



OAKLAND POLICE COMMISSION SPECIAL MEETING AGENDA

January 23, 2020

5:30 PM

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

I. Call to Order

Chair Regina Jackson

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Excused Absence: Edwin Prather

III. Public Comment on Closed Session Items

THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION IN CITY HALL BUILDING BRIDGES ROOM, 3RD FLOOR 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.

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. Jonathan Bandabaila Investigation Update and OPD Social Media Policy

OPD will provide a status report on the investigation into the disappearance of Jonathan Bandabaila in May of 2019. The Department will also discuss the status of creating a department-specific social media policy. ***This is a new item.***

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

VIII. Update on City Auditor's Report

The Commission will discuss the status of the Police Commission and CPRA audits and when final reports are expected to be publicly released. ***This is a new item.***

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

IX. Letter of Support from Commission for National Institute for Criminal Justice Reform’s Proposed Pilot Juvenile Diversion Program

The Commission will discuss and vote to approve a letter of support which was prepared by Commissioner Prather. ***This is a new item.*** ([Attachment 9](#)).

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

X. 65th Independent Monitor’s Report dated December 19, 2019

The Commission will discuss the 65th Independent Monitor’s Report dated December 19, 2019. ***This is a new item.*** ([Attachment 10](#)).

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

XI. 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 11](#)).

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

XII. Outreach Services for CPRA

The Commission will discuss seeking a provider of outreach services for CPRA. The Commission may vote to issue an RFP or to select a sole-source provider. ***This is a new item.*** ([Attachment 12](#)).

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

XIII. Discussion and Vote to Authorize CPRA Director to Enter into Contracts for Services for Outreach Meetings, and Set Budget for Same

The Commission will discuss and vote to authorize the CPRA Director to enter into contracts secure A/V services, room rentals, and the like for outreach meetings for the Use of Force revision process. ***This is a new item.***

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

XIV. Strategic Plan Update from Off-Site Retreat

The Commission will discuss the Strategic Plan which was prepared based on the work that was done at the off-site retreat on September 12, 2019. ***This is a new item.*** ([Attachment 14](#)).

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

XV. Meeting Minutes Approval

The Commission will vote to approve minutes from October 10, October 24, November 14, and December 12, 2019. ***This is a recurring item.*** ([Attachment 15](#)).

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

XVI. 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

XVII. 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 17](#)).

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

XVIII. Adjournment



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin, or Spanish interpreter, please e-mail jrus@oaklandca.gov or call 510-238-3325 or 711 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

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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Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.

CITY OF OAKLAND



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

Police Commission

January 9, 2020

Re: Neighborhood Opportunity and Accountability Board Youth Diversion Project

Dear Community Stakeholder,

The Oakland Police Commission wholeheartedly supports the Neighborhood Opportunity and Accountability Board (NOAB)'s youth diversion project through the National Institute for Criminal Justice Reform.

Diversion programs redirect youth offenders from the criminal justice system through the provision of support, supervision, and programming. Similarly, NOAB's diversion program will divert youth who have committed minor offenses away from the system and towards community-based treatment and support options instead of confinement. NOAB's program will be far more effective in addressing and preventing future delinquency than the traditional criminal justice system.

Additionally, NOAB's diversion program will keep youth from being "formally processed" in the criminal justice system. Such processing perpetuates delinquency by "labeling" youth offenders and exposing them to circumstances within juvenile and adult correctional institutions that may actually increase recidivism.

Lastly, NOAB's program is designed to be less costly than formal court proceedings by reducing the burden on the court system, reducing the caseload of juvenile probation officers, and freeing up those limited resources and services for high-risk juvenile offenders.

NOAB's youth diversion project is also supported by the Oakland Police Department and seeks to work with Alameda County Probation Office and the Alameda County District Attorney's Office. We look forward to having you collaborate with us on this program as well.

If you have any questions, please do not hesitate to contact me at RJackson@OaklandCommission.org or David Muhammad, Executive Director of the National Institute for Criminal Justice Reform, at David@NICJR.org. Thank you in advance for your support.

Very truly yours,

Regina Jackson

Regina Jackson
Chair, Oakland Police Commission

December 19, 2019

Sixty-Fifth Report *of the Independent Monitor for the Oakland Police Department*

Introduction

This is our sixty-fifth status report on the Negotiated Settlement Agreement (NSA) in the case of *Delphine Allen, et al., vs. City of Oakland, et al.*, in the United States District Court for the Northern District of California under the direction of Judge William H. Orrick. I was appointed in 2010 to oversee the monitoring process of the Oakland Police Department (OPD) that began in 2003.

This report covers our site visit of October 29-30, 2019; and describes our recent assessments of NSA Tasks 24, 25, 26, and 30. Following the Court's Order of May 21, 2015, we devote special attention to the most problematic component parts of the Tasks that are not yet in full or sustained compliance; and discuss in our status reports the most current information regarding the Department's progress with the NSA and its efforts at making the reforms sustainable.

As noted previously, the Court in a November 2018 Case Management Conference reactivated Tasks 24 (Use of Force Reporting Policy), 25 (Use of Force Investigation and Report Responsibilities), and 31 (Officer-Involved Shooting Investigations). We will include our assessment of Task 31 in future status reports and will also reference the Task 31 requirements in a forthcoming review of the Department's most recent (March 2018) officer-involved shooting.

Increasing Technical Assistance

Each month, our Team conducts a visit to Oakland that includes both compliance assessments and technical assistance. During our visits, we meet with Department and City officials; observe Department meetings and technical demonstrations; review Departmental policies; conduct interviews and make observations in the field; and analyze OPD documents and files, including misconduct investigations, use of force reports, crime and arrest reports, Stop Data Forms, and other documentation. We also provide technical assistance in additional areas, especially those that relate to the remaining non-compliant Tasks or areas identified by the Department.

We recently provided technical assistance to OPD officials in the areas of IAD investigation quality (Task 5); use of force investigations (Tasks 24 and 25); stop data and related issues (Task 34); risk management and the ongoing maintenance issues and development of the Performance Reporting Information Metrics Environment (PRIME) system, now called Vision (Task 41); and several Department policies and procedures, including policies related to PRIME, officer discipline, use of force, probationers and parolees, handcuffing, the use of armored vehicles, and the use of electronic control weapons.

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Building Internal Capacity at OPD

Also per the May 21, 2015 Court Order, we continue to work closely with the Office of Inspector General's (OIG) lieutenant and staff to identify areas that it should audit or review – and to help design approaches to these audits that are not cumbersome, so as to ensure sustainability. We review OIG's quarterly progress reports, which are a valuable resource and assist us in assessing compliance with NSA requirements.

Focused Task Assessments

Overview of Our Assessments of Tasks 24 and 25

OPD had been in compliance with Tasks 24 and 25 since 2015, and we were not actively reviewing these Tasks. On November 27, 2018, as a result of concerns that had been brought forward regarding the identification and investigation of uses of force, the Court reactivated Tasks 24 and 25. The Court expressed concerns about the potential underreporting of use of force based on the analysis completed by the Monitoring Team.

For purposes of this report, we reviewed 55 level 3 and Level 4 Use of Force (UOF) reports that were completed by OPD personnel during February and March 2019 to assess compliance with Tasks 24 and 25. We reviewed all incidents that involved at least one Level 3 use of force, and a sample of Level 4 uses of force. We also reviewed 10 Level 2 uses of force, for which an FRB was held between February and October 2019. The review of the Level 2 uses of force here includes only an assessment of the field investigation. Any identified concerns and final outcomes identified in FRBs we assess for Tasks 26 and 30.

Since we resumed these reviews following the Court's reactivation of these Tasks, we have provided detailed feedback on the force investigations to OPD during each of our site visits. In cases where we have had questions or concerns, OPD personnel have been responsive and provided follow-up where necessary. Many of the concerns we have noted in our reviews and discussions with OPD were also identified in the recent OIG audit on the use of force.

In late 2018, OPD employees received training on the requirements for use of force reporting related to the pointing of weapons. In April 2019, OPD issued an Information Bulletin that provided clarification and direction regarding the documentation of use of force. The content of this bulletin included many of the concerns we had identified with the proper reporting of force. OPD also drafted Special Order 9196 to address many of the concerns that have been identified. In addition, the Chief authored a directive email to personnel in June 2019 that specifically addressed boilerplate language in use of force reports; and in November 2019, the Chief sent an additional email to address the use of generic or boilerplate language in the administrative section of Department reports. The Department is currently revising its use of force policy, and we have provided our input during this process.

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While this status report covers UOF reports completed prior to April 2019 – that is, before the majority of the interventions noted above occurred – we are hopeful that these actions by OPD will reduce future deficiencies in the reporting of force.

In our review of the 55 Level 3 and Level 4 uses of force reports completed in February and March 2019, we did not identify any incidents where we believe the use of force was inappropriate or excessive. In our review of Level 2 uses of force, we identified two instances where additional uses of force had been used and not reported. The Force Review Boards for these incidents addressed these additional uses of force. We did identify one incident where we believe the UOF should have been found out of policy. The Force Review Board found this force within policy. Details of this UOF and our findings are included in our assessment of FRBs, in Task 26.

In the Level 3 and Level 4 UOFs we reviewed, officers used force against 64 persons. In some cases, multiple officers used force on a single person; and in others, force was used on multiple persons, either by a single officer or multiple officers.

The total breakdown for the force used on the 64 persons is as follows: African American, 52%; Latino, 24%; White, 14%; and Asian or other, 10%. These percentages are similar to those reported in our sixty-third status report. Officers pointed a weapon at persons 74 times, an increase of 30 from what we found in our last review, documented in our sixty-third status report. We noted in our reviews for this report that there were several incidents that involved multiple suspects, prolonged incidents, or barricaded subjects, which resulted in numerous OPD personnel being involved. In these 74 instances, the breakdown is as follows: African American, 52%; Latino, 24%; White, 14%; and Asian or other, 10%. This is, again, generally consistent with the percentages reported in our sixty-third status report.

In the 55 Level 3 and 4 incidents, 40 persons on whom force was used were arrested or criminally charged for felony or misdemeanor violations. The remaining 15 involved mental health holds, inability to establish criminal conduct, subjects who escaped, victims who did not want to prosecute, or subjects determined not to be a suspect after investigation conducted. In eight of the incidents reviewed, a person claimed some type of injury. Some of the injuries required only first aid at the scene. In other incidents, persons were transported to a medical facility for treatment of minor injuries that did not require hospitalization, for the removal of a Taser probe, or solely to obtain a medical clearance.

As noted in our assessment of Task 25.3 in our sixty-first and sixty-third status reports, we again identified incidents in our reviews where we believe that additional verbal communications and explanation with persons who were contacted might result in a reduction in the need to use physical force, and incidents where OPD failed to identify themselves as police officers when contacting subjects. We have discussed this with OPD and will continue to monitor these types of instances; as is our practice during our monthly site visits, we will provide input to the Department. We continue to encourage OPD to consider whether additional training is needed for personnel on how to approach; and, when necessary, detain persons they encounter.

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During our review of the 55 Level 3 and 4 use of force incidents, we again noted instances where it took multiple officers to control and secure combative persons. In some of these instances, only a single officer who used an identified weaponless defense technique (leg sweep, arm bar, etc.) to overcome resistance was identified as having used force. The officers who assisted in controlling the subject were listed only as witnesses. The Department's pending revision to its use of force policy will clarify what constitutes a "reportable use of force" and provide clearer direction of the reporting of use of force. We again note that this revision will undoubtedly and significantly *increase* the number of reportable uses of force. OPD should track the revisions once implemented, to determine the effects that this and any other policy change have upon the reported use of force numbers.

We also continue to note in our reviews that officers use the administrative sections of their reports to document whether force was used, if force was observed, and if their PDRDs were activated. Again, we found that this administrative section is sometimes inaccurate and does not reflect what occurred, even when the narrative for the reports may reflect accurate information. In some cases, we also noted that officers indicated that their PDRDs were activated in this section, but failed to document that the PDRD had been activated late, or in some cases malfunctioned. Using this "boilerplate" or "pat" language in the administrative section raises concerns about both the accuracy of reporting and the quality of supervisory reviews conducted. As we noted in our sixty-third status report, these kinds of reporting deficiencies should not be occurring at this late stage of the NSA process. OPD has addressed the concerns we have identified with the accuracy of reporting and boilerplate language with written directives to their personnel. We will continue to discuss these kinds of cases with OPD during our upcoming site visit.

In 10 of the 55 investigations we reviewed, OPD personnel either failed to activate their PDRDs or activated them late. This is a large number of deficiencies, especially considering the years that OPD has been using this technology. In the majority of these cases, the supervisor addressed the issue with a Supervisory Note File (SNF). We did note, however, that in some of these cases, the supervisor did not establish whether the officer had a pattern of failing to activate the PDRD prior to issuing the SNF. We also noted two cases where the failure to activate, or late activation, was not addressed by the supervisor. We have shared these specific incidents with OPD during our site visits, and they have since been addressed. While we support OPD's use of SNFs to address some concerns – including failure to activate the PDRD, use of profanity, or proper use of tactics – it is only appropriate to do so if a pattern does not exist. It remains critical that supervisors review prior work performance before determining how to handle those deficiencies they identify.

The use of force analysis we conducted last year established the underreporting of Level 4 uses of force where an officer pointed a weapon at a person. Following our analysis, OPD partially addressed this concern with refresher training in September 2018 for all officers, and the Department will further address this issue in its use of force policy revisions. In our review of cases for this report, we did not identify any instances where an officer failed to report the pointing of a weapon at a person.

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In our review of OPD's 249th Biweekly Compliance Update, dated November 20, 2019, we noted that year to date in 2019, there were 1,277 Level 4 uses of force. There were 404 Level 4 uses of force during the same time period in 2018. As noted above, the Chief ordered refresher training on officers' use of firearms in September 2018, and the number of reported uses of force has increased dramatically since that time. OPD continues to note that the significant increase in Level 4 uses of force may be related to the potential underreporting of Level 4 - Type 22 pointing a weapon at a person prior to the refresher training.

In this same Compliance Update, OPD noted that there were 96 Level 3 uses of force, year to date for 2019. During the same time period in 2018, 66 Level 3 uses of force were reported. We previously asked OPD for any explanation for this increase. The Department identified that the most significant increase is in Level 3 - Type 16 use of force, which is a weaponless defense technique other than the use of a control hold. The other noted increase was in the use of Taser, Level 3 - Type 11 and 18. During our July 2019 site visit, OPD representatives cited multiple possible factors to account for this increase, including: lessons OPD personnel have learned from prior incidents; that officers are now more apt to identify the use of force; and that the Chief has given direction that if there is any doubt about whether the force used was reportable, it should be reported. Again, during our most recent site visit in November 2019, OPD told us they continue to believe the explanations previously provided are the likely causes for the increases in the reporting of both Level 3 and Level 4 uses of force.

As we have previously noted, the increases in the reported uses of force do not appear to signal a rise in actual use of force, but rather is a result of prior inaccurate reporting left unchecked by supervisory personnel. In addition, we have identified concerns with the investigative narratives, PRIME reports, and other documentation. OPD has now taken numerous steps to address the proper reporting of use of force and the concerns that have been identified during our reviews. The most significant steps, beyond the firearms training that occurred in late 2018, began in April 2019. Our next report including Tasks 24 and 25 will cover uses of force occurring in April and May 2019, and we are hopeful that we will start to see the impact of the directives from OPD executive staff in that review.

Task 24: Use of Force Reporting Policy

Requirements:

The policy shall require that:

1. *Members/employees notify their supervisor as soon as practicable following any investigated use of force or allegation of excessive use of force.*
2. *In every investigated use of force incident, every member/employee using force, and every member/employee on the scene of the incident at the time the force was used, shall report all uses of force on the appropriate form, unless otherwise directed by the investigating supervisor.*

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3. *OPD personnel document, on the appropriate form, any use of force and/or the drawing and intentional pointing of a firearm at another person.*
4. *A supervisor respond to the scene upon notification of an investigated use of force or an allegation of excessive use of force, unless community unrest or other conditions makes this impracticable.*
5. *OPD notify:*
 - a. *The Alameda County District Attorney's Office immediately or as soon as circumstances permit, following a use of lethal force resulting in death or injury likely to result in death.*
 - b. *The City Attorney's Office as soon as circumstances permit following the use of lethal force resulting in death or serious injury. At the discretion of the City Attorney's Office, a Deputy City Attorney shall respond to the scene. The Deputy City Attorney shall serve only in an advisory capacity and shall communicate only with the incident commander or his/her designee.*
 - c. *Departmental investigators regarding officer-involved shootings, in accordance with the provisions of Section V, paragraph H, of this Agreement.*
6. *OPD enter data regarding use of force into OPD's Personnel Assessment System (PAS).*

(Negotiated Settlement Agreement V. A.)

Relevant Policy:

OPD most recently revised Departmental General Order K-4, *Reporting and Investigating the Use of Force* on October 16, 2014. DGO K-4 incorporates the requirements of Task 24.

Commentary:

To assess compliance with Task 24, we reviewed 55 Level 3 and Level 4 Use of Force (UOF) reports that were completed by OPD during February and March 2019. We also reviewed 10 Level 2 UOF investigations, for which an FRB was held between February-October 2019. The review of Level 2 UOFs includes only an assessment of the field investigations.

Task 24.1 requires that members/employees notify their supervisor as soon as practicable following any reportable use of force or allegation of excessive use of force. In all of the 65 UOF reports reviewed, notifications were made as required.

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Task 24.2 requires that in every reportable use of force incident, every member/employee on the scene of the incident at the time the force was used, reports all uses of force on the appropriate form, unless otherwise directed by the investigating supervisor. **Task 24.3** requires that OPD personnel document, on the appropriate form, every use of force and/or the drawing and intentional pointing of a firearm at another person.

In the 65 UOF incidents we reviewed, officers pointed weapons at persons 74 times. We determined that officers' pointing of their firearms was appropriate in all 74 instances we assessed. We did not identify any instance where a weapon was pointed at a subject and not reported as required. In six instances, officers who assisted in restraining a combative person did not report having used force. This continues to be a reoccurring issue and we have discussed these specific instances with OPD during our site visits. In its revisions to the UOF policy, the Department is providing clarification regarding reportable uses of force. We will continue to closely monitor these types of incidents to ensure that OPD personnel properly report these uses of force in the future.

Task 24.4 requires that a supervisor respond to the scene upon notification of a Level 1, 2, or 3 use of force or an allegation of excessive use of force, unless community unrest or other conditions makes such a response impracticable. In the Level 2 and Level 3 uses of force we reviewed for this subtask, supervisors responded to the scene as required in all instances. In all but six of the Level 4 uses of force, a supervisor was also either on scene at the time of the use of force, or responded to the scene upon being notified of the use of force.

Task 24.5 specifically addresses requirements for the response and handling of Level 1 uses of force. As previously noted, we are assessing these uses of force in Tasks 26 and 30.

Task 24.6 requires that OPD enter all use of force data into Performance Reporting Information Metrics Environment (PRIME), which is now called Vision. In all 65 UOF cases we reviewed, the data was entered as required.

The Court's reactivation of Task 24 at a November 2018 Case Management Conference resulted from our serious concerns with the Department's handling and investigation of recent uses of force. OPD has drafted Special Order 9196 to address and clarify requirements for the proper reporting of use of force. OIG's recent audit also identified numerous concerns with the reporting of use of force and enumerated a number of recommendations. As noted above, OPD has taken a number of actions to address the identified concerns with the reporting of force, many of which were implemented after April 2019. It remains to be seen if these actions will result in a positive outcome on this issue. As a result, OPD remains in partial compliance with this Task.

Task 24 compliance status	In partial compliance
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Task 25: Use of Force Investigations and Report Responsibility

Requirements:

An on-scene supervisor is responsible for completing an investigated use of force report in accordance with the provisions of Departmental General Order K-4, "Reporting and Investigating the Use of Force."

1. *OPD shall develop and implement a policy for conducting and documenting use of force investigations that include, at a minimum:*
 - a. *Documentation of the incident in either an Offense or Supplemental Report from the member(s)/employee(s) using force; and/or, when necessary, a statement taken from the member(s)/employee(s) using force;*
 - b. *Separating and separately interviewing all officers who were at the scene at the time of the incident;*
 - c. *A Supplemental Report from other members/employees on the scene or a statement taken, if deemed necessary by the investigating supervisor;*
 - d. *Identification and interviews of non-Departmental witnesses;*
 - e. *Consideration of discrepancies in information obtained from members, employees and witnesses, and statements in the reports filed;*
 - f. *Whether arrest reports or use of force reports contain "boilerplate" or "pat language" (e.g., "fighting stance", "minimal force necessary to control the situation");*
 - g. *Documentation of physical evidence and/or photographs and a summary and analysis of all relevant evidence gathered during the investigation; and*
 - h. *Consideration of training/tactical issues involving the availability and practicality of other force options.*
 - i. *Supervisor's justification as to why any element of the policy was not documented; and*
2. *All supervisors shall be trained in conducting use of force investigations and such training shall be part of a supervisory training course.*
3. *Use of force investigations shall include a recommendation whether the use of force was objectively reasonable and within Department policy and training. The recommendation shall be based on the totality of the circumstances and shall consider, but is not limited to, the following factors:*
 - a. *Whether the force used was pursuant to a legitimate law-enforcement objective;*
 - b. *Whether the type and amount of force used was proportional to the resistance encountered and reasonably related to the objective the*

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members/employees were attempting to achieve;

- c. Whether the member/employee used reasonable verbal means to attempt to resolve the situation without force, if time and circumstances permitted such attempts;*
 - d. Whether the force used was de-escalated or stopped reasonably when resistance decreased or stopped;*
4. *use of force reports shall be reviewed by the appropriate chain-of-review as defined by policy.*

The type of force used, the identity of the involved members, and the report preparer shall be the determining criteria for utilizing the appropriate chain-of-review. Reviewers may include, when appropriate, the chain-of-command of the involved personnel, the appropriate Area Commander on duty at the time the incident occurred, other designated Bureau of Field Operations commanders, and as necessary, the chain-of-command of the involved personnel up to the Division Commander or Deputy Chief/Director, and the Internal Affairs Division.

Reviewers for Level 1-3 use of force investigations shall:

- a. Make a recommendation as to whether the use of force was in or out of policy,*
 - b. Order additional investigation and investigative resources when necessary, and*
 - c. Comment on any training issue(s) when appropriate.*
5. *Any recommendation that the use of force did not comply with Department policy shall result in the incident being referred to the Internal Affairs Division to conduct additional investigation/analysis, if necessary.*
6. *Members/employees involved in a use of force incident resulting in serious injury or death and/or an officer-involved shooting, shall be separated from each other as soon as practicable at the incident scene, and kept apart until they have completed their reports and been interviewed.*

(Negotiated Settlement Agreement V. B.)

Relevant Policy:

OPD most recently revised Departmental General Order K-4, *Reporting and Investigating the Use of Force* on October 16, 2014. DGO K-4 incorporates the requirements of Task 25.

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Commentary:

As noted for Task 24, we reviewed 55 Level 3 and Level 4 use of force (UOF) reports that were completed in February and March 2019. We also reviewed 10 Level 2 UOF reports, for which an FRB was held between February and October 2019.

Task 25.1 requires that an on-scene supervisor complete a Use of Force Report for every Level 3 use of force. In all 13 Level 3 uses of force reviewed for this subtask, a supervisor responded to the scene and completed a use of force investigation. In addition, there were nine instances where a Level 3 use of force was downgraded to a Level 4 by a supervisor who was at the scene. In all nine of these instances, documentation, justification, and approval were provided.

Task 25.2 requires that all supervisors are trained on how to conduct use of force investigations and such training is part of a supervisory training course. OPD includes the requirement for this training in its Departmental policies. During our March site visit, we confirmed with OPD that that it continues to require and deliver this training.

Task 25.3 requires that use of force investigations include required recommendations. Areas of recommendation include: whether the force used was pursuant to a legitimate law enforcement objective; whether the type and amount of force used was proportional to the resistance encountered and reasonably related to the objective the officers were attempting to achieve; whether the officers used reasonable verbal means to attempt to resolve the situation without force, if time and circumstances permitted such attempts; and whether the force used was de-escalated or stopped reasonably when resistance decreased or stopped.

In our assessment of the 55 Level 3 and 4 UOFs we reviewed, we did not identify any instance where we believe the force used was not pursuant to a legitimate law enforcement objective, was inappropriate or excessive, or where the use of force was not deescalated or stopped reasonably when resistance decreased. We again found, however, several instances where we believe OPD officers could have made additional efforts to explain to subjects being detained why the detention was occurring or where OPD officers failed to identify themselves when contacting people. In some cases, the need to use physical force may have been decreased or eliminated had officers identified themselves or provided some additional verbal explanation. This is a cultural issue and one that is also tied to instances where de-escalation might facilitate a better outcome. During our site visits, we discuss specific cases where we believe additional verbal communications should have been attempted and could have resulted in a decrease in the necessity to use of force. We also identified one Level 2 UOF where we believe officers did not use reasonable verbal means to attempt to resolve the situation without force, when time and circumstances permitted such an attempt.

Task 25.4 requires that use of force reports are reviewed by the appropriate chain of review and appropriate recommendations are made. In all of the cases we reviewed, the reports were reviewed as required.

Task 25.5 requires that any determination that a use of force did not comply with Department policy result in the incident being referred to IAD to conduct additional investigation/analysis, if necessary. None of the Level 3 or Level 4 investigations we reviewed resulted in a finding that the force did not comply with policy. In two of the Level 2 UOF incidents, the FRBs determined the force used was not within policy and appropriately handled necessary follow-up. In one

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case, we believe that a Level 2 UOF was not within policy and should have been addressed, despite the FRB's finding to the contrary.

Task 25.6 requires that members/employees involved in a use of force incident resulting in serious injury or death and/or officer-involved shooting, are separated from each other as soon as practicable at the incident scene, and kept apart until they have completed their reports and been interviewed. This Task is not assessed here, as we review and consider it as part of the Force and Executive Force Review Boards that OPD holds to examine Level 1 and 2 uses of force.

The Court's reactivation of Task 25 at the November 2018 Case Management Conference resulted from our serious concerns with the Department's handling and investigation of recent uses of force. OPD has drafted Special Order 9196 to address and clarify requirements for the proper reporting of use of force. OIG's recent audit also identified numerous concerns with the reporting of use of force and enumerated a number of recommendations. As noted earlier in this report, OPD has taken a number of actions intended to address identified concerns with the reporting of force, many of which were implemented after April 2019. It remains to be seen if these actions will result in a positive outcome on this issue. As a result, OPD remains in partial compliance with this Task.

Task 25 compliance status	In partial compliance
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Task 26: Force Review Board (FRB)

Requirements:

OPD shall develop and implement a policy concerning its FRB proceedings. The policy shall:

1. *Set out procedures, membership and a timetable for FRB review of use of force investigations involving Level 2 incidents, as defined in Department General Order K-4, REPORTING AND INVESTIGATING THE USE OF FORCE;*
2. *Require the FRB to review all use of force investigations;*
3. *Require the FRB to make a recommendation as to whether the use of force was in policy or out of policy;*
4. *Require the FRB to forward sustained policy violations to the Discipline Officer.*
5. *Require the FRB not to review any use of force allegation until the internal investigations has been completed;*
6. *Authorize the FRB to recommend to the Chief of Police additional use of force training or changes in policies or tactics, or additional standards, investigatory policies, or training for use of force investigations;*
7. *Require the FRB to conduct an annual review of use of force cases examined, so as to identify any patterns of use of force practices that may have policy or*

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training implications, and thereafter, issue a report to the Chief of Police;

8. *Require that the FRB membership include, at a minimum, one member from the Training Division, one member from the Field Training Officer program, and either the Bureau of Field Operations Deputy Chief or his/her designee;*
9. *Minimally, that one member of the FRB shall be replaced at least annually.*

(Negotiated Settlement Agreement V. C.)

Relevant Policy:

Department General Order K-4.1, *Force Review Boards*, was originally published on February 17, 2006, and revised on December 21, 2015.

Commentary:

OPD Force Review Boards (FRBs) are regularly convened to examine the investigations conducted relative to the deployment and application of Level 2 uses of force.¹ OPD achieved compliance with this Task during the nineteenth reporting period (April 1-June 30, 2014). We continue to assess the compliance with this Task, including our analyses of force reports; our review of Force Review Board reports; attendance at Force Review Boards when conducted during our site visits; and on occasion, observing Force Review Boards between site visits via online meeting software.

For this report, we reviewed six FRB reports that were completed and approved by the Chief from June-October 2019. In all but one case, the force was determined by the Boards to be in compliance. In each case, the Chief (or where applicable, the Assistant Chief in her stead) concurred with the findings without any modifications.

In one case, the Board found a Level 2 use of force out of compliance. The force was identified as Use of an Impact Weapon with Contact (Level 2, Type 12), and occurred during a crowd control situation. While the force was minor – the officer pushed an individual back with his long baton – the Board noted that “the immediate threat posed by this subject did not rise to the level of justifying an intermediate use of force, such as the use of the long baton,” and that “training specifically dictates to refrain from using the long baton in [that] manner.”

¹ According to OPD, Level 2 uses of force include: “1) Any strike to the head (except for an intentional strike with an impact weapon); 2) Carotid restraint is applied that does not result in the loss of consciousness; 3) Use of impact weapons, including specialty impact munitions or any other object, to strike a subject and contact is made, regardless of injury; 4) Any unintentional firearms discharge that does not result in injury; 5) A police canine bites the clothing or the skin of a subject, or otherwise injures a subject requiring emergency medical treatment (beyond first-aid) or hospital admittance; 6) Any use of force which results in injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance; (NOTE: For the purposes of this order, an evaluation by a medical professional to assess a complaint of injury is not emergency treatment) 7) Any Level 3 use of force used on or applied to a restrained subject; 7.a) A restrained subject is a person who has been fully placed in a Department authorized restraint device such as both hands handcuffed, a WRAP or Rip Hobble; 7.b) A subject with only one handcuff on is not a restrained person.”

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In two other cases, the FRB reports noted that the Boards identified uses of force that were not initially identified and investigated by the investigating supervisors. In both cases, we observed the Boards' proceedings and pointed out the potential uses of force during our feedback sessions. The Boards went back into session and the additional instances of use of force were found to be in compliance. We concurred with these determinations. We are hopeful that the ongoing adjustments to the use of force policies will clear up the confusion as to what constitutes a reportable use of force for both line- and command-level personnel.

In addition to reviewing the completed FRB reports, we observed four FRBs as they carried out their duties and deliberations. We observed one during a regular site visit, and three remotely via Skype. Two of the FRBs were conducted over two-day periods (not necessarily consecutively) because of the need for additional testimony or deliberations.

We disagreed with the findings of the Board in one of the FRBs we observed. The force in question consisted of the firing of a less lethal specialty impact munition (SIM), commonly referred to as a bean-bag round, at an individual who was armed with a large stick. The individual had assaulted a passerby with the stick, prompting a call to 911. The responding officers quickly – and correctly – deduced that the individual was suffering from mental illness. Officers established a close perimeter around the subject, who was standing in front of a storefront, and began a dialogue with him. The officer who used force heard the call on the radio and self-deployed to the scene with the less lethal munitions. The officers on scene attempted to establish a rapport with the individual, and appeared to be making some headway, but the officer who used force began giving commands to the subject as soon as he approached him, and fired the bean bag round less than one minute-and-a-half later, and only 11 minutes after the first officer arrived on scene. There did not appear to be any communication with the officers already on the scene; and at the time of the discharge, the subject's demeanor and his actions had not changed in any significant way.

Prior to voting, the Board members, appropriately expressed concerns regarding the rapidity with which the officer deployed the round so soon after his arrival, and noted that the officers on the scene appeared to be making progress in establishing a rapport with the subject, who refused to put down the stick. They noted that the subject was contained and they questioned the urgency to use force. They also noted that the one supervisor on the scene was not providing any direction whatsoever.

It is clear from the several body-worn camera (BWC) videos that at the time of the discharge, the subject was not an immediate threat to anyone, including the officers on scene, all of whom appeared relaxed and almost nonchalant.

We agreed with all of the Board's concerns regarding scene supervision and the need to use force at the time it was used, and we were quite frankly surprised that they voted the force in compliance with policy with little deliberation. At the close of the Board, we provided our observations, and the Board chair decided to reconvene the Board 16 days later.

When they reconvened, the Board took testimony from an internal Subject Matter Expert (SME) in use of force training. The testimony appeared focused on establishing support for the Board's original determination. At one point, the Board asked the SME if OPD's use of force policy allowed for preemptive use of force. Implicit in this question is an acknowledgement that at the

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time of the discharge, there did not appear to be an immediate threat posed by the subject. This is in accord with our observations and in line with the concerns expressed by the Board during their first session. The SME indicated that he preferred to refer to such force as “anticipatory” rather than preemptive. Neither “preemptive” nor “anticipatory” use of force is described in OPD’s use of force policy.

During the second session, the Board minimized some of the very concerns they expressed in their first session and reaffirmed their original vote, deeming the force in compliance. In a scenario we have seen play out before – most notably in the most recent officer-involved shooting, in March 2018 – the Board was highly critical of the actions of a supervisor and an officer in this case; yet the Board members did not take their own concerns into account when determining the appropriateness of the force. They all questioned the timing of the use of force – in essence, they questioned the *need* for the force to be used when it was used – but they lacked the will to act on their concerns if it meant determining a use of force out of compliance. Their report noted, “Although the Board ultimately found the SIM deployment in compliance, there was extensive discussion regarding how the situation could have been better handled. The Chair exclaimed the need for the Department to do a better job in in [sic] training officers and supervisors to brining [sic] events like these to a conclusion.”

At some point, and if the circumstances had changed, it is conceivable that the use of a bean-bag round may have been an appropriate way to resolve this situation. However, to deploy the round within 90 seconds of approaching a subject who was obviously contained, who was conversing with officers, and who was not an immediate threat to officers or passersby, is not preemptive or anticipatory – it is premature, at best.

In addition to ruling on the appropriateness of uses of force, Force Review Boards will generally identify several follow-up items based on their review of the associated materials and the presentations made to them. These can include items such as counseling and training for individual officers, publication of Department-wide training materials, and modifications to policy. OPD tracks these deliverables in a spreadsheet, broken down into three categories: Individual Issues; Department-Wide Issues; and Quarterly Training Points. In the most recent spreadsheet reviewed for this report, there were 47 open deliverables out of 196 total deliverables included in all three categories, as compared to 46 open deliverables out of 145 total when we last reported on this issue. OPD has made progress in addressing some of the more dated deliverables.

Based on this review, OPD is not in compliance with this Task.

Task 26 compliance status	Not in compliance
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Task 30: Executive Force Review Board (EFRB)

Requirements:

1. *An EFRB shall be convened to review the factual circumstances surrounding any Level 1 force, in-custody death, or vehicle pursuit-related death incidents. A firearm discharge at an animal shall be reviewed by the EFRB only at the direction of the Chief of Police.*
2. *The Board shall have access to recordings and/or transcripts of interviews of all personnel on the scene, including witnesses, and shall be empowered to call any OPD personnel to provide testimony at the hearing.*
3. *OPD shall continue the policies and practices for the conduct of EFRB, in accordance with the provisions of DGO K-4.1, FORCE REVIEW BOARDS.*

(Negotiated Settlement Agreement V. G.)

Relevant Policy:

Department General Order K-4.1, *Force Review Boards*, was published on February 17, 2006, and revised on December 21, 2015.

Commentary:

Executive Force Review Boards (EFRBs), consisting of three top command-level staff, conduct thorough, detailed reviews of all Level 1 uses of force, in-custody deaths, and vehicle pursuit-related deaths and serious injuries. OPD achieved compliance with this Task during the nineteenth reporting period (April 1-June 30, 2014). OPD conducted six EFRBs in 2018. To date, there have been no EFRBs conducted in 2019, although one is scheduled for this month.

The final EFRB of 2018 reviewed an officer-involved shooting that occurred in March 2018, and the Board identified several deliverables as a result. Those deliverables are tracked in the same spreadsheet discussed above (in Task 26). On May 16, 2019, we participated in a conference call with members of OPD's executive staff to discuss the status of those deliverables. These include the development of several new or enhanced policies. We have been reviewing various iterations of these policies between and during our recent site visits. During our October site visit, we discussed the remaining open deliverables from this EFRB, as there did not appear to be much progress on them based on a review of the spreadsheet. We received verbal updates on the open items, and OPD committed to sending written documentation with our next document request.

Based on the last EFRB conducted, we found the Department to no longer be in compliance with this Task.

Task 30 compliance status	Not in compliance
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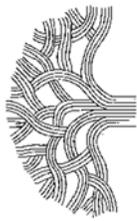
Conclusion

In late November, after a few scheduled delays, OPD implemented Vision, its new risk management database. Vision replaced PRIME, which was developed a few years ago and presented ongoing problems for the Department and the City. While it appears that the implementation of Vision went smoothly, the system does not yet include the data dashboards, which are still being developed by an external contractor. Supervisors and command staff will eventually be able to use the dashboards to review and manage, on a daily basis, data about individual officers, squads, Areas, and OPD as a whole – including uses of force, complaints, and other key information. We look forward to learning more about the development of the dashboards and the use of Vision during our upcoming site visit.

We are very concerned with the use of force episode that we cited in our review of Task 26. The dialogue of the Board members during their deliberations, and the ultimate decision, were incongruous. We find this to be troubling, and we made our views known to the Department before a decision was finalized.



Chief (Ret.) Robert S. Warshaw
Monitor



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Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
MM	18-1368	4/7/18	11/25/19	Subject Officer 1	1. Use of Force - Level 2	Sustained
					2. Failure to Report	Sustained
					3. Performance of Duty (PDRD)	Sustained
AL	18-1364	12/6/18	11/25/19	Subject Officer 1	1. Performance of Duty – Unintentional/Improper Search Seizure Arrest	Not Sustained
				Subject Officer 2	2. Performance of Duty – Unintentional/Improper Search Seizure Arrest	Exonerated
					3. Use of Force – Level 4	Not Sustained
				Subject Officer 3	4. Performance of Duty – Unintentional/Improper Search Seizure Arrest	Exonerated
					5. Use of Force – Level 4	Not Sustained
				Subject Officer 4	6. Performance of Duty - General	Exonerated
CS	18-1367	4/14/18	11/25/19	Subject Officer 1	1. Performance of Duty – Unintentional Improper Search Seizure Arrest	Sustained
					2. Use of Force – Level 4	Exonerated
ED	18-1331	12/10/18	11/26/19	Subject Officer 1	1. Conduct Toward Others – Demeanor	Unfounded
KT	18-1349	4/02/18	12/6/19	Unknown Officer	1. Performance of Duty – General	No Finding – No Officer



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				Subject Officer 1	2. Performance of Duty – General	<i>Sustained</i>
					3. Use of Force – Level 4	<i>Exonerated</i>
				Subject Officer 2	4. Performance of Duty – General	<i>Unfounded</i>
					5. Use of Force – Level 4	<i>Unfounded</i>
				Subject Officer 3	6. Performance of Duty – General	<i>Not Sustained</i>
					7. Use of Force – Level 4	<i>Not Sustained</i>
KT	19-0027	6/21/18	12/6/19	Subject Officer 1	1. Performance of Duty – General	<i>Not Sustained</i>
					2. Use of Force – Level 4	<i>Not Sustained</i>
				Subject Officer 2	3. Use of Force – Level 4	<i>Exonerated</i>
					4. Performance of Duty – General	<i>Sustained</i>
AL	18-1352	12/9/18	12/10/19	Subject Officer 1	1. Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
					2. Performance of Duty – Unintentional/Improper Search Seizure Arrest	<i>Exonerated</i>
					3. Performance of Duty – Unintentional/Improper Search Seizure Arrest	<i>Exonerated</i>



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					4. Performance of Duty – Unintentional/Improper Search Seizure Arrest	<i>Exonerated</i>
					5. Performance of Duty – Unintentional/Improper Search Seizure Arrest	<i>Exonerated</i>
					6. Performance of Duty – General	<i>Exonerated</i>
					7. Use of Force – Any	<i>Unfounded</i>
					8. Performance of Duty Unintentional/Improper Search Seizure Arrest	<i>Exonerated</i>
					9. Performance of Duty – Care of Property	<i>Unfounded</i>
				Subject Officer 2	10. Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
					11. Performance of Duty – Unintentional/Improper Search Seizure Arrest	<i>Exonerated</i>
					12. Performance of Duty – Unintentional/Improper Search Seizure Arrest	<i>Exonerated</i>
					13. Performance of Duty – Unintentional/Improper Search Seizure Arrest	<i>Exonerated</i>
					14. Performance of Duty – Unintentional/Improper Search Seizure Arrest	<i>Exonerated</i>
					15. Performance of Duty – General	<i>Exonerated</i>
					16. Use of Force – Any	<i>Unfounded</i>



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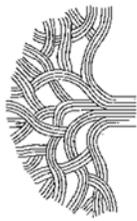
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Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
					17. Performance of Duty – Unintentional Improper Search Seizure Arrest	<i>Exonerated</i>
					18. Performance of Duty – Care of Property	<i>Unfounded</i>
MM	19-0142	1/30/19	12/13/19	Subject Officer 1	1. Use of Force – Level 3	<i>Exonerated</i>
AL	19-0114	1/26/19	12/16/19	Subject Officer 1	1. Use of Force – Level 3	<i>Unfounded</i>
					2. Refusal to Provide Name or Serial Number	<i>Unfounded</i>
					3. Conduct Toward Others – Demeanor	<i>Unfounded</i>
				Subject Officer 2	4. Refusal to Provide Name or Serial Number	<i>Unfounded</i>
ED	19-0051	1/10/19	12/16/19	Subject Officer 1	1. Use of Force	<i>Not Sustained</i>
					2. Performance of Duty – Care of Property	<i>Unfounded</i>
				Subject Officer 2	3. Use of Force	<i>Not Sustained</i>
					4. Performance of Duty – Care of Property	<i>Unfounded</i>
KT	18-1365	4/2/18	12/17/19	Unknown Officer	1. Failure to Accept or Refer a complaint	<i>Unfounded</i>
				Subject Officer 1	2. Performance of Duty – General	<i>Unfounded</i>



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ED	18-0524	5/18/18	12/18/19	Unknown Officer	3. Use of Force – Level 3 1. Obedience to Laws – Felony/Serious Misdemeanor	Exonerated No Finding – No Officer
JS	19-0083	1/17/19	12/19/19	Subject Officer 1	1. Conduct Towards Others – Demeanor	Exonerated
					2. Conduct Towards Others – Demeanor	Sustained
					3. Use of Force	Sustained
					4. Performance of Duty	Sustained
				Subject Officer 2	5. Performance of Duty	Sustained
ED	19-0257	1/4/19	1/3/20	Subject Officer 1	1. Use of Force	Unfounded
					2. Use of Force	Not Sustained
					3. Use of Force	Not Sustained
					4. Use of Force	Not Sustained
					5. Conduct Toward Others – Demeanor	Unfounded
				Subject Officer 2	6. Use of Force	Unfounded



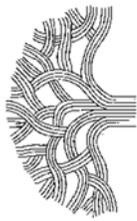
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Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
					7. Use of Force	<i>Not Sustained</i>
					8. Use of Force	<i>Not Sustained</i>
					9. Use of Force	<i>Not Sustained</i>
					10. Conduct Toward Others – Demeanor	<i>Unfounded</i>
				Subject Officer 3	11. Use of Force	<i>Unfounded</i>
					12. Use of Force	<i>Not Sustained</i>
					13. Use of Force	<i>Not Sustained</i>
					14. Use of Force	<i>Not Sustained</i>
					15. Conduct Toward Others – Demeanor	<i>Unfounded</i>
				Subject Officer 4	16. Use of Force	<i>Unfounded</i>
					17. Use of Force	<i>Not Sustained</i>
					18. Use of Force	<i>Exonerated</i>
					19. Use of Force	<i>Not Sustained</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
JS	19-0212	2/19/19	1/6/20	Subject Officer 1	20. Conduct Toward Others – Demeanor 1. Use of Force	Unfounded Exonerated
					2. Refusal to Provide Name or Serial Number	Unfounded
					3. Performance of Duty - PDRD	Sustained
				Subject Officer 2	4. Performance of Duty – PDRD	Sustained
KT	19-0077	5/16/18	1/8/20	Subject Officer 1	1. Performance of Duty – General	Not Sustained
					2. Use of Force – Level 4	Not Sustained
ED	18-1241	11/10/18	1/10/20	Subject Officer 1	1. Improper Dissemination of Computer Information	Sustained
					2. Improper Dissemination of Computer Information	Not Sustained
AN	19-0134 (Bifurcated)	1/29/19	1/13/20	Subject Officer 1	1. Use of Force	Exonerated
				Subject Officer 2	2. Use of Force	Exonerated
				Subject Officer 3	3. Use of Force	Exonerated
					4. Performance of Duty – Unintentional/Improper Search Seizure Arrest	Exonerated



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				Subject Officer 4	5. Use of Force	<i>Exonerated</i>
					6. Performance of Duty – Unintentional/Improper Search Seizure Arrest	<i>Exonerated</i>
MB	19-1012	9/20/19	12/13/19	Subject Officer 1	1. Use of Force	<i>Unfounded</i>
					2. Use of Force	<i>Exonerated</i>
				Subject Officer 2	3. Care of Property	<i>Unfounded</i>
					4. Care of Property	<i>Unfounded</i>
MB	19-1030	9/24/19	12/13/19	Subject Officer 1	1. No Duty/No MOR Violation	<i>No MOR</i>
CD	19-0545	6/1/19	12/18/19	Subject Officer 1	1. Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
					2. Conduct Toward Others – Demeanor	<i>Unfounded</i>
					3. Use of Force	<i>Unfounded</i>
RM	19-0919	8/10/19	12/19/19	Subject Unidentified	1. Performance of Duty – Unintentional/Improper Search Seizure Arrest	<i>No Officer</i>
					2. Performance of Duty – General	<i>No Officer</i>
					3. Use of Force – Level 4	<i>No Officer</i>



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CD	19-0571	6/9/19	12/24/19	Subject Officer 1	4. Use of Force – Level 4	No Officer
				Subject Officer 1	1. Conduct Toward Others – Harassment and Discrimination	Unfounded
				Subject Officer 2	2. Conduct Toward Others – Harassment and Discrimination	Unfounded
				Subject Officer 3	3. Performance of Duty – Unintentional/Improper Search Seizure Arrest	Unfounded
					4. Performance of Duty – Unintentional/Improper Search Seizure Arrest	Exonerated
CD	19-0598	6/16/19	1/4/20	Subject Unidentified	1. Conduct Toward Others – Harassment and Discrimination	Unfounded
CD	19-0918	7/20/19	1/9/20	Subject Officer 1	1. Conduct Toward Others – Demeanor	Unfounded
					2. Performance of Duty – Unintentional/Improper Search Seizure Arrest	Exonerated
					3. Performance of Duty – General	Exonerated



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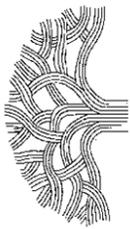
CPRA Made the Following Training Recommendations with Respect to Investigations in this Report	
Training Recommendation(s)	CPRA recommends retraining on removing combative individuals from the back of a patrol vehicle
Training Recommendation(s)	CPRA recommends retraining on demeanor when dealing with challenging/combative individuals
Training Recommendation(s)	CPRA recommends retraining on when to activate a PDRD
Training Recommendation(s)	CPRA recommends retraining on obtaining full details of any call to which an officer responds before arriving on scene
Training Recommendation(s)	CPRA recommends retraining on when to mirandize a potential subject of an investigation
Training Recommendation(s)	CPRA recommends training for all OPD sworn personnel that canting a weapon at the wrist while the arm is extended is not a proper low ready position and is inconsistent with OPD policy.



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

Case #	Incident Date	Rev'd CPRA	Rev'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)
19-0123	01/29/19	02/06/19	01/28/19	Investigator	AL	08/05/19	01/27/20	Use of Force	1	4	15	Excessive force; performance of duty; discrimination; failure to refer or accept complaint.
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).
19-0283	03/03/19	03/15/19	03/03/19	Investigator	AL	09/11/19	03/01/20	Use of Force	1	3	3	Excessive force.
19-0515	05/20/19	05/20/19	05/20/19	Investigator	AL	11/16/2019	05/18/20	Use of Force	1	2	3	Use of Force, Performance of Duty
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.
19-0911	08/27/19	08/29/19	08/27/19	investigator	AL	2/25/2020	08/25/20	Use of Force	1	2	2	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); PDRD
19-0590	06/13/19	06/20/19	06/13/19	Investigator	AN	12/17/2019	06/11/20	Other	1	1	3	Discrimination, Failure to Take a Report, Failure to Act
19-0685	06/26/19	07/12/19	7/9/2019	Investigator	AN	1/9/2020	07/07/20	Other	2	2	2	Performance of Duty, Improper Search/Seizure
19-0877	08/19/19	08/21/19	08/19/19	Investigator	AN	2/17/2020	08/17/20	Use of Force	1	3	3	Harassment and Discrimination/Race, Unlawful arrest, Use of Force,
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.
19-0597	06/12/19	06/15/19	06/15/19	Investigator	CS	12/17/2019	06/13/20	Use of Force	1	1	1	Improper Search, Excessive Force
19-0775	07/31/19	08/05/19	08/05/19	Investigator	CS	2/1/2020	05/03/20	Other	3	3	3	Service Complaint, No MOR, Demeanor
19-0497	05/14/19	05/15/19	05/14/19	Investigator	ED	1/11/19	05/12/20	Other	1	1	1	Conduct towards others (Harassment and discrimination / Race).
19-0593	06/17/19	06/20/19	06/20/19	Investigator	ED	12/17/2019	06/13/20	Use of Force	1	2	9	Excessive Force
19-0878	06/27/19	08/21/19	08/20/19	Investigator	ED	2/17/2020	08/18/20	Use of Force	1	4	14	False Arrest, Use of Force, Miranda Violation
19-1169	10/17/19	10/22/19	10/17/19	Investigator	ED	4/19/2020	10/15/20	Use of Force	1	3	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.
18-0335	04/04/18	04/04/18	4/4/2018	Investigator	JS	N/A	Tolled	Use of Force	1	1	1	Use of Force
19-0422	04/20/19	05/07/19	04/20/19	Investigator	JS	11/03/19	04/18/20	Use of Force	1	5	7	Excessive force.
19-0558	05/30/19	06/07/19	06/07/19	Investigator	JS	12/04/19	06/01/20	Other	2	2	2	Performance of duty (improper search, seizure, or arrest; refusal to adjust handcuffs when asked).
19-0628	06/20/19	06/21/19	06/20/19	Investigator	JS	12/18/19	06/19/20	Other	1	1	1	Performance of duty

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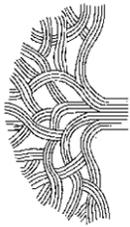


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases (Sorted by Assigned Staff)

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 (Total Pending = 102)

Case #	Incident Date	Rev'd CPRA	Rev'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-0688	07/10/19	07/10/19	07/10/19	Investigator	JS	1/6/2020	06/10/20	Other		3		Harassment, Improper Search/Seizure/Arrest
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.
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.
19-0601	06/17/19	06/20/19	06/17/19	Investigator	MM	12/17/19	06/15/20	Use of Force	1			Excessive force.
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
19-0585	06/11/19	06/20/19	06/12/19	Intake	CD	12/17/2019	06/10/20	Use of Force	1	3		Demeanor, Harassment, Excessive Force, Discrimination
19-0619	06/24/19	07/18/19	07/18/19	Intake	CD	1/14/2020	07/17/20	Use of Force	1	N/A		Improper Search, Excessive Force, Sexual Misconduct
19-0651	07/01/19	07/08/19	07/01/19	Intake	CD	1/4/2020	06/29/20	Other		1		Improper Stop, Failure to Provide Serial Number
19-0827	N/A	08/14/19	08/10/19	Intake	CD	2/10/2020	08/08/20	Use of Force	1	N/A		Improper Arrest, Excessive Force, Discrimination, Service Complaint
19-0875	08/19/19	08/21/19	08/19/19	Intake	CD	2/17/2020	08/17/20	Profiling		1		Profiling
19-0906	08/26/19	08/28/19	08/26/19	Intake	CD	2/24/2020	08/24/20	Use of Force	1	1		Excessive Force
19-0922	08/29/19	09/03/19	08/29/19	Intake	CD	3/1/2020	08/27/20	Use of Force	1	1		Excessive Force
19-0978	09/13/19	09/17/19	9/17/2019	Intake	CD	3/15/2020	09/11/20	Use of Force	1	1		Performance of Duty, Use of Force
19-1032	09/24/19	09/27/19	9/27/2019	Intake	CD	3/25/2020	09/22/20	Profiling		1		Conduct towards others (Harassment and discrimination / Race).
19-1068	09/30/19	10/02/19	10/2/2019	Intake	CD	3/30/2020	09/28/20	Other		1		Performance of Duty
19-1141	10/09/19	10/15/19	10/15/2019	Intake	CD	4/12/2020	10/09/20	Other	1	1		Conduct Toward Others, Failure to Accept or Refer a Complaint, Truthfulness
19-1153	10/17/19	10/17/19	10/18/2019	Intake	CD	4/15/2020	10/15/20	Profiling		2		Identify Profiling by Race or Ethnicity, Unintentional/Improper Search or seizure, or arrest.
19-1156	10/17/19	10/18/19	10/18/2019	Intake	CD	4/15/2020	10/15/20	Other		1		Obedience to Laws
19-1225	05/06/16	11/06/19	11/5/2019	Intake	CD	5/4/2020	11/03/20	Use of Force	1	1		Use of Force
19-1226	11/02/19	11/02/19	11/5/2019	Intake	CD	4/30/2020	10/31/20	Other		1	1	No MOR Violation
19-1263	11/14/19	11/14/19	11/12/2019	Intake	CD	5/12/2020	11/10/20	Profiling		3		Profiling, Performance of Duty.
19-1264	11/10/19	11/14/19	11/10/2019	Intake	CD	5/12/2020	11/08/20	Profiling	2	1		Harassment and discrimination, profiling.
19-1295	08/23/19	11/19/19	11/19/2019	Intake	CD	5/17/2020	11/17/20	Use of Force	1	2		No MOR, Demeanor, Performance of Duty, Use of Force.
19-1296	11/19/19	11/21/19	11/20/2019	Intake	CD	5/19/2020	11/18/20	Profiling		2		Harassment and Discrimination.

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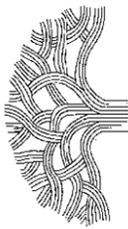


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases (Sorted by Assigned Staff)

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 (Total Pending = 102)

Case #	Incident Date	Rev'd CPRA	Rev'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-1311	11/14/19	11/26/19	11/14/2019	Intake	CD	5/24/2020	11/12/20	Other		1	1	Performance of Duty
19-1320	11/24/19	11/26/19	11/24/2019	Intake	CD	5/24/2019	11/22/20	Use of Force	1	2	2	Harassment and Discrimination, Use of Force,
19-1328	05/31/19	12/03/19	11/27/2019	Intake	CD	5/31/2019	11/25/20	Profiling		1	1	Harassment and Discrimination, Performance of Duty,
19-1337	11/30/19	12/03/19	11/30/2019	Intake	CD	5/31/2020	11/28/20	Use of Force	1	2	2	Use of Force
19-1366	12/05/19	12/09/19	12/6/2019	Intake	CD	6/6/2020	12/04/20	Use of Force	1	N/A		No MOR, Performance of Duty, Use of Force,
19-1390	12/08/19	12/13/19	12/12/2019	Intake	CD	6/10/2020	12/10/20	Use of Force	1	1	1	Performance of Duty, Use of Force,
19-1398	12/15/19	12/17/19	12/15/2019	Intake	CD	6/14/2020	12/13/20	Use of Force	1	1	1	Use of Force
19-1423	12/20/19	12/26/19	12/21/2019	Intake	CD	6/23/2020	12/19/20	Use of Force	1	1	1	Use of Force
19-1440	12/24/19	12/27/19	12/24/2019	Intake	CD	6/24/2020	12/22/20	Use of Force	1	1	1	Use of Force
19-1446	12/17/19	12/18/19	12/17/2019	Intake	CD	6/15/2020	12/15/20	Other		2	2	Performance of Duty
20-0014	01/05/20	01/07/20	1/5/2020	Intake	CD	7/5/2020	01/03/21	Other		2	2	Performance of Duty, Harassment
19-0987	09/14/19	09/17/19	09/17/19	Intake	MB	3/15/2020	09/14/20	Use of Force	1	1	1	Use of Force
19-1005	N/A	09/17/19	09/17/19	Intake	MB	03/15/20	09/16/20	Other	1	1	1	Improper Investigation
19-1044	09/25/19	10/01/19	09/25/19	Intake	MB	03/29/20	09/23/20	Profiling	1	1	1	Discrimination, Memeanor
19-1114	10/09/19	10/11/19	10/10/19	Intake	MB	04/08/20	10/08/20	Other	1	1	1	Harassment
19-1143	10/14/19	10/16/19	10/16/19	Intake	MB	4/13/2020	10/12/20	Use of Force	1	1	1	Use of Force
19-1161	10/17/19	10/22/19	10/22/19	Intake	MB	4/19/2020	10/16/20	Use of Force	1	1	1	Use of Force
19-1190	10/25/19	10/29/19	10/29/19	Intake	MB	4/26/2020	10/23/20	Use of Force	2	2	2	Use of Force; Performance of Duty
19-1218	11/02/19	11/05/19	11/05/19	Intake	MB	5/3/2020	10/31/20	Use of Force	1	1	1	Use of Force; Performance of Duty
19-1224	11/04/19	11/06/19	11/06/19	Intake	MB	5/4/2020	11/02/20	Use of Force	1	1	1	Use of Force
19-1228	11/03/19	11/03/19	11/03/19	Intake	MB	5/1/2020	11/01/20	Other	1	1	1	Demeanor
19-1245	11/09/19	11/13/19	11/09/19	Intake	MB	05/11/20	11/07/20	Profiling	1	1	1	Profiling; Performance of Duty
19-1254	11/10/19	11/10/19	11/10/2019	Intake	MB	5/8/2020	11/08/20	Profiling	1	1	1	Profiling
19-1261	11/12/19	11/14/19	11/13/2019	Intake	MB	5/12/2020	11/11/20	Use of Force	1	1	1	Use of Force
19-1276	11/17/19	11/19/19	11/17/2019	Intake	MB	5/17/2020	11/15/20	Use of Force	2	2	2	Demeanor; Use of Force

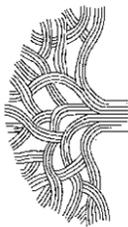
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CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases (Sorted by Assigned Staff)

Case #	Incident Date	Rev'd CPRA	Rev'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-1277	11/16/19	11/19/19	11/17/2019	Intake	MB	5/17/2020	11/15/20	Profiling	1	1	1	Profiling
19-1316	11/22/19	12/03/19	11/26/2019	Intake	MB	5/31/2020	11/24/20	Use of Force	3	3	3	Use of Force
19-1331	11/01/19	12/03/19	11/27/2019	Intake	MB	5/31/2020	11/25/20	Profiling	3	3	3	Profiling
19-1334	11/29/19	12/04/19	11/30/2019	Intake	MB	6/1/2020	11/28/20	Use of Force	2	2	2	Use of Force
19-1345	11/05/19	12/03/19	11/6/2019	Intake	MB	5/31/2020	11/04/20	Other	1	1	1	Performance of Duty
19-1372	12/10/19	12/10/19	12/8/2019	Intake	MB	6/7/2020	12/06/20	Use of Force	2	2	2	Use of Force
19-1379	12/07/19	12/07/19	12/7/2019	Intake	MB	6/4/2020	12/05/20	Other	1	1	1	Performance of Duty
19-1391	12/13/19	12/19/19	12/13/2019	Intake	MB	6/14/2020	12/11/20	Use of Force	2	2	2	Use of Force
19-1420	12/19/19	12/26/19	12/19/19	Intake	MB	6/23/2020	12/18/20	Profiling	1	2	2	Demeanor; Profiling
19-1447	12/26/19	12/31/19	12/26/19	Intake	MB	6/28/2020	12/24/20	Other	1	1	1	Performance of Duty
20-0016	01/05/20	01/07/20	01/05/20	Intake	MB	7/5/2020	01/03/21	Use of Force	1	1	1	Use of Force; Performance of Duty
20-0018	07/22/19	01/07/20	01/06/20	Intake	MB	07/05/20	01/06/21	P0	1	1	1	Profiling
19-0693	06/24/19	11/06/19	07/11/19	Intake	RM	5/4/2020	07/09/20	Use of Force	1	4	4	Use of Force, Unlawful arrest
19-0839	08/08/19	08/16/19	08/12/19	Intake	RM	2/12/2020	08/10/20	Profiling	1	1	1	Failure to Act, Discrimination
19-0849	08/14/19	08/16/19	08/14/19	Intake	RM	2/12/2020	08/12/20	Use of Force	1	2	2	Improper pointing of Firearm, Handcuffs too tight
19-0993	09/14/19	09/14/19	09/14/19	Intake	RM	3/12/2020	09/13/20	Other	1	2	2	Failure to Investigate
19-1039	09/24/19	09/27/19	09/25/19	Intake	RM	3/25/2020	09/23/20	Other	1	N/A	N/A	Improper Search, Care of Property
19-1093	10/05/19	10/09/19	10/05/19	Intake	RM	4/6/2020	10/03/20	Use of Force	1	2+	2+	Use of Force, Improper Arrest
19-1123	10/10/19	10/15/19	10/11/19	Intake	RM	4/12/2020	10/09/20	Use of Force	1	2	2	Use of Force
19-1150	10/15/19	10/15/19	10/15/19	Intake	RM	4/12/2020	10/13/20	Use of Force	1	2	2	Demeanor, Improper Arrest, Use of Force
19-1159	10/17/19	10/22/19	10/17/19	Intake	RM	4/19/2020	10/15/20	Use of Force	1	3	3	Performance of Duty, Use of Force
19-1234	11/06/19	11/08/19	11/6/2019	Intake	RM	5/6/2020	11/04/20	Profiling	1	1	1	Profiling
19-1241	11/05/19	11/05/19	11/5/2019	Intake	RM	5/3/2020	11/03/20	Other	1	1	1	Harassment
19-1272	n/a	11/12/19	11/12/19	Intake	RM	5/12/2020	11/10/20	Other	1	1	1	Performance of Duty - Reporting
19-1304	11/20/19	11/22/19	11/21/2019	Intake	RM	5/20/2020	11/19/20	Other	1	2	2	Performance of Duty
19-1315	11/24/19	11/26/19	11/24/19	Intake	RM	5/24/2020	11/22/20	Other	1	2	2	Rudeness

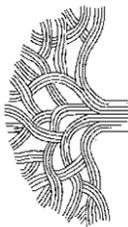
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COMMUNITY POLICE REVIEW AGENCY
Pending Cases (Sorted by Assigned Staff)

Case #	Incident Date	Rev'd CPRA	Rev'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)
19-1362	12/05/19	12/05/19	12/5/2019	Intake	RM	6/6/2020	12/03/20	Use of Force	1	1	1	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.

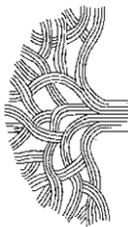


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases (Sorted by 3304 date)

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 (Total Pending = 102)

Case #	Incident Date	Rev'd CPRA	Rev'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)
19-0123	01/29/19	02/06/19	01/28/19	Investigator	AL	08/05/19	01/27/20	Use of Force	1	4	15	Excessive force; performance of duty; discrimination; failure to refer or accept complaint.
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).
19-0220	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).
19-0235	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.
19-0261	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.
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	3	3	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.
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); PDRD.
19-0422	04/20/19	05/07/19	04/20/19	Investigator	JS	11/03/19	04/18/20	Use of Force	1	5	7	Excessive force.
19-0775	07/31/19	08/05/19	08/05/19	Investigator	CS	2/1/2020	05/03/20	Other		3		Service Complaint, No MOR, 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).
19-0515	05/20/19	05/20/19	05/20/19	Investigator	AL	11/16/2019	05/18/20	Use of Force	1	2	3	Use of Force, Performance of Duty
19-0558	05/30/19	06/07/19	06/07/19	Investigator	JS	12/04/19	06/01/20	Other	2	2	2	Performance of duty (improper search, seizure, or arrest; refusal to adjust handcuffs when asked).
19-0688	07/10/19	07/10/19	07/10/19	Investigator	JS	1/6/2020	06/10/20	Other		3		Harassment, Improper Search/Seizure/Arrest
19-0585	06/11/19	06/20/19	06/12/19	Intake	CD	12/17/2019	06/10/20	Use of Force	1	3		Demeanor, Harassment, Excessive Force, Discrimination
19-0590	06/13/19	06/20/19	06/13/19	Investigator	AN	12/17/2019	06/11/20	Other		1	3	Discrimination, Failure to Take a Report, Failure to Act
19-0597	06/12/19	06/15/19	06/15/19	Investigator	CS	12/17/2019	06/13/20	Use of Force	1	1		Improper Search, Excessive Force
19-0593	06/17/19	06/20/19	06/20/19	Investigator	ED	12/17/2019	06/13/20	Use of Force	1	2	9	Excessive Force
19-0601	06/17/19	06/20/19	06/17/19	Investigator	MM	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		1	1	Performance of duty
19-0651	07/01/19	07/08/19	07/01/19	Intake	CD	1/4/2020	06/29/20	Other		1		Improper Stop, Failure to Provide Serial Number
19-0685	06/26/19	07/12/19	7/9/2019	Investigator	AN	1/9/2020	07/07/20	Other		2	2	Performance of Duty, Improper Search/Seizure

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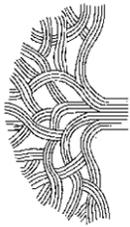


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Case #	Incident Date	Rev'd CPRA	Rev'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	3304 Deadline	Type* (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-0693	06/24/19	11/06/19	07/11/19	Intake	RM	5/4/2020	07/09/20	Use of Force	1	4		Use of Force, Unlawful arrest
19-0619	06/24/19	07/18/19	07/18/19	Intake	CD	1/14/2020	07/17/20	Use of Force	1	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	08/14/19	08/10/19	Intake	CD	2/10/2020	08/08/20	Use of Force	1	N/A		Improper Arrest, Excessive Force, Discrimination, Service Complaint
19-0839	08/08/19	08/16/19	08/12/19	Intake	RM	2/12/2020	08/10/20	Profiling		1		Failure to Act, Discrimination
19-0849	08/14/19	08/16/19	08/14/19	Intake	RM	2/12/2020	08/12/20	Use of Force	1	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
19-0877	08/19/19	08/21/19	08/19/19	Investigator	AN	2/17/2020	08/17/20	Use of Force	1	3		Harassment and Discrimination/Race, Unlawful arrest, Use of Force,
19-0875	08/19/19	08/21/19	08/19/19	Intake	CD	2/17/2020	08/17/20	Profiling		1		Profiling
19-0878	06/27/19	08/21/19	08/20/19	Investigator	ED	2/17/2020	08/18/20	Use of Force	1	4	14	False Arrest, Use of Force, Miranda Violation
19-0906	08/26/19	08/28/19	08/26/19	Intake	CD	2/24/2020	08/24/20	Use of Force	1	1		Excessive Force
19-0911	08/27/19	08/29/19	08/27/19	investigator	AL	2/25/2020	08/25/20	Use of Force	1	2		Excessive Force
19-0922	08/29/19	09/03/19	08/29/19	Intake	CD	3/1/2020	08/27/20	Use of Force	1	1		Excessive Force
19-0978	09/13/19	09/17/19	9/17/2019	Intake	CD	3/15/2020	09/11/20	Use of Force	1	1		Performance of Duty, Use of Force
19-0993	09/14/19	09/14/19	09/14/19	Intake	RM	3/12/2020	09/13/20	Other		2		Failure to Investigate
19-0987	09/14/19	09/17/19	09/17/19	Intake	MB	3/15/2020	09/14/20	Use of Force	1	1		Use of Force
19-1005	N/A	09/17/19	09/17/19	Intake	MB	03/15/20	09/16/20	Other	1	1		Improper Investigation
19-1032	09/24/19	09/27/19	9/27/2019	Intake	CD	3/25/2020	09/22/20	Profiling		1		Conduct towards others (Harassment and discrimination / Race).
19-1044	09/25/19	10/01/19	09/25/19	Intake	MB	03/29/20	09/23/20	Profiling	1	1		Discrimination, Demeanor
19-1039	09/24/19	09/27/19	09/25/19	Intake	RM	3/25/2020	09/23/20	Other		N/A		Improper Search, Care of Property
19-1068	09/30/19	10/02/19	10/2/2019	Intake	CD	3/30/2020	09/28/20	Other		1		Performance of Duty
19-1093	10/05/19	10/09/19	10/05/19	Intake	RM	4/6/2020	10/03/20	Use of Force	1	2+		Use of Force, Improper Arrest
19-1114	10/09/19	10/11/19	10/10/19	Intake	MB	04/08/20	10/08/20	Other	1	1		Harassment
19-1141	10/09/19	10/15/19	10/15/2019	Intake	CD	4/12/2020	10/09/20	Other	1	1		Conduct Toward Others, Failure to Accept or Refer a Complaint, Truthfulness
19-1123	10/10/19	10/15/19	10/11/19	Intake	RM	4/12/2020	10/09/20	Use of Force	1	2		Use of Force

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19-1143	10/14/19	10/16/19	10/16/19	Intake	MB	4/13/2020	10/12/20	Use of Force	1	1	1	Use of Force
19-1150	10/15/19	10/15/19	10/15/19	Intake	RM	4/12/2020	10/13/20	Use of Force	1	2	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	3	10	Excessive force.
19-1153	10/17/19	10/17/19	10/19/2019	Intake	CD	4/15/2020	10/15/20	Profiling		2	2	Identify Profiling by Race or Ethnicity, Unintentional/Improper Search or seizure, or arrest.
19-1156	10/17/19	10/18/19	10/19/2019	Intake	CD	4/15/2020	10/15/20	Other		1	1	Obedience to Laws
19-1159	10/17/19	10/22/19	10/17/19	Intake	RM	4/19/2020	10/15/20	Use of Force	1	3	3	Performance of Duty, Use of Force
19-1161	10/17/19	10/22/19	10/22/19	Intake	MB	4/19/2020	10/16/20	Use of Force	1	1	1	Use of Force
19-1190	10/25/19	10/29/19	10/29/19	Intake	MB	4/26/2020	10/23/20	Use of Force	2	2	2	Use of Force; Performance of Duty
19-1226	11/02/19	11/02/19	11/5/2019	Intake	CD	4/30/2020	10/31/20	Other		1	1	No MOR Violation
19-1218	11/02/19	11/05/19	11/05/19	Intake	MB	5/3/2020	10/31/20	Use of Force	1	1	1	Use of Force; Performance of Duty
19-1228	11/03/19	11/03/19	11/03/19	Intake	MB	5/1/2020	11/01/20	Other	1	1	1	Demeanor
19-1224	11/04/19	11/06/19	11/06/19	Intake	MB	5/4/2020	11/02/20	Use of Force	1	1	1	Use of Force
19-1225	05/06/16	11/06/19	11/5/2019	Intake	CD	5/4/2020	11/03/20	Use of Force	1	1	1	Use of Force
19-1241	11/05/19	11/05/19	11/5/2019	Intake	RM	5/3/2020	11/03/20	Other		1	1	Harassment
19-1345	11/05/19	12/03/19	11/6/2019	Intake	MB	5/31/2020	11/04/20	Other	1	1	1	Performance of Duty
19-1234	11/06/19	11/08/19	11/6/2019	Intake	RM	5/6/2020	11/04/20	Profiling		1	1	Profiling
19-1245	11/09/19	11/13/19	11/09/19	Intake	MB	05/11/20	11/07/20	Profiling	1	1	1	Profiling; Performance of Duty
19-1264	11/10/19	11/14/19	11/10/2019	Intake	CD	5/12/2020	11/08/20	Profiling	2	1	1	Harassment and discrimination, profiling.
19-1254	11/10/19	11/10/19	11/10/2019	Intake	MB	5/8/2020	11/08/20	Profiling	1	1	1	Profiling
19-1263	11/14/19	11/14/19	11/12/2019	Intake	CD	5/12/2020	11/10/20	Profiling		3	3	Profiling, Performance of Duty.
19-1272	n/a	11/12/19	11/12/19	Intake	RM	5/12/2020	11/10/20	Other		1	1	Performance of Duty - Reporting
19-1261	11/12/19	11/14/19	11/13/2019	Intake	MB	5/12/2020	11/11/20	Use of Force	1	1	1	Use of Force
19-1311	11/14/19	11/26/19	11/14/2019	Intake	CD	5/24/2020	11/12/20	Other		1	1	Performance of Duty
19-1276	11/17/19	11/19/19	11/17/2019	Intake	MB	5/17/2020	11/15/20	Use of Force	2	2	2	Demeanor; Use of Force
19-1277	11/16/19	11/19/19	11/17/2019	Intake	MB	5/17/2020	11/15/20	Profiling	1	1	1	Profiling

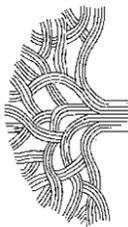
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19-1295	08/23/19	11/19/19	11/19/2019	Intake	CD	5/17/2020	11/17/20	Use of Force	1	2	2	No MOR, Memeanor, Performance of Duty, Use of Force,
19-1296	11/19/19	11/21/19	11/20/2019	Intake	CD	5/19/2020	11/18/20	Profiling		2	2	Harassment and Discrimination,
19-1304	11/20/19	11/22/19	11/21/2019	intake	RM	5/20/2020	11/19/20	Other		2	2	Performanc eof Duty
19-1320	11/24/19	11/26/19	11/24/2019	Intake	CD	5/24/2019	11/22/20	Use of Force	1	2	2	Harassment and Discrimination, Use of Force,
19-1315	11/24/19	11/26/19	11/24/19	intake	RM	5/24/2020	11/22/20	Other		2	2	Rudeness
19-1316	11/22/19	12/03/19	11/26/2019	Intake	MB	5/31/2020	11/24/20	Use of Force	3	3	3	Use of Force
19-1328	05/31/19	12/03/19	11/27/2019	Intake	CD	5/31/2019	11/25/20	Profiling		1	1	Harassment and Discrimination,Performance of Duty,
19-1331	11/01/19	12/03/19	11/27/2019	Intake	MB	5/31/2020	11/25/20	Profiling	3	3	3	Profiling
19-1337	11/30/19	12/03/19	11/30/2019	Intake	CD	5/31/2020	11/28/20	Use of Force	1	2	2	Use of Force
19-1334	11/29/19	12/04/19	11/30/2019	Intake	MB	6/1/2020	11/28/20	Use of Force	2	2	2	Use of Force
19-1362	12/05/19	12/05/19	12/5/2019	Intake	RM	6/6/2020	12/03/20	Use of Force	1	1	1	Use of Force
19-1366	12/05/19	12/09/19	12/6/2019	Intake	CD	6/6/2020	12/04/20	Use of Force	1	N/A	N/A	No MOR, Performance of Duty, Use of Force,
19-1379	12/07/19	12/07/19	12/7/2019	Intake	MB	6/4/2020	12/05/20	Other	1	1	1	Performance of Duty
19-1372	12/10/19	12/10/19	12/8/2019	Intake	MB	6/7/2020	12/06/20	Use of Force	2	2	2	Use of Force
19-1390	12/08/19	12/13/19	12/12/2019	Intake	CD	6/10/2020	12/10/20	Use of Force	1	1	1	Performance of Duty, Use of Force,
19-1391	12/13/19	12/19/19	12/13/2019	Intake	MB	6/14/2020	12/11/20	Use of Force	2	2	2	Use of Force
19-1398	12/15/19	12/17/19	12/15/2019	Intake	CD	6/14/2020	12/13/20	Use of Force	1	1	1	Use of Force
19-1446	12/17/19	12/18/19	12/17/2019	Intake	CD	6/15/2020	12/15/20	Other		2	2	Performance of Duty
19-1420	12/19/19	12/26/19	12/19/19	Intake	MB	6/23/2020	12/18/20	Profiling		2	2	Demeanor, Profiling
19-1423	12/20/19	12/26/19	12/21/2019	Intake	CD	6/23/2020	12/19/20	Use of Force	1	1	1	Use of Force
19-1440	12/24/19	12/27/19	12/24/2019	Intake	CD	6/24/2020	12/22/20	Use of Force	1	1	1	Use of Force
19-1447	12/26/19	12/31/19	12/26/19	Intake	MB	6/28/2020	12/24/20	Other		1	1	Performance of Duty
20-0014	01/05/20	01/07/20	1/5/2020	Intake	CD	7/5/2020	01/03/21	Other		2	2	Performance of Duty, Harassment
20-0016	01/05/20	01/07/20	01/05/20	Intake	MB	7/5/2020	01/03/21	Use of Force	1	1	1	Use of Force, Performance of Duty
20-0018	07/22/19	01/07/20	01/06/20	Intake	MB	0705/20	01/06/21	P0		1	1	Profiling
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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18-0335	04/04/18	04/04/18	4/4/2018	Investigator	JS	N/A	Tolled	Use of Force	1	1	1	Use of Force

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SCOPE OF WORK

Enhancing Reach and Accessibility for The Oakland Community Police Review Agency 2020

Submitted by: Gianina Irlando

Project Name: CPRA Stakeholder Outreach and Engagement

Project Manager/Proposer: Gianina Irlando

Project Duration: February 1, 2020 through July 31, 2020, not to exceed a period of 6 months

Date: January 23, 2020

Project Background and Description

The need for greater public accessibility to the Community Police Review Agency's (CPRA) complaint, investigation and discipline processes are rooted in the need for greater public safety and greater public trust of the Oakland Police Department (OPD). Procedural justice research clearly demonstrates that when the public does not trust law enforcement, they do not report crime or cooperate with criminal investigations. Most issues related to lack of trust in law enforcement are approachable with extensive public education and the accessibility and support of a strong complaint, investigation and discipline process for law enforcement misconduct issues. Enhanced outreach and engagement to the public by the CPRA will result in greater credibility of discipline findings, perceptions related to Oakland police conduct, and accountability and trust by the public for Oakland's public safety leadership.

The individual strategies listed below are examples of outreach and engagement measures which can increase accessibility and reach for the CPRA. They include data and information gathering, educational programming, research, material development and community, law enforcement and legislative engagement, that have been tested and are productive at increasing the awareness of independent oversight existence, services and effectiveness across the country.

Strategies

Each strategy identified below is listed for the purpose of discussion and evaluation between the proposer and the CPRA. Many strategies below will necessitate funding beyond the scope of this proposal and therefore will need to be prioritized by CPRA based on resources.

1. Branding of CPRA Public Materials:
 - A. Development of a New Logo
 - B. Design of Brochure for Public Dissemination
2. Social Media Development and Short-Term Maintenance
 - A. Creation of Educational Facebook Page
 - B. Development of Mailchimp or Other Contact Management Service
3. Media and Communication Plan
 - A. Earned Media
 - B. Monthly or Quarterly Public Communications
 - C. Advertising
4. Community Leader and Partner Organization Outreach and Events
5. Elected and Appointed Official Outreach
6. 2020 Visibility Survey
7. Storefront Opportunities/Community Feedback and Complaints in the Community
8. Broad Reaching Outreach Projects

Branding/Rebranding of CPRA Public Materials

Current CPRA materials and accessibility of the complaint process are limited for those without access to technology or the ability to visit the CPRA office. There is no separate CPRA logo or branding and this could be a deterrent to complainants who are not inclined to trust a government entity under the same umbrella as the Oakland Police Department. The majority of oversight agencies nationally use their own branding in order to express their independence and make a statement about transparency and lack of influence from city administrations. A distinguishing logo is also necessary for any sort of social media outreach that differentiates the oversight agency from the larger government entity.

Proposer will research, oversee options for a new logo and evaluate and rework public materials used for outreach to reflect not only the new logo but also current and best practice regarding the complaint process and accessibility. This proposal covers the design and updating of the CPRA brochure and other public materials. The Executive Director of the Community Police Review Agency will closely oversee this work.

Social Media Development and Short-Term Maintenance

This proposal covers the development of social media platforms, specifically a Facebook page with full descriptions, logos and contact information. The development of a Twitter account is not included and is not recommended at this time due to the need for CPRA personnel to respond quickly and allocate resources to the maintenance of this platform.

Included in the development of the Facebook page is the non-paid initial reach, defined as “likes” and “followers,” as well as monthly analysis of analytics once the page has reached the necessary metrics and analytics are available. A proposed goal is to collect 100 initial followers within thirty days of launch, and 10% per month thereafter. Also included would be a minimum

of five posts per week of appropriate articles, education regarding law enforcement oversight best practices, and CPRA work and progress. Ideally, this would grow to two posts per day and analytics would drive the popularity of much of the content after the first quarter of page operation. Additional resources would allow for videos, live interviews and some public meeting coverage not currently covered in this proposal.

Mailchimp or another contact management or marketing service is vital to connecting with all targeted engagement groups including community members and advocacy organizations, law enforcement, and government partners. Proposer would use existing CPRA contacts to initiate this list and develop the list monthly with CPRA and appropriate partners. Goal would be to increase the list by 10% monthly.

Media and Communication Plan

The development of a media and communication plan is essential to a concentrated effort to reach all aspects of diverse Oakland communities, especially those most impacted by police contact. Proposal includes the development of a media and communication plan with initial focus on non-monetary media opportunities including earned media and monthly or quarterly email communications with contacts. Plan will also include building a media contact list for the all Bay Area media outlets interested in CPRA services, law enforcement, police accountability and crime. Press releases will be disseminated through this list and media drafts are included in this proposal for the term of this contract. The Executive Director will guide and approve all content of email blasts to contacts. Current proposal will not cover paid media or advertising related to communications production, but discussion of impact and planning is important for long term communications plan.

Community Leader and Partner Organization Outreach and Events

During the initial phase of the proposal, community leaders and organizations will be identified, contact information will be gathered and communications will begin with an introduction to CPRA, a complete guide to CPRA services and invitations to review CPRA reports and progress. Follow up phases will include invitations to CPRA events, public meetings and select one-on-one meetings with CPRA staff and proposer if appropriate to discuss partnership opportunities. This information gathering, sharing and select scheduling is included in proposal and will be decided by the Executive Director of the CRPA and staff based on available resources and schedules.

Elected and Appointed Official Outreach

Elected and appointed officials regularly communicate with their constituencies and provide a free or low-cost mechanism for mass outreach through their constituent communications. Proposal includes identifying municipal and state elected and appointed officials, contacting their offices and staff and developing a database of possible communication corridors for CPRA announcements and brief communications to be disseminated. Proposal does not include ongoing development of announcements and communications without discussion with the

Executive Director of the CPRA regarding priority and availability. Proposal does include initial blast to gauge effectiveness of this strategy.

2020 Visibility Survey

There is a clear need to survey the public in 2020 and to receive feedback on the existence of the CPRA, the understanding of respondent knowledge of CPRA's independence from the Oakland Police Department and its reach to those most likely to need CPRA's services. This survey should be repeated yearly in order to be used as a metric for effective community outreach. While proposer does not claim to have expertise in this area, they are able to research, make recommendations and help the CPRA to contract for this work. If there is another mechanism within the City of Oakland to include the CPRA in a public survey and the correct targeted audience are participants, proposer will work with CPRA staff to craft questions and analyze data gathered.

Storefront/Community Feedback and Complaints in the Community

The mandate by the Oakland Police Commission is clear with respect to the need for Oakland residents to be able to walk into the CPRA office and file a complaint in a non-threatening, trusting and community friendly environment. While this proposal does not cover the cost or research for a permanent location for the CRPA office, other community accessibility options are possible in 2020. Pop up office hours in community owned locations are an intermediate option that can be developed and used until the "Storefront" issue can be resolved and adequate resources allotted to the CPRA. Proposal includes a plan and map of possible locations and outreach events for individual communities within Oakland.

Broad Reaching Outreach Projects

Proposer has developed, received federal grant funding and had an outside evaluation resulting in an evidence-based program to improve relationships between youth and law enforcement. While this strategy is not being proposed in this document, it is an effective approach to engage community proactively and increase officer awareness of community impact and difficult community trust issues.

There are many other strategies that an independent oversight agency can utilize to reach community leaders and partners in positive ways that build relationships proactively, but all include upfront resources ranging from an increased food and educational budget to art and cultural projects. Proactive relationship building enhances the opportunities for authentic discussions around police accountability in advance of sometimes reactive responses to critical incidents.

This proposal does not include a plan for this in-depth community-building work, as submitted. Should resources become available for additional outreach strategies, proposer would be pleased to discuss researching and developing appropriate proactive outreach and engagement

efforts for the CPRA to reach more of the Oakland community. Earned media and greater visibility for the CPRA would be the goals of enhanced outreach as described above.

Proposer/CPRA Responsibilities

Proposer will be available to the Executive Director for the Community Police Review Agency as needed for discussion of priorities and timing of initializing above strategies. It is estimated that proposer would need to be in the CPRA office for in-person meetings a minimum of four times during the period of this contract to include a minimum of three days each in February, March, May and July of 2020. The cost of this travel would be billed to CPRA. It is the responsibility of proposer and CPRA to select the dates for these in-person meetings and set the priorities for external meetings, research and strategy sessions to execute the plans agreed upon in this proposal.

Weekly or bi-weekly check-ins are also necessary via phone to meet objectives and discuss progress. Proposer will submit monthly updates in the form of progress reports. CPRA is responsible for feedback and direction regarding progress and challenges presented in reports, and it will be important that this is done in a timely and effective written manner in order to complete this contract by the end date of July 31, 2020.

SEPTEMBER 2019 SPECIAL MEETING REPORT



City of
Oakland

Police Commission

OAKLAND POLICE COMMISSION

SPECIAL MEETING: Retreat

Date: September 14, 2019

Time: 10:00 AM – 3:00 PM

Location: Chart Room, Waterfront Hotel 10 Washington Street, Oakland, CA 94607

I. Call to Order – Vice Chair, Ginale Harris

II. Roll Call and Determination of Quorum – Vice Chair, Ginale Harris

Attendees

Officers:

Regina Jackson, Chair

Ginale Harris, Vice Chair

Commissioners:

Mubarak Ahmad

Tara Anderson

Jose Dorado

Edwin Prather

Thomas Lloyd Smith

Alternate Commissioner:

Chris Brown

Newly Confirmed Commissioners – as of October 2019:

Henry Gage

David Jordan

Executive Director:

John Alden, Community Police Review Agency

Guest Speaker:

Lateefah Simon – President, Akonadi Foundation

Facilitators:

Constance Walker – President, Walker and Associates Consulting

Jeannine Walker – Executive Vice President, Walker and Associates Consulting



III. Welcome, Purpose, and Open Forum

Vice Chair Ginale Harris welcomed all attendees, including members of the public.

IV. Police Commission Retreat (Facilitated by Walker and Associates Consulting)

a. Breakfast, Ground Rules and Opening Exercise

Facilitators refreshed the Commission on elements of The Brown Act and Robert's Rules of Order; and provided additional Ground Rules to guide the day's interaction:

- Full Participation
- Silence Cell Phones
- Honor our Time/Schedule
- Think Corporately: As a Team Working Together to Achieve Commission-Wide Goals
- Problems + Solutions = Constructive Engagement
- Forward Movement
- Leave Room for Discussion & Public Comment
- Commit to Action
- Have Fun

Commissioners also added the following additional Ground Rule:

- Practice Cautionary Communication (members of the Discipline Committee to refrain from discussing specific incidents given pending litigation)

In the Opening Exercise, "The Ball is in Your Court," Commissioners shared why they joined the Commission and responded to thought-provoking questions to promote personal and Commission-related reflection and connection.

b. Power in Place and Purpose: reGrounding and reCommitting the Commission to its Charge (What do we exist to do? What changes should we be focused on making?)

Facilitators grounded the Commission in its roots in Measure LL – the amendment to Oakland's City Charter passed by voters with overwhelming support to establish a Police Commission to oversee the Oakland Police Department's (OPD) policies and procedures and a Community Police Review Agency (CPRA) to investigate complaints of police misconduct and recommend discipline – and in relevant data from the City of Oakland's Equity Indicators 2018 Report where almost every indicator of well-being – especially Police Response Times (equity score of 48/100), Stops (6/100) and Use of Force (1/100) – shows troubling disparities by race.

Facilitator's reviewed the purpose of the Oakland Police Commission – 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 – and the overall scope of the Commission's oversight.

Facilitators led Commissioners in an exercise to identify strengths and opportunities for growth and development in how they are performing against the charge:

Strengths:

- Building Momentum
- Strong Community Support
- Increased Accountability
- Strong City Council Relationships & Influence
- Pockets of OPD Serving with Excellence

Opportunities for Growth & Development:

- Defining a Process/System for Community Outreach
- Rebalancing the Voices Heard in Oakland
- Creating a Mandate to make Change in Oakland & Nationally
- Pushing Systems & Outcomes (Leveraging the Equity Report)
- Further Enhancing City Council Relationships & Support
- Stronger Awareness/Public Knowledge, Communications & Buy-In (Sharing Who the OPC is, What the OPC Does & Engaging the Community in Key Decisions)
- Becoming the “Go-To” Source for the Community
- Highlighting Positive Pockets & Accomplishments of the OPD
- Creating a Culture Shift
- Increased Community Connection – Learning & Building Relationships within Neighborhoods
- Redesigning how Officers are Hired & Fired
- Stop & Search

Based upon review of the data, charge and discussion around strengths and opportunities; Facilitators led the Commission in brainstorming what changes should be made/priorities be set on their road ahead:

- Amplification of Community Voice
- Racial Profiling & Excessive Force
- Alignment with the Changing Community
- No longer under Federal Supervision
- Equity/Justice for Black People & All People of Color
- Creating a Testbed for Ideas & Policies
- Decriminalization (Mental Health & Homelessness)
- Balance between Day-to-Day Work & Visioning
- Be a Trailblazer for Progressive Policy toward Racial Equity & Justice
- Promote a Non-Law Enforcement Approach (Not just better but less)
- Be more Data-Driven
- Build the Capacity of the Community to Police Itself

c. Power in Partnership and Practice: Re-Establishing Values to Guide How Commissioners Engage (*How do we want to do this to work together?*)

Facilitators defined core values (the fundamental beliefs and principles that members of teams/organizations follow); discussed why they are important to provide common/agreed upon bounds or guides for how members will conduct their activities while carrying out the work; and led the Commission in an interactive exercise to select and align to the values that most describe how the Commission would like to carry out its work with one another, the OPD, the CPRA, the Mayor, the City Council, the community and other partners.

Core Values of the Commission:

- Equity – The OPC will actively promote racial and social equity and justice recognizing that the City defines equity as fairness which means that identity—such as race, ethnicity, gender, age, disability, sexual orientation or expression—has no detrimental effect on the distribution of resources, opportunities and outcomes for the City’s residents.
- Innovation – The work of the OPC cannot be business as usual. The OPC will not rest on how things have always been done but will take risks and blaze new trails.
- Integrity – The OPC will have strong conviction in its action rooted in the will and needs of the people of Oakland.
- Respect – The OPC will engage, both internally and externally, with professionalism and consideration.
- Trust – The OPC will work to establish and maintain the trust of the community.
- Independence – The OPC will remain impartial to ensure its ability to provide true oversight of OPD’s policies, practices and customs and of the CPRA.
- Community-Led Change – The OPC will be guided toward action by the will, needs and priorities of the community it serves.
- Collaboration – The OPC will work hand-in-hand with the community and partner organizations near and far to build connectivity and influence to bring about change locally and nationally.
- Passion – The OPC will serve ardently and fervently on behalf of the people of Oakland.
- Transparency – The OPC will ensure public notice and access to meetings, information and documentation.
- Accountability – The OPC will hold itself, the OPD and the CPRA to task to ensure the community is engaged and protected.

d. Working Lunch featuring Guest Speaker Lateefah Simon, President, Akonadi Foundation: Marching Toward Your North Star

The Commission was ignited and reengaged through the inspirational words and local and national cultural context provided by the speaker who leads an Oakland-based and -focused foundation that exists to support the development of powerful social change movements to eliminate structural racism and create a racially just society and is a member of the BART Board. After the speaker’s remarks, Facilitators led the Commission in an exercise to reimagine Oakland:

The OPC envisions a City and Police Department where...

- Trust and goodwill predominate
- People are militantly peaceful
- Positive relationships with the community exist based on mutual understanding and empathy Truly effective and equitable community policing exists
- Police and community coexist and rely upon each other to protect the City
- Systems aid people’s lives
- Harmony exists for all
- Everyone can thrive in a safe and livable city
- People celebrate living in Oakland and the City’s potential is clear and open to all

e. Action Planning: Key Goals and Priorities for the Year Ahead

The Commission participated in small group activities to brainstorm and align to major objectives and areas of focus moving forward:

Key Goal Areas	Timing	Responsibility
<i>Use of Force Policy</i>	4/2020	Commissioners Jackson, Harris & Anderson
<i>Define Clear Measures for the Chief of Police</i>	12/2019	OPC
<i>Reorganization (CPRA Job Description)</i>	1/2020	ED Alden; Commissioners Jackson & Harris
<i>Community Engagement (Communications)</i>	12/2019	ED Alden; Commissioners Jackson & Dorado; City
<i>Community Engagement (Outreach and Policing)</i>	10/2020	OPC & OPD
<i>Commission & Agency Audit</i>	10/2019 (start by)	TBD
<i>Submission of Proposed Budget for OPD Mental & Emotional Health</i>	4/2019	OPC
<i>Stop and Search Implementation</i>	11/2019	Commissioners Prather & Dorado; Admin.
<i>New Commissioner Onboarding</i>	10/2019 (start by)	OPC
<i>Hiring Practice Statement (Resolution)</i>	9/2020	OPC
<i>Commissioner Subcommittees and Policy</i> <ul style="list-style-type: none"> • <i>Required Training (Post Standardized Training for OPD and OPC)</i> • <i>Compliance Function</i> 	4/2020	OPC
<i>Chief of Police Annual Report</i>	TBD	Commissioners Smith & Prather
<i>Performance Evaluation of Agency Director & Police Chief (criteria due a year before evaluation)</i>	TBD	OPC
<i>Standardized Policies & Procedures for OPC</i>	4/2020	OPC w/Community Input
<i>Public Hearing on Use of Force (Community Engagement & Ad Hoc)</i>	TBD	Commissioners Smith, Dorado & Gage
<i>Excessive Force/Profiling Policy</i>	9/2020	Commissioners Anderson & Gage
<i>Budget Plan (Approach to non-law enforcement responsibilities)</i>	3/2020	Commissioners Brown & Harris
<i>Staffing (IG, Policy, etc.)</i>	TBD	OPC
<i>Progressive Policy Development</i>	TBD	OPC
<i>Policy Training (Build bridges and trust)</i>	3/2020	ED Alden; Commissioners Jackson & Smith (w/Training Department & BART)
<i>Become Data-Driven/Metric-Based</i>	TBD	OPC
<i>Collaboration (with other bodies)</i>	TBD	OPC
<i>More Relevant OPD Recruitment Plan (wider/deeper)</i>	TBD	OPC w/OPD & OUSD
<i>More Relevant OPD Training (Guardian vs. Warner)</i>	TBD	OPC & OPD
<i>Full Implementation of Community Policing</i>	TBD	OPC

f. Closing Exercise and Remarks

The Commission reflected on the Retreat and what they gained/will take with them as they move toward the work ahead and what they personally commit to do to keep the Commission on track.



City of
Oakland

Police Commission

SPECIAL MEETING: RETREAT WATERFRONT HOTEL - OAKLAND, CA

September 14, 2019

You Built It. We'll BOOST It.



RETREAT AGENDA

TIME	TOPIC	DISCUSSION LEADER(S)
10:00 a.m.	Call to Order, Roll Call & Determination of Quorum	Regina Jackson
10:05 a.m.	Welcome, Purpose & Open Forum	Regina Jackson & Public Speakers
10:15 a.m.	Ground Rules & Opening Exercise	Connie Walker & Jeannine Walker
10:30 a.m.	Power in Place & Purpose: reGrounding & reCommitting the Commission to its Charge	Connie Walker & Jeannine Walker
11:15 a.m.	Power in Partnership & Practice: reEstablishing Values to Guide How Commissioners Engage	Jeannine Walker
12:00 p.m.	Working Lunch - Guest Speaker: Marching Toward Your North Star	Lateefah Simon
1:00 p.m.	Action Planning: Key Goals & Priorities for the Year Ahead	Connie Walker
2:45 p.m.	Closing Exercise & Remarks	Jeannine Walker & All



City of
Oakland

Police Commission

CALL TO ORDER, ROLL CALL & DETERMINATION OF QUORUM



CHAIR REGINA JACKSON



City of
Oakland

Police Commission

WELCOME, PURPOSE & OPEN FORUM



CHAIR REGINA JACKSON & PUBLIC SPEAKERS



City of
Oakland

Police Commission

GROUND RULES & OPENING EXERCISE

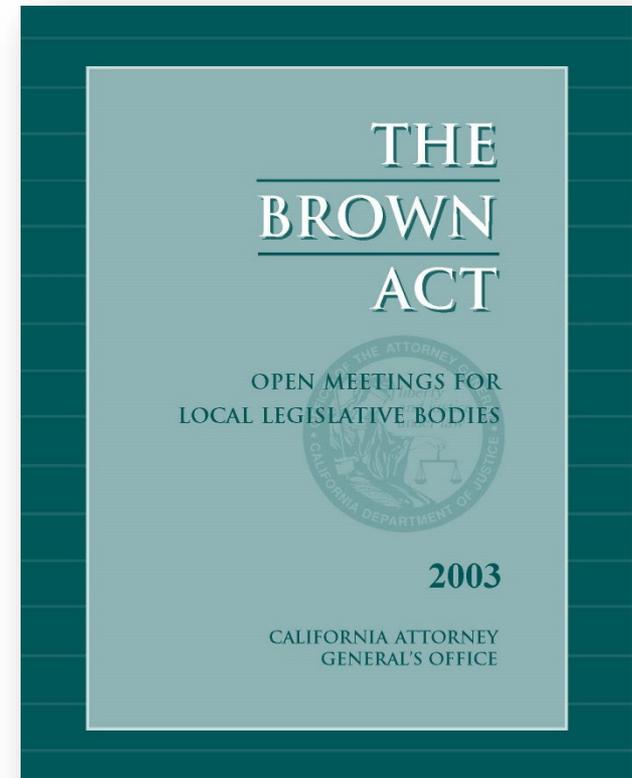


CONNIE WALKER & JEANNINE WALKER



THE BROWN ACT

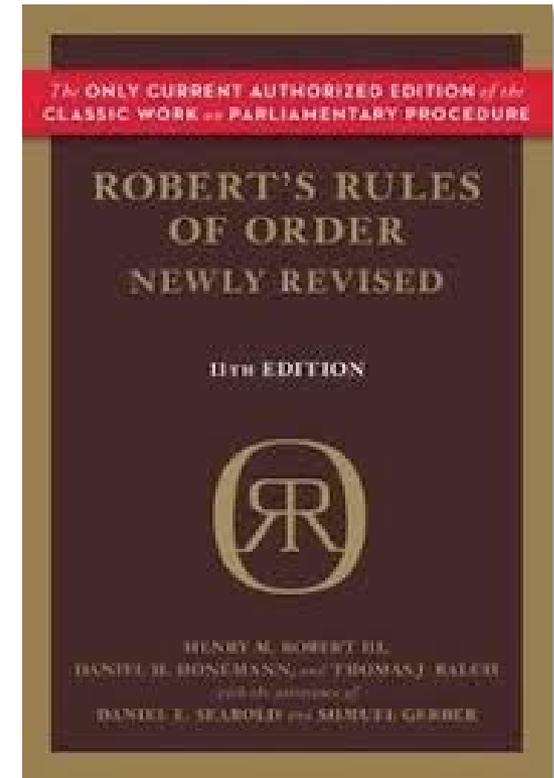
- Governs meeting access for local public bodies:
 - ✓ In general – No closed sessions (possible exceptions to receive legal advice, for labor negotiations or to discuss employment actions)
 - ✓ Agenda requirements – Publish name/date/location at least 96 hours before the meeting
 - ✓ Must provide an opportunity for public comment
 - ✓ Must clearly post information about accessibility for the disabled





ROBERT'S RULES OF ORDER

- A manual of parliamentary procedure commonly used by boards and commissions to ensure that meetings are fair, efficient, democratic and orderly
- If observed, all members should be provided with a copy and a summary for easy reference
- Range of issues covered include:
 - Types of motions
 - Steps to makings, discussing and taking action on a motion
 - Declaring Points of Order, Point of Information, Point of Inquiry, Point of Personal Privilege, etc.
 - Tips & reminders for Chairpersons





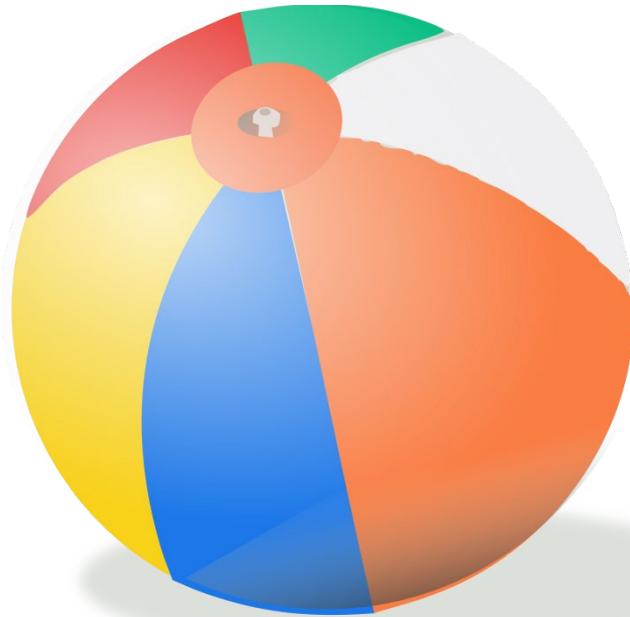
RETREAT GROUND RULES

- Full Participation!
- Silence Cell Phones
- Honor our Time/Schedule
- Think Corporately: As a Team Working Together to Achieve Commission-Wide Goals
- Problems + Solutions = Constructive Engagement
- Forward Movement
- Leave Room for Discussion & Public Comment
- Commit to Action
- Have Fun!!





OPENING EXERCISE: THE BALL IS IN YOUR COURT



When You Receive the Ball,
Each Commissioner to:

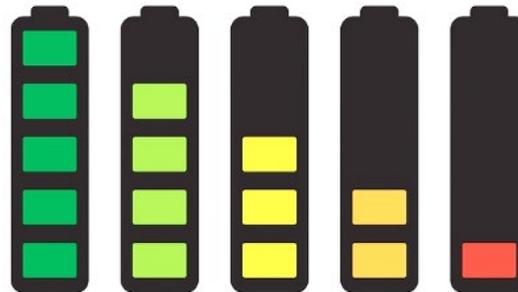
- *State Your Name*
- *Share Why You Joined the Commission*
- *Answer the Question Closest to Your Right Index Finger*



City of
Oakland

Police Commission

POWER IN PLACE & PURPOSE: REGROUNDING & RECOMMITTING THE COMMISSION TO ITS CHARGE

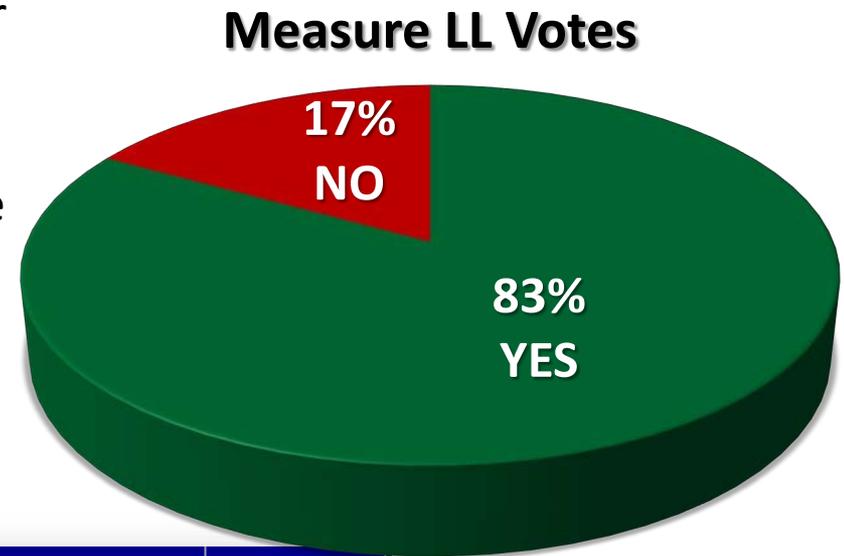


CONNIE WALKER & JEANNINE WALKER



THE COMMISSION'S ROOTS: MEASURE LL

- An amendment to Oakland's City Charter establishing a Police Commission to oversee the Police Department's policies and procedures, and a Community Police Review Agency to investigate complaints of police misconduct and recommend discipline
 - ✓ Approved/Passed by Voters: 11/8/16
 - ✓ Effective: 1/10/17



Result	Votes
✓ Yes	137,032
No	27,695

Source: Alameda County
Registrar of Voters



MEASURE LL: THE COMMUNITY'S CALL

"Our city needs to get its house in order."

"Oakland residents want effective community-oriented policing, less violent crime in our neighborhoods, and a police force that we trust."

"Our city needs a strong police oversight commission to help build greater trust with the community, improve police response, and ensure constitutional policing. And we need this now."

The Community's Call for the Commission

"Serious police misconduct impedes effective policing."

"It's time for Oakland to have effective civilian oversight!"

"We need improved oversight and effective discipline in order to better focus our police force on the things we want our officers doing: community policing in our neighborhoods, responding to 911 calls and investigating serious crimes."



THE DATA BEHIND THE CHARGE

City of Oakland Equity Indicators 2018 Report: **33.5**

- Given its long history of activism, Oakland was chosen in 2017 to be among the first cohort of 5 cities to develop Equity Indicators in partnership with the City University of New York's Institute for State and Local Governance with funding from the Rockefeller Foundation
- Scores are on a scale from 1 to 100, with 1 representing the highest possible inequity and 100 representing highest possible equity
- *"In Oakland, the City defines equity as **fairness**. It means that identity—such as race, ethnicity, gender, age, disability, sexual orientation or expression—has no detrimental effect on the distribution of resources, opportunities and outcomes for our City's residents. One key assumption in our work is that **race matters**, and this assumption is supported by the data: **ALMOST EVERY INDICATOR OF WELL-BEING SHOWS TROUBLING DISPARITIES BY RACE.**"*

| City of Oakland = 33.5

1 = Total Inequity

100 = Total Equity



Oakland Equity Indicators



MEASURING CHANGE TOWARD
GREATER EQUITY IN OAKLAND

"Not everything that is faced can be changed, but nothing can be changed until it is faced."

James Baldwin



THE DATA BEHIND THE CHARGE

- Public Safety Data in Oakland's Equity Report on Law Enforcement revealed an Overall Equity Score of **18.3**
 - Includes three Indicators that measure disparities in:
 - **Police Response Times**
 - **Stops**
 - **Use of Force**
 - All topics revealed stark disparities that warrant further investigation into root causes and solutions



Oakland Equity Indicators



MEASURING CHANGE TOWARD
GREATER EQUITY IN OAKLAND





LAW ENFORCEMENT: POLICE RESPONSE TIME

- Police Response Times: **48**
 - *Measures:* Median response times of calls for service that were routed to patrol by type of call and Police Area
 - *Importance:* How long it takes for patrol to respond to a call will directly affect whether citizens feel well served and supported by OPD
 - *Findings:* If you called for service in Area 5 (East Oakland) and it is a Priority 2 call (urgent but non-emergency), you waited 1.82 times longer than if you were calling from Area 1 (Downtown) or 3 (Fruitvale)



Oakland Equity Indicators



MEASURING CHANGE TOWARD
GREATER EQUITY IN OAKLAND

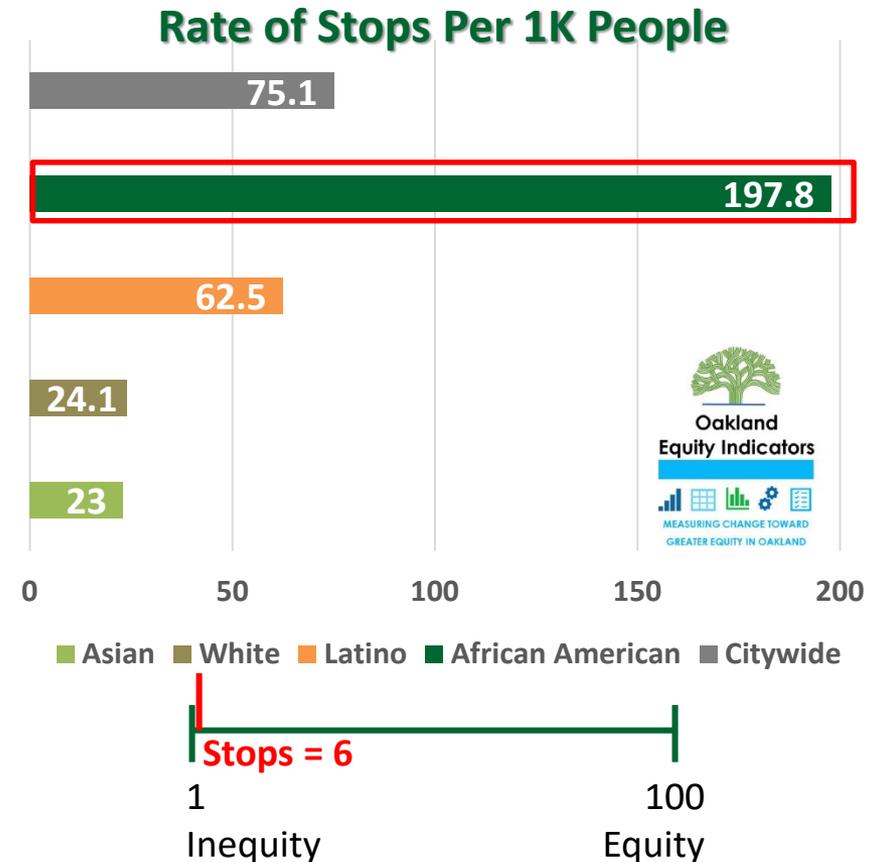




LAW ENFORCEMENT: STOPS

• Stops: 6

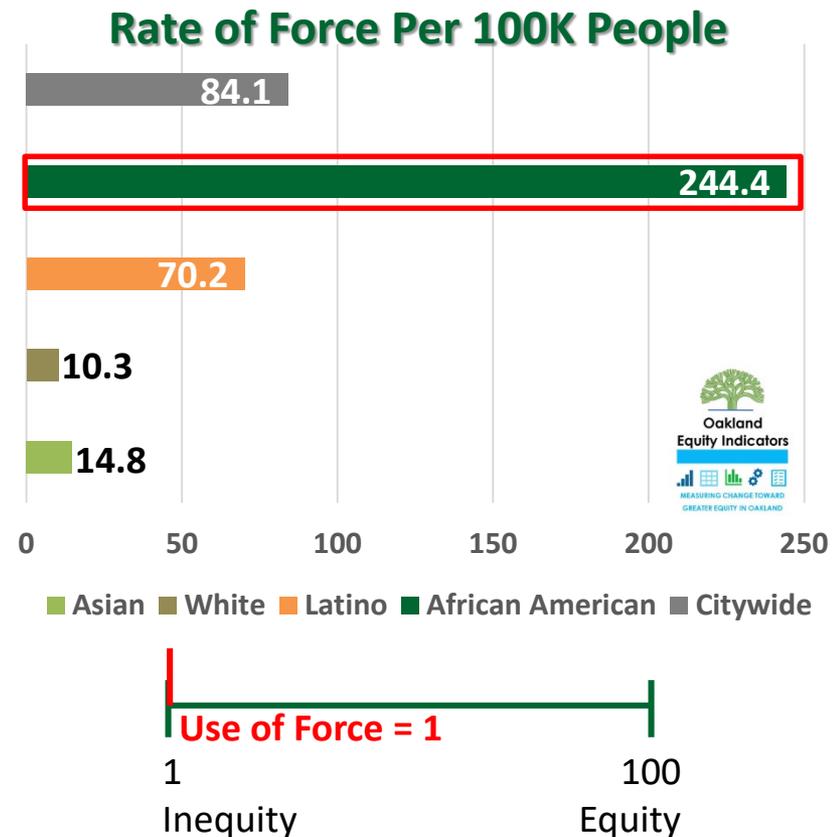
- *Measures:* Rate of discretionary stops per 1,000 people in Oakland by race/ethnicity
- *Importance:* “There are profound impacts to local OPD-community relations and to OPD’s mission when stops, stop outcomes, or conduct exhibited during stops are influenced, or are perceived to be influenced, by bias or racial and identity profiling.”
 - Source: Oakland Police Department’s 2016-2017 Stop Data Report which showed that African Americans represent the largest number of traffic stops and 50% of overall traffic citations
 - This Indicator interacts with others (such as jail and prison incarceration) in distinct ways for African Americans: Probation and parole searches make up a disproportionately large proportion of searches of African Americans in comparison to other groups (37% as opposed to 23% for Whites)
- *Findings:* African Americans 8.60 times and Latinos 2.72 times more likely to be stopped than Asians





LAW ENFORCEMENT: USE OF FORCE

- Use of Force: **1** (One of 12 Indicators with lowest possible score)
 - *Measures:* Rate of use of force on subjects per 100,000 people in Oakland by race/ethnicity
 - *Importance:* There are large disparities by race/ethnicity in who experiences use of force from police, these disparities are not linked to crime rates in different communities, and they span across many different cities and types of force used
 - *“Black men and women are treated differently in the hands of law enforcement. They are more likely to be touched, handcuffed, pushed to the ground or pepper-sprayed by a police officer, even after accounting for how, where and when they encounter the police.” – Surprising New Evidence Shows Bias in Police Use of Force but Not in Shootings, The New York Times, 7/11/16*
 - *Findings:* An African American in Oakland was 23.68 times more likely than a White person to experience use of force





THE COMMISSION'S CHARGE OR PURPOSE: WHAT YOU EXIST TO DO

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





OVERALL SCOPE OF THE COMMISSION'S OVERSIGHT

- Power to review and comment on all OPD policies, procedures and customs, and to conduct public hearings, at least once a year, on OPD policies and procedures of its choosing
- Power to propose changes to OPD policies and procedures that address use of force, profiling, or First Amendment assemblies (such as citizen protests) and to approve or reject the OPD's changes to these categories of policies
- Power to review the Mayor's proposed budget for the OPD, and required to conduct one public hearing on the OPD's budget per two-year budget cycle
- Authority to require that the Police Chief submit an annual report to the Commission addressing matters it specifies
- Required to report annually to the City Council regarding matters addressed in the Police Chief's report, and any other matters relevant to the Commission's functions and duties
- Power to establish the organizational structure of the Agency, and the power to oversee the Agency in the performance of its duties to receive, review and prioritize all public complaints concerning the alleged misconduct of police officers



THE CHARGE: HOW ARE WE PERFORMING?



Oversee policies, practices & customs to meet or exceed national standards of constitutional policing



City of
Oakland

**Community Police
Review Agency**

Oversee the investigation of police misconduct & recommend discipline

Commission Health Check: S.W.O.T. Analysis

	Helpful	Harmful
Internal	<p>S Strengths</p> <ul style="list-style-type: none"> - What does the Commission do well/best? - What assets or results can be touted? 	<p>W Weaknesses</p> <ul style="list-style-type: none"> - What can the Commission improve upon? - What challenges are limiting results?
External	<p>O Opportunities</p> <ul style="list-style-type: none"> - What could help improve outcomes? 	<p>T Threats</p> <ul style="list-style-type: none"> - What are potential barriers to success?



THE COMMISSION'S PATH FORWARD: WHAT CHANGES SHOULD YOU BE MAKING?

- **DISCUSSION:** Based upon review of the data, charge, discussion around performance and the SWOT analysis; what ideas or potential solutions do you have to ensure the Commission operates more effectively and is an even stronger force for positive change in Oakland and across the nation?





City of
Oakland

Police Commission

POWER IN PARTNERSHIP & PRACTICE: REESTABLISHING VALUES TO GUIDE HOW COMMISSIONERS ENGAGE



JEANNINE WALKER



VALUES: WHAT & WHY?

- **What?** Core values are the fundamental beliefs and principles that members of teams/organizations follow
- **Why?** To provide common/agreed upon bounds or guides for how members will conduct their activities while carrying out the work
- **Discussion:**
 - *Does the Commission have active/agreed upon values guiding your engagement and work?*
 - *What words would you use to define or describe the way that Commissioners are currently interacting with one another and key stakeholders today?*





VALUES: ACTIVITY

- Reflecting on the following key questions, each Commissioner will have **2 minutes** to **review and select no more than 2-3 values** from those scattered around that they think best represent the Commission moving forward and then you will each share what you selected (write in values on blank cards if you do not see what you're looking for/nothing grabs you)
 - *What values are most critical to effectively delivering upon your purpose to oversee the OPD and CPRA on behalf of the citizens of the City of Oakland?*
 - *How would you like to commit to treating one another and all key stakeholders in this critical work?*
 - *What words would you use to define or describe how you would like the Commission to carry out its work with one another, with the OPD, with the CPRA, with the Mayor, with the City Council, with the community, etc. in the future?*



City of
Oakland

Police Commission

WORKING LUNCH: MARCHING TOWARD YOUR NORTH STAR



LATEEFAH SIMON, PRESIDENT – AKONADI FOUNDATION



City of
Oakland

Police Commission

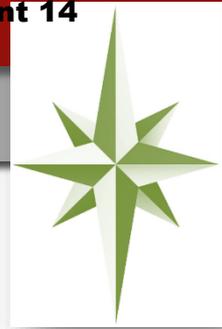
ACTION PLANNING: KEY GOALS & PRIORITIES FOR THE YEAR AHEAD



CONNIE WALKER & JEANNINE WALKER



ALIGNING TO THE NORTH STAR



Vision:

- Creates a Mental Picture of what you want to Accomplish/Achieve
- The Desired End-State of Operations
- Aspiration & Inspiration for Outcomes
- Should be Simple & Memorable

Discussion:

- *What would Oakland need to be like/ look like/feel like for the Commission to no longer be necessary?*

Historical Oakland Example:

The vision of the Citizens' Police Review Board is to influence community and police relationships by empowering the community and building trust with Oakland Police Department through a process which is fair and impartial.

Seattle Community Police Commission's Vision:

We envision our communities and Seattle's police aligned in shared goals of safety, respect, and accountability.

Historical LA Police Commission Example:

Under the leadership of the Police Commission, the Los Angeles Police Department will be recognized as the nation's top law enforcement agency; a model organization based on integrity, transparency, respect, compassion, accountability, service, and public trust.



SETTING SMART GOALS: WHAT YOU WANT TO ACHIEVE



SPECIFIC

What exactly do you want to achieve?

MEASURABLE

How will you know when you've achieved it?

ATTAINABLE

How can the goal be accomplished?

RELEVANT

Why is this goal important to you?

TIMELY

When do you want to achieve this goal?



THE ABC'S OF GO/NO GO DECISIONS

Atttractiveness

- Is the opportunity Attractive?
 - Aligned to the Commission's Charge (Mission, Vision & Values)
 - Fits within City Strategy & Commission Oversight Areas
 - Compliments current Work of the Commission

Better-Off

- Will the Commission/Oakland truly be Better-Off?
 - Improves City's Brand/Visibility & Community Connection
 - Innovative/Incremental/Value-Added to Creating Equitable Change
 - Would have Negative Community Impact if Not Accomplished

Cost of Entry

- Is the Cost of Entry Absorbable?
 - Amount & Source of Funding Required
 - Commission & Staff Bandwidth to Implement Change
 - Benefits vs. Cost



POTENTIAL PRIORITY AREAS & EXAMPLE GOALS

Commission Priorities

- ***Commissioner Training***
 - Completed by mid-April 2019?
- ***Submission of a Proposed Budget for OPD Mental & Emotional Health***
 - Completed by April 15, 2019?
- ***New Commissioner Onboarding***
 - Beginning in October 2019
- ***Commission & Agency Audit***
 - Must start by mid-October 2019!
- ***Performance Evaluation of Agency Director and Police Chief***
 - Criteria due 1 year prior to any performance evaluation!

Historical Citizens' Police Review Board Goals:

- ***Improve cohesion and communication between police and community by strengthening the mediation process***
- ***Foster an authentic relationship between community and government***
- ***Ensure OPD's policies remain relevant and appropriate for an evolving Oakland community***
- ***Through Board-driven leadership, combine best existing and cutting edge practices to create an inclusive work environment that reflects community values and vision***

City of Oakland Race and Equity Goals:

- ***Eliminate systemic causes of racial disparities in City Government***
- ***Promote inclusion and full participation for all residents of the City***
- ***Reduce race-based disparities in our communities***



ACTIVITY: BRAINSTORMING & ALIGNING TO MAJOR GOALS

- I. Brainstorm and Identify **3-5 Key Goals**
 - Do a **SMART** Check!
- II. Identify **2-3 Strategies** in support of the Key Goals
- III. Discuss Appropriate/Realistic **Timing**
- IV. ID if there's a **Resource Implication** &, if so,
Provide a Ballpark Estimate of \$/Staff Needed
- V. Determine who on the Commission should **Lead the Charge**





City of
Oakland

Police Commission

CLOSING EXERCISE & REMARKS



JEANNINE WALKER & ALL



CLOSING EXERCISE & REMARKS

SELF REFLECTION

All Commissioners to Share:

- 1 thing you Learned/You'll Take With You
- 1 thing you Commit to Do Moving Forward





Walker and Associates
Consulting, LLC



City of
Oakland

Police Commission



**OAKLAND POLICE COMMISSION
SPECIAL MEETING CLOSED SESSION
MINUTES - DRAFT**

October 10, 2019

5:30 PM

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

I. Call to Order

Chair Regina Jackson

II. Roll Call and Determination of Quorum

Chair Regina Jackson

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

Alternate Commissioners Present: None present.

Counsel for this meeting: Nitasha Sawhney, Garcia Hernández Sawhney, LLP

III. Public Comment on Closed Session Items

Comments were provided by the following public speakers:

No public comments were provided on this item.

IV. Closed Session

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Gov't Code § 54957(b)
Title: Chief of Police

V. Determinations of Closed Session

No reportable action was taken.



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

October 10, 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 pm

II. Roll Call and Determination of Quorum

Chair Regina Jackson

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

Alternate Commissioners Present: Chris Brown

Counsel for this meeting: Sergio Rudin

III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Richard Ali

Cat Brooks

Saleem Bey

Mary Vail

Michele Lazaneo

Zarina Ahmad

Henry Gage, III

John Lindsay-Poland

Sonia Tuma

Heather Appel

Edwin Prather left the meeting at this point.

IV. Bey Case Review

Jason Ross of Knox & Ross Law Group discussed his firm's investigative experience.

Comments were provided by the following public speakers:

Saleem Bey

Nino Parker

A motion was made by Ginale Harris, seconded by José Dorado, to hire the services of Jason Ross from Knox & Ross Law Group to investigate if there is enough evidence to reopen the CPRA cases 07-0538, 13-1062, and 16-0147, and not to exceed \$50,000. The motion carried by the following vote:

Aye: Ahmad, Anderson, Dorado, Harris, Jackson, and Smith

No: 0

V. Raheem: A Proposal to Gather Community Feedback to Inform Use of Force Policy

Brandon Anderson, Founder of Raheem, shared the organization's proposal on working with the Commission to gather community feedback regarding a revised OPD Use of Force policy.

Comments were provided by the following public speakers:

Saleem Bey

Rashidah Grinage

Mary Vail

Bruce Schmiechen

Elise Bernstein

Jane Kramer

Oscar Fuentes

Henry Gage, III

Anne Janks

Jack Bryson

Nino Parker

Frank Taylor

No action was taken on this item.

VI. OPD Update on Missing Person Jonathan Bandabaila and Department Policy on Social Media Policy for Missing/Abducted Persons

Deputy Chief Oliver Cunningham provided an update on the Department's efforts to find Jonathan Bandabaila.

Comments were provided by the following public speakers:

Michele Lazaneo

Estela Ayala

Fallah Bandabaila

Saleem Bey

John Jones, III

Lorelei Bosserman

No action was taken on this item.

Mubarak Ahmad left the meeting at 9:08 pm.

VII. Final Draft of OPD SO 9196 Documentation of the Use of Force Timeline on Use of Force Curriculum Development

Deputy Chief Leronne Armstrong presented the final draft of Special Order (SO) 9196 Documentation of the Use of Force. Captain Joshi discussed use of force curriculum development.

Comments were provided by the following public speakers:

Bruce Schmiechen

Saleem Bey

A motion was made by Thomas Smith, seconded by Tara Anderson, to approve SO 9196 as presented. The motion carried by the following vote:

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

No: 0

VIII. Draft Ordinance on Militarized Police Equipment

A motion was made by Ginale Harris, seconded by Regina Jackson, to table this item to the next meeting. The motion carried by the following vote:

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

No: 0

Comments were provided by the following public speakers:

John Lindsay-Poland

Brian Hofer

Henry Gage, III

Ayca Guralp

Micheline Levy

Cassandra Carver

Paul Bickmore

Isaac Katten

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

Executive Director John Alden reported on the Agency's pending cases, completed investigations, and discussed three new hires for the Complaint Investigator II position.

Comments were provided by the following public speakers:

Rashidah Grinage

No action was taken on this item.

X. OPD Towing Policy

Deputy Chief LeRonne Armstrong and Sergeant Doria Neff discussed OPD's automobile towing policy as it relates to members of the community without a fixed address.

Comments were provided by the following public speakers:

Nino Parker

Oscar Fuentes

Lorelei Bosserman

No action was taken on this item.

XI. OBOA Investigation Update

Deputy Chief Leronne Armstrong noted that the investigation in the Oakland Black Officer's Association (OBOA) complaint is nearing closure and is being performed by an outside firm.

Comments were provided by the following public speakers:

Saleem Bey

No action was taken on this item.

XII. Report on Lost Guns

Chief Anne Kirkpatrick discussed working with the National Crime Gun Intelligence Center Initiative.

Comments were provided by the following public speakers:

Oscar Fuentes

Saleem Bey

No action was taken on this item.

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

Aye: Anderson, Dorado, Harris, and Jackson

No: Smith

XIII. Hiring Process Data for People of Color

Virginia Gleason discussed an update on OPD background and recruiting.

Comments were provided by the following public speakers:

There were no public speakers on this item.

No action was taken on this item.

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

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

No: 0

XIV. Police Commission Counsel Update

Regina Jackson introduced the law firm Nitasha Sawhney, Garcia Hernández Sawhney, LLP that will serve as the Commission's outside counsel.

Comments were provided by the following public speakers:

There were no public speakers on this item.

No action was taken on this item.

A motion was made by Thomas Smith, seconded by José Dorado, to table items XV, XVI, and XVII to the next agenda, and to adjourn the meeting. The motion carried by the following vote:

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

No: 0

XV. Committee/Liaison/Other Commissioner Reports (*this item was tabled to the next agenda*)

No public comments were provided on this item.

XVI. Meeting Minutes Approval (*this item was tabled to the next agenda*)

No public comments were provided on this item.

XVII. Agenda Setting and Prioritization of Upcoming Agenda Items (*this item was tabled to the next agenda*)

No public comments were provided on this item.

XVIII. Adjournment

The meeting adjourned at 11:09 pm.



OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

October 24, 2019

6:00 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 6:04 pm.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Tara Anderson, José Dorado, Henry Gage, III, Ginale Harris, and Regina Jackson. Quorum was met.

Alternate Commissioners Present: David Jordan

Commissioners Excused: Thomas Lloyd Smith

Commissioners Absent: Edwin Prather (*arrived during Item III*)

Alternate Commissioners Absent: Chris Brown (*arrived during Item III*)

Counsel for this meeting: Conor Kennedy

III. Public Comment on Closed Session Items

Comments were provided by the following public speakers:
No public comments were provided on this item.

The Commission adjourned to closed session in City Hall Building Bridges room. The open session section of the meeting commenced at 7:00 pm.

IV. Closed Session

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

V. Determinations of Closed Session

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

There were no reportable actions on this item.

VI. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:
Michele Lazaneo
Saleem Bey
Mariano Contreras
Rashidah Grinage

Jane Kramer
Azizah Ahmad
Wilson Riles, Jr.
Patricia St. Onge
Walter Riley
Cat Brooks
Laura Magnani
Rochelle Towers
Tracy Rosenberg
Tonya Love
John Lindsay-Poland
Sara Martinez
Vilma Serrano
Mayra Alvarado
Sylvia Chi
Carol Rothman
Nomi Gomes
Nancy Feinstein
Eleanor Levine
Bob Heaney
Kyle Ohlin
Olivia Udovic
Mike Hutchinson
Anne Janks
Reisa Jaffe

VII. Welcome New Commissioners

The Commission welcomed two new members – Commissioner Henry Gage, III and Alternate Commissioner David Jordan.

Comments were provided by the following public speakers:
Rashidah Grinage

No action was taken on this item.

VIII. Police Officers Bill of Rights Training (*this item was tabled to the next agenda*)

No public comments were provided on this item.

IX. Review of Year-to-Date Figures and Future Projections on Commission and CPRA Budgets (*this item was taken out of order*)

CPRA Executive Director John Alden and Principal Budget Analyst Brad Johnson presented a year-to-date review of the Commission and CPRA budgets.

Comments were provided by the following public speakers:
Maureen Benson
Elise Bernstein

A motion was made by Tara Anderson, seconded by Henry Gage, III, to move \$649,204 from the Personnel line item ear marked for the Office of Inspector General to another area of operations and materials (O&M) discretionary funding. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, and Prather
No: 0

A friendly amendment to the motion was made by Henry Gage, II, seconded by Regina Jackson, to direct staff to seek City Council approval to move funds from the Office of Inspector General to the Police Commission O&M budget to be used at the discretion of the Commission. The amendment carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, and Prather
No: 0

X. Bey Case Review

The Commission voted to adopt a resolution authorizing the CPRA Executive Director to enter into a Professional Services Agreement with Knox & Ross Law Group for investigation and review of CPRA cases 07-0538, 13-1062, and 16-0147 for an amount not-to-exceed \$49,999.

A motion was made by Henry Gage, III, seconded by José Dorado, to reconsider the previous decision and previous action by the Commission to retain the services as counsel of Jason Ross at Knox and Ross Law Group. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Jackson
No: 0
Abstain: Prather

A second motion was made by Edwin Prather, seconded by Regina Jackson, to engage the services of Knox & Ross Law Group to investigate if there is enough evidence to reopen the CPRA cases 07-0538, 13-1062, and 16-0147, for an amount not-to-exceed \$49,999, with all work to be conducted by licensed investigators. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, and Prather
No: 0

A motion was made by Henry Gage, III, seconded by Edwin Prather, to extend the meeting by 30 minutes. The motion carried by the following vote:

**Aye: Anderson, Dorado, Gage, Harris, Jackson, and Prather
No: 0**

Comments were provided by the following public speakers:

Saleem Bey

A third motion was made by Edwin Prather, seconded by José Dorado, to approve Resolution 19-01 with the following edits: on page two, second paragraph beginning “Whereas Knox and Ross Law Group,” on the second line the phrase “and review of” should be changed to “related to;” paragraph three, second line the words “Jason Ross from” should be deleted; paragraph four, last line the words “review of” should be deleted and inserted the phrase “whether there is enough evidence to reopen;” and in the last paragraph, second line in front of the word “services” the word “investigative” should be inserted, and on the third line the words “review of” should be deleted and replaced with “whether there is enough evidence to reopen.” The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, and Prather

No: 0

A motion was made by Henry Gage, III, seconded by José Dorado, to extend the meeting by 15 minutes. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, and Prather

No: 0

XI. Vote to Accept Proposal from Raheem

On October 10, 2019 Raheem submitted a proposal to gather community feedback to inform a revised OPD Use of Force policy. Brandon Anderson, Founder and CEO of Raheem, discussed the proposal and scope of work. The Commission voted to accept the proposal and to direct staff to prepare a resolution.

Comments were provided by the following public speakers:

Rashidah Grinage

Anne Janks

A motion was made by Tara Anderson, seconded by Regina Jackson, to engage the services of Raheem as outlined in the scope of work, and also to include specific emphasis on actively working with the Police Commission on methodology which would include development of questions, enhancing education and outreach as it pertains to the existence of the Commission, and the reporting process of CPRA; and to instruct staff to develop a resolution for consideration at the next meeting. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, and Prather

No: 0

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

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

No: Gage

- XII. Legal Counsel RFQ Process (*this item was tabled to the next agenda*)**
Comments were provided by the following public speakers:
Rashidah Grinage
- XIII. Subpoena Regarding OBOA Allegations of Racial Discrimination (*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. Meeting Minutes Approval (*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*)**
Comments were provided by the following public speakers:
Rashidah Grinage
Saleem Bey
- XVII. Adjournment**
A motion was made by Henry Gage, III, seconded by Regina Jackson, to adjourn the meeting at 10:49 p.m. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Jackson, and Prather
No: 0



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

November 14, 2019

6:30 PM

City Council Chamber, 3rd Floor

1 Frank H. Ogawa Plaza, Oakland, CA 94612

I. Call to Order

Vice Chair Ginale Harris

The meeting started at 6:34 pm.

II. Roll Call and Determination of Quorum

Vice Chair Ginale Harris

Commissioners Present: Tara Anderson, José Dorado, Henry Gage, III, Ginale Harris, Edwin Prather, and Thomas Lloyd Smith. Quorum was met.

Alternate Commissioners Present: Chris Brown and David Jordan

Commissioner Absent: Regina Jackson

Counsel for this meeting: Conor Kennedy

III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Mariano Contreras

Meredith Cohen

Jane Kramer

Michele Lazaneo

Saleem Bey

IV. Draft Ordinance on Military Police Equipment

The Coalition for Police Accountability presented a draft ordinance for review and Police Commission consideration. Deputy Chief LeRonne Armstrong and Captain Jerry Wingate presented the Oakland Police Department (OPD) response to the draft ordinance.

Comments were provided by the following public speakers:

John Lindsay-Poland

Saleem Bey

Kathleen Donnelly-Moran

Amy Bodam

Wilson Riles, Jr.

Paula Hawthorne

Liz Atkins-Pattenson

Jane Kramer

Ben Keller

Sameena Usman

Oscar Fuentes

Eleanor Levine
Micheline Levy
Paul Bickmore
Bruce Schmiechen

A motion was made by Henry Gage, III, seconded by Edwin Prather, to form an Ad Hoc Committee composed of Commissioner Gage and Alternate Commissioners Brown and Jordan, and table the item to the next meeting. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Prather, and Smith
No: 0

V. Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing, Recent Activities, and Executive Director's 100 Day Report

John Alden reported on his first 100 days serving as the CPRA Executive Director.

Comments were provided by the following public speakers:
Rashidah Grinage
Daniela Kantorova

No action was taken on this item.

A motion was made by Thomas Lloyd Smith, seconded by Henry Gage, III, to suspend the rules and to skip items VI, VII, and VIII and move to item IX. The motion carried by the following vote:

**Aye: Anderson, Dorado, Gage, Harris, Prather, and Smith
No: 0**

IX. Subpoenas Regarding OBOA Allegations of Racial Discrimination (*this item was taken out of order*)

The Commission discussed and voted on serving a subpoena relating to the Oakland Black Officers Association's allegations of racial discrimination.

No public comments were provided on this item.

A motion was made by Ginale Harris, seconded by José Dorado, to serve a subpoena to Sgt. Smith to appear in closed session before the Commission regarding OBOA's allegations of racial discrimination. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Smith
No: 0
Abstain: Prather

VII. Review Proposed Resolution to City Council Requesting Reallocation of Funds (*this item was taken out of order*)

The Commission reviewed a proposed Resolution requesting the City Council to reallocate funds in the amount of \$250,000 that are designated for the Office of Inspector General to fund contracts previously discussed and/or approved by the Commission.

Comments were provided by the following public speakers:
Jane Kramer

A motion was made by Henry Gage, III, seconded by José Dorado, to approve the resolution with edits offered by John Alden. The motion carried by the following vote:

The edits are as follows: in the title of the resolution, the dollar amount should be changed from \$250,000 to \$649,204. A comma should be inserted after “Walker and Associates” in the 10th line of the title and the “and” after “Associates” should be deleted. In the 12th line of the title a comma should be inserted after “Group” and the text “and other expenses” should be added.

Aye: Anderson, Dorado, Gage, Harris, Prather, and Smith
No: 0

VI. Vote to Approve Resolution to Enter into Contract with Raheem (*this item was taken out of order*)

The Commission voted to approve a Resolution authorizing the CPRA Executive Director to (1) enter into a Professional Services Agreement with Raheem to gather community feedback to inform a revised OPD use of force policy for an amount not-to-exceed \$40,000; and (2) request on behalf of the Police Commission that the City Administrator waive the competitive solicitation process.

Comments were provided by the following public speakers:
Brandon Anderson
Maureen Benson
Jane Kramer

A motion was made by Tara Anderson, seconded by Henry Gage, III, to approve the resolution and enter into a contract with Raheem. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Prather, and Smith
No: 0

VIII. Legal Counsel RFQ Process (*this item was taken out of order*)

The Commission discussed the process used to engage outside legal counsel.

No public comments were provided on this item.

No action was taken on this item.

X. Report on Policing of Oakland’s Unhoused Communities (*this item was tabled to a future agenda*)

Comments were provided by the following public speakers:
Richard Speigelman

A motion was made by Ginale Harris, seconded by José Dorado, to table this item to a future agenda. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Smith
No: Gage, Prather

XI. Vote to Submit Request to City Council to Create Standing Policy and Legislation Committee

The Commission voted on authorizing the submission of a request to the City Council for approval of a Standing Policy and Legislation Committee.

Comments were provided by the following public speakers:
Maureen Benson
Jane Kramer
John Lindsay-Poland
Lorelei Bosserman

A motion was made by Henry Gage, III, seconded by José Dorado, to submit a request to the City Council for approval of a Standing Policy and Legislation Committee. The motion failed by the following vote:

Aye: Dorado and Gage
No: Anderson, Harris, Prather, and Smith

XII. Votes to Cancel Meeting Scheduled for November 28, 2019 (Thanksgiving) and to Approve Off-Site Meeting on December 12, 2019

The Commission voted to cancel the second meeting of the month on November 28th as it is Thanksgiving Day. The Commission also voted to approve holding an off-site meeting on December 12, 2019 at the East Oakland Youth Development Center.

No public comments were provided on this item.

A motion was made by Ginale Harris, seconded by Thomas Lloyd Smith, to cancel the meeting on November 28, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Prather, and Smith
No: 0

A second motion was made by Ginale Harris, seconded by Henry Gage, III, to hold the December 12, 2019 meeting at the East Oakland Youth Development Center. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Prather, and Smith

No: 0

XIII. Creation of an Ad Hoc Committee for Mental Health Model as an Alternative to Calling Police

The Commission voted to create an Ad Hoc Committee for a Mental Health Model to convene a group of local mental health providers, specifically those who work with the most impacted families in the Oakland/Bay Area, to gather key components of a model that is an alternative to calling the police.

Comments were provided by the following public speakers:

Jane Kramer

Maureen Benson

Daniella Kantorova

A motion was made by José Dorado, seconded by Ginale Harris, to create an Ad Hoc Committee for a Mental Health Model composed of Commissioners Dorado and Harris and Alternate Commissioner Brown. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Prather, and Smith

No: 0

XIV. Meeting Minutes Approval

The Commission voted on approving minutes from May 23, June 13, and June 27, 2019.

No public comments were provided on this item.

A motion was made by José Dorado, seconded by Thomas Lloyd Smith, to approve the minutes from May 23, 2019. The motion failed by the following vote:

Aye: Dorado, Harris, and Smith

No: 0

Abstain: Anderson, Gage, and Prather

A second motion was made by José Dorado, seconded by Tara Anderson, to approve the minutes from June 13, 2019. The motion failed by the following vote:

Aye: Anderson, Dorado, and Harris

No: 0

Abstain: Gage, Prather, and Smith

A third motion was made by José Dorado, seconded by Tara Anderson, to approve the minutes from June 27, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Smith

No: 0

Abstain: Gage and Prather

XV. Police Officers Bill of Rights Training (*this item was tabled to the next agenda*)

No public comments were provided on this item.

A motion was made by Tara Anderson, seconded by Henry Gage, III, to table this item to one of the first items on the December 12, 2019 meeting agenda. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, and Prather

No: Smith

Abstain: Harris

XVI. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session and discussed agenda items for the upcoming Commission meeting: Police Officers Bill of Rights Training; Draft Ordinance on Military Police Equipment; and a report from the Use of Force Working Group.

No public comments were provided on this item.

No motion was made on this item.

XVII. Adjournment

A motion was made by Thomas Lloyd Smith, seconded by Edwin Prather, to adjourn the meeting at 10:47 p.m. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, Prather, and Smith

No: 0



OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

December 12, 2019
5:30 PM

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

I. Call to Order

Chair Regina Jackson

The meeting started at 5:45 pm.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: José Dorado, Henry Gage, III, Regina Jackson, and Edwin Prather. Alternate Commissioner David Jordan was appointed as a voting member of the Commission. Quorum was met.

Alternate Commissioners Present: David Jordan

Commissioners Excused: Ginale Harris and Thomas Lloyd Smith; Edwin Prather left after item IV.

Commissioners Absent: Tara Anderson (*arrived during item VI*)

Alternate Commissioners Absent: Chris Brown (*arrived during item VI*)

Counsel for this meeting: Conor Kennedy

III. Public Comment on Closed Session Items

No public comments were provided on this item.

The Commission adjourned to closed session. The open session section of the meeting commenced at 6:57 pm.

IV. Closed Session

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

V. Determinations of Closed Session

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

There were no reportable actions on this item.

VI. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Michele Lazaneo

Gabriel Garcia

Bruce Schmiechen

VII. Draft Ordinance on Military Police Equipment (*this item was tabled to a future agenda*)

Comments were provided by the following public speakers:

John Lindsay-Poland

VIII. Report on Policing of Oakland's Unhoused Communities

The Commission discussed the report which was prepared on behalf of the Coalition for Police Accountability by students at the University of California, Berkeley.

Comments were provided by the following public speakers:

Lorelei Bosserman

Anne Janks

Assata Olugbala

A motion was made by Henry Gage, III, seconded by José Dorado, to accept the report with apologies to the original presenter for their inability to speak at the time the report was originally presented. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Jackson, and Jordan

No: 0

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

Executive Director John Alden reported on the Agency's pending cases, completed investigations, staffing, and recent activities.

Comments were provided by the following public speakers:

Assata Olugbala

Oscar Fuentes

No action was taken on this item.

X. Use of Force Working Group

OPD Deputy Chief LeRonne Armstrong noted that the report included in the agenda packet had since been updated with edits from the ACLU, and the Use of Force Working Group will present its draft report at the next meeting on January 9, 2020.

Comments were provided by the following public speakers:

Rashidah Grinage

James Burch

Kathleen Guneratne

Jane Kramer

Assata Olugbala

John Lindsay-Poland

No action was taken on this item.

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

The Commission voted to cancel the second meeting of the month on December 26, 2019.

No public comments were provided on this item.

A motion was made by Henry Gage, III, seconded by Regina Jackson, to cancel the meeting on December 26, 2019. The motion carried by the following vote:

Aye: Anderson, Gage, Jackson, and Jordan

No: Dorado

XII. Meeting Minutes Approval

The Commission voted to approve minutes from May 23, June 13, and July 11, 2019.

No public comments were provided on this item.

A motion was made by José Dorado, seconded by Regina Jackson, to approve the minutes from May 23, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, and Jackson

No: 0

Abstain: Jordan

A second motion was made by Regina Jackson, seconded by José Dorado, to approve the minutes from June 13, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, and Jackson

No: 0

Abstain: Jordan

A third motion was made by Regina Jackson, seconded by José Dorado, to approve the minutes from July 11, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, and Jackson

No: 0

Abstain: Jordan

XIII. Police Officers Bill of Rights Training

CPRA Executive Director John Alden delivered training on the Police Officers Bill of Rights.

Comments were provided by the following public speakers:

Anne Janks

Saleem Bey

Assata Olugbala

Jane Kramer
Rashidah Grinage
Cathy Leonard

No action was taken on this item.

XIV. Committee/Liaison/Other Commissioner Reports

Regina Jackson noted that the Commission successfully submitted an application to the Graduate Class as the Goldman School of Public Policy to engage in a study focusing on compensation for property damage during police interactions.

No public comments were provided on this item.

No action was taken on this item.

XV. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session to discuss and determine agenda items for the upcoming Commission meeting: military equipment ordinance; rules and procedures, RFP for closed captioning.

No public comments were provided on this item.

No action was taken on this item.

XVI. Adjournment

A motion was made by Henry Gage, III, seconded by José Dorado, to adjourn the meeting at 9:36 pm. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Jackson, and Jordan

No: 0



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Pending Agenda Matters List
Date:	January 17, 2020
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

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	Complete trainings mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190 Some trainings have deadlines for when they should be completed (within 3 months, 6 months, etc.) Several trainings were delivered in open session and have been recorded for future use	The following trainings must be done in Open Session: 1. California's Meyers Miliars Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (planning for 3.12.20) 2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (planning for 2.27.20) 3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (planning for 3.26.20) 4. Police Officers Bill of Rights (done 12.12.19)	High	Ongoing	2/27/2020	
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			
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	The Chief's report shall include, at a minimum, the following: 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. 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	High	June 14, 2018 and June 14 of each subsequent year		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
5	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	High			
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			
7	Finalize Bylaws and Rules	1/24/2019			High			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			Gage
9	Social Media Communication Responsibilities, Coordination, and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	High			
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			
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			
12	Public Hearing on Use of Force	4/22/2019		Work with community on presenting a public hearing on use of force.	High			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			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		
15	Review Commission's Agenda Setting Policy	4/25/2019			High			

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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			
17	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	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: 1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; 2. Arbitration decisions or other related results; 3. The ways in which it has supported the police discipline process; and 4. Significant recent developments in police discipline. The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7	High	Semi-annually	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	
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

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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	Develop Plan for Quarterly Reports in Relation to Annual Report that is Due April 17th of Each Year	12/6/2019		The Commission is required to submit an annual report each year to the Mayor, City Council and the public per Ord. Section 2.45.220. Preparing quarterly reports will help with the coordination and preparation of an annual report.	High			
24	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		
25	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			
26	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		
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			
28	Community Policing Task Force/Summit	1/24/2019			Medium			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			Dorado

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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			
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			
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			
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			
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		

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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	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			
42	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
43	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	
44	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low		2/27/2020	
45	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
46	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019			Low		2/27/2020	
47	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	
48	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			

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49	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			
50	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			
51	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			
52	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			
53	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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54	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		