of Equipment, Control Devices and Firearms

1. While on-duty members shall carry only firearms, safety equipment and control devices that are approved in an official Departmental Order and on which they have successfully completed training. For care of safety equipment, refer to DGO C-4, SAFETY EQUIPMENT.
2. Members shall handle and manipulate a firearm in accordance with Department approved firearms training.

B. Administrative Leave

Members involved in a lethal force incident shall be placed on paid administrative leave for not less than three days, unless otherwise directed by the Chief of Police. The Incident Commander may recommend other personnel be placed on paid administrative leave to the Chief of Police. The assignment to administrative leave shall not be interpreted to imply or indicate that a member acted improperly. While on administrative leave, members shall remain available at all times for official Departmental business, including interviews and statements regarding the incident.

C. Counseling Services

Members involved in a force incident that results in a person being seriously injured or killed shall attend employee assistance and counseling services provided by the City before his/her return to normal duties. Supervisors shall verify attendance only and document completion in a SNF entry. Command officers shall ensure involved members are advised of the services available and shall direct their attendance. As needed, members and employees who witness such incidents may also be referred to counseling services.

D. Providing First Aid or Medical Treatment

To the extent possible and without ever compromising safety, members shall ensure that they, when necessary or upon complaint of injury, provide medical first aid and/or emergency medical treatment as soon as practical congruent with their available equipment, resources and first aid training and certification.

In addition, if necessary, professional medical assistance shall be summoned as soon as practical. Refer to TB III-K, FIRST AID.

1. First Aid

First aid includes, but is not limited to, the mere cleaning of a scrape or cut, applying a bandage, flushing of the eyes with water or providing an ice pack. First aid shall be administered by OPD personnel when practical

and safe to do so. First aid may be administered by a medical professional including the following: physicians, physician assistants, nurses (RN and LVN), paramedics, emergency medical technicians (EMT) and Fire Department Personnel.

2. Emergency Medical Treatment

Any treatment beyond first aid, including Cardio-Pulmonary Resuscitation (CPR) and rescue breathing, shall be administered by OPD personnel when practical and safe to do so. Emergency medical treatment may be administered by a medical professional including the following: physicians, physician assistants, nurses (RN and LVN), paramedics, emergency medical technicians (EMT) and Fire Department Personnel.

3. Hospital Admittance

Admittance to a hospital for the treatment of injuries as a result of any use of force. For the purposes of this order, evaluation or treatment by a medical professional not beyond first aid, as a result of any use of force, shall not be considered hospital admittance.

VI. USE OF SPECIALTY IMPACT MUNITIONS (SIM) DURING CROWD CONTROL

The Department places additional restrictions on the use of SIM during incidents involving Crowd Control and Crowd Management as specified in TB III-G, CROWD CONTROL AND CROWD MANAGEMENT and TB III-H, SPECIALTY IMPACT MUNITIONS.

A. Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) **are prohibited**.

1. Any and all less-lethal specialty impact weapons designed to be skip fired or otherwise deployed in a non-directional non-target specific manner, including but not limited to the Multiple Wood Baton Shell (264W) manufactured by Armor Holdings, Inc. shall not be used at all by OPD during demonstrations or crowd events.
2. The use of the Stinger Grenade containing rubber pellets designed to be deployed in a non-directional non-target specific manner is also **prohibited** for all crowd control use.

B. Uses of Direct Fired Specialty Impact Less-Lethal Munitions (SIM)

Direct Fired SIM are less-lethal specialty impact weapons that are designed to be direct fired at a specific target, including but not limited to Drag Stabilized Flexible Batons (DSFB), often referred to as "bean bags", and **shall not be used** for crowd management, crowd control or crowd dispersal during demonstrations or crowd events. Direct Fired SIM may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.

1. Direct Fired SIM may be used against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to him or herself, members of the general public, or who is engaging in substantial destruction of property which creates an immediate risk to the lives or safety of other persons.

In such instances, Direct Fired SIM shall be used only when other means of arrest are unsafe and when the individual can be targeted without endangering other crowd members or bystanders.

2. The use of Direct Fired SIM shall cease when the violent or destructive actions cease. These weapons shall not be used for the purpose of apprehension or to otherwise prevent escape unless escape would present a substantial risk of continued immediate threat to loss of life or serious bodily injury.
3. Members shall only deploy Direct Fired SIM during a demonstration or crowd event under the direction of a supervisor.
4. When circumstances permit, the supervisor on the incident scene shall make an attempt to accomplish the policing goal without the use of Direct Fired SIM as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.
5. Any person struck by a round shall be transported to a hospital for observation and any necessary treatment. Ambulance service, if required, shall be ordered per Department General Order I-4, AMBULANCE SERVICE. First aid, when necessary, shall be administered per Training Bulletin III-K, FIRST AID.
6. No member shall use Direct Fired SIM without formal training and certification.
7. Direct Fired SIM shall not be used against a person who is under restraint.
8. Members shall not discharge a Direct Fired SIM at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

K-3

Effective Date:
1 Jan 20

By Order of

Anne E. Kirkpatrick
Chief of Police

Date Signed: _____

DGO K-3 AB 392 Training Plan

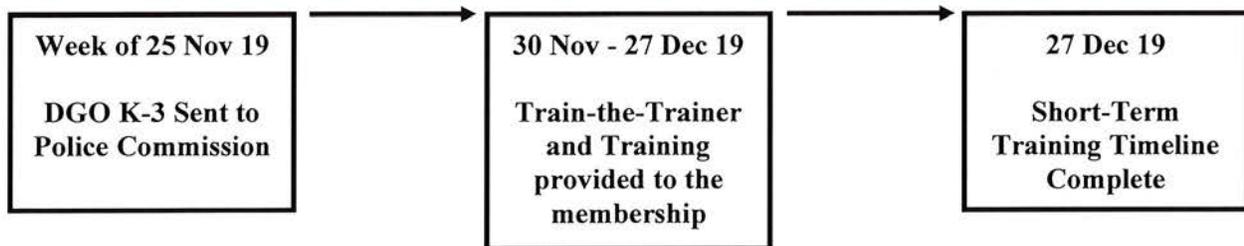
PURPOSE

The purpose of this memorandum is to provide a training plan for the temporary revision of DGO K-3, which is planned to be in effect 1 Jan 20.

SHORT-TERM TRAINING TIMELINE

Assuming that DGO K-3 is signed and ready to present to the Police Commission at their 12 Dec 19 meeting, training will begin Saturday, 30 Nov 19 and conclude on Friday, 27 Dec 19.

On 27 Dec 19, all sworn members will have received the training and sign off as understanding the training by PowerDMS. Compliance will be tracked by PowerDMS and compliance reports will be provided upon request.



TRAINING PLAN

Due to the short timeline to train all personnel, OPD will utilize the train-the-trainer approach, which is efficient and cost effective.

Starting the week of 25 Nov 19, to conclude no later than 7 Dec 19, members of the ad hoc committee will provide training to all Watch Commanders, Special Resource Section (SRS) lieutenants, Special Operation Division (SOD) lieutenants, and the Cease Fire lieutenant. After the training is complete, the lieutenants will be required to provide the training to their teams no later than 27 Dec 19. To track compliance, members are responsible for signing off as receiving and understanding the training by way of PowerDMS.

For all other commanders (Criminal Investigations Division, Recruiting and Background, et cetera), they will be responsible for attending a train-the-trainer session and provide the training to their respective team, or send their team to a lineup with field personnel.

All trainers who are holding a training session shall send out an email notification at opd@oaklandca.gov no less than 24 hours in advance advising all personnel of the date, time, and location of the training.

See Attachment-A for the responsible field-personnel commanders and the respective lineup times.

TRAINING PRIORITY

Priority of training and understanding is with field personnel to include:

1. Patrol
2. Special Resource Sections
3. Special Operations Division
4. Ceasefire

FISCAL

Training Staff will ensure that minimal overtime costs are incurred for this project. Utilizing the train-the-trainer approach allows for on-duty personnel to provide the training.

Some overtime costs may be used initially to train the respective trainers.

All overtime requests will be made through the Training Division commander.

LONG-TERM TRAINING TIMELINE

The training of DGO K-3 will continue indefinitely and provided in the following forums:

Forum	Timeline	Estimated Hours
Continual Police Training (CPT) - Classroom	Annually	1
Continual Police Training (CPT) - Arrest and Control	Annually	4
Continual Police Training (CPT) - Firearms/Force Options	Annually	10
Range Qualification - 10 hour	Annually	10
Review of Policy via PowerDMS	Annually (est. 30 minutes of review)	0.5
Force Review Board Reports and acknowledgment of understanding via PowerDMS	Quarterly (30 min. each)	2
Total Hours		27.5

TRAINING METHODOLOGY

Using a digital presentation, lesson plan, and the DGO K-3 policy, instructors for each training session will minimally ensure that members understand and value DGO K-3 by implementing the following educational learning objectives:

Concept	Description	Implementation
Remember	Recall facts and basic concepts.	After the completion of the training, members will sign off on the policy by way of PowerDMS and also be required to take a quiz with a minimum passing score of 80%.
Understand	Explain ideas or concepts.	By successfully completing the quiz and answering questions posed by the trainers.
Apply	Use information in new situations.	By successfully applying the information in hypothetical scenarios provided by the trainers.
Analyze	Draw connections among ideas.	Analyze the scenarios, the decisions used by officers during the scenarios, and draw a connection of those decisions to the policy.
Evaluate	Justify a stand or decision.	Justify a decision by how it comports with the policy and aligns with the values of the Oakland Police Department.

Long-Term Established Calendar for 2020

DGO Meeting Dates:

Thursdays: 1st & 3rd week of the month.

Day	Date	Meeting	Notes
Thursday	1/9/20	Police Commission Meeting	
Thursday	1/16/20	UOF Ad Hoc Meeting	
Thursday	1/23/20	Police Commission Meeting	
Thursday	1/30/20	UOF Ad Hoc Meeting	
Tuesday	2/6/20	UOF Ad Hoc Meeting	
Thursday	2/13/20	Police Commission Meeting	
Thursday	2/20/20	UOF Ad Hoc Meeting	
Thursday	2/27/20	Police Commission Meeting	
Thursday	3/5/20	UOF Ad Hoc Meeting	
Thursday	3/12/20	Police Commission Meeting	
Thursday	3/19/20	UOF Ad Hoc Meeting	
Thursday	3/26/20	Police Commission Meeting	
Wednesday	4/1/20	UOF Ad Hoc Meeting	Diligently working towards April 1st, 2020 deadline

Note: Community engagement calendar will be included to calendar to show organizations, dates, times, and locations, also SMEs and relevant experts Meeting will be added.

January 16, 2020 meeting the Ad-Hoc Committee will discuss, but not limited to:

- Re-establish purpose and goal of the DGO K-3 Ad Hoc Committee
- Brainstorm approach to re-working DGO K-3
- Confirm dates for the 1st quarter to work towards an April 1st deadline.
- Establish timeline to memorialize dates, milestones.
- Establish project discussion topics for each meeting date.
- Establish a Community Engagement Calendar to show Organizations, dates, times, and locations, also SMEs and relevant experts. Defining April 1st deadline (e.g. DGO K-3 draft ready for review? DGO K-3 approved and signed off? Training implementation to begin?)



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

May 23, 2019

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland, CA 94612

I. Call to Order

Chair Regina Jackson

The meeting started at 6:36 p.m.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Mubarak Ahmad, José Dorado, Ginale Harris, Regina Jackson, Edwin Prather, and Thomas Smith. Quorum was met.

Alternate Commissioners Present: Chris Brown

Commissioners Excused: Tara Anderson

Counsel for this meeting: Sergio Rudin

III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Bruce Schmiechen
Henry Gage, III
Saleem Bey
Mary Vail
Maureen Benson
Lorelei Bosserman

IV. Pawlik Investigation Update

The Commission discussed CPRA's recently completed Pawlik investigation.

Comments were provided by the following public speakers:

Saleem Bey
Rashidah Grinage
Henry Gage, III
Bruce Schmiechen
Oscar Fuentes
Mary Vail
Maureen Benson

A motion was made by Edwin Prather, seconded by Ginale Harris, to accept the CPRA report on the Pawlik investigation. The motion failed by the following vote:

Aye: Jackson and Prather
 No: Dorado and Harris
 Abstained: Ahmad and Smith

V. Review of CPRA and Commission Budgets

The Commission reviewed the budgets for CPRA and the Police Commission and discussed the recent meeting with the Finance Department staff.

Comments were provided by the following public speakers:

Rashidah Grinage
 Mary Vail
 Henry Gage, III
 Bruce Schmiechen
 Saleem Bey

A motion was made by Edwin Prather, seconded by Regina Jackson, to submit a budget proposal of \$2,000,000 to the City Council. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, and Prather
 No: 0
 Abstained: Smith

VI. Submission of Candidate for CPRA Interim Executive Director

The Commission voted to approve submission of Mike Nisperos to the City Administrator for consideration to serve as Interim Executive Director of the Community Police Review Agency (CPRA).

Comments were provided by the following public speakers:

Henry Gage, III
 Saleem Bey

A motion was made by José Dorado, seconded by Ginale Harris, to approve the submission of Mike Nisperos to serve as Interim Executive Director of CPRA. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith
 No: 0

IX. Crisis Assistance Helping Out on the Streets (CAHOOTS) of Oregon Presentation (*this item was taken out of order*)

The Commission discussed exploring whether CAHOOTS, which is praised by the community, police, fire, and city administration as an effective, compassionate, and money saving program, would be beneficial in Oakland.

Comments were provided by the following public speakers:

Elise Bernstein
 Rashidah Grinage
 Reisa Jaffe
 Saleem Bey
 Bruce Schmiechen

A motion was made by Edwin Prather, seconded by Regina Jackson, to draft and send a letter to the City Council stating that the Commission endorses efforts within the Council to fund a study on how Oakland might implement and benefit from a program based on Eugene's (OR) CAHOOTS program. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith

No: 0

VII. Public Hearing on OPD Budget

OPD staff presented the Department's budget for the Commission to review. The Commission also conducted a public hearing on the budget per City Charter Section 604(b)(7).

Comments were provided by the following public speakers:

Reisa Jaffe
 Mary Vail
 Bruce Schmiechen
 Lorelei Bosserman
 Rashidah Grinage
 Maureen Benson
 Henry Gage, III
 Oscar Fuentes
 Cathy Leonard

A motion was made by José Dorado, seconded by Regina Jackson, to extend the meeting for 30 minutes. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, and Prather

No: Smith

No motion was made on this item.

VIII. Rules of Order Addition – Rule 2.19

The Commission discussed a potential amendment to the Rules of Order. New Rule 2.19 would create a procedure around the Commission's Chief of Police For Cause Assessment.

Comments were provided by the following public speakers:

Rashidah Grinage
 Saleem Bey

A motion was made by Edwin Prather, seconded by José Dorado, to adopt Rule 2.19 Chief of Police For Cause Assessment as drafted in Agenda attachment eight. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith
No: 0

X. Report from Ad Hoc Committee on CPRA Appellate Process

The Ad Hoc Committee on CPRA Appellate Process presented its on-going analysis on a potential appellate process for closed CPRA and/or CPRB cases.

Commissioner Smith stepped out and during that time Chair Regina Jackson designated Alternate Commissioner Chris Brown as a voting member. Shortly thereafter, Commissioner Smith returned.

Comments were provided by the following public speakers:
Saleem Bey
Henry Gage, III

No motion was made on this item.

A motion was made by Edwin Prather, seconded by Regina Jackson, to table items XII, XIII, XIV, XV, and XVI to the next agenda. The motion carried by the following vote:

**Aye: Dorado, Harris, Jackson, Prather, and Smith
No: 0**

- XI. Recess (*this item did not occur*)**
- XII. Pro Bono Legal Services Agreement (*this item was tabled to the next agenda*)**
No public comments were provided on this item.
- XIII. Commission Letter to City Council Regarding OPD Contract with Michael Palmertree (*this item was tabled to the next agenda*)**
No public comments were provided on this item.
- XIV. Committee/Liaison/Other Commissioner Reports (*this item was tabled to the next agenda*)**
No public comments were provided on this item.
- XV. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference (*this item was tabled to the next agenda*)**
No public comments were provided on this item.
- XVI. Agenda Setting and Prioritization of Upcoming Agenda Items (*this item was tabled to the next agenda*)**
No public comments were provided on this item.

XVII. Adjournment

A motion was made by Regina Jackson, seconded by Thomas Smith, to adjourn the meeting at 11:43 p.m. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith

No: 0



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

June 13, 2019

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland, CA 94612

I. Call to Order

Chair Regina Jackson

The meeting started at 6:32 p.m.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Tara Anderson, José Dorado, Ginale Harris, Regina Jackson, and Edwin Prather. Alternate Commissioner Chris Brown was designated as a voting member and quorum was met.

Alternate Commissioners Present: Chris Brown

Commissioners Absent: Mubarak Ahmad

Commissioners Excused: Edwin Prather and Thomas Smith

Counsel for this meeting: Sergio Rudin

III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Rashidah Grinage

Bruce Schmiechen

Henry Gage, III

Saleem Bey

John Bey

Assata Olugbala

Lorelei Bosserman

IV. Pawlik Investigation Update

The Commission discussed CPRA's recently completed Pawlik investigation and the process for closing the case.

Comments were provided by the following public speakers:

John Bey

Rashidah Grinage

Michael Tigges

Saleem Bey
Assata Olugbala

A motion was made by Regina Jackson, seconded by Ginale Harris, to close the Pawlik investigation, recognizing that by closing this investigation the Commission is not approving the already rejected CPRA report. In so doing, it is a decision of the Commission that the last recommendation from the Police Department, which is in this instance the findings and disciplinary determination of the Compliance Director, will stand. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson
No: 0

A motion was made by Regina Jackson, seconded by José Dorado, to designate the following agenda items to be tabled for the next meeting: V, VI, VII, VIII, XIII, and XV.

V. Commission Subpoenas Related to CPRA/Pawlik Investigation Communications (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

Michael Tigges
Rashidah Grinage
John Bey

VI. OPD Budget Update (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

Rashidah Grinage
Saleem Bey
Assata Olugbala
Oscar Fuentes

VII. OPD's Policy on the Deployment of the BearCat and Other Militarized Weapons (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

John Bey
Cathy Leonard
Assata Olugbala
Oscar Fuentes
John Lindsay-Poland
Rashidah Grinage
Bruce Schmiechen
Saleem Bey
Nino Parker

XI. Recess

The commission took a recess starting at 7:55 pm and resumed the meeting at 8:02 pm.

VIII. OPD Towing Policy Regarding Victims of Crime (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

John Bey

Rashidah Grinage

Nino Parker

Saleem Bey

XIII. Outside Counsel RFQ Update (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

Michael Tigges

XV. Commission Letter to City Council Regarding OPD Contract with Michael Palmertree (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

Assata Olugbala

A vote was taken on the motion to table items V, VI, VII, VIII, XIII, and XV. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0

At this time the previously heard motion on item IV was repeated as follows:

A motion was made by Regina Jackson, seconded by José Dorado, to close the Pawlik investigation, recognizing that by closing this investigation the Commission is not approving the already rejected CPRA report. In so doing, it is a decision of the Commission that the last recommendation from the Police Department, which is in this instance the findings and disciplinary determination of the Compliance Director, will stand. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0

IX. Report from Ad Hoc Committee on CPRA Appellate Process (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

Michael Tigges

A motion was made by Regina Jackson, seconded by José Dorado, to delay this item. A friendly amendment was made by Ginale Harris to remove the item from the agenda and put it on a prioritized list until the Commission obtains proper legal counsel. The amendment was accepted by Regina Jackson and José Dorado. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0

X. Bey Case Review

The Commission discussed engaging an investigator to review and consider the Bey case.

Comments were provided by the following public speakers:

Saleem Bey

John Bey

Henry Gage, III

Nino Parker

A motion was made by Ginale Harris, seconded by José Dorado, to follow the process of solicitation of services on Henry Gage, III, Amy Oppenheimer, and Michael Thompson and invite them to the next meeting on June 27th to present their scope of work, qualifications, and compensation. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0

XII. Audit of CPRA Investigations

The Commission discussed the procedure for conducting an audit of the CPRA, including the breadth and scope of any such audit and whether the audit should be conducted by an independent third-party.

Comments were provided by the following public speakers:

Rashidah Grinage

Saleem Bey

Assata Olugbala

John Bey

A motion was made by Ginale Harris to hire an investigative body to audit the CPRA investigations and files. A friendly amendment was made by Tara Anderson to add that the investigations should focus on racial profiling and use of force. Both the initial motion and the amendment were seconded by José Dorado. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson

No: 0

Abstained: Brown

XIV. Pro Bono Legal Services Agreement

The Commission discussed and reviewed an agreement from Henry Gage, III for pro bono legal services that was approved by the Personnel Committee.

Comments were provided by the following public speakers:

Henry Gage, III

A motion was made by Regina Jackson, seconded by José Dorado, that the Pro Bono Legal Services Agreement item goes back on the pending list. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson
No: 0

XVI. Commission Letter to City Council Regarding CAHOOTS

The Commission reviewed a letter to the City Council to support efforts within the City Council to fund exploration of whether Oakland can and should implement a similar program to CAHOOTS. CAHOOTS is praised by the community, police, fire, and city administration as an effective, compassionate, and money saving program, and may be beneficial in Oakland.

Comments were provided by the following public speakers:

Rashidah Grinage
John Lindsay-Poland
Anne Janks
Nino Parker
John Bey

A motion was made by Regina Jackson, seconded by José Dorado, to accept the letter with the edits that were made on paper by Commissioner Anderson and Alternate Commissioner Brown and handed to the Chair, and to authorize the Chair to send it. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson
No: 0

XVII. Committee/Liaison/Other Commissioner Reports

José Dorado presented a brief report on his activities on outreach and community policing. Regina Jackson spoke on behalf of the Personnel Committee that is meeting on June 26th to conduct interviews for the CPRA Executive Director position.

Comments were provided by the following public speakers:

Rashidah Grinage

No action was taken on this item.

XVIII. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference

The Commission discussed participation at the National Conference in Detroit September 22-26, 2019.

Comments were provided by the following public speakers:
Nino Parker

No action was taken on this item

XIX. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session and discussed agenda items for the upcoming Commission meeting: Commission letter to City Council regarding the Palmtree contract; Commission retreat: and budget projections to be included on a future agenda.

Comments were provided by the following public speakers:
There were no public speakers on this item

XX. Adjournment

A motion was made by José Dorado, seconded by Tara Anderson, to adjourn the meeting at 9:40 p.m. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson
No: 0



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

July 11, 2019

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland, CA 94612

I. Call to Order

Chair Regina Jackson

The meeting started at 6:34 p.m.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Tara Anderson, José Dorado, Regina Jackson, Edwin Prather, and Thomas Smith. Quorum was met.

Alternate Commissioners Present: Chris Brown

Commissioners Absent: Mubarak Ahmad

Commissioners Excused: Ginale Harris

Counsel for this meeting: Sergio Rudin

III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Saleem Bey

Rashidah Grinage

John Lindsay-Poland

Assata Olugbala

John Jones, III

Nino Parker

IV. Review of OPD Racial Impact Report

Deputy Chief LaRonne Armstrong presented the OPD's 2016-2018 Racial Impact Report.

Comments were provided by the following public speakers:

Rashidah Grinage

John Jones, III

Mary Vail

Saleem Bey

Assata Olugbala

Henry Gage, III

Nino Parker

No action was taken on this item.

V. OPD Special Order 9196

Acting Assistant Chief Darren Allison and Sergeant Joe Turner discussed Special Order 9196 which modifies Department General Orders K-03 Use of Force, and K-04 Reporting and Investigating the Use of Force and was submitted to the Police Commission for approval.

Comments were provided by the following public speakers:

Assata Olugbala

Lorelei Bosserman

Saleem Bey

Henry Gage, III

Anne Janks

Nino Parker

A motion was made by Edwin Prather, seconded by Thomas Smith, that the Commission approve Special Order 9196 subject to changing the language in DGO K-03 in section 4, subsection (a)(2) so that it reads “ the drawing, exhibiting, unholstering, or pointing of a firearm at another person is a use of force and is threatening and intimidating, and when warranted may cast a negative impression on members. A member may draw, exhibit, unholster, or point a firearm only when the member has reasonable cause to believe it may be reasonable for his or her safety or for the safety of others.” The motion carried by the following vote:

Aye: Anderson, Dorado, Jackson, Prather, and Smith

No: 0

Edwin Prather had to leave the meeting and Regina Jackson, in her role as Chair, designated Alternate Commissioner Chris Brown as a voting member for the purpose of maintaining a quorum.

VI. Oakland City Charter Revisions

The Commission discussed sending their revisions on Measure LL to the Coalition for Police Accountability.

Comments were provided by the following public speakers:

Lorelei Bosserman

Rashidah Grinage

Henry Gage, III

Assata Olugbala

Saleem Bey

Nino Parker

No action was taken on this item.

VII. Pawlik Investigation Update

The Commission discussed the Discipline Committee that was formed. The Discipline Committee had submitted its disciplinary findings and directive of action to Police Chief Anne Kirkpatrick.

Comments were provided by the following public speakers:
Rashidah Grinage

No action was taken on this item.

VIII. Commission Subpoenas Related to CPRA

The Commission did not have an update on this item.

Comments were provided by the following public speakers:
Rashidah Grinage
Mary Vail
Michael Tigges

No action was taken on this item.

IX. Review of CPRA Pending Cases and Completed Investigations

Interim Executive Director Mike Nisperos reported on the Agency's pending cases and completed investigations.

Comments were provided by the following public speakers:
Assata Olugbala
Rashidah Grinage
Michael Tigges

No action was taken on this item.

X. Meeting Minutes Approval

The Commission voted to approve meeting minutes from April 11 and 25, 2019.

Comments were provided by the following public speakers:
There were no public speakers on this item.

The Commission took a vote to approve the minutes from April 11, 2019. The minutes were approved by the following vote:

Aye: Anderson, Brown, and Jackson

No: 0

Abstained: Dorado and Smith

A motion was made by José Dorado, seconded by Chris Brown, to approve the minutes from April 25, 2019. The motion carried by the following vote:

Aye: Brown, Dorado, Jackson, and Smith

No: 0

Abstained: Anderson

XI. Police Commission Retreat

The Commission discussed their upcoming retreat and decided to hold the meeting on September 14, 2019.

Comments were provided by the following public speakers:

Jane Kramer

No action was taken on this item.

XII. Update on Filling Vacant Investigator II Positions at CPRA

The Commission provided an update on the status of filling the vacant Investigator II positions at CPRA. The process is continuing, and an eligibility list should be determined by August.

Comments were provided by the following public speakers:

Michael Tigges

No action was taken on this item.

XIII. Committee/Liaison/Other Commissioner Reports

José Dorado presented an update on the Community Policing Task Force and Summit.

Comments were provided by the following public speakers:

There were no public speakers on this item

No action was taken on this item.

XIV. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session and discussed items for the upcoming Commission meeting: report on SB1421 disclosures from Chief Kirkpatrick on what OPD has disclosed and what the plan for disclosure is; Chief's annual report reporting requirements; subpoena process; a closed session relating to CPRA closed cases; an update on the CPRA and Commission audits; planning for use of force policy changes; and an August recess.

Comments were provided by the following public speakers:

There were no speakers on this item

No action was taken on this item.

XV. Adjournment

A motion was made by Tara Anderson, seconded by José Dorado, to adjourn the meeting at 10:01 p.m. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Jackson, and Smith
No: 0



POBRA and Related Laws

Two Main Sets of Laws

1. Penal Code – Sections 830.1 through 832.8 describe some basic rules about employing police officers, including taking complaints from the public about their performance.
2. Government Code – Sections 3300-3313 are called the “Public Safety Officers’ Procedural Bill of Rights.” Also known as POBR, POBAR, or POBRA. These rules control our investigations and discipline process in Oakland.

Obligation to Investigate

Penal Code § 832.5

Requires agencies who employ peace officers to investigate public complaints of alleged police misconduct.

These are considered administrative, not criminal, investigations. But they can look at materials gathered in criminal investigations.

Complaints and related reports or findings are retained for at least five years and are considered personnel records.

CPRA's Duty to Investigate

Oakland Charter

CPRA receives, reviews, and prioritizes **all** public complaints concerning alleged police misconduct.

Mandatory to investigate:

- Use of force
- In-custody deaths
- Profiling based on any protected category
- First Amendment assemblies
- Other possible misconduct, as directed by the Commission

CPRA retains some discretion regarding “other possible misconduct.”
E.g. – investigation of officer DUI

Confidentiality vs Public Disclosure of Investigation Findings

Confidentiality

Many investigation findings remain confidential under Penal Code §832.7.

- Records related to the investigations, or information obtained from those records, are confidential unless they fall within newly-adopted exceptions.
- Although the investigation findings are generally confidential, we can publish statistical data regarding the complaints, and we disclose whether allegations were sustained, not sustained, exonerated, or unfounded, without identifying any individuals who were involved.

Confidentiality vs Public Disclosure of Investigation Findings

Notice of Findings to Complainants

Penal Code § 832.7 requires written notification to complainant of the investigation's disposition within 30 days of the disposition.

There are no laws that say what the complainant can or cannot do with this information.

Confidentiality vs Public Disclosure of Investigation Findings

New Public Disclosure Rules

SB 1421: New public disclosure rules became effective on January 1, 2019, and added four categories of incidents now subject to public disclosure (amendments to Penal Code §§ 832.7 and 832.8).

Confidentiality vs Public Disclosure of Investigation Findings

New Public Disclosure Rules

Two categories may be subject to disclosure regardless of whether or not there are sustained findings:

- Any ***discharge of a firearm*** at a person by a police officer, whether or not there is sustained misconduct.
- Any ***use of force against a person that results in death or “great bodily injury”*** (GBI), whether or not there is sustained misconduct.

Confidentiality vs Public Disclosure of Investigation Findings

New Public Disclosure Rules

Two categories become public records only if there are sustained findings of misconduct, and only after the sustained findings become final – after all appeal processes have been completed or waived. (Penal Code § 832.8)

- Any sustained finding of the “**sexual assault**” of a member of the public by a police officer
- Any sustained finding of “**dishonesty**” by a police officer “directly relating to” 1) the reporting, investigation, or prosecution of a crime; or 2) the reporting or investigation of misconduct by “another officer.”

POBRA – The Statute Governing Administrative Investigations of Police Officers

Government Code § 3300, et seq. is known as the Public Safety Officers Procedural Bill of Rights Act (POBR, POBAR, or POBRA) and provides rights and responsibilities as to administrative investigations into alleged misconduct.

- Covers all employees defined as “peace officers” under the Penal Code. That includes Oakland Police Officers, but not professional non-sworn staff of the Oakland Police Department.
- Does not apply to officers under criminal investigation. But those officers are usually the subject of a separate administrative investigation, which is then subject to POBRA.

Interrogation Rights and Procedures

When Do Rights Apply?

For CPRA purposes, the key provision is that these rights apply because CPRA interrogations can lead to punitive action.

And the Oakland Charter provides that all officers are afforded their “due process and statutory rights,” which includes their POBRA rights.

Interrogation Rights and Procedures

Notice About Nature of the Investigation

The Rule

Officer must be advised of the “nature of the investigation,” reasonably in advance of the interrogation.

Officer is not entitled to a copy of the complaint or to evidence gathered by the investigator the first time they are interviewed.

Interrogation Rights and Procedures

Rights of Subject Officer If Interviewed More Than One Time

Officer is entitled to “notes and recordings,” including any transcribed copies of a prior interview.

Santa Ana ruling in 2017 held that officers are additionally entitled to “any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential.”

CPRA has challenged this ruling and litigation is in process.

Interrogation Rights and Procedures

Timing of the Interrogation

Interrogation should occur during on-duty hours if possible.

Interrogation must be of reasonable length, and officer must be allowed to attend to physical necessities.

Interrogation Rights and Procedures

Right to Representation

Officers have the right to the representative of their choice.

The representative cannot be a person subject to the same investigation.

CPRA cannot question the representative about any information received from the officer.

Officers cannot unreasonably delay the interrogation based on unavailability of a chosen representative.

Representative is more than a “mere observer” and is allowed to speak for the officer.

Interrogation Rights and Procedures

Information That Must Be Provided in Advance of Interrogation

Name and job title of the investigator in charge of the interrogation

Name and job title of any other interrogating investigator

- There cannot be more than two questioners

Names of all other parties in attendance

Other Interrogation Rules

No offensive language.

No threats of punitive action other than threats of disciplinary action for non-cooperation.

Interrogation Rights and Procedures

Right Against Self-Incrimination – Fifth Amendment Right to Remain Silent & “Lybarger” Admonitions

What Triggers the Admonitions?

For the 5th Amendment warning, if, prior to or during an interrogation it is contemplated that an officer may be charged with a criminal offense, the officer must be immediately informed of their Constitutional rights.

For *Lybarger* the admonition is given if an investigation may result in a criminal charge based on misconduct; **or** whenever an officer refuses to answer on grounds the answer may be self-incriminating.

Interrogation Rights and Procedures

Right Against Self-Incrimination – Fifth Amendment Right to Remain Silent & “Lybarger” Admonitions

5th Amendment & Lybarger Warning Elements:

Officer has the right not to incriminate themselves; **but**

Silence may be deemed insubordination and result in discipline in the administrative case, not the criminal case; **and**

Any statement given in administrative interview – “coerced” by the threat of discipline – cannot be used in the prosecution case in chief in subsequent criminal proceedings. (*Lybarger*)

Rights Related to Discipline Decisions

Once the City of Oakland makes its decision to impose discipline, the department must notify the officer in writing within 30 days of that decision.

The first step in that process is known as a *Skelly* hearing.

After the *Skelly* hearing, the discipline is imposed, assuming the City prevails. If the officer prevails, there is no appeal for the City.

Officers subjected to punitive action after the *Skelly* must be given an opportunity for administrative appeal. In Oakland, the POA MOU dictates that this appeal is an arbitration hearing.

Other Rights

Privacy Rights

Officer has absolute right to decline a polygraph.

Qualified right to privacy in financial records.

No disclosure of home address, phone, or photo to the media.

No search of locker or other assigned storage area, except in the officer's presence, with consent; or pursuant to a valid search warrant.

Personnel Files

Officers have the right to inspect and respond to adverse comments in personnel files.

Right to Go To Court

POBRA gives officers the right to go to court to challenge alleged denial of any of the rights afforded in POBRA *before* the administrative case is concluded.

This is unusual in that most other public employees have to wait for the discipline process to conclude. Police Officers can go to court in the middle of that process.

POBRA affords attorney's fees to any party that prevails in that litigation.

3304 Limit– One Year Plus Tolling

Discipline has to be noticed to the officer within one year of the discovery of wrongdoing by someone with authority to initiate an investigation.

That year can be extended, or “tolled,” by any one of eight conditions listed in 3304(d)(2). TOLLING IS OPTIONAL.

The one-year deadline is met by service of a notice of discipline on the officer. 3304(d)(1).

The ultimate discipline can be imposed more than a year later.

The Eight Tolling Provisions – 3304(d)2

- (A) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution.
- (B) Written waiver by the officer.
- (C) Multijurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.
- (D) The investigation involves more than one employee and requires a reasonable extension.
- (E) The employee is incapacitated or otherwise unavailable.
- (F) Civil litigation where the officer is named as a party defendant.
- (G) Criminal litigation where the complainant is a criminal defendant.
- (H) An allegation of workers' compensation fraud on the part of the public safety officer.

Reopening An Investigation After 3304 Has Passed - 3304(g)

Can reopen after one-year limitations has passed, **only** if both of the following exists:

1. Significant new evidence comes to light that would likely affect the outcome of the investigation;

AND

2. This evidence could not have been discovered during the one-year timeframe; **OR** new evidence came to light during the *Skelly* process.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Pending Agenda Matters List
Date:	November 26, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	John Alden, CPRA Executive Director

Action Requested:

Review Pending Agenda Matters List and decide on which, if any, to include in upcoming agendas.

Background:

The following exhaustive list was begun in early 2018 and includes items submitted for consideration on future agendas. Community members may suggest agenda items by completing and submitting the Agenda Matter Submission Form found on the Commission's webpage.

Discussion:

The following trainings must be delivered in open session and should be scheduled soon:

Subject Matter	Provider	Dates Offered or Scheduled (if known)
<i>Mandated by City Charter section 604 (c)(9) and Enabling Ordinance section</i>		
California's Meyers Milius Brown Act (MMBA) and Public Employment Relations Board's Administration MMBA (OMC 2.45.190(G)) <i>must be done in open session</i>	HR	Planning for 3.12.20
Civil Service Board and Other Relevant City Personnel Policies and Procedures (OMC 2.45.190(G)) <i>must be done in open session</i>	HR	Planning for 2.27.20
Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (OMC 2.45.190(G)) <i>must be done in open session</i>	HR	Planning for 3.26.20
Police Officers Bill of Rights (OPC 2.45.190(H)) <i>must be done in open session</i>	John Alden	12.12.19

Attachments:

Pending Agenda Matters List

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
2	Commissioner Trainings	1/1/2018	<p>Complete trainings mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190</p> <p>Some trainings have deadlines for when they should be completed (within 3 months, 6 months, etc.)</p> <p>Several trainings were delivered in open session and have been recorded for future use</p>	<p>The following trainings must be done in Open Session:</p> <ol style="list-style-type: none"> 1. California's Meyers Miliias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA 2. Civil Service Board and Other Relevant City Personnel Policies and Procedures 3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees 4. Police Officers Bill of Rights (scheduled for 12.12.19) 	High	Ongoing	12/12/2019	
3	Military Police Equipment Policy	9/10/2019		Discussion of an ordinance drafted by the Coalition for Police Accountability for OPD equipment use and acquisition.	High		12/12/2019	

Police Commission Pending Agenda Matters List

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

Police Commission Pending Agenda Matters List

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
5	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	High		1/9/2020	
6	Create Ad Hoc Committee To Determine if Commission Can Open or Re-Open an Investigation	10/2/2018		The Commission has heard from community members regarding concerns about what the Commission's power actually is regarding opening and re-opening investigations.	High		1/9/2020	
7	Finalize Bylaws and Rules	1/24/2019			High		1/9/2020	Gage
8	Measure LL Revisions	10/1/2019	The Commission will discuss and provide feedback on the draft revision of Measure LL provided by the Coalition for Police Accountability to the Commission and City Council President Kaplan		High		1/9/2020	Gage
9	Social Media Communication Responsibilities and Coordination and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	High		1/9/2020	
10	Determine Outstanding Issues in Meet and Confer and the Status of M&C on Disciplinary Reports	10/6/2018		Need report from police chief and city attorney. Also need status report about collective bargaining process that is expected to begin soon.	High		1/9/2020	

Police Commission Pending Agenda Matters List

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
11	Discipline: Second Swanson Report Recommendations – Have These Been Implemented?	10/6/2018		Supervisor discipline Process for recommending improvements to policies, procedures and training, and to track and implement recommendations Tracking officer training and the content of training Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines IAD civilian oversight for continuity in IAD Improved discovery processes Permanent arbitration panel implemented from MOU OPD internal counsel Two attorneys in OCA that support OPD disciplines and arbitration Reports on how OCA is supporting OPD in discipline matters and reports on arbitration Public report on police discipline from Mayor's office OIG audit includes key metrics on standards of discipline	High		1/23/2020	
12	Public Hearing on Use of Force	4/22/2019		Work with community on presenting a public hearing on use of force.	High		1/23/2020	Harris
13	Receive a Report from the Ad Hoc Committee on CPRA Appellate Process	6/13/2019	Once the Commission has an outside counsel, work with them on determining an appellate process	When a draft process is determined, bring to the Commission for a vote.	High		1/23/2020	Brown, Gage, Prather
14	Reports from OPD	10/6/2018	Commission to decide on what reports are needed prior to receiving them.	Receive reports from OPD on issues such as: response times; murder case closure rates; hiring and discipline status report (general number for public hearing); any comp stat data they are using; privacy issues; human trafficking work; use of force stats; homelessness issues; towing cars of people who sleep in their vehicles	High	Ongoing as appropriate	1/23/2020	
15	Review Commission's Agenda Setting Policy	4/25/2019			High		1/23/2020	

Police Commission Pending Agenda Matters List

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
16	Recommendations for Increasing Communication Between CPRA and IAD	10/6/2018		Review of existing communication practices and information sharing protocols between departments, need recommendations from stakeholders about whether a policy is needed. Ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing.	High		2/13/2020	
17	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	<p>Oakland Municipal Code 2.45.070(I). Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of:</p> <ol style="list-style-type: none"> To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; Arbitration decisions or other related results; The ways in which it has supported the police discipline process; and Significant recent developments in police discipline. <p>The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7</p>	High	Semi-annually	2/13/2020	Smith
18	Feedback from Youth on CPRA App	10/10/2018		Get some feedback from youth as to what ideas, concerns, questions they have about its usability.	High		2/27/2020	

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
19	Confirming the Process to Hire Staff for the Office of Inspector General	5/17/2019	Per the Enabling Ordinance: The City shall allocate a sufficient budget for the OIG to perform its functions and duties as set forth in section 2.45.120, including budgeting one (1) full-time staff position comparable to the position of Police Program and Audit Supervisor. Within thirty (30) days after the first Inspector General is hired, the Policy Analyst position and funding then budgeted to the Agency shall be reallocated to the OIG. All OIG staff, including the Inspector General, shall be civil service employees in accordance with Article IX of the City Charter.	This will require information presented from the City Administrator's Office.	High			
20	Desk Audit of CPRA Staff by Human Resources	5/17/2019	The Commission would like to request that Human Resources do a desk audit for every job position in the CPRA.	This will enable the Police Commission to engage in a reorganization of the CPRA.	High			John Alden
21	Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	Pending Measure LL revisions to be included in the November 2020 ballot. Recruitment and job posting in process.	High			Personnel Committee

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
22	Performance Reviews of CPRA Director and OPD Chief	1/1/2018	Conduct performance reviews of the Agency Director and the Chief	The Commission must determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Agency Director's or the Chiefs job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary.	High	Annually; Criteria for evaluation due 1 year prior to review		
23	Proposal For Staff Positions for Commission and CPRA	1/1/2018	Provide the City Administrator with its proposal for staff positions needed for Commission and Agency to fulfill its functions and duties		High	Ongoing as appropriate		
24	OPD Update on New Karibbean City Night Club Issue	10/29/2019	OPD to provide an update on the status of an issue that was raised on 10.10.19	The owner of the night club spoke during Open Forum at the meeting on 10.10.19 about an issue with OPD.	Medium		1/9/2020	
25	City Auditor's Office to Present Performance and Financial Audit of Commission		City Auditor to conduct a performance audit and a financial audit of the Commission and the Agency	No later than two (2) years after the City Council has confirmed the first set of Commissioners and alternates, the City Auditor shall conduct a performance audit and a financial audit of the Commission and the Agency. Nothing herein shall limit the City Auditor's authority to conduct future performance and financial audits of the Commission and the Agency.	Medium	December, 2019	1/9/2020	

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
26	Creation of a Policy Committee	9/30/2019	The Commission will discuss, and take action, to determine whether to forward a request to City Council to authorize the creation of a standing Policy Committee.		Medium		1/9/2020	Gage
27	Review Budget and Resources of IAD	10/10/2018		In Discipline Training it was noted that many "lower level" investigations are outsourced to direct supervisors and sergeants. Leaders in IAD have agreed that it would be helpful to double investigators and stop outsourcing to Supervisors/Sgts. Commissioners have also wondered about an increase civilian investigators. Does the Commission have jurisdiction over this?	Medium		1/9/2020	
28	Community Policing Task Force/Summit	1/24/2019			Medium		1/23/2020	Dorado
29	Receive Report from Urban Strategies on their Safe Oakland Summit of 6.5.19	8/22/2019		Commissioner Dorado will invite David Harris of Urban Strategies to give a report on the Safe Oakland Summit which was held on 6.5.19	Medium		1/23/2020	Dorado
30	Report from OPD Regarding Found/Confiscated Items	7/12/2019	OPD Chief Kirkpatrick will report on the Department's policy for disposition of found/confiscated items.	This came about through a question from Nino Parker. The Chief offered to present a report at a future meeting.	Medium		1/23/2020	
31	Revise Contracts with CPRA and Commission Legal Counsels	10/10/2018		The contract posted on the Commission's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City Attorney's Office, not the Commission. The Commission has yet to see the CPRA attorney's contract, but it, too, may be problematic.	Medium		1/23/2020	

Police Commission Pending Agenda Matters List

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
32	OPD Supervision Policies	10/2/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for supervisory accountability. Draft policy changes as needed. In addition, IG should conduct study of supervisor discipline practices. In other words, how often are supervisors held accountable for the misconduct of their subordinates.	Medium		1/23/2020	
33	Modify Code of Conduct from Public Ethics Commission for Police Commission	10/2/2018		On code of conduct for Commissioners there is currently a code that was developed by the Public Ethics Commission.	Medium		2/27/2020	
34	CPAB Report			Oakland Municipal Code §2.45.070 (O): Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium			
35	Follow up on Najiri Smith Case	10/10/2018		Community members representing Najiri claim the officer lied re. the time of interaction, which makes the citation (loud music after 10pm) invalid. They claimed he was engaged by OPD around 9.10pm.	Medium			

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
36	Offsite Meetings	1/1/2018	Meet in locations other than City Hall	The offsite meetings must include an agenda item titled "Community Roundtable" or something similar, and the Commission must consider inviting individuals and groups familiar with the issues involved in building and maintaining trust between the community and the Department. (OMC § 2.45.090(B).)	Medium	Annually; at least twice each year		Dorado, Harris, Jackson
37	Report Regarding OPD Chief's Report	1/1/2018	Submit a report to the Mayor, City Council and the public regarding the Chief's report in addition to other matters relevant to the functions and duties of the Commission	The Chief's report needs to be completed first.	Medium	Annually; once per year		
38	Review Commission's Code of Conduct Policy	4/25/2019			Medium		3/12/2020	Prather
39	Review Commission's Outreach Policy	4/25/2019			Medium		3/12/2020	Dorado
40	Taser Policy (incorporate into Use of Force)	10/10/2018		This is part of Use of Force Policy; Review use of tasers in light of what happened to Marcellus Toney - In the report the Commission was given, it mentioned that officers have choice as to where to deploy a taser.	Medium			
41	Presentation by National Institute for Criminal Justice Reform (NICJR) of proposed pilot juvenile diversion program	11/18/2019	NICJR has requested time at a Commission meeting to present their proposed pilot juvenile diversion program	The program is the Neighborhood Opportunity and Accountability Board (NOAB) which will be a community based, restorative, youth diversion initiative in Oakland. The NOAB will divert youth from formal processing into the juvenile justice system, involve community members in what happens with youth who engage in delinquent behavior, improve youth outcomes, and increase public safety.	Low			Harris

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
42	De-Escalation Policy (incorporate into Use of Force)	1/1/2018		This should be part of Use of Force Policy; review existing policy (if any) and take testimony/evidence from experts and community about best practices for de-escalation.	Low		1/9/2020	
43	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	4/17/2020	1/23/2020	Prather, Smith
44	Discipline: Based on Review of MOU	10/6/2018		How often is Civil Service used v. arbitration? How long does each process take? What are the contributing factors for the length of the process? How often are timelines not met at every level? How often is conflict resolution process used? How long is it taking to get through it? Is there a permanent arbitration list? What is contemplated if there's no permanent list? How often are settlement discussions held at step 5? How many cases settle? Is there a panel for Immediate dispute resolution? How many Caloca appeals? How many are granted? What happened to the recommendations in the Second Swanson report?	Low		1/23/2020	
45	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low		2/27/2020	
46	Public Hearings on OPD Policies, Rules, Practices, Customs, General Orders	1/1/2018	Conduct public hearings on Department policies, rules, practices, customs, and General Orders; CPRA suggests reviewing Body Camera Policy		Low	Annually; at least once per year	2/27/2020	Dorado

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
47	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019			Low		2/27/2020	
48	Public Hearing on OPD Budget	1/1/2018	Conduct at least one public hearing on the Police Department's budget	Tentative release date of Mayor's proposed budget is May 1st of each year.	Low	Spring, 2021	Fall, 2019	
49	Amendment of DGO C-1 (Grooming & Appearance Policy)	10/10/2018		DGO C-1 is an OPD policy that outlines standards for personal appearance. This policy should be amended to use more inclusive language, and to avoid promoting appearance requirements that are merely aesthetic concerns, rather than defensible business needs of the police department.	Low			
50	Assessing Responsiveness Capabilities	10/6/2018		Review OPD policies or training regarding how to assess if an individual whom police encounter may have a disability that impairs the ability to respond to their commands.	Low			
51	Creation of Form Regarding Inspector General's Job Performance	1/1/2018	Create a form for Commissioners to use in providing annual comments, observations and assessments to the City Administrator regarding the Inspector General's job performance. Each Commissioner shall complete the form individually and submit his or her completed form to the City Administrator confidentially.	To be done once Inspector General position is filled.	Low			
52	OPD Data and Reporting			Oakland Municipal Code §2.45.070(P): Review and comment on the Department's police and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments to the Chief, and request the Chief to consider its recommendations and respond to the comments in writing.	Low			

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53	Overtime Usage by OPD - Cost and Impact on Personal Health; Moonlighting for AC Transit	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			
54	Process to Review Allegations of Misconduct by a Commissioner	10/2/2018		Maureen Benson named concerns/allegations about a sitting Commissioner early in 2018, but no process exists which allows for transparency or a way to have those concerns reviewed. It was suggested to hold a hearing where anyone making allegations presents evidence, the person named has an opportunity to respond and then the commission decides if there's sanctions or not. *Suggestion from Regina Jackson: we should design a form...check box for the allegation...provide narrative to explain..hearing within 4 weeks?	Low			Jackson

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
55	Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	1/1/2018	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress. (See Trauma Informed Policing Plan)	Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of posttraumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.	Low	4/15/2020		