



OAKLAND POLICE COMMISSION MEETING AGENDA

**February 25, 2021
6:30 PM**

Pursuant to the Governor's Executive Order N-29-20, members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will participate via phone/video conference, and no physical teleconference locations are required.



OAKLAND POLICE COMMISSION

MEETING AGENDA

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PUBLIC PARTICIPATION

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

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/88075865335> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
Webinar ID: 880 7586 5335

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting By Phone.”

PROVIDE PUBLIC COMMENT: There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Comment in advance. To send your comment directly to the Commission and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to clove@oaklandca.gov. Please note that e-Comment **submissions close at 4:30 pm**. All submitted public comment will be provided to the Commissioners prior to the meeting.
- By Video Conference. To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled “Raise Hand In Webinar.”
- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing STAR-NINE (“*9”) to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. Once it is your turn, you will be unmuted and allowed to make your comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail clove@oaklandca.gov.



OAKLAND POLICE COMMISSION

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- I. **Call to Order**
Chair Regina Jackson
- II. **Roll Call and Determination of Quorum**
Chair Regina Jackson
- III. **Welcome, Purpose, and Open Forum** (2 minutes per speaker)
Chair Regina Jackson will welcome 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.
- IV. **Update from Police Chief**
OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item. (Attachment 4).***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any
- V. **Public Safety Officers' Procedural Bill of Rights Training**
CPRA Executive Director John Alden will deliver to the Commission training on the Public Safety Officers' Procedural Bill of Rights. ***This item was previously heard on 12.12.19. (Attachment 5).***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any
- VI. **Rules of Procedure Policy**
The Commission will review, and may vote to approve, a new Rules of Procedure. ***This is a new item. (Attachment 6).***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

VII. Action Plan from Commission Retreat

The Commission will review and discuss an Action Plan which was developed from the retreat on January 30, 2021. ***This is a new item.*** ([Attachment 7](#)).

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

VIII. 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 8](#)).

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

IX. Meeting Minutes Approval

The Commission will vote to approve minutes from February 11, 2021. ***This is a recurring item.*** ([Attachment 9](#)).

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

X. Committee Reports

Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.*** ([Attachment 10](#)).

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

XI. 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 11](#)).

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

XII. Adjournment



OAKLAND POLICE DEPARTMENT

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

CRIME ANALYSIS

Weekly Crime Report — Citywide 15 Feb. – 21 Feb., 2021

Part 1 Crimes <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2019	YTD 2020	YTD 2021	YTD % Change 2020 vs. 2021	3-Year YTD Average	YTD 2021 vs. 3-Year YTD Average
Violent Crime Index (homicide, aggravated assault, rape, robbery)	88	787	898	913	2%	866	5%
Homicide – 187(a)PC	3	12	3	20	567%	12	71%
Homicide – All Other *	-	-	-	-	PNC	-	PNC
Aggravated Assault	56	366	406	460	13%	411	12%
Assault with a firearm – 245(a)(2)PC	7	32	43	86	100%	54	60%
Subtotal - Homicides + Firearm Assault	10	44	46	106	130%	65	62%
Shooting occupied home or vehicle – 246PC	10	39	46	91	98%	59	55%
Shooting unoccupied home or vehicle – 247(b)PC	4	15	19	43	126%	26	68%
Non-firearm aggravated assaults	35	280	298	240	-19%	273	-12%
Rape	1	26	44	13	-70%	28	-53%
Robbery	28	383	445	420	-6%	416	1%
Firearm	5	150	141	176	25%	156	13%
Knife	1	18	39	21	-46%	26	-19%
Strong-arm	11	160	204	140	-31%	168	-17%
Other dangerous weapon	-	10	14	13	-7%	12	5%
Residential robbery – 212.5(a)PC	3	11	18	17	-6%	15	11%
Carjacking – 215(a) PC	8	34	29	53	83%	39	37%
Burglary	60	1,927	2,419	847	-65%	1,731	-51%
Auto	52	1,536	2,057	647	-69%	1,413	-54%
Residential	2	264	243	110	-55%	206	-47%
Commercial	2	109	93	55	-41%	86	-36%
Other (Includes boats, aircraft, and so on)	1	16	25	27	8%	23	19%
Unknown	3	2	1	8	700%	4	118%
Motor Vehicle Theft	95	948	1,104	1,063	-4%	1,038	2%
Larceny	38	976	1,189	635	-47%	933	-32%
Arson	2	20	21	29	38%	23	24%
Total	283	4,658	5,631	3,487	-38%	4,592	-24%

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

These statistics are drawn from the Oakland Police Dept. database. They are unaudited and not used to figure the crime numbers reported to the FBI's Uniform Crime Reporting (UCR) program. This report is run by the date the crimes occurred. Statistics can be affected by late reporting, the geocoding process, or the reclassification or unbounding of crimes. Because crime reporting and data entry can run behind, all crimes may not be recorded.

* Justified, accidental, foetal, or manslaughter by negligence. Traffic collision fatalities are not included in this report.
PNC = Percentage not calculated — [Percentage cannot be calculated.](#)
All data extracted via Coplink Analytics.



AGENDA REPORT

TO: Oakland Police Commission

FROM: LeRonne L. Armstrong
Chief of Police

SUBJECT: OPD Use of Overtime with City
Businesses Report

DATE: February 18, 2021

City Administrator Approval

Date:

RECOMMENDATION

Staff recommends the Police Commission receive this Informational Report regarding the Oakland Police Department's (OPD) role in overtime assignments with various businesses in the City of Oakland.

EXECUTIVE SUMMARY

Various businesses hire Police Officers to provide a uniformed presence to thwart crimes associated with thefts and robberies. Through the Department's Special Events Unit, officers are assigned on overtime to provide this service. The overtime is fully paid by the requesting business(es) and is classified as third-party reimbursed overtime.

BACKGROUND

Oakland businesses, such as Walgreens and Home Depot, have experienced significant crimes such as vandalism, thefts, assaults, robberies, and other crimes that directly impact their day-to-day operations. As such, these businesses have hired Police Officers on an overtime basis to provide an on-site presence to deter such activity.

These businesses work with the Department's Special Events Unit to coordinate the assignment of personnel and payment of services. The coordination of personnel and payment occurs through OPDs' Special Events Unit. The rate of payment paid to the City of Oakland is based on top step salary with an additional 15.5% increase; this service does not cause a loss of revenue to either OPD or the City of Oakland.

ANALYSIS AND POLICY ALTERNATIVES

OPD has a process by which personnel can be hired for dedicated services. This practice occurs at venues such as sporting events at the Oakland Coliseum, the downtown restaurant and club detail, film developments, and retail businesses. When OPD receives these requests, assessments are conducted on the positive and negative impacts to the nearby community. OPD also examines the draw on resources by assigning personnel to such requests. Once the

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impacts on the nearby community and the draw on resources are evaluated, an assessment of the hiring entity's safety plan is conducted. If the venue's staffing and the contingency plans are determined to be adequate, the Special Events Unit identifies personnel who are off-duty at the time of the event(s). No personnel are reassigned from their normal duties to participate in these events.

OPD has a policy (Department General Order D-01) regarding overtime procedures. Third-party reimbursable overtime event(s) are issued specific overtime codes which personnel use to claim payment. This process ensures accurate charging and reporting of overtime. Personnel may work overtime but shall prioritize their regular duty assignment. The Department's policy on overtime requires personnel have at least eight hours of rest between work periods. Additionally, personnel shall have at least one day where they do not work during a seven-day week. Personnel may not work overtime that interferes with their regular duties. Any operations or actions outside the overtime policy require a justification form.

FISCAL IMPACT

Businesses compensate OPD for the fully loaded costs of officer overtime – plus an additional 15 percent administrative fee. For the period of July 1 – December 31, 2020, OPD spent \$564,055 related to the Home Depot overtime security detail. Home Depot has been billed 673,950 for this associated six-month period. OPD has recently begun providing similar overtime personnel to other businesses (e.g., Walgreens and Target); OPD has not yet billed these businesses.

PUBLIC OUTREACH / INTEREST

No public outreach was required beyond standard noticing requirements.

COORDINATION

The Oakland Police Department developed this report internally.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Race Social Equity: The Oakland Police Department considers how this program will impact equity within our community.

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ACTION REQUESTED OF THE POLICE COMMISSION

Staff recommends the Police Commission receive this Informational Report regarding the Oakland Police Department's (OPD) role in overtime assignments with various businesses in the City of Oakland.

For questions regarding this report, please contact LeRonne L. Armstrong, Chief of Police, at larmstrong@oaklandca.gov.

Respectfully submitted,



LeRonne L. Armstrong
Chief of Police, Oakland Police Department

Prepared by:
Nishant Joshi, Deputy Chief of Police
Bureau of Field Operations, East

Oakland Police Commission
February 25, 2021



POBRA and Related Laws

Two Main Sets of Laws

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

Obligation to Investigate

Penal Code § 832.5

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

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

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

***Defining such complaints as personnel records necessarily gives them the same protections as those for all public employees.

Confidentiality vs Public Disclosure of Investigation Findings

Confidentiality

Unless there's a specific exception, the Penal Code prohibits anyone in the City of Oakland – including the Commission, CPRA, and the Police Department - from releasing any 'information' about 'complaints, or investigations of complaints.'

This state law prohibition applies to most information pertaining to the Commission/CPRA decisions as they carry out investigations.

This rule was specifically designed by the State Legislature to prevent public access to information about complaints. This was part of a compromise to enact 832.5, which requires investigations of each complaint.

Confidentiality vs Public Disclosure of Investigation Findings

Confidentiality

- Although the investigation findings are generally confidential, 832.7 specifically allows publication of “statistical” data regarding the complaints.
- Current City Ordinances require public reporting of whether allegations were sustained, not sustained, exonerated, or unfounded, case numbers, and related information without identifying any individuals who were involved.
- Penal Code § 832.7 requires written notification to complainant of the investigation’s “disposition,” which does not allow the Commission/CPRA to provide the complainant an executive summary of the investigation. Per state law, ‘disposition’ is typically a one-or-two word determination: ‘sustained,’ ‘not sustained,’ ‘exonerated,’ or ‘unfounded.’”

Confidentiality vs Public Disclosure of Investigation Findings

Notice of Findings to Complainants

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

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

In recent years, the Commission and CPRA have not released names of complainants publicly out of concern complainants may have a confidentiality right in their own identity.

Some complainants also make anonymous complaints, which as a matter of policy CPRA and the Commission have been willing to accept. But those complainants are not notified of the results of their cases.

Confidentiality vs Public Disclosure of Investigation Findings

New Public Disclosure Rules

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

BUT the State Legislature decided **not** to repeal the broad prohibition against publicizing ‘information’ about ‘complaints, or investigations of complaints.’

So long as the state legislature stands by its position in 2018 to keep Sections 832.7 and 832.8 as part of the state Penal Code, state law will continue to broadly prohibit the Commission, CPRA, and OPD from providing the public with information about its decision-making in carrying out investigations.

Confidentiality vs Public Disclosure of Investigation Findings

New Public Disclosure Rules

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

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

Confidentiality vs Public Disclosure of Investigation Findings

New Public Disclosure Rules

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

(Penal Code § 832.8)

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

POBRA – The Statute Governing Administrative Investigations of Police Officers

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

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

Interrogation Rights and Procedures

When Do Rights Apply?

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

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

Interrogation Rights and Procedures

Notice About Nature of the Investigation

The Rule

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

Officer is not entitled to a copy of the complaint or to evidence gathered by the investigator the first time they are interviewed. But new state court decisions require substantial discovery before the second interview.

In Oakland, we are under a Court Order to treat IAD and CPRA interviews the same, so whichever is second triggers discovery.

Interrogation Rights and Procedures

Many Detailed Rules – Some Examples Follow:

Interrogation should occur during on-duty hours if possible.

Officers have the right to the representative of their choice.

Only two people may ask the officers questions during the interrogation.

Officers have a right to record the interview.

Lie detector tests are prohibited.

Interrogation Rights and Procedures

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

What Triggers the Admonitions?

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

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

Interrogation Rights and Procedures

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

5th Amendment & Lybarger Warning Elements:

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

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

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

Rights Related to Discipline Decisions

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

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

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

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

Other Rights

Privacy Rights

Officer has absolute right to decline a polygraph.

Qualified right to privacy in financial records.

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

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

Personnel Files

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

Right to Go To Court

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

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

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

3304 Limit– One Year Plus Tolling

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

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

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

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

The Eight Tolling Provisions – 3304(d)2

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

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

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

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

AND

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

M E M O R A N D U M

DATE: February 22, 2021
TO: Chair Regina Jackson and Other Members of the Police Commission
FROM: Ad Hoc Rules Committee (Commissioner Henry Gage, Co-Chair; Commissioner Brenda Harbin-Forte, Co-Chair; and Commissioner Sergio Garcia)
RE: Proposed Amended Rules of Order for the Police Commission

BACKGROUND AND ACTION REQUESTED

The Ad Hoc Rules Committee submits its Proposed Amended Rules of Order for the Police Commission. The purpose of amending the rules was to establish clear procedures to ensure that Commission meetings were more efficiently run, that each member of the public has a fair opportunity to be heard, and that the atmosphere of the meetings is conducive to respectful and collaborative problem-solving. A further purpose was to implement changes brought about by the passage of Measure S1 last fall.

The Committee presented its first draft of proposed amended rules at the Commission's retreat last January 30, and received feedback on the proposals. Since then, the Committee has further revised the rules, and has submitted them to legal counsel for review.

The Committee requests that the Commission adopt the accompanying proposed resolution amending the Commission's Rules of Order.

NOTABLE PROPOSED CHANGES

Rule 2.3 Election of Officers: The proposed amendments define when a term begins and ends, and makes clear that an officer retains the office through the end of the elections meeting.

Rule 2.4 Removal of Officers: This new rule provides that an officer can be removed on a vote of no-confidence supported by at least 5 commissioners. The rule further provides that if the Chair is removed, the Vice Chair becomes Chair, and a new election for Vice Chair is held. Likewise, if the Vice Chair is removed, a new Vice Chair would be elected.

Rule 2.10. Speaking Time Limits for Commissioners: The amended rule reduces the speaking time of Commissioners from 10 minutes to 5 minutes, with the Chair retaining authority to increase the time as warranted.

Rule 2.13 Voting: The amended rule provides that votes will be taken in alphabetical order by surnames, with the presiding officer voting last. It further provides that any Commissioner seeking to abstain must publicly state the reason for the abstention, and also prohibits voting by proxy.

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Rule 2.15 Commission Chair: The amended rule specifies that the Chair is the official spokesperson for the Commission. It also implements the changes in Measure S1 which authorize Alternate Commissioners to serve on ad hoc committees, including discipline committees, and makes clear that when appointed, Alternate Commissioners have full voting rights on any committee. The rule also specifies that the Chair may appoint former commissioners and members of the public to ad hoc committees, and may also remove any such appointees.

Rule 2.25 Minutes of Proceedings: The amended rule provides that when approval of minutes of multiple meetings is an agenda action item, one motion to approve all minutes may be made, in lieu of separate motions for each.

Rule 2.26 Alternate Commissioners: The amended rule implements another aspect of the authority granted in Measure S1, by providing that an Alternate Commissioner shall be appointed to replace any commissioner who has been suspended by the City Counsel, for the duration of the suspension. It also reiterates the authority granted by Measure S1 and provides that Alternate Commissioners may serve on ad hoc and disciplinary committees.

Rules 5.1, 5.2, and 5.3 Commission's Removal of a Commissioner: These new rules spell out the process for the Commission's removal of a Commissioner, and provides that the City Council, the Mayor, and the Selection Panel shall be notified of such removal so that the appropriate appointing authority can select a replacement.

Rule 6.1 Open Forum and Time Allotted: This amended rule tracks the City Council's meeting procedure by moving Open Forum from the beginning of the agenda to the end of the agenda. (See excerpt from the agenda for the most recent City Council meeting, attached to this memo as Exhibit A) The rule also provides that speakers will be given 2 minutes to speak unless the Chair reduces that time to 1 minute and publicly states the reasons for the reduction. This change will enable the Commission to address agenda items in a more expeditious fashion, while at the same time preserving the right of the public to address the Commission regarding matters that were not on the agenda, but may be of interest to the public and that are within the subject matter jurisdiction of the Commission. It is important to note that "open forum" and "public comment" are two separate and distinct opportunities for the public to address the Commission. An easy way to draw the distinction is to remember that "open forum" applies to non-agenda items, while "public comment" applies to items on the agenda. The first page of Exhibit A makes clear that distinction, where it provides that the City Council will hear public

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comment on agenda items at the beginning of the meeting, but that comment on items not on the agenda will be taken during Open Forum, which is listed at the end of the meeting.

Rule 6.2 Public Comment on Agenda Items and Time Allotted: This amended rule continues the Commission’s practice of giving the public the opportunity to make public comment on each agenda item as it comes up and before the Commission takes action on the item. It also provides that each speaker will be given 2 minutes to speak unless the Chair reduces the time to 1 minute and publicly states the reasons for the reduction.

Rule 6.4 Audience Conduct: The amended rule states the Commission’s expectation that the public’s criticisms of actions and other matters be delivered in a respectful fashion, and that such criticisms be directed toward matters that are within the subject matter jurisdiction of the Commission.

Rule 6.5 Power and Duty to Remove Disruptive Persons: This amended rule advises the public that being rude or disrespectful toward other Commission meeting participants may result in removal from the Commission meeting if such conduct does not cease after a warning.

FUTURE WORK OF THE AD HOC RULES COMMITTEE

In the near future, the Committee will propose rules governing the process for editing and drafting Police Department policy, and the process for ad hoc committee work assignments. In addition, the Committee will review and propose a final version of the Commissioner’s Code of Conduct. Finally, the Committee also plans to create a Commissioner’s Manual. For these reasons, this ad hoc committee should not be dissolved.

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ROLL CALL / CITY COUNCIL

COUNCILMEMBERS: Councilmember Carroll Fife, District 3; Councilmember Noel Gallo, District 5; Councilmember Dan Kalb, District 1; Vice Mayor Rebecca Kaplan, At Large; Councilmember Loren Taylor, District 6; President Pro Tempore Sheng Thao, District 4; Councilmember Treva Reid, District 7; Council President Nikki Fortunato Bas, District 2

1 PUBLIC COMMENT:

COMMENT ON ALL ACTION ITEMS EXCEPT PUBLIC HEARINGS WILL BE TAKEN AT THIS TIME. COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING OPEN FORUM

2 CONSENT CALENDAR (CC) ITEMS:

- 2.1 Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic
21-0080
Attachments: [View Report](#)
- 2.2 Subject: Declaration Of Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland
21-0081
Attachments: [View Report](#)
- 2.3 Subject: Declaration Of A Local Emergency On Homelessness
From: Council President Kaplan
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of The City's Homelessness Crisis
21-0082
Attachments: [View Report](#)

2.6 Subject: Mosswood Park Master Plan And CEQA Determination Adoption
 From: Oakland Public Works Department
 Recommendation: Adopt A Resolution (1) The Mosswood Park Master Plan; And (2) The Related California Environmental Quality Act (CEQA) Negative Declaration; And (3) Accepting And Appropriating: (A) A Donation From The Oakland Parks And Recreation Foundation Which Received Funds From The Kaiser Permanente Northern California Community Benefit Program In An Amount Up To Three Million Five Hundred Thousand Dollars (\$3,500,000.00) For Use On The Mosswood Project; And (B) MacArthur Transit Village Development Impact Funds In The Amount Of One Hundred Twenty Five Thousand Dollars (\$125,000.00) For Use On The Project
21-0071

- Attachments:** [View Report](#)
 [View Report 2](#)
 [View Report Attachment B](#)
 [View Legislation](#)

Legislative History

1/28/21	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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3 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

4 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION & DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF FEBRUARY 2, 2021
21-0083

- Attachments:** [View Report](#)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

- 6 Subject: Reimagining Public Safety Task Force Update
From: Council President Fortunato Bas And Councilmember Taylor
Recommendation: Receive An Informational Report From The Reimagining Public Safety Task Force On The Process And Status To Develop Recommendations For The Council's Consideration Per Resolution No. 88269, Which Created The Reimagining Public Safety Task Force To Create A Plan To Dramatically Shift Resources From Enforcement And Punishment To Prevention And Wellness For Integration In The Fiscal Year (FY) 2021-23 Budget
21-0073

Attachments: [View Report](#)

Legislative History

1/28/21	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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To Be Scheduled On Non-Consent

- 7 Subject: Local Business Empowerment Through Contracting (LBETC) Costing
From: Councilmember Taylor
Recommendation: Receive An Informational Report Directing The City Administrator To Provide A Costing Analysis Including Staff Impacts And Dollar Amounts For The Local Business Empowerment Through Contracting (LBETC) Ordinance Which Amends Ordinance 13101 Which Revised Oakland's Local And Small Local Business Enterprise (L/SLBE) Program Brought To Council On December 15, 2020 And January 12, 2021 To Empower Oakland's Local And Small Business Community And Responds To The Racial And Gender Disparities Identified In The 2017 Racial And Gender Disparities Report
21-0048

Attachments: [View Report](#)

[View Report - Attachment A](#)

[View Report - CM Taylor](#)

Legislative History

1/14/21	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee <i>The Committee made a motion to make the January 26, 2021 Community and Economic Development Committee be held as a Special 1:00 PM meeting</i>
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1/26/21	*Special Community & Economic Development Committee	Received and Forwarded to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council <i>The Committee requested this item be forwarded to the February 16, 2021 City Council Agenda On Consent</i>
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1/28/21	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council <i>The Rules and Legislation Committee accepts this item be schedule to the February 16, 2021 City Council Agenda On Non-Consent</i>
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2/4/21

***Rules & Legislation
Committee**

Scheduled to the * Concurrent Meeting of
the Oakland Redevelopment Successor
Agency and the City Council

*The Committee accepted the schedule motion read into record and to be placed
on the February 16, 2021 City Council Agenda on Non-Consent*

ANNOUNCEMENTS / ADJOURNMENTS IN MEMORY OF

OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)

ADJOURNMENT OF COUNCIL SESSION

**(Meeting Shall Conclude No Later Than 6:30 P.M., Unless Extended By Majority Vote Of
The Council)**

Americans With Disabilities Act

**If you need special assistance to participate in Oakland City Council and Committee
meetings please contact the Office of the City Clerk. When possible, please notify the
City Clerk 5 days prior to the meeting so we can make reasonable arrangements to
ensure accessibility. Also, in compliance with Oakland's policy for people with
environmental illness or multiple chemical sensitivities, please refrain from wearing
strongly scented products to meetings.**

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-6406

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Relay Service: 711

**THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER THE
GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF
THOSE ATTENDING MEETINGS.**

**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL
AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE
CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM
8:30 A.M. TO 5:00 P.M.**

**ORIGINAL VERSION APPROVED 12.27.17
AMENDED 8.23.18
AMENDED 9.13.18
AMENDED 5.19.19
AMENDED 2.25.21**

**CITY OF OAKLAND
POLICE COMMISSION**

**Resolution Adopting Amended Rules of Order
for the Oakland Police Commission**

**Introduced by Oakland Police Commission Ad Hoc Rules Committee
(Commissioner Henry Gage, Co-Chair, Commissioner Brenda Harbin-Forte,
Co-Chair, and Commissioner Sergio Garcia)**

WHEREAS, the Police Commission of the City of Oakland hereby declares that the business before it is to be conducted in an orderly, efficient and collaborative manner to facilitate sound Commission and public deliberation and decision making; and

WHEREAS, the following Rules of Order seek to provide for: (1) reasonable time for public input and comment on agenda items at Commission meetings; (2) thorough consideration of policy proposals; (3) problem-solving opportunities among staff, Commissioners and the public; (4) an agenda that is managed efficiently and effectively; and (5) predictable discussion times for debate regarding agenda items; and

WHEREAS, in recognition of these goals, the Commission desires to establish these Amended Rules of Order for the conduct of Commission operations and meetings; and

WHEREAS, the Brown Act (Government Code Section 54950, et seq.) and Oakland's Sunshine Ordinance (Oakland Municipal Code Section 2.45.040) authorize the Commission to prescribe reasonable rules and regulations for conducting its meetings; and

WHEREAS, in December 2017, August 2018, September 2018, and May 2019, the Commission properly adopted various rules of procedure, and now desires to amend those rules; now therefore be it

RESOLVED: That the Commission hereby adopts these Amended Rules of Order in their entirety; and be it

FURTHER RESOLVED: That in accordance with the Oakland City Charter and the Oakland Municipal Code, the following are established as the Amended Rules of

Order for the conduct of Oakland Police Commission operations and meetings:

CHAPTER 1 – DEFINITION OF TERMS

Rule 1.1 Definition of Terms. The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Oakland Police Commission to be effective.
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Oakland Police Commission.
- C. "Agenda" means the agenda of the Oakland Police Commission.
- D. "Chair" shall mean the Chairperson of the Oakland Police Commission.
- E. "Vice Chair" shall mean the Vice Chairperson of the Police Commission of the City of Oakland.
- F. "Charter" shall mean the Charter of the City of Oakland.
- G. "Commission" shall mean the Oakland Police Commission.
- H. "Committee" shall mean a sub-group of Commission members not comprised of a quorum of Commissioners; Committee of the Commission.
- I. "Ad Hoc Committee" shall have the same meaning as in Section 2.45.010 of the Enabling Ordinance: "a temporary committee formed by the Commission comprised of less than a quorum of Commission members to address a specific issue."
- J. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item.
- K. "Council" shall mean the Oakland City Council.
- L. "Informational Item" shall mean an item of the agenda consisting only of an informational report that does not require or permit Commission action.
- M. "Municipal Code" shall mean the Oakland Municipal Code.
- N. "Open Meetings Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance").
- O. "Rules" shall mean the Rules of Order of the Commission;
- P. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.
- Q. "Sunshine Ordinance" shall mean Oakland Municipal Code Chapter 2.20.
- R. "CPRA" shall mean the Community Police Review Agency of the City of Oakland.
- S. "Department" shall mean the Oakland Police Department.
- T. "Police Chief" shall mean the Chief of Police of the Oakland Police Department.
- U. "Regular Commissioner" shall mean one of the seven (7) regular commissioners

currently serving a term on the Commission.

- V. "Alternate Commissioner" shall mean one of the two (2) alternate commissioners currently serving on the Commission.

CHAPTER 2 – ORGANIZATION AND MEETINGS

Rule 2.1. Adoption of Rules of Order. The Commission's Rules of Order shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission. When adopted, such Rules remain in effect unless suspended or amended as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

Rule 2.2. Amendment to Rules. All proposed amendments to the Rules shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

Rule 2.3. Election of Officers. At the first regular meeting of the Commission held in February of each year, the Commissioners shall elect from among their number a Chair and Vice Chair of the Commission, each to serve for a term beginning at the conclusion of the meeting at which they are elected, and ending at the conclusion of the first regular meeting held in February of the following year, or until the election of a new Chair or Vice Chair, whichever occurs later. If more than one commissioner is nominated for an office, the nominees may each speak regarding their qualifications and willingness to serve and answer questions of commissioners or the public. The Commission may discuss the nominations and, when the vote for each office is called, the nominee receiving the majority of the votes shall fill the office. If a vacancy occurs in the office of the Chair for any reason, the Vice Chair shall become Chair, and a new election for Vice Chair shall be held. If a vacancy occurs in the office of the Vice Chair for any reason, a new election for Vice Chair shall likewise be held.

Rule 2.4 Removal of Officers. Any Commissioner may move that a vote of "No Confidence" be taken as to the Chair or Vice Chair of the Commission. A vote of No Confidence supported by at least five (5) Commissioners shall result in removal from the office held. If the Chair is removed under this Rule, the Vice Chair shall become Chair, and a new election for Vice Chair shall be held. If the Vice Chair is removed under this Rule, a new election for Vice Chair shall likewise be held.

Rule 2.5. Meetings and Rules of Procedures. Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth Thursdays of each month in the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland

Sunshine Ordinance. Acts by the Commission shall be expressed by motion, which shall be seconded and passed by a majority vote. The Chair shall set the order of business for Commission meetings.

Rule 2.6. Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

Rule 2.7. Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance, may call a special meeting of the Commission, separate from the Commission's regular meetings. In addition, as required by Section 2.45.090(B) of the Enabling Ordinance, at least twice each year, the Commission shall hold one of its regularly scheduled meetings at a location outside of City Hall. These offsite meetings shall be designated special meetings, and they shall comply with all requirements of Section 2.45.090, including having an agenda item titled "Community Roundtable" or something similar.

Rule 2.8. Parliamentary Procedure and Parliamentarian. The rules of parliamentary procedure as set forth in *Robert's Rules of Order Newly Revised (latest edition)* for Small Boards shall govern all meetings of the Commission unless otherwise provided herein. The Commission's Legal Counsel, or such other person as may be designated by the presiding officer upon approval of the Commission, shall serve as the official parliamentarian for meetings of the Commission.

Rule 2.9. Motions. If any Commissioner makes a motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by another Commissioner.

Rule 2.10. Speaking Time Limits for Commissioners. The Chair shall recognize a Commissioner before the Commissioner may speak. No Commissioner shall speak for more than five (5) minutes on any matter without the consent of the Chair or a majority vote of the Commission.

Rule 2.11. Number of Regular Commissioners and Alternate Commissioners. Pursuant to Section 604(c) of the City Charter, the Commission consists of seven (7) Regular Commissioners and two (2) Alternate Commissioners.

Rule 2.12. Quorum. Pursuant to Section 604(d)(3) of the City Charter, five (5) Commissioners shall constitute a quorum. If a quorum is not established by the Regular Commissioners in attendance, the Chair may designate one or more Alternate Commissioners to establish a quorum and cast votes.

Rule 2.13. Voting. Every official act of the Commission shall be adopted by majority vote of the Commissioners present at the meeting and eligible to vote. The Commissioners shall vote in alphabetical order according to their surnames, with the presiding officer of the Commission voting last. Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting. Any Commissioner seeking to abstain shall state the grounds for the abstention. Voting by proxy is prohibited.

Rule 2.14. Rights of Commissioners When Less Than Quorum. In the absence of a quorum, no information may be presented to and no official action shall be taken by the Commissioners present except to order a call of the Commission, to reschedule the meeting, to recess the meeting, or to adjourn the meeting.

Rule 2.15. Commission Chair. The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. The Chair shall represent the Commission in meetings or communications with public officials, the press, and the public. Consistent with Oakland Municipal Code Chapter 2.45, the Chair may create such ad hoc committees to perform such advisory functions as the Chair shall determine, and may appoint Regular or Alternate Commissioners to such ad hoc committees. Each Regular and Alternate Commissioner appointed by the Chair to an ad hoc committee shall possess full voting authority on each such committee. The Chair shall have the authority to appoint a former Commissioner to an ad hoc committee as an ex officio non-voting member of the ad hoc committee, if such former commissioner has subject matter expertise or other relevant knowledge or expertise that would assist the ad hoc committee in its work. The ex officio member of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Regular Commissioner or Alternate Commissioner. The Chair shall also have authority to appoint as non-voting members of an ad hoc committee such members of the public as the Chair deems fit and proper. Such public members of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Regular Commissioner or Alternate Commissioner. The Chair shall have authority to remove any Regular Commissioner, Alternate Commissioner, former commissioner, or public member from any ad hoc committee.

Rule 2.16. Commission Vice Chair. In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair.

Rule 2.17. Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any Regular Commissioner, Alternate Commissioner, member of the public, the Executive Director of the Community Police Review Agency (CPRA), Inspector General, CPRA/Inspector General Policy Analyst or member of the Oakland Police Department, may submit

suggested agenda topics for the Commission's consideration for discussion at regular or special meetings of the Commission. Items submitted by anyone other than a Regular Commissioner or Alternate Commissioner must be pre-approved by a Commissioner. Submissions must be made on the form provided by the Commission and submitted to the Commission Chair or the Executive Assistant of the Commission. Forms shall be available at each Commission meeting, on the Commission's website, or at the offices of the CPRA.

Rule 2.18. Agenda Matter Suggestions List. Each month, the Executive Assistant or other individual designated by the Commission Chair shall enumerate suggested agenda matters received on the Commission's forms on an "Agenda Matter Suggestions List." The Agenda Matter Suggestions List shall be submitted to Regular Commissioners as a properly-noticed agenda item. At the first Commission meeting each month, Regular Commissioners shall decide whether any matters suggested for future agendas shall become matters to be reviewed, researched, discussed and considered by the Commission as agenda items. A matter shall be moved from the Agenda Matter Suggestions List to a "Pending Agenda Matters List," by majority vote of the Commission.

Rule 2.19. Pending Agenda Matters List. The Pending Agenda Matters List shall include items moved from the Agenda Matters Suggestions List, and The Pending Agenda Matters List shall also include the duties or deliverables which are required to be performed or provided by the Commission pursuant to Measure LL and the Police Commission Enabling Ordinance. Any listed duty or deliverable required to be performed or provided by the Commission shall include the due date, or estimated due date, for each task or deliverable.

Rule 2.20. Priority Items on Pending Agenda Matters List. A Regular Commissioner may move that a matter on the Pending Agenda Matters List be treated with priority and put directly on an agenda of a future specific Commission meeting. The matter shall be made a Priority Item by majority vote of the Commission.

Rule 2.21. Creation of Commission Meeting Agendas. At the first Commission meeting each month, the Regular Commissioners, with input from the CPRA/Inspector General Policy Analyst, shall work cooperatively to create Commission meeting agendas from "Priority Items" ready for presentation and discussion, from other matters from the Pending Agenda Matters List, or from any other matters deemed appropriate. Each agenda shall include status reports from the chairs of as many ad hoc committees as the Chair deems appropriate. Additional matters may arise between the time that an agenda is created and when an agenda must be finalized and disseminated. The Chair, in consultation with the Vice Chair, shall finalize meeting agendas in the interest of maintaining meetings of reasonable length and efficacy, meeting and complying with external time constraints, and otherwise advancing the best interests of the Commission.

Rule 2.22. Public List of Pending Agenda Matters and Priority Items. The Executive Assistant, or other person designated by the Chair, shall maintain a running list of Pending Agenda Matters and Priority Items. The lists shall be made publicly available on the Commission's website and distributed concurrently with any Agenda Matters Suggestions List prior to any Commission discussion. The Pending Agenda Matters and Priority Items Lists shall also state the dates upon which the matters were placed on the respective lists. The Executive Assistant or other person designated by the Chair shall also keep notes regarding agenda items and attachments to be included in the Commission agenda packet and assist in transcribing the agenda.

Rule 2.23. Limitations on Action or Discussion of Items at Commission Meetings. Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at a Commission meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Chair may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.24. Consent Calendar. The Consent Calendar may include routine matters that are expected to be non-controversial and on which there are no scheduled speakers. The Consent Calendar may also include those matters that have been the subject of a public hearing conducted by a Council-approved standing committee of the Commission, a matter previously considered in closed session by the Commission, a matter to reschedule a monthly meeting of the Commission, or a matter to approve minutes of a prior meeting. There will be no separate discussion of Consent Calendar items unless a member of the Commission so requests, in which event the Commission shall remove that item from the Consent Calendar and consider those items separately

Rule 2.25. Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded before the next Commission meeting to the Mayor, the members of the Oakland City Council, the Chief of Police and all Commissioners. When approval of minutes of multiple prior meetings is calendared as an action item on the agenda, one motion to approve all such minutes as a group may properly be made, seconded, and voted on.

Rule 2.26. Alternate Commissioners. Alternate Commissioners shall be allowed to attend meetings in open session, shall be accommodated the same seating as Regular Commissioners, and shall be allowed to participate in open session discussions, including the asking of questions of any presenters or Commission staff members. Alternate Commissioners do not vote unless designated by the Chair, in the Chair's sole discretion, to establish a quorum, in which case, Alternate Commissioners may temporarily cast a vote. When any Regular Commissioner has been suspended by the Council, an Alternate Commissioner shall be selected by the Chair to replace the suspended Commissioner for the duration of the suspension. Alternate Commissioners shall be eligible to serve on any Commission standing or

ad hoc committee, including any Discipline Committee. Alternate Commissioners appointed to standing, ad hoc, or Discipline Committees shall have the same full voting authority as any Regular Commissioner would have.

CHAPTER 3 - PROCLAMATIONS

Rule 3.1. Proclamations. Any Regular Commissioner may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation. Any desired Proclamation shall be submitted to the Chair so the item may be placed on a Commission meeting agenda. Commission approval is not required for the issuance of a Commissioner Proclamation.

CHAPTER 4 - CHIEF OF POLICE FOR CAUSE ASSESSMENT AND REMOVAL

Rule 4.1. Initiating A For Cause Assessment. Section 604(b)(10) of the City Charter authorizes the Commission to remove the Chief of Police only after adopting a finding or findings of cause, as defined by City ordinance. In exercising its removal authority, the Commission will follow the process for notification, substantiation and documentation as defined by ordinance, and will consider issues of performance in closed session. The Commission may, by majority vote of no fewer than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of "cause" as defined by ordinance. The Commission will follow the process for notification, substantiation and documentation as defined by ordinance.

Rule 4.2. Vote to Remove Chief of Police. In closed session when consistent with the Brown Act, after an assessment has been received and considered, the Commission may remove the Chief of Police if the Commission makes a finding of just cause on an affirmative vote of no fewer than five (5) Commissioners.

Rule 4.3. Failed Vote to Assess or Remove Chief of Police. A failed vote to initiate an assessment or to remove the Chief of Police for just cause shall not preclude a subsequent motion on the same action at a later time.

CHAPTER 5 - COMMISSION'S REMOVAL OF A COMMISSIONER

Rule 5.1. Bases for Removal. Pursuant to Section 604(c)(10) of the City Charter, any Commissioner may be removed by a majority vote of the Commission only for conviction of a felony, conviction of a misdemeanor involving moral turpitude, a material

act of dishonesty, fraud or other act of moral turpitude, substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, or absence from three consecutive regular Commission meetings or five regular meetings in a calendar year except on account of illness or when absent by permission.

Rule 5.2. The Removal Process. The Chair, or the Vice Chair if the Chair is the subject of the removal process, shall provide written notice to the Commissioner sought to be removed, stating all bases upon which removal appears to be warranted. The removal notice shall also advise the Commissioner that, pursuant to Section 604(c)(10) of the City Charter, the matter is being referred to the Public Ethics Commission to investigate all allegations which if true, could be cause for removal of the Commissioner under Section 601 of the Charter, and that the Public Ethics Commission can refer the findings to the Council for the Council to determine whether the Commissioner should be removed. The removal notice shall also advise the Commissioner that a written response may be submitted to the Chair, or the Vice Chair, as appropriate, no later than seven (7) days from the date of the removal notice. After a hearing, the Commissioner may be removed by a vote of no fewer than four (4) Commissioners. If a Commissioner is removed pursuant to this Rule, the Commission shall report such removal to the Council, the Mayor, and the Selection Panel, so that the appropriate appointing authority can replace the removed Commissioner.

Rule 5.3. Replacing a Removed Commissioner. A removed Commissioner shall be ineligible to conduct Commission business. As occurs when the Council suspends a Regular Commissioner pursuant to Section 604(c)(10) of the Charter, the Commission shall select an Alternate Commissioner to replace any Regular Commissioner who has been removed. If an Alternate Commissioner is removed, the Commission shall notify the Council, the Mayor, and the Selection Panel of the removal decision so that the appropriate appointing authority can replace the Alternate Commissioner.

CHAPTER 6 - RULES OF CONDUCT GOVERNING COMMISSION MEETINGS

Rule 6.1. Open Forum and Time Allotted. Open Forum shall be listed at the end of the Agenda. The public shall be granted two (2) minutes to address the Commission on items that were not on the agenda, but that may be of interest to the public and that are within the subject matter jurisdiction of the Commission. The Chair, in the Chair's discretion, may reduce a speaker's time to one (1) minute if the Chair publicly states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting, the number and complexity of the agenda items, and the number of persons wishing to address the Commission in Open Forum. Persons wishing to speak during Open Forum must complete a speaker card.

Rule 6.2. Public Comment on Agenda Items and Time Allotted. The Commission values and encourages public comment and participation. Members of the public shall be granted two (2) minutes to speak on each agenda item before the Commission takes any action on that item. Public comment shall be confined to the specific agenda item under discussion. The Chair, in the Chair's discretion, may reduce a speaker's time to one (1) minute if the Chair publicly states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting, the number and complexity of the agenda items, the number of persons wishing to address the Commission on the agenda item, and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two minutes to speak. The Chair, in the Chair's discretion, may request that speakers representing similar views designate a spokesperson in the interest of time, and may, in the Chair's discretion, grant that spokesperson three (3) minutes to address the agenda item. Persons wishing to speak must complete a speaker card for each agenda item the public member wishes to address. Multiple agenda items cannot be listed on one speaker card.

Rule 6.3. Addressing the Commission and Commissioner Responses.

Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling or screaming. Members of the public should address their questions or remarks to the Commission Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, should refrain from entering into any debates or discussion with speakers during public comment.

Rule 6.4. Audience Conduct. The public has the right to criticize policies, procedures, programs, services, actions or omissions of the Oakland Police Department, the Commission or the Commission's staff. To foster an atmosphere of collaboration, the Commission expects that such criticism will be delivered in a respectful fashion, and that such criticism be directed toward matters that are within the subject matter jurisdiction of the Commission. Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras and tape recording devices may be brought into the Commission meeting; but persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

Rule 6.5. Power and Duty to Remove Disruptive Persons. To ensure efficient and collaborative meetings, the Chair shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

- A. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, being rude or disrespectful toward other

participants in the meeting, or otherwise refusing to comply with these Rules of Conduct Governing Commission Meetings;

- B. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
- C. Disobedience of any lawful order of the Chair, which shall include, but not be limited to, an order to be seated.

CHAPTER 7 - COMMISSIONER CONDUCT

Rule 7.1. Commissioner Conduct. All Commissioners are public officials and have a responsibility to conduct themselves with the highest integrity and leadership. Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group. They must act in the public interest, not their private interests or any special interests. They must strictly adhere to all legal and ethical requirements and avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. In both public and private interactions, Commissioners must carefully follow the Commission's Code of Conduct. Each Commissioner must review the Code of Conduct, sign the document acknowledging their understanding and compliance, and provide the signed copy to the Commission's Secretary.

ORIGINAL VERSION APPROVED 12.27.17

~~AMENDED 2.24.18~~

AMENDED 8.23.18

~~AMENDED 9.13.18~~

AMENDED 5.19.19

AMENDED 2.25.21

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CITY OF OAKLAND
POLICE COMMISSION

Resolution ~~A~~adopting ~~Amended~~ Rules of Order
for the Oakland Police Commission

~~Introduced by Oakland Police Commission Ad Hoc Rules Committee
(Commissioner Henry Gage, Co-Chair, Commissioner Brenda Harbin-Forte,
Co-Chair, and Commissioner Sergio Garcia)
Introduced by Oakland Police Commission Vice Chair Ginale Harris and
Oakland Police Commissioner Edwin Prather~~

WHEREAS, the Police Commission of the City of Oakland hereby declares that the business before it is to be conducted in an orderly, ~~and~~ efficient and collaborative manner to facilitate sound Commission and public deliberation and decision making; and

WHEREAS, the following Rules of Order seek to provide for: (1) reasonable time for public input and comment on agenda items at Commission meetings; (2) thorough consideration of policy proposals; ~~(3)for~~ problem-solving opportunities among staff, Commissioners and the public; ~~and (34)~~ an agenda that is managed more efficiently and effectively; and ~~(5)for~~ predictable discussion times for debate regarding agenda items; ~~in order to avoid long waits by the public as the Commission considers procedural, ceremonial and consent items;~~ and

WHEREAS, in recognition of these goals, the Commission desires to establish these Amended Rules of Order for the conduct of Commission operations and meetings; and

WHEREAS, the Brown Act (Government Code Section 54950, et seq.) and Oakland's Sunshine Ordinance (Oakland Municipal Code Section 2.45.040) authorizes the Commission to prescribe reasonable rules and regulations for conducting its meetings; ~~and now therefore be it~~

WHEREAS, in December 2017, August 2018, September 2018, and May 2019, the Commission properly adopted various rules of procedure, and now desires to amend those rules; now therefore be it

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RESOLVED: That the Commission hereby adopts these Amended Rules of Order in their entirety; and be it

FURTHER RESOLVED: That in accordance with the Oakland City Charter and the Oakland Municipal Code, the following are established as the Amended Rules of Order for the conduct of Oakland Police Commission operations and meetings:

CHAPTER 1 – DEFINITION OF TERMS

Rule 1.1 Definition of Terms. The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

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- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Oakland Police Commission to be effective.
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Oakland Police Commission.
- C. "Agenda" means the agenda of the Oakland Police Commission.
- D. "Chair" shall mean the Chairperson of the Oakland Police Commission.
- E. "Vice Chair" shall mean the Vice Chairperson of the Police Commission of the City of Oakland.
- F. "Charter" shall mean the Charter of the City of Oakland.
- G. "Commission" shall mean the Oakland Police Commission.
- H. "Committee" shall mean a sub-group of Commission members not comprised of a quorum of Commissioners; Committee of the Commission.
- I. "Ad Hoc Committee" shall have the same meaning as in Section 2.45.010 of the Enabling Ordinance: "a temporary committee formed by the Commission comprised of less than a quorum of Commission members to address a specific issue."
- J. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item.
- K. "Council" shall mean the Oakland City Council.
- L. "Informational Item" shall mean an item of the agenda consisting only of an informational report that does not require or permit Commission action.
- M. "Municipal Code" shall mean the Oakland Municipal Code.
- N. "Open Meetings Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance").
- O. "Rules" shall mean the Rules of Order of the Commission;
- P. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.
- Q. "Sunshine Ordinance" shall mean Oakland Municipal Code Chapter 2.20.
- R. "CPRA" shall mean the Community Police Review Agency of the City of Oakland.

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- S. "Department" shall mean the Oakland Police Department.
- T. "Police Chief" shall mean the Chief of Police of the Oakland Police Department.
- U. "Regular Commissioner" shall mean one of the seven (7) regular commissioners currently serving a term on the Commission.
- V. "Alternate Commissioner" shall mean one of the two (2) alternate commissioners currently serving on the Commission.
- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Police Commission of the City of Oakland to be effective;
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Police Commission of the City of Oakland;
- C. "Agenda" means the agenda of the Police Commission of the City of Oakland;
- D. "Chair" shall mean the Chairperson of the Police Commission of the City of Oakland;
- E. "Charter" shall mean the Charter of the City of Oakland;
- F. "Commission" shall mean the Police Commission of the City of Oakland;
- G. "Committee" shall mean a Committee of the Commission;
- H. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item;
- I. "Informational Item" shall mean an item of the agenda consisting only of informational report that does not require or permit Commission action.
- J. "Municipal Code" shall mean the Oakland Municipal Code;
- K. "Open Meeting Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance");
- L. "Rules" shall mean the Rules of Order of the Commission; and
- M. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.

CHAPTER 2 – ORGANIZATION AND MEETINGS

Rule 2.1. Adoption of Rules of Order. The Commission's Rules of Order shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

When adopted, such Rules remain in effect unless suspended or amended as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

Rule 2.2. Amendment to Rules. All proposed amendments to the Rules shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

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Rule 2.3. Election of Officers. At the first regular meeting of the Commission held in ~~the month of~~ February of each year, the Commissioners shall elect from among their number a Chair and Vice Chair of the Commission, each to serve for a term beginning at the conclusion of the meeting at which they are elected, and ending at the conclusion of on the date of the first regular meeting held in the month of February, the first regular meeting held in February of the following year, or until the election of a new Chair or Vice Chair, whichever occurs later. If more than one commissioner is nominated for an office, the nominees may each speak regarding their qualifications and willingness to serve and answer questions of commissioners or the public. The Commission may discuss the nominations and, when the vote for each office is called, the nominee receiving the majority of the votes shall fill the office. If a vacancy occurs in the office of the Chair for any reason, the Vice Chair shall become Chair, and a new election for Vice Chair shall be held. If a vacancy occurs in the office of the Vice Chair for any reason, a new election for Vice Chair shall likewise be held. ~~and ending one year thereafter or until the election of a new Chair or Vice Chair.~~

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Rule 2.4 Removal of Officers. Any Commissioner may move that a vote of "No Confidence" be taken as to the Chair or Vice Chair of the Commission. A vote of No Confidence supported by at least five (5) Commissioners shall result in removal from the office held. If the Chair is removed under this Rule, the Vice Chair shall become Chair, and a new election for Vice Chair shall be held. If the Vice Chair is removed under this Rule, a new election for Vice Chair shall likewise be held.

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Rule 2.45. Meetings and Rules of Procedures. Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth Thursdays of each month in ~~in~~ the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland Sunshine Ordinance. Acts by the Commission shall be expressed by motion, which shall be seconded and passed by a majority vote. The Chair shall set the order of business for Commission meetings.

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Rule 2.6. Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

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Rule 2.7. Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland

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Sunshine Ordinance, may call a special meeting of the Commission, separate from the Commission's regular meetings. In addition, as required by Section 2.45.090(B) of the Enabling Ordinance, at least twice each year, the Commission shall hold one of its regularly scheduled meetings at a location outside of City Hall. These offsite meetings shall be designated special meetings, and they shall comply with all requirements of Section 2.45.090, including having an agenda item titled "Community Roundtable" or something similar.

Rule 2.85 Parliamentary Procedure and Parliamentarian. The rules of parliamentary procedure as set forth in *Robert's Rules of Order Newly Revised (latest edition)* for Small Boards shall govern all meetings of the Commission unless otherwise provided herein. The Commission's Legal Counsel, or such other person as may be designated by the presiding officer upon approval of the Commission, shall serve as the official parliamentarian for meetings of the Commission.

Rule 2.96. Motions. If any Commissioner makes a motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by another Commissioner.

Rule 2.107. Speaking: Time Limits for Commissioners. The Chair shall recognize a Commissioner before the Commissioner may speak. No Commissioner shall speak for more than five (5)ten (10) minutes on any matter without the consent of the Chair or a majority vote of the sitting Commissioners in attendance.

~~Rule 2.8 Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.~~

~~Rule 2.9 Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance may call a special meeting of the Commission, separate from the Commission's regular meetings.~~

Rule 2.11. Number of Regular Commissioners and Alternate Commissioners. Pursuant to Section 604(c) of the City Charter, the Commission consists of seven (7) Regular Commissioners and two (2) Alternate Commissioners.

Rule 2.120. Quorum. Pursuant to Section 604(d)(3) of the City Charter, five (5) Commissioners shall constitute a quorum. If a quorum is not established by the Regularsitting Commissioners in attendance, the Chair may designate one or more Alternate Commissionersmembers to establish a quorum and cast votes.

Rule 2.13.44 Voting. Every official act of the Commission shall be adopted by

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majority vote of the Commissioners present at the meeting and eligible to vote. The Commissioners shall vote in alphabetical order according to their surnames, with the presiding officer of the Commission voting last. A majority vote shall mean a majority of sitting Commissioners Alternates in attendance and constituting a quorum. Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting. Any Commissioner seeking to abstain shall state the grounds for the abstention. Voting by proxy is prohibited.

Rule 2.142. Rights of Commissioners When Less Than Quorum. In the absence of a quorum, no information may be presented to and no official action shall be taken by the Commissioners present except expect to order a call of the Commission, to reschedule the meeting, to recess the meeting, or to adjourn the meeting.

Rule 2.15.3 Commission Chair. The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. The Chair shall represent the Commission in meetings or communications with public officials, the press, and the public. Consistent with Oakland Municipal Code Chapter 2.45, the Chair may create such ad hoc committees to perform such advisory functions as the Chair he or she shall determine, and may appoint Regular or Alternate Commissioners to such ad hoc committees. Each Regular and Alternate Commissioner appointed by the Chair to an ad hoc committee shall possess full voting authority on each such committee. The Chair shall have the authority to appoint a former Commissioner to an ad hoc committee as an ex officio non-voting member of the ad hoc committee, if such former commissioner has subject matter expertise or other relevant knowledge or expertise that would assist the ad hoc committee in its work. The ex officio member of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Regular Commissioner or Alternate Commissioner. The Chair shall also have authority to appoint as non-voting members of an ad hoc committee such members of the public as the Chair deems fit and proper. Such public members of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Regular Commissioner or Alternate Commissioner. The Chair shall have authority to remove any Regular Commissioner, Alternate Commissioner, former commissioner, or public member from any ad hoc committee. and remove such members from such committees.

Rule 2.164. Commission Vice Chair. In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair.

Rule 2.17.5 Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any RegularSitting Commissioner, Alternate Commissioner, member of the public, the Executive Director of the Community Police Review Agency (CPRA), Inspector General,

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CPRA/Inspector General Policy Analyst or member of the Oakland Police Department, may submit suggested agenda topics for the Commission's consideration for discussion at regular or special meetings of the Commission. Items submitted by ~~anyonesomeone~~ other than a Regular Commissioner or Alternate Commissioner must be pre-approved by a Commissioner.

Submissions must be made on the form provided by the Commission and submitted to the Commission Chair or the Executive Assistant of the Commission. Forms shall be available at each Commission meeting, on the Commission's website, or at the offices of the CPRA.

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Rule 2.18. Agenda Matter Suggestions List. Each month, the Executive Assistant or other individual designated by the Commission Chair shall enumerate suggested agenda matters received on the Commission's forms on an "Agenda Matter Suggestions List." The Agenda Matter Suggestions List shall be submitted to Regular ~~Sitting~~ Commissioners as a properly-noticed agenda item. At the first Commission meeting each month, ~~Sitting~~Regular Commissioners shall decide whether any matters suggested for future agendas shall become matters to be reviewed, researched, discussed and considered by the Commission as agenda items. A matter shall be moved. The process of moving matters from the Agenda Matter Suggestions List to a "Pending Agenda Matters List," ~~shall be~~ by majority vote of the Commission.

Rule 2.19. Pending Agenda Matters List. The Pending Agenda Matters List shall include items moved from the Agenda Matters Suggestions List, and The Pending Agenda Matters List shall also include the duties or deliverables which are required to be performed or provided by the Commission pursuant to Measure LL and ~~for~~ the Police Commission Enabling Ordinance. Any listed duty or deliverable required to be performed or provided by the Commission ~~listed~~ shall include the due date, or estimated due date, for each task or deliverable.

Rule 2.20. Priority Items on Pending Agenda Matters List. A ~~Regular~~Sitting Commissioner may move that a matter on the Pending Agenda Matters List be treated with priority and put directly on an agenda of a future specific Commission meeting. The matter shall be made a Priority Item process of a matter on the Pending Agenda Matters List being made a "Priority Item" and put directly on an agenda of a specific future Commission meeting shall be by majority vote of the Commission.

Rule 2.21. Creation of Commission Meeting Agendas. At the first Commission meeting each month, the ~~Sitting~~Regular Commissioners, with input from the CPRA/Inspector General Policy Analyst, shall work cooperatively to create Commission meeting agendas from "Priority Items" ready for presentation and discussion, from other matters from the Pending Agenda Matters List, or from any other matters deemed appropriate. Each agenda shall include status reports from the chairs of as many ad hoc committees as the Chair deems appropriate. Additional matters may arise between the time that an agenda is created and when an agenda must be finalized and disseminated. The Chair, in consultation with the Vice Chair and two other rotating-

~~Sitting Commissioners~~, shall finalize meeting agendas in the interest of maintaining meetings of reasonable length and efficacy, meeting and complying with external time constraints, and otherwise advancing the best interests of the Commission.

Rule 2.22. Public List of Pending Agenda Matters and Priority Items. ~~For added transparency, t~~he Executive Assistant, or other person designated by the Chair, shall maintain a running list of Pending Agenda Matters and Priority Items. The lists shall be made publicly available on the Commission’s website and distributed concurrently with any Agenda Matters Suggestions List prior to any Commission discussion. The Pending Agenda Matters and Priority Items Lists shall also state the dates upon which the matters were placed on the respective lists. The Executive Assistant or other person designated by the Chair shall also keep notes regarding agenda items and attachments to be included in the Commission agenda packet and assist in transcribing the agenda.

Rule 2.23. Limitations on Action or Discussion of Items at Commission Meetings. Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at ~~the a~~ Commission meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Chair may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.24.16 Consent Calendar. The Consent Calendar ~~shall~~may include routine matters that are expected to be non-controversial and on which there are no scheduled speakers. The Consent Calendar may also include those matters that have been the subject of a public hearing conducted by a Council-approved standing committee of the Commission, ~~or a matter previously considered in closed session by the Commission,~~ a matter to reschedule a monthly meeting of the Commission, or a matter to approve minutes of a prior meeting. There will be no separate discussion of Consent Calendarthese items unless a member of the Commission so requests, in which event the Commission shall remove that item from the Consent Calendar and consider those items separately

Rule 2.25.17 Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded before the next Commission meeting to the Mayor, the members of the Oakland City Council, the Chief of Police and all ~~sitting Commissioners~~ Commissioners and Commissioner Alternates. ~~When approval of minutes of multiple prior meetings is calendared as an action item on the agenda, one motion to approve all such minutes as a group may properly be made, seconded, and voted on.~~

Rule 2.26.18, Alternate Commissioners, Alternates Commissioner Alternate Commissioners shall be allowed to attend meetings in open session, shall be accommodated the same seating as Regularsitting Commissioners, and shall be allowed to participate in open session discussions, including the asking of questions of any presenters or Commission staff members.

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Alternate Commissioners ~~Alternates~~ do not vote unless designated by the Chair, in the Chair's sole discretion, to establish a quorum, in which case, ~~a~~Alternate Commissioners ~~Alternate~~ may temporarily cast a vote. When any Regular Commissioner has been suspended by the Council, an Alternate Commissioner shall be selected by the Chair to replace the suspended Commissioner for the duration of the suspension. Alternate Commissioners shall be eligible to serve on any Commission standing or ad hoc committee, including any Discipline Committee. Alternate Commissioners appointed to standing, ad hoc, or Discipline Committees shall have the same full voting authority as any Regular Commissioner would have.

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~~Rule 2.19. Police Commission: Process for editing or drafting policy.~~

- ~~1. **Initial announcement of intent to review or draft with 4-6 weeks notice prior to date agendized.**~~
 - ~~1. Present in a method to generate ideas, include key points, critical elements of policy initiative.~~
 - ~~2. Chair will direct the ED of CPRA to review policy and provide an analysis.~~
 - ~~3. Include CPRA memo for updates on best practice, relevant research (must be presented at least two weeks prior to the Commission meeting where it is agendized.~~
 - ~~4. Make sure impacted parties are well invited and included. Commission will generate a list of community groups to outreach to as they relate to the topic (i.e. NCPC, NSC or organizations related to the topic of the policy.)~~
 - ~~5. Ensure policy is able to be translated to multiple languages for community groups to have access (i.e. Google Translate button featured on website)~~
 - ~~6. Include clear dates (submitted by, date of action needed, etc.)~~
- ~~2. **Hold commission meeting where we engage feedback, generate key points, etc. from the Community and Commission.**~~
 - ~~1. Create list of points, feedback, concerns, questions, etc. that will be used to review the next draft against.~~
 - ~~2. Be mindful of creating inclusive facilitation (i.e. using live tweets, polls from constituent groups, etc.)~~
 - ~~3. Follow up with implications for the outreach committee (social media, canvassing, flyer-ing, community meetings, etc.) Commission will generate a list of community groups to outreach to as they relate to the topic.~~
- ~~3. **Ad hoc creates policy or edits existing, drafts based on initial Commission mtg.**~~
- ~~4. **Announce second review with 3-4 weeks notice prior to date agendized. Include:**~~
 - ~~1. Plan for outreach, to review draft of policy or initiative and check it against the brainstorm (make sure Commissioners have the brainstorm and new draft to check against at least 1-2 weeks before the official meeting)~~
 - ~~2. Make sure impacted parties (community groups as created above) are well invited and included.~~
 - ~~3. Consider before the meeting use of social media, newsletters and outreach to generate feedback in multiple ways.~~

CHAPTER 3 - PROCLAMATIONS

Rule 3.1. Proclamations. Any Regular Commissioner may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation. Any desired Proclamation shall be submitted to the Chair so the item may be placed on a Commission meeting agenda. However, Commission approval is not required for the issuance of a Commissioner Proclamation.

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~~Rule 2.19 Chief of Police For Cause Assessment. While Section 604(b)(10) of the City Charter and Subdivision 2.45.070(E) of the Municipal Code, authorizes the Commission to remove the Chief of Police for cause, the Commission will consider issues of performance in closed session. The Commission may, by majority vote of no less than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of "cause" as defined by 2.45.070(E) of the Municipal Code. The Chair, or his/her designee, will determine if the assessment shall be conducted formally or informally. The Chair, or his/her designee, will also decide whether the assessment will be conducted by the Chair or another individual such as an outside investigator. The Chair shall provide any report of the assessment to the Commission in closed session. As part of the assessment, the Chief of Police shall be provided an opportunity to respond to issues of concern.~~

~~In closed session, after an assessment has been received and considered, the Commission may vote to remove the Chief of Police for cause. No less than five (5) Commissioners must vote in the affirmative to remove the Chief of Police for cause.~~

~~An unsuccessful vote to initiate an assessment or to remove the Chief of Police shall not preclude a subsequent vote on the same action at a later time or otherwise preclude any other action.~~

CHAPTER 4 - CHIEF OF POLICE FOR CAUSE ASSESSMENT AND REMOVAL

Rule 4.1. Initiating A For Cause Assessment. Section 604(b)(10) of the City Charter authorizes the Commission to remove the Chief of Police only after adopting a finding or findings of cause, as defined by City ordinance. In exercising its removal authority, the Commission will follow the process for notification, substantiation and documentation as defined by ordinance, and will consider issues of performance in closed session. The Commission may, by majority vote of no fewer than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of "cause" as defined by ordinance. The Commission will follow the process for notification, substantiation and documentation as defined by ordinance.

Rule 4.2. Vote to Remove Chief of Police. In closed session when consistent with the Brown Act, after an assessment has been received and considered, the Commission may remove the Chief of Police if the Commission makes a finding of just cause on an affirmative vote of no fewer than five (5) Commissioners.

Rule 4.3. Failed Vote to Assess or Remove Chief of Police. A failed vote to initiate an assessment or to remove the Chief of Police for just cause shall not preclude a subsequent motion on the same action at a later time.

CHAPTER 5 - COMMISSION'S REMOVAL OF A COMMISSIONER

Rule 5.1. Bases for Removal. Pursuant to Section 604(c)(10) of the City Charter, any Commissioner may be removed by a majority vote of the Commission only for conviction of a felony, conviction of a misdemeanor involving moral turpitude, a material act of dishonesty, fraud or other act of moral turpitude, substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, or absence from three consecutive regular Commission meetings or five regular meetings in a calendar year except on account of illness or when absent by permission.

Rule 5.2. The Removal Process. The Chair, or the Vice Chair if the Chair is the subject of the removal process, shall provide written notice to the Commissioner sought to be removed, stating all bases upon which removal appears to be warranted. The removal notice shall also advise the Commissioner that, pursuant to Section 604(c)(10) of the City Charter, the matter is being referred to the Public Ethics Commission to investigate all allegations which if true, could be cause for removal of the Commissioner under Section 601 of the Charter, and that the Public Ethics Commission can refer the findings to the Council for the Council to determine whether the Commissioner should be removed. The removal notice shall also advise the Commissioner that a written response may be submitted to the Chair, or the Vice Chair, as appropriate, no later than seven (7) days from the date of the removal notice. After a hearing, the Commissioner may be removed by a vote of no fewer than four (4) Commissioners. If a Commissioner is removed pursuant to this Rule, the Commission shall report such removal to the Council, the Mayor, and the Selection Panel, so that the appropriate appointing authority can replace the removed Commissioner.

Rule 5.3. Replacing a Removed Commissioner. A removed Commissioner shall be ineligible to conduct Commission business. As occurs when the Council suspends a Regular Commissioner pursuant to Section 604(c)(10) of the Charter, the Commission shall select an Alternate Commissioner to replace any Regular Commissioner who has been removed. If an Alternate Commissioner is removed, the Commission shall notify the Council, the Mayor, and the Selection Panel of the removal decision so that the appropriate appointing authority can replace the Alternate Commissioner.

CHAPTER 6 - RULES OF CONDUCT GOVERNING COMMISSION MEETINGS

Rule 6.1. Open Forum and Time Allotted. Open Forum shall be listed at the end of the Agenda. The public shall be granted two (2) minutes to address the Commission on items that were not on the agenda, but that may be of interest to the public and that are within the subject matter jurisdiction of the Commission. The Chair, in the Chair's discretion, may reduce a speaker's time to one (1) minute if the Chair publicly states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting, the number and complexity of the agenda items, and the number of persons wishing to address the Commission in Open Forum. Persons wishing to speak during Open Forum must complete a speaker card.Chapter 3—Rules of Conduct

Rule 6.2. Public Comment on Agenda Items and Time Allotted. The Commission values and encourages public comment and participation. Members of the public shall be granted two (2) minutes to speak on each agenda item before the Commission takes any action on that item. Public comment shall be confined to the specific agenda item under discussion. The Chair, in the Chair's discretion, may reduce a speaker's time to one (1) minute if the Chair publicly states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting, the number and complexity of the agenda items, the number of persons wishing to address the Commission on the agenda item, and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two minutes to speak. The Chair, in the Chair's discretion, may request that speakers representing similar views designate a spokesperson in the interest of time, and may, in the Chair's discretion, grant that spokesperson three (3) minutes to address the agenda item. Persons wishing to speak must complete a speaker card for each agenda item the public member wishes to address. Multiple agenda items cannot be listed on one speaker card.

~~Rule 3.1 Public Comment. Members of the public are entitled to comment on any matter on the calendar prior to action being taken by the Commission on that item. Persons wishing to speak must complete a speaker card for each agenda item he/she wishes to speak on. Multiple agenda items cannot be listed on one speaker card.~~

~~Additionally, the agenda shall provide an opportunity for members of the public to address the Commission on items of interest to the public which are under the jurisdiction of the Commission and have not been the subject of public comment on other items on the agenda. The Chair will set a reasonable time limit for each speaker, which will typically be two (2) minutes, depending on the complexity of the item, the length of the agenda and the number of persons present to speak on the item. The Chair in his/her discretion may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the time allocated or anticipated for the meeting, the number~~

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~~and complexity of agenda items and the number of persons wishing to address the Commission and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two (2) minutes to speak.~~

Rule 6.3 Addressing the Commission and Commissioner Responses. ~~Rule 3.2 Addressing the Commission.~~ Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling ~~and/or~~ screaming. Members of the public should address their questions or remarks to the Commission Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, should refrain from entering into any debates or discussion with speakers during public comment.

Rule 6.4. Audience Conduct ~~Rule 3.3 Audience Conduct.~~ The public has the right to criticize policies, procedures, programs, services, actions or omissions of the Oakland Police Department, the Commission or the Commission's staff. To foster an atmosphere of collaboration, the Commission expects that such criticism will be delivered in a respectful fashion, and that such criticism be directed toward matters that are within the subject matter jurisdiction of the Commission. ~~However, persons should not vocally oppose statements made by anyone, including, but limited to members of the public or Oakland Police Department personnel, while they speak.~~ Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras and tape recording devices may be brought into the Commission meeting; ~~but~~ however, persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

Rule 6.5. Power and Duty to Remove Disruptive Persons. ~~Rule 3.4 Permission to Remove Disruptive Persons.~~ To ensure efficient and collaborative meetings, ~~t~~The Chair shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

- A. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, being rude or disrespectful toward other participants in the meeting, or otherwise refusing to comply with ~~the these~~ Rules of Conduct Governing Commission Meetings ~~Commission Rules governing meetings;~~
- B. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
- C. Disobedience of any lawful order of the Chair, which shall include, but ~~be~~ be not be limited to, an order to be seated.

CHAPTER 7 - COMMISSIONER CONDUCT

Rule 7.13.5 Commissioner Conduct

~~Sitting Commissioners and Alternate~~All Commissioners are public officials and have a responsibility to conduct themselves with the highest integrity and leadership. Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group. They must act in the public interest, not their private interests or any special interests. They must strictly adhere to all legal and ethical requirements and avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. In both public and private interactions, ~~Sitting Commissioners and Alternate~~ Commissioners must carefully follow carefully the Commission's Code of Conduct. Each ~~Sitting Commissioner and Alternate Commissioner~~ must review the Code of Conduct, sign the document acknowledging their understanding and compliance, and provide the signed copy to the Commission's Secretary.

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Rule 4 – Proclamations

~~Rule 4.1 Proclamations. Individual sitting Commissioners may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation, however, Commission approval is not required for the issuance of a Commissioner Proclamation.~~



**OAKLAND POLICE COMMISSION
2021 ANNUAL PLAN**

KEY ACTIVITIES	TO BE COMPLETED BY				LEADERSHIP RESPONSIBILITY
	Q1 3/31/21	Q2 6/30/21	Q3 9/30/21	Q4 12/31/21	
<i>Planning</i>					
• Define OPC's vision, core values and strategic priorities		X	X		OPC Chair & Vice Chair
• Approve 2022 Annual Plan				X	
<i>Personnel</i>					
• Submit nominations to the Mayor for hiring a Chief of Police with the desired qualifications and experience	X				Police Chief Search Ad Hoc Committee
• Define supervisory relationship, goals and evaluation criteria for the Police Chief		X	X		Chief Goals and Evaluation Ad Hoc Committee
• Hire an Inspector General		X	X	X	IG Search Ad Hoc Committee
• Hire staff for the IG's Office			X	X	Inspector General
• Hire OPC staff			X	X	OPC Chair & Vice Chair
<i>Policy Development and Implementation</i>					
• Approve policy review process and prioritize policies to revise in 2021	X	X	X	X	OPC Chair & Vice Chair
• Define and implement a state legislative advocacy strategy focusing on constitutional policing		X	X	X	TBA
<i>City Budget</i>					
• Advocate for budget approval of OPC and CPRA staff		X			OPC Chair & Vice Chair
• Advocate for re-allocation of OPD budget to other city departments as appropriate		X			

KEY ACTIVITIES	TO BE COMPLETED BY				LEADERSHIP RESPONSIBILITY
	Q1 3/31/21	Q2 6/30/21	Q3 9/30/21	Q4 12/31/21	
OPC Operations					
<ul style="list-style-type: none"> Revise and approve Rules of Order for the Oakland Police Commission including policies and procedures in the following areas: (1) Organization and Meetings; (2) Proclamations; (3) Chief of Police for Cause Assessment and Removal; (4) Commission Removal of 7a Commissioner; and (5) Rules of Conduct Governing Commission Meetings 	X	X	X	X	Ad Hoc Rules Committee
<ul style="list-style-type: none"> Revise and approve Code of Conduct for Commissioners 		X	X		OPC Chair & Vice Chair
<ul style="list-style-type: none"> Revise and approve process for orientation and onboarding of new Commissioners 		X	X		Commissioners Singleton and Jordan
<ul style="list-style-type: none"> Complete investigation and respond to complaint filed by Oakland Black Officers Association 	X	X	X	X	CPRA
<ul style="list-style-type: none"> Create documents describing OPC's history which can be shared with local residents and also other cities 		X	X	X	OPC Chair
<ul style="list-style-type: none"> Create leadership development process for OPC members who might serve in leadership roles on the Commission 		X	X	X	OPC Chair
Community Engagement					
<ul style="list-style-type: none"> Develop and implement a community engagement strategy 		X	X	X	Community Engagement Committee
<ul style="list-style-type: none"> Convene unity meetings to develop a common agenda for reforming the OPD 			X	X	
City Auditor					
<ul style="list-style-type: none"> Review and respond to relevant issues in the City Auditor's report 	X	X	X		OPC Chair & Vice Chair
Negotiated Settlement Agreement					
<ul style="list-style-type: none"> Develop and execute plan to end federal monitoring of OPD 	X	X	X	X	Police Chief supported by OPC
Field Leadership					
<ul style="list-style-type: none"> Be bold and imaginative in re-envisioning public safety and OPD's role 		X	X	X	OPC Chair & Vice Chair



City of Oakland

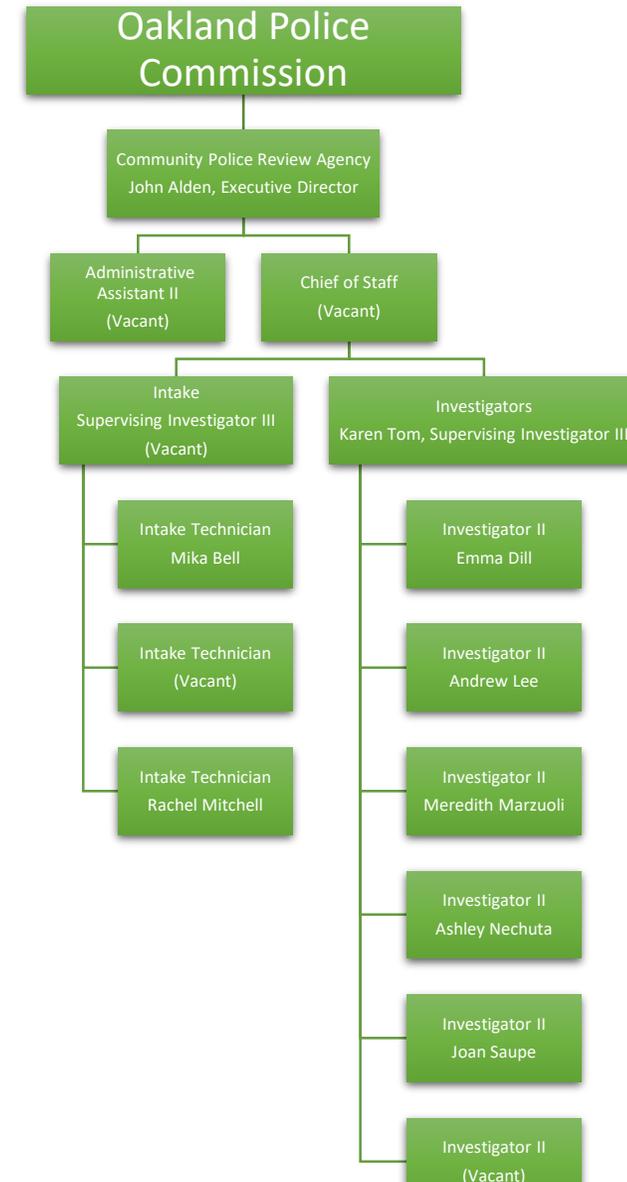
CPRA/OPD Investigation and Adjudication Practices During 2019-2020

The purpose of this presentation is to explain past practices in roughly 2019-2020 involving both CPRA and OPD implementing City of Oakland Charter section 604(g) entitled “Adjudication.” That section, among other things, describes how disagreements between CPRA and the Chief of Police in individual disciplinary cases are resolved.

This presentation does not set policy. Rather, it only describes past practice in roughly 2019-2020 for the purpose of being transparent about the past performance of OPD and CPRA.

The Community Police Review Agency (CPRA) is the civilian investigative arm for allegations against sworn members of the Oakland Police Department.

The Agency was created for this role by the passage of Measure LL in 2016, now encoded as Section 604 of the Oakland City Charter.

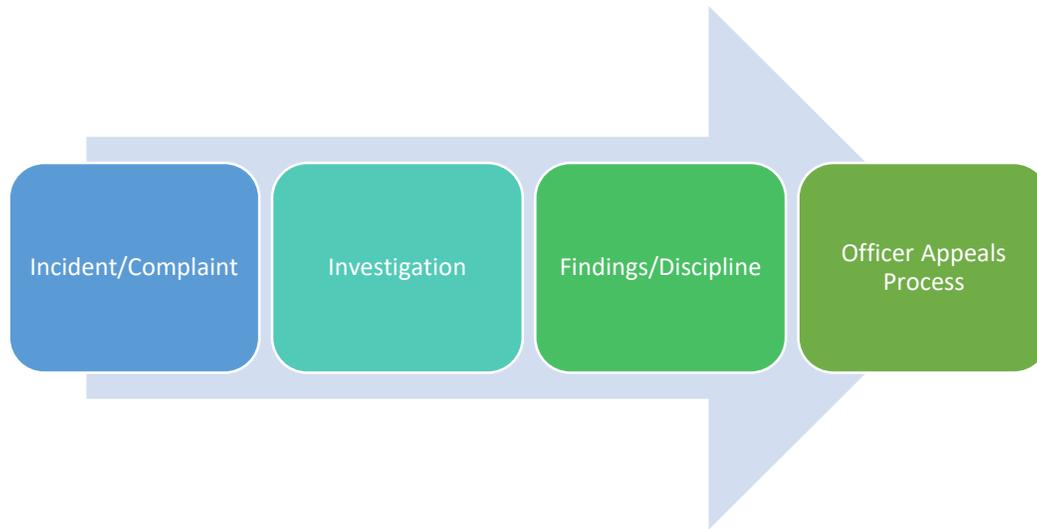


What is the Adjudication Process?

Adjudication is a Charter-mandated process in which OPD and CPRA compare:
FINDINGS (whether an officer violated policy) and
DISCIPLINE (the penalty for violating policy)
in specific discipline cases against OPD officers.

IF CPRA and OPD agree on the FINDINGS and also DISCIPLINE, that agreement becomes the position of the City of Oakland.

IF CPRA and OPD disagree on either FINDINGS or DISCIPLINE, then the matter goes to a Discipline Committee at the Police Commission. The Commission's decision then becomes the decision of the City of Oakland in the matter.



Lifecycle of an Investigation

1) Incident/Complaint

The public can make a **complaint** about any **incident** in which a member of the public believes that a sworn member of the Oakland Police Department has engaged in misconduct. Each **incident** can have multiple **allegations** of misconduct.

2) Investigation

CPRA staff interview witnesses and review evidence about the complaint. They memorialize that work in an **investigation**.

3) Findings/Discipline

After the **investigation** is done, the Agency issues its **findings** as to every **allegation**. These findings are sent to the Chief of Police, and the Chief and Agency Director meet to discuss their **findings** and proposed officer **discipline**.

4) Officer Appeals Process

Once noticed that they are the subject to disciplinary action for a sustained finding of officer misconduct, a sworn member of the OPD may invoke their employee rights through the **Officer Appeals Process**, which may include a hearing by a Skelly Officer and an appeal to outside arbitration.

Investigation

Findings/Report
of Investigation
(ROI)

Findings

For a given allegation against a sworn member of the OPD, the Agency may come to one of the following findings:

- **Sustained:** The act(s) alleged by the complainant occurred and constituted misconduct.
- **Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.
- **Unfounded:** The act(s) alleged by the complainant did not occur.
- **Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

Only Sustained allegations allow Discipline to be imposed.



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

2/22/21
Page 1 of 10
 (Total Completed = 19)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding						
MM	20-0322	3/11/20	2/15/21	3/10/21	Subject Officer 1	Performance of Duty – General	<i>Sustained</i>						
						Conduct Toward Others – Demeanor	<i>Retraining</i>						
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>						
						Use of Force	<i>Unfounded</i>						
					Subject Officer 2	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>						
						Use of Force	<i>Exonerated</i>						
						JS	20-0423	3/14/20	2/10/21	3/13/21	Subject Officer 1	Failure to Accept or Refer a Complaint (Unintentional)	<i>Sustained</i>
												Use of Force (Level 3)	<i>Unfounded</i>
Custody of Prisoners – Treatment and Maintaining Control	<i>Exonerated</i>												
Subject Officer 2	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>											
	Failure to Accept or Refer a Complaint (Unintentional)	<i>Sustained</i>											
	Use of Force (Level 3)	<i>Exonerated</i>											
Subject Officer 2	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>											



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 3	Failure to Accept or Refer a Complaint (Unintentional)	Sustained
						Performance of Duty – Search Seizure or Arrest	<i>Sustained</i>
						Custody of Prisoners	Sustained
						Failure to Accept or Refer a Complaint (Unintentional)	Sustained
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
					Subject Officer 4	Conduct Toward Others – Demeanor	Sustained
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 5	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
AN	20-0313	3/14/20	2/10/21	3/13/21	Subject Officer 1	Performance of Duty – General	<i>Retraining</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 3)	<i>Exonerated</i>



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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – General	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Exonerated</i>
					Subject Officer 4	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
AN	20-0693	5/20/20	2/1/21	5/20/21	Subject Officer 1	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>



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COMMUNITY POLICE REVIEW AGENCY
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 3	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 4	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 5	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 6	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 7	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 8	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 9	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>



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COMMUNITY POLICE REVIEW AGENCY
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 10	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 11	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 12	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
AL	20-0635	5/19/10	1/26/21	5/18/21	Subject Officer 1	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded</i>
					Subject Officer 3	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded</i>
					Subject Officer 4	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>



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COMMUNITY POLICE REVIEW AGENCY
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Use of Force (Level 4)	<i>Unfounded</i>
					Subject Officer 5	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded</i>
					Subject Officer 6	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 7	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
MB	20-1522	11/30/20	2/16/21	11/29/21	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination (Race)	<i>Unfounded</i>
						Use of Force	<i>Unfounded</i>
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination (Race)	<i>Unfounded</i>
						Use of Force	<i>Unfounded</i>
AL	20-0916	7/19/20	1/26/21	7/18/21	Subject Officer 1	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Use of Force	<i>Unfounded</i>
						Use of Force	<i>Exonerated</i>



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Recently Completed Investigations
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
JS	20-0882	7/13/20	2/4/21	7/12/21	Subject Officer 1	Use of Force	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>
MB	20-1425	11/08/20	2/11/21	11/7/21	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination (General)	<i>Unfounded</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Service Related</i>
CD	20-0589	5/19/20	2/9/21	5/18/21	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination (Race)	<i>Unfounded</i>
CD	20-0607	5/20/20	2/9/21	5/21/21	No Officer	No Duty/No MOR	<i>No MOR</i>
					Subject Officer 1	Conduct Toward Others – Harassment and Discrimination (Race)	<i>Unfounded</i>



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Recently Completed Investigations
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
MB	20-1520	11/30/20	2/5/21	11/29/21	Subject Officer 1	Performance of Duty – Search Seizure or Arrest	<i>Unfounded</i>
						Use of Force	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Search Seizure or Arrest	<i>Unfounded</i>
						Use of Force	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty – Search Seizure or Arrest	<i>Unfounded</i>
					Subject Officer 4	Performance of Duty – Search Seizure or Arrest	<i>Unfounded</i>
						Use of Force	<i>Exonerated</i>
MB	20-1518	11/30/20	2/4/21	11/29/21	Subject Officer 1	Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – General	<i>Unfounded</i>
CD	20-0480	4/28/20	2/4/21	4/27/21	Subject Officer 1	Performance of Duty – General	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Recently Completed Investigations
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
CD	20-0426	2/16/19	2/1/21	4/13/21	Officer Unknown	Performance of Duty – General	<i>Exonerated</i>
CD	20-0455	4/21/20	2/1/21	4/20/21	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination (Race)	<i>Unfounded</i>
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination (Race)	<i>Unfounded</i>
RM	20-0539	5/9/20	2/1/21	5/8/21	Officer Unknown	Obedience to Laws – Felony/ Serious Misdemeanor	<i>Unfounded</i>
MB	20-1489	11/21/20	1/28/21	11/21/21	Subject Officer 1	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Exonerated</i>
MB	20-1488	11/21/20	1/28/21	11/21/21	Subject Officer 1	Use of Force	<i>Unfounded</i>

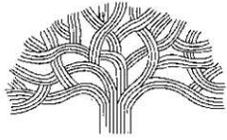


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Recently Completed Investigations
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(Total Completed = 19)

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

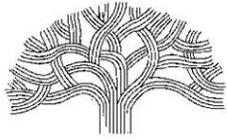
Training Recommendation(s)	The CPRA recommends that officers receive additional training on the laws policies and procedures surrounding the warrantless entries to homes and the exceptions that allow officers without a warrant to enter a home to either arrest or detain.
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CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases (Sorted by 1-Year Goal)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
20-0258	3/2/20	3/4/20	3/3/20	Investigator	KT	8/31/20	3/2/21	Other	2	2	8	Performance of Duty/Unlawful Search
20-0274	3/4/20	3/4/20	3/5/20	Investigator	JS	8/29/20	3/4/21	Other	1	1	3	Bias; Performance of Duty
20-0385	3/29/20	3/30/20	3/30/20	Investigator	MM	9/28/20	3/29/21	Use of Force	1	1	1	Use of Force
20-0379	3/11/20	3/31/20	3/31/20	Investigator	AN	9/28/20	4/1/21	Other	1	5	22	Performance of Duty, Truthfulness
20-0438	4/16/20	4/16/20	4/16/20	Investigator	AN	10/13/20	4/15/21	Use of Force	1	17	17	Use of Force (Level 1, Level 4), Performance of Duty
20-0466	4/24/20	4/25/20	4/24/20	Investigator	ED	10/26/20	4/23/21	Use of Force, Profiling	1	7	33	Use of Force, profiling/discrimination, improper detention and arrest, performance of duty
20-0507	5/4/20	5/7/20	5/4/20	Intake	JS	11/1/20	5/3/21	Other	2	1	3	Conduct towards others/bias/failure to take a report
20-0522	5/6/20	5/8/20	5/6/20	Intake	ED	11/4/20	5/5/21	Profiling / Harassment	1	1	2	Profiling / Harassment, demeanor
20-0546	5/5/20	5/13/20	5/11/20	Investigator	AL	11/9/20	5/12/21	Use of Force	1	2	6	Use of Force, Performance of Duty
20-0644	5/30/20	5/31/20	5/31/20	Intake	MB	11/27/20	5/30/21	Use of Force	1	1	2	Use of Force
20-0646	5/31/20	6/2/20	6/1/20	Investigator	ED	11/29/20	5/31/21	Use of Force	1	7	18	Use of force, failure to provide name and serial number, supervision, performance of duty, Miranda violation, interfering with investigations, custody of prisoners
20-0648	6/1/20	6/2/20	6/1/20	Intake	MB	11/29/20	6/2/21	Use of Force	1	1	2	Use of Force
20-0728	6/9/20	6/24/20	6/16/21	Intake	MM	12/21/20	6/16/21	Use of Force	1	1	6	Use of Force; Performance of Duty;
20-0799	6/28/20	7/1/20	6/28/20	Investigator	JS	12/28/20	6/27/21	Other	1	1	2	Conduct towards others
20-0800	6/27/20	7/1/20	6/28/20	Intake	ED	12/28/20	6/27/21	Use of Force	1	4	4	Use of Force
20-0879	7/11/20	7/15/20	7/11/20	Investigator	MM	1/11/21	7/10/21	Use of Force	1	2	3	Performance of Duty, Use of Force; Improper/Unlawful Search & Seizure
20-0877	7/12/20	7/15/20	7/12/20	Intake	AL	1/11/21	7/11/21	Use of Force	1	4	4	Use of Force
20-0918	7/17/20	7/22/20	7/17/20	Intake	RM	1/18/21	7/16/21	Profiling/Discrimination	1	1	1	Conduct towards others; Harassment and Discrimination
20-0971	7/29/20	8/30/20	7/29/20	Investigator	ED	2/26/21	7/28/21	Use of Force, Profiling/Discrimination	1	5	11	Discrimination, Use of Physical Force
20-0978	7/30/20	8/5/20	7/30/20	Investigator	MM	1/26/21	7/30/21	Profiling/Discrimination	1	2	6	Profiling/Discrimination, Performance of Duty, Unlawful Search & Seizure
20-1000	8/4/20	8/6/20	8/4/20	Investigator	AL	2/2/21	8/3/21	Use of Force	1	2	3	Use of Force, Performance of Duty
20-1005	8/5/20	8/7/20	8/5/20	Investigator	JS	1/30/21	8/4/21	Discrimination/Unlawful arrest	1	3	6	Discrimination and Unlawful Arrest
20-1058	8/15/20	8/19/20	8/15/20	Investigator	AL	2/15/21	8/14/21	Use of Force	1	5	6	Use of Force, Service Complaint
20-1083	8/20/20	8/26/20	8/20/20	Investigator	ED	2/22/21	8/19/21	Use of Force	1	1	2	Use of Force, Demeanor
20-1085	8/20/20	8/26/20	8/20/20	Investigator	ED	2/16/21	8/20/21	Profiling/Discrimination	1	2	6	Profiling/discrimination; unlawful Search; false arrest
20-1092	8/21/20	8/26/20	8/21/20	Investigator	MM	2/22/21	8/20/21	Use of Force	1	1	1	Use of Force
20-1113	8/28/20	9/2/20	8/28/20	Investigator	ED	3/1/21	8/28/21	Use of Force	1	3	6	Use of Force, unlawful arrest
20-1116	8/29/20	9/2/20	8/29/20	Investigator	MM	3/1/21	8/28/21	Use of Force	1	8	19	Use of Force
20-1129	9/1/2020	9/2/2020	9/1/2020	Investigator	AL	3/1/2021	8/31/2021	Use of Force, Performance of Duty	2	12	23	Other, Unintentional/Improper Search, Use of Force, Failure to Accept, Performance of Duty
20-1147	9/6/20	9/9/20	9/6/20	Investigator	JS	3/8/21	9/5/21	Use of Force	1	1	1	Use of Force
20-1164	9/6/20	9/16/20	9/10/20	Investigator	AL	3/15/21	9/9/21	Use of Force	1	2	4	Use of Force; Performance of Duty;
20-1252	9/25/20	10/1/20	9/25/20	Intake	RM	3/30/21	9/24/21	Profiling/Discrimination	1	1	3	Profiling/Discrimination, Performance of Duty
20-1259	9/30/20	10/2/20	9/30/20	Intake	RM	3/31/21	9/29/21	Profiling/Discrimination	1	6	6	Profiling/Discrimination
20-1277	10/4/20	10/8/20	10/5/20	Intake	MB	4/6/2021	10/4/21	Racial Profiling/Discrimination	1	2	2	Conduct Towards Other; Performance of Duty
20-1282	9/28/20	10/8/20	10/6/20	Investigator	AN	4/6/21	10/5/21	Other	2	10	10	Demeanor, Unintentional/Improper Search
20-1283	10/6/20	10/8/20	10/6/20	Intake	MB	4/6/21	10/5/21	Racial Discrimination/Demeanor	1	3	6	Conduct Toward Others
20-1327	10/14/20	10/16/20	10/15/20	Intake	RM	4/14/21	10/14/21	Use of Force	1	2	2	Conduct towards others; Use of Force
20-1367	10/23/20	10/28/20	10/23/20	Intake	MB	4/26/21	10/22/21	Use of Force/Conduct towards others/Performance of Duty/Sei	1	4	4	Use of Force; Demeanor; Miranda Violation
20-1417	11/1/20	11/2/20	11/1/20	Investigator	JS	10/31/21	Other	1	1	1	Preventable Collision	
20-1406	11/3/20	11/3/20	11/3/20	Investigator	AN	5/2/21	11/3/21	Use of Force	1	1	1	Use of Force
20-1441	11/10/20	11/13/20	11/10/20	Investigator	MM	5/12/21	11/9/21	Other	1	2	2	Profiling
20-1483	11/12/20	11/25/20	11/20/20	Intake	MB	5/24/21	11/19/21	Performance of Duty	1	1	1	Performance of Duty
20-1517	11/30/20	12/2/20	11/30/20	Intake	MB	5/31/21	11/29/21	Racial Discrimination; Demeanor;	1	2	4	Racial Discrimination; Demeanor;
20-1524	11/28/20	12/2/20	12/1/20	Intake	RM	5/31/21	11/30/21	Profiling/Discrimination	1	2	5	Profiling/Discrimination, Performance of Duty, Conduct Toward Others, Performance of Duty
20-1542	11/15/20	12/9/20	12/6/20	Investigator	AN	6/7/21	12/5/21	Use of Force	1	2	4	Use of Force, Unlawful Arrest
20-1560	12/12/20	12/16/20	12/12/20	Intake	MB	6/14/21	12/12/21	Use of Force	1	7	7	Use of Force
20-1571	12/15/20	12/17/20	12/15/20	Intake	MB	6/15/21	12/15/21	Other	1	1	1	Obedience to Laws
20-1551	12/7/20	12/16/20	12/16/20	Intake	RM	6/14/21	12/15/21	Use of Force	1	2	3	Performance of Duty, Use of Force, Care of Property
20-1596	12/12/20	12/16/20	12/17/20	Intake	RM	6/14/21	12/16/21	Other	2	1	1	Performance of Duty
21-0023	12/29/20	12/30/20	12/31/20	Intake	RM	6/28/21	12/30/21	Other	2	1	1	Performance of Duty
21-0025	1/7/21	1/7/21	Investigator	MM	7/6/21	1/6/22	Performance of Duty; Racial Discrimination	1	3	3	Performance of Duty	
21-0028	1/8/21	1/14/21	1/8/21	Investigator	MM	7/13/22	1/7/22	Performance of Duty	1	1	1	Performance of Duty
21-0050	1/9/21	1/13/21	1/14/21	Intake	RM	7/12/21	1/12/22	Other	2	1	1	Performance of Duty
21-0117	1/29/21	1/29/21	Investigator	MM	7/28/21	1/28/22	Performance of Duty	2	2	1	Performance of Duty	
20-0045	1/29/19	2/8/19	1/29/19	Investigator	AN	8/7/19	Tolled	Other	1	1	5	Performance of Duty, Truthfulness
19-1169	10/17/19	10/22/19	10/17/19	Investigator	ED	4/19/20	Tolled	Use of Force, Profiling/Discrimination	1	2	7	Bifurcated - use of force, false arrest, discrimination

* 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 Assigned Investigator)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
20-0546	5/5/20	5/13/20	5/11/20	Investigator	AL	11/9/20	5/12/21	Use of Force	1	2	6	Use of Force, Performance of Duty
20-1000	8/4/20	8/6/20	8/4/20	Investigator	AL	2/2/21	8/3/21	Use of Force	1	2	3	Use of Force, Performance of Duty
20-1058	8/15/20	8/19/20	8/15/20	Investigator	AL	2/15/21	8/14/21	Use of Force	1	5	6	Use of Force, Service Complaint
20-1129	9/1/2020	9/2/2020	9/1/2020	Investigator	AL	3/1/2021	8/31/2021	Use of Force, Performance of Duty	2	12	23	Other, Unintentional/Improper Search, Use of Force, Failure to Accept, Performance of Duty
20-1164	9/6/20	9/16/20	9/10/20	Investigator	AL	3/15/21	9/9/21	Use of Force	1	2	4	Use of Force; Performance of Duty;
20-0045	1/29/19	2/8/19	1/29/19	Investigator	AN	8/7/19	Tolled	Other	1	1	5	Performance of Duty, Truthfulness
20-0379	3/11/20	3/31/20	3/31/20	Investigator	AN	9/28/20	4/1/21	Other	1	5	22	Performance of Duty, Truthfulness
20-0438	4/16/20	4/16/20	4/16/20	Investigator	AN	10/13/20	4/15/21	Use of Force	1	17	17	Use of Force (Level 1, Level 4), Performance of Duty
20-1282	9/28/20	10/8/20	10/6/20	Investigator	AN	4/6/21	10/5/21	Other	2	10	10	Demeanor, Unintentional/Improper Search
20-1406	11/3/20	11/3/20	11/3/20	Investigator	AN	5/2/21	11/3/21	Use of Force	1	1	1	Use of Force
20-1542	11/15/20	12/9/20	12/6/20	Investigator	AN	6/7/21	12/5/21	Use of Force	1	2	4	Use of Force, Unlawful Arrest
19-1169	10/17/19	10/22/19	10/17/19	Investigator	ED	4/19/20	Tolled	Use of Force, Profiling/Discrimination	1	2	7	Bifurcated - use of force, false arrest, discrimination
20-0466	4/24/20	4/25/20	4/24/20	Investigator	ED	10/26/20	4/23/21	Use of Force, Profiling	1	7	33	Use of Force, profiling/discrimination, improper detention and arrest, performance of duty
20-0646	5/31/20	6/2/20	6/1/20	Investigator	ED	11/29/20	5/31/21	Use of Force	1	7	18	Use of force, failure to provide name and serial number, supervision, performance of duty, Miranda violation, interfering with investigations, custody of prisoners
20-0971	7/29/20	8/30/20	7/29/20	Investigator	ED	2/26/21	7/28/21	Use of Force, Profiling/Discrimination	1	5	11	Discrimination, Use of Physical Force
20-1083	8/20/20	8/26/20	8/20/20	Investigator	ED	2/22/21	8/19/21	Use of Force	1	1	2	Use of Force, Demeanor
20-1085	8/20/20	8/26/20	8/20/20	Investigator	ED	2/16/21	8/20/21	Profiling/Discrimination	1	2	6	Profiling/discrimination; unlawful Search; false arrest
20-1113	8/28/20	9/2/20	8/28/20	Investigator	ED	3/1/21	8/28/21	Use of Force	1	3	6	Use of Force, unlawful arrest
20-0274	3/4/20	3/4/20	3/5/20	Investigator	JS	8/29/20	3/4/21	Other	1	1	3	Bias; Performance of Duty
20-0799	6/28/20	7/1/20	6/28/20	Investigator	JS	12/28/20	6/27/21	Other	1	1	2	Conduct towards others
20-1417	11/1/20	11/2/20	11/1/20	Investigator	JS		10/31/21	Other	1	1	1	Preventable Collision
20-0258	3/2/20	3/4/20	3/3/20	Investigator	KT	8/31/20	3/2/21	Other	2	2	8	Performance of Duty/Unlawful Search
20-0385	3/29/20	3/30/20	3/30/20	Investigator	MM	9/26/20	3/29/21	Use of Force	1	1	1	Use of Force
20-0879	7/11/20	7/15/20	7/11/20	Investigator	MM	1/11/21	7/10/21	Use of Force	1	2	3	Performance of Duty, Use of Force; Improper/Unlawful Search & Seizure
20-0978	7/30/20	8/5/20	7/30/20	Investigator	MM	1/26/21	7/30/21	Profiling/Discrimination	1	2	6	Profiling/Discrimination, Performance of Duty, Unlawful Search & Seizure
20-1092	8/21/20	8/26/20	8/21/20	Investigator	MM	2/22/21	8/20/21	Use of Force	1	1	1	Use of Force
20-1116	8/29/20	9/2/20	8/29/20	Investigator	MM	3/1/21	8/28/21	Use of Force	1	8	19	Use of Force
20-1441	11/10/20	11/13/20	11/10/20	Investigator	MM	5/12/21	11/9/21	Other	1	2	2	Profiling
21-0025	1/7/21	1/7/21		Investigator	MM	7/6/21	1/6/22	Performance of Duty; Racial Discrimination	1	3	3	Performance of Duty
21-0028	1/8/21	1/14/21	1/8/21	Investigator	MM	7/13/22	1/7/22	Performance of Duty	1	1	1	Performance of Duty
21-0117	1/29/21	1/29/21		Investigator	MM	7/28/21	1/28/22	Performance of Duty	2		1	Performance of Duty
20-1005	8/5/20	8/7/20	8/5/20	Investigator	JS	1/30/21	8/4/21	Discrimination/Unlawful arrest	1	3	6	Discrimination and Unlawful Arrest
20-1147	9/6/20	9/9/20	9/6/20	Investigator	JS	3/8/21	9/5/21	Use of Force	1	1	1	Use of Force
20-0877	7/12/20	7/15/20	7/12/20	Intake	AL	1/11/21	7/11/21	Use of Force	1	4	4	Use of Force
20-0522	5/6/20	5/8/20	5/6/20	Intake	ED	11/4/20	5/5/21	Profiling / Harassment	1	1	2	Profiling / Harassment, demeanor
20-0800	6/27/20	7/1/20	6/28/20	Intake	ED	12/28/20	6/27/21	Use of Force	1	4	4	Use of Force
20-0507	5/4/20	5/7/20	5/4/20	Intake	JS	11/1/20	5/3/21	Other	2	1	3	Conduct towards others/bias/faiure to take a report
20-0644	5/30/20	5/31/20	5/31/20	Intake	MB	11/27/20	5/30/21	Use of Force	1	1	2	Use of Force
20-0648	6/1/20	6/2/20	6/1/20	Intake	MB	11/29/20	6/2/21	Use of Force	1	1	2	Use of Force
20-1277	10/4/20	10/8/20	10/5/20	Intake	MB	4/6/2021	10/4/21	Racial Profiling/Discrimination	1	2	2	Conduct Towards Other; Performance of Duty
20-1283	10/6/20	10/8/20	10/6/20	Intake	MB	4/6/21	10/5/21	Racial Discrimination/Demeanor	1	3	6	Conduct Toward Others
20-1367	10/23/20	10/28/20	10/23/20	Intake	MB	4/26/21	10/22/21	Use of Force/Conduct towards others/Performance of Duty/Sei	1	4	4	Use of Force; Demeanor; Miranda Violation
20-1483	11/12/20	11/25/20	11/20/20	Intake	MB	5/24/21	11/19/21	Performance of Duty	1	1	1	Performance of Duty
20-1517	11/30/20	12/2/20	11/30/20	Intake	MB	5/31/21	11/29/21	Racial Discrimination; Demeanor;	1	2	4	Racial Distrimination; Demeanor;
20-1560	12/12/20	12/16/20	12/12/20	Intake	MB	6/14/21	12/12/21	Use of Force	1	7	7	Use of Force
20-1571	12/15/20	12/17/20	12/15/20	Intake	MB	6/15/21	12/15/21	Other	1	1	1	Obedience to Laws
20-0728	6/9/20	6/24/20	6/16/21	Intake	MM	12/21/20	6/16/21	Use of Force	1	1	6	Use of Force; Performance of Duty;
20-0918	7/17/20	7/22/20	7/17/20	Intake	RM	1/18/21	7/16/21	Profiling/Discrimination	1	1	1	Conduct towards others; Harassment and Discrimination
20-1252	9/25/20	10/1/20	9/25/20	Intake	RM	3/30/21	9/24/21	Profiling/Discrimination	1	1	3	Profiling/Discrimination, Performance of Duty
20-1259	9/30/20	10/2/20	9/30/20	Intake	RM	3/31/21	9/29/21	Profiling/Discrimination	1	6	6	Profiling/Discrimination
20-1327	10/14/20	10/16/20	10/15/20	Intake	RM	4/14/21	10/14/21	Use of Force	1	2	2	Conduct towards others; Use of Force
20-1524	11/28/20	12/2/20	12/1/20	Intake	RM	5/31/21	11/30/21	Profiling/Discrimination	1	2	5	Profiling/Discrimination, Performance of Duty, Conduct Toward Others, Performance of Duty
20-1551	12/7/20	12/16/20	12/16/20	Intake	RM	6/14/21	12/15/21	Use of Force	1	2	3	Performance of Duty, Use of Force, Care of Property
20-1596	12/12/20	12/16/20	12/17/20	Intake	RM	6/14/21	12/16/21	Other	2	1	1	Performance of Duty
21-0023	12/29/20	12/30/20	12/31/20	Intake	RM	6/28/21	12/30/21	Other	2	1	1	Performance of Duty
21-0050	1/9/21	1/13/21	1/14/21	Intake	RM	7/12/21	1/12/22	Other	2	1	1	Performance of Duty

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

CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY

Cases Associated with Public Demonstrations 5/29/20 – 6/1/20 (41 Cases Total)

Case #	Incident Date	Assigned Staff	180-day Goal	1-year Goal	Type* (604(f)(1) or Other)	Allegation(s)
20-0638	5/29/2020	N/A	11/25/2020	5/28/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Performance of Duty, Unintentional/Improper Search Seizure Arrest
20-0639	5/30/2020	N/A	11/26/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force
20-0640	5/30/2020	N/A	11/26/2020	5/29/2021	1 st Amendment Assembly	Performance of Duty, Service Related
20-0641	5/31/2020	N/A	11/27/2020	5/30/2021	1 st Amendment Assembly	Performance of Duty, Service Related
20-0642	5/30/2020	N/A	11/26/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Crowd Control
20-0643	5/30/2020	N/A	11/26/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force
20-0644	5/30/2020	N/A	11/26/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Crowd Control
20-0645	5/31/2020	N/A	11/27/2020	5/30/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Harassment and Discrimination, Care of Property, Unintentional/Improper Search Seizure Arrest
20-0646	6/1/2020	ED	11/28/2020	5/31/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Failure to Provide Serial Number, Performance of Duty
20-0647	5/31/2020	N/A	11/27/2020	5/30/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Failure to Provide Name and Serial Number
20-0648	6/1/2020	N/A	11/28/2020	5/31/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Care of Property, Department Property and Equipment
20-0652	5/30/2020	N/A	11/26/2020	5/29/2021	1 st Amendment Assembly	Crowd Control, Performance of Duty
20-0658	6/1/2020	N/A	11/28/2020	5/31/2021	Use of Force, 1 st Amendment Assembly	Unintentional/Improper Search Seizure Arrest, Use of Force, Performance of Duty, Failure to Provide Name and Serial Number
20-0659	6/1/2020	N/A	11/28/2020	5/31/2021	1 st Amendment Assembly	Crowd Control, Service Related
20-0660	6/1/2020	N/A	11/28/2020	5/31/2021	1 st Amendment Assembly	Conduct Toward Others, Demeanor
20-0661	6/1/2020	N/A	11/28/2020	5/31/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Unintentional/Improper Search Seizure Arrest, Performance of Duty

CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY

Cases Associated with Public Demonstrations 5/29/20 – 6/1/20 (41 Cases Total)

Case #	Incident Date	Assigned Staff	180-day Goal	1-year Goal	Type* (604(f)(1) or Other)	Allegation(s)
20-0662	6/1/2020	N/A	11/28/2020	5/31/2021	1st Amendment Assembly	Unintentional/Improper Search Seizure Arrest, Conduct Toward Others, Performance of Duty
20-0666	6/1/2020	N/A	11/28/2020	5/31/2021	1st Amendment Assembly	Unintentional/Improper Search Seizure Arrest, Care of Property, Harassment and Discrimination, Demeanor
20-0667	6/1/2020	N/A	11/28/2020	5/31/2021	Use of Force, 1st Amendment Assembly	Use of Force, Crowd Control, Demeanor
20-0668	6/1/2020	N/A	11/28/2020	5/31/2021	1st Amendment Assembly	Demeanor
20-0669	6/1/2020	N/A	11/28/2020	5/31/2021	1st Amendment Assembly	Conduct Toward Others, Demeanor
20-0670	5/20/2020	N/A	11/16/2020	5/19/2021	1st Amendment Assembly	Service Related
20-0675	6/3/2020	N/A	11/30/2020	6/2/2021	1st Amendment Assembly of Duty	Performance of Duty, Service Related
20-0677	6/2/2020	N/A	11/29/2020	6/1/2021	1st Amendment Assembly	Crowd Control, Service Related
20-0682	5/30/2020	N/A	11/26/2020	5/29/2021	1st Amendment Assembly	Service Related, Failure to Act
20-0683	5/30/2020	N/A	11/26/2020	5/29/2021	1st Amendment Assembly	Performance of Duty, Service Related
20-0685	6/1/2020	N/A	11/28/2020	5/31/2021	Use of Force, 1st Amendment Assembly	Use of Force, Crowd Control, Unintentional/Improper Search Seizure Arrest, Care of Property
20-0686	6/7/2020	N/A	12/4/2020	6/6/2021	1st Amendment Assembly	Care of Property, Obedience to Laws, Performance of Duty
20-0705	5/29/2020	N/A	11/25/2020	5/28/2021	Use of Force, 1st Amendment Assembly	Use of Force
20-0711	5/29/2020	N/A	11/25/2020	5/28/2021	Use of Force, 1st Amendment Assembly	Use of Force
20-0853	5/29/2020	N/A	11/25/2020	5/28/2021	Use of Force, 1 st Amendment Assembly	Use of Force
20-0871	5/29/2020	N/A	11/25/2020	5/28/2021	Use of Force, 1 st Amendment Assembly	Use of Force
20-0938	5/29/2020	JW	11/25/2020	5/28/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Performance of Duty, Service Related

CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Cases Associated with Public Demonstrations 5/29/20 – 6/1/20 (41 Cases Total)

Case #	Incident Date	Assigned Staff	180-day Goal	1-year Goal	Type* (604(f)(1) or Other)	Allegation(s)
20-0957	6/1/2020	N/A	11/28/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Crowd Control
20-0958	6/1/2020	N/A	11/28/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force
20-0959	6/1/2020	N/A	11/28/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force
20-0960	6/1/2020	N/A	11/28/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Performance of Duty, Unintentional/ Improper Search Seizure Arrest
20-0961	6/1/2020	N/A	11/28/2020	5/29/2021	1 st Amendment Assembly	Unintentional/Improper Search Seizure Arrest
20-0962	6/1/2020	N/A	11/28/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Performance of Duty
20-0988	6/1/2020	N/A	11/28/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force
20-1099	5/30/2020	N/A	11/25/2020	6/9/2021	Use of Force, 1 st Amendment Assembly	Use of Force
20-1178	5/29/2020	N/A	5/24/2020	5/29/2021	Use of Force, 1 st Amendment Assembly	Use of Force, Performance of Duty, Unintentional/ Improper Search Seizure Arrest

* 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.

How does the Charter Require CPRA and OPD to communicate about cases?

1. Exchanging complaints at intake.
2. IAD must notify CPRA when they have reached findings in a case, and before imposing discipline. IAD cannot close the case until CPRA also completes theirs.
3. CPRA ED and Chief of Police are required to exchange their **Findings** and **Discipline** to see if they agree or not.

What do CPRA and OPD do to facilitate that communication?

- a) CPRA staff check IAD records to see what issues IAD flagged early.
- b) IAD, as a matter of policy and NSA compliance, will reach findings on every allegation CPRA investigates, including new allegations CPRA raises on its own.
- c) The *Santa Ana* decision sometimes requires joint interviews.
- d) When both IAD and CPRA are finished, they share each other's completed reports. Neither side normally changes its position at this stage, but instead usually completes a ministerial comparison of positions.
- e) Conference between the CPRA ED and the OPD Chief of Police once case investigations are completed.

Findings/Discipline

OPD IAD Weekly Meeting / Discipline Conference

Per OPD General Orders on Discipline, OPD Chiefs of Police meet with Command Staff and also the staff of IAD to hear presentations from IAD about cases that IAD recommended be sustained. The Chief of Police then reaches his or her decision about whether to sustain that case at that meeting.

Since Measure LL, the CPRA Executive Director and other staff have appeared at these same meetings to explain CPRA's position on the matter to the Chief of Police.

OPD IAD Weekly Meeting / Discipline Conference

ADVANTAGES

- Clear Communication
- Command Staff Training and Buy-In
- Candid Exchange of Views
- Consistent Legal Advice
- Investigator Training

DISADVANTAGES

- Sometimes Contentious
- CPRA ED Has to be Assertive
- Time Consuming –
 - 71 allegations Sustained by CPRA in 2019

Findings/Discipline

Progressive Discipline

Discipline Matrix sets ranges for discipline.

Aggravating and Mitigating factors set the discipline within those ranges.

TRAINING		BULLETIN
Effective Date: 14 Mar 14		Index Number: V-T Discipline Policy Appendix Alpha Index: Discipline Matrix
Evaluation Coordinator: IAD Commander Automatic Revision Cycle: 1 Year		
<i>"Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy."</i>		

DISCIPLINE POLICY APPENDIX

DISCIPLINE MATRIX

The Department discipline policy and this accompanying discipline matrix represent the Department's values and current industry standards. The matrix is designed to set the highest penalties on those actions most afoul of our values.

The objective of the Discipline Matrix is to ensure fair and consistent implementation of discipline within the Oakland Police Department. In addition, the Discipline Matrix, associated policies and resulting disciplinary decisions shall reflect contemporary industry standards for progressive discipline.

Findings/Discipline

Type of Misconduct	Offense 1 LL-MP-UL	Offense 2 LL-MP-UL	Offense 3 LL-MP-UL
OFFICERS - AUTHORITY AND RESPONSIBILITIES (in violation of duty) Sections 234.00 subsections	S5-T	S30-T	T
OFFICERS - AUTHORITY AND RESPONSIBILITIES (in violation of duty) Sections 234.00 subsections	C-S5	S2-D	S2-T
OFFICERS - AUTHORITY AND RESPONSIBILITIES (in violation of duty) Sections 285.00 subsections except 285.90	S5-T	S30-T	T
OFFICERS - AUTHORITY AND RESPONSIBILITIES (in violation of duty) Sections 285.00 subsections except 285.90	C-S5	S2-D	S2-T
CONDUCT	C-S3	WR-S5	S5-S30
WARD OTHERS - HARASSMENT AND DISCRIMINATION	S30-T	T	
WARD OTHERS – UNPROFESSIONAL CONDUCT IN VIOLATION OF	C-S30	WR-S30	S30-T
WARD OTHERS - WORKPLACE VIOLENCE	S5-T	T	
WARD OTHERS – DEMEANOR	C-S3	WR-S5	S5-S30
WARD OTHERS-RELATIONSHIPS	S2-S5	S3-S10	S10-S30

Discipline

Discipline is imposed five ways:

Counselling/Training: Guidance on how to do better next time.

Written Reprimand: A letter in the personnel file. Can impair promotional and assignment opportunities.

Suspension: No pay for a period of 1-30 days.

Demotion: Reduction in Rank. Very significant career blow.

Termination: Separation from employment.

Findings/Discipline

Discipline Committee of the Oakland Police Commission

If CPRA and OPD disagree on **Findings** or **Discipline** in the **Adjudication** process, then the Commission resolves the dispute with a Discipline Committee. That requires:

- Commissioner Training
- Several Days of Closed Session Hearings
- Enough Time Before the 3304 Deadline

Officer Appeals

AFTER OPD and CPRA agree, or the matter is adjudicated at the Discipline Committee, the officer can appeal. Steps Include:

1. Skelly Conference
2. Arbitration
(or Grievance for Reprimands)



OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

February 11, 2021
5:30 PM

I. Call to Order

Chair Regina Jackson

The meeting began at 5:33 pm.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: José Dorado, Henry Gage, III, Sergio Garcia, Brenda Harbin-Forte, Regina Jackson, and Tyfahra Singleton. Quorum was met.

Alternate Commissioners Present: David Jordan and Marcia Peterson (*both arrived during item VI*)

Counsel for this meeting: Conor Kennedy

III. Public Comment on Closed Session Items

Comments were provided by the following public speakers:

Rachel Beck

Jennifer Tu

Charlotte Ashlock

Megan Steffen

Assata Olugbala

Speaker did not identify themselves

Jasmine Fallstich

The Commission adjourned to closed session. The open session section of the meeting commenced at 6:31 pm.

IV. Closed Session

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: 1 CASE – Govt. Code § 54956.9(d)(1)

Name of Case: *Sacks v. City of Oakland, Case No. RG 20078708* (Alameda Superior)(Filed 10/19/2020)

V. Report out of Closed Session

There were no reportable actions taken.

VI. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Kristine Wyndham
Jasmine Fallstich
Steven Jeram
Kevin Cantu
Joseph Mente
Jennifer Tu
Maria Navarro
Gabriel Garcia
Laura Wesley
Rachel Beck
Ann Whidden
Michele Lazaneo
Tasha Mente
Assata Olugbala
Sameena Usman
Maria
Saleem Bey
William Palmer
John Lindsay-Poland
Megan Steffen
Cathy Leonard
Margaret Mayer-Hoffer
Ericson Amaya
Humberto
Amelah El Amin
Kiana Rodriguez
Courtney
Omar Farmer
Christopher Valentine
Anne Janks
Marc Pillisuk

VII. Welcome New Alternate Commissioner – Marsha Peterson

The Commission welcomed and introduced Marsha Peterson as a member of the Police Commission.

Comments were provided by the following public speakers:

Assata Olugbala
Kevin Cantu
Saleem Bey
Cathy Leonard
Jennifer Tu

No action was taken on this item.

VIII. Election of Oakland Police Commission Chairperson

The Commission nominated and voted on the appointment of a Chairperson to serve from February 2021 until the next election in February 2022.

Comments were provided by the following public speakers:

Bruce Schmiechen
Cathy Leonard
Michael Tigges
Assata Olugbala
Saleem Bey
Speaker did not identify themselves
Mariano Contreras

A motion was made by Brenda Harbin-Forte, seconded by José Dorado, to nominate Regina Jackson to serve another term as Chair. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, and Singleton
No: 0

IX. Election of Oakland Police Commission Vice Chairperson

The Commission nominated and voted on the appointment of a Vice Chairperson to serve from February 2021 until the next election in February 2022.

Comments were provided by the following public speakers:

Saleem Bey
Michael Tigges
Bruce Schmiechen
Cathy Leonard
Assata Olugbala

A motion was made by Regina Jackson, seconded by Sergio Garcia, to nominate José Dorado to serve as Vice Chair. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, and Singleton
No: 0

X. Welcome Oakland Police Chief LeRonne Armstrong and Update from Police Chief

The Commission welcomed and introduced Oakland's new Chief of Police LeRonne Armstrong. Chief Armstrong provided an update on the Department including policy priorities.

Comments were provided by the following public speakers:

Jennifer Tu
Cathy Leonard
Bruce Schmiechen
Lorelei Bosserman

Rashidah Grinage
Joseph Mente
Michele Lazaneo
Megan Steffen
Michael Tigges
Reisa Jaffe
Assata Olugbala
John Lindsay-Poland
Jasmine Fallstich
Amelah El Amin
Omar Farmer
Kevin Cantu
Humberto
Saleem Bey
Mariano Contreras
Salah Elbakri
Christopher Valentine

No action was taken on this item.

XI. Military Equipment Training Bulletin Draft

The Commission discussed the draft training bulletin that the Militarized Police Equipment Ad Hoc Committee developed and voted to approve the draft.

Comments were provided by the following public speakers:

Tom Baker
Joseph Mente
John Lindsay-Poland
Jennifer Tu
Maria Navarro
Reisa Jaffe
Mariano Contreras
Kevin Cantu
Sameena Usman
Cathy Leonard
Assata Olugbala
Tasha Mente
Anne Janks
Megan Steffen
Jasmine Fallstich
Salah Elbakri
Saleem Bey
Omar Farmer

A motion was made by Henry Gage, III, seconded by Regina Jackson, to adopt the version of the training bulletin as put forth by the Militarized Police Equipment Ad Hoc Committee. The initial vote resulted in a tie:

Aye: Gage, Harbin-Forte, and Jackson

No: Dorado, Garcia, and Singleton

Chair Jackson promoted David Jordan as a voting member to cast a tie-breaking vote and to remain a voting member for the remainder of the meeting. The motion carried by the following vote:

Aye: Gage, Harbin-Forte, Jackson, and Jordan

No: Dorado, Garcia, and Singleton

A second motion was made by David Jordan, seconded by Henry Gage, III, to have the Militarized Police Equipment Ad Hoc Committee meet a final time to develop a resolution calling for the sunseting of the BearCat and to determine what the requirements are. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Jordan, and Singleton

No: 0

A motion was made by Brenda Harbin-Forte, seconded by José Dorado, to extend the meeting one hour. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, Jordan, and Singleton

No: 0

Tyfahra Singleton left the meeting at 11:00 pm.

XII. Resolution for Parity in the Administration of COVID-19 Vaccinations for Front Line Public Safety Workers

The Commission discussed, and voted to approve, a resolution calling for parity in the administration of COVID-19 vaccinations for front line public safety workers.

Comments were provided by the following public speakers:

Assata Olugbala

Jim Chanin

Anne Janks

Joseph Mente

Jennifer Tu

Saleem Bey

Megan Steffen

A motion was made by José Dorado, seconded by Brenda Harbin-Forte, to approve the resolution. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, and Jordan
No: 0

XIII. Meeting Minutes Approval

The Commission voted to approve minutes from January 28 and 30, 2021.

No public comments were provided on this item.

A motion was made by José Dorado, seconded by Brenda Harbin-Forte, to approve the January 28, 2021 minutes with the following edit: replace “been completed” with “begun” under item XII. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, and Jordan
No: 0

A second motion was made by José Dorado, seconded by Brenda Harbin-Forte, to approve the January 30, 2021 minutes. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, and Jordan
No: 0

XIV. Committee Reports

The Commission discussed Committee membership and Chair Jackson created two Ad Hoc Committees:

IAD Manual – Gage, Jackson, and Jordan
Police Chief Goals and Evaluation – Garcia, Peterson, and Singleton

Comments were provided by the following public speakers:

Megan Steffen
Joseph Mente
Saleem Bey
Assata Olugbala
Speaker did not identify themselves

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 meeting: a resolution regarding sunseting the BearCat, an action plan from the retreat, and a draft of the Rules of Order.

Comments were provided by the following public speakers:

Anne Janks

Assata Olugbala

Saleem Bey

No action was taken on this item.

XVI. Adjournment

A motion was made by Henry Gage, III, seconded by Sergio Garcia, to adjourn the meeting at 11:26 pm. The motion carried by the following vote:

Aye: Dorado, Gage, Garcia, Harbin-Forte, Jackson, and Jordan

No: 0



CITY OF OAKLAND | POLICE COMMISSION
 250 FRANK H. OGAWA PLAZA, SUITE 6302 • OAKLAND, CA 94612

Current Committees

Standing Committee	Commissioners
Outreach	Dorado
Personnel	Jackson

Ad Hoc Committee	Commissioners
Annual Report	Jackson
Budget	Dorado, Jackson
Community Policing OPD 15-01	Dorado, Harbin-Forte, Jackson
IAD Manual	Gage, Jackson, Jordan
Mental Health Model	Dorado
Militarized Police Equipment	Gage, Jackson, Jordan
Missing Persons Policy	Jackson, Jordan
OBOA Allegations Investigation	Harbin-Forte, Jackson
Police Chief Goals and Evaluation	Garcia, Peterson, Singleton
Rules of Procedure	Gage, Garcia, Harbin-Forte

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/D deadline	Scheduled	Lead Commissioner(s), if any
2	Commissioner Trainings	1/1/2018	<p>Complete trainings mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190</p> <p>Some trainings have deadlines for when they should be completed (within 3 months, 6 months, etc.)</p> <p>Several trainings were delivered in open session and have been recorded for future use</p>	<p>The following trainings must be done in Open Session:</p> <ol style="list-style-type: none"> 1. California's Meyers Milias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (done 3.12.20) 2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (done 2.27.20) 3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (rescheduled due to COVID-19 health emergency - maybe reschedule for March 2021) 4. Police Officers Bill of Rights (done 12.12.19) 	High	Ongoing		

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/D deadline	Scheduled	Lead Commissioner(s), if any
3	Confirming the Process to Hire Staff for the Office of Inspector General	5/17/2019	Per the Enabling Ordinance: The City shall allocate a sufficient budget for the OIG to perform its functions and duties as set forth in section 2.45.120, including budgeting one (1) full-time staff position comparable to the position of Police Program and Audit Supervisor. Within thirty (30) days after the first Inspector General is hired, the Policy Analyst position and funding then budgeted to the Agency shall be reallocated to the OIG. All OIG staff, including the Inspector General, shall be civil service employees in accordance with Article IX of the City Charter.	This will require information presented from the City Administrator's Office.	High			
4	Finalize Bylaws and Rules	1/24/2019			High			Gage
5	Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	Pending Measure LL revisions to be included in the November 2020 ballot. Recruitment and job posting in process.	High			Personnel Committee

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
6	Notification of OPD Chief Regarding Requirements of Annual Report	1/1/2018	Commission must notify the Chief regarding what information will be required in the Chief's annual report	<p>The Chief's report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. The number of complaints submitted to the Department's Internal Affairs Division (IAD) together with a brief description of the nature of the complaints; 2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated; 3. The number of investigations completed by IAD, and the results of the investigations; 4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions; 5. Revisions made to Department policies; 6. The number and location of Department sworn employee-involved shootings; 7. The number of Executive Force Review Board or Force Review Board hearings and the results; 8. A summary of the Department's monthly Use of Force Reports; 9. The number of Department sworn employees disciplined and the level of discipline imposed; and 10. The number of closed investigations which did not result in discipline of the Subject Officer. <p>The Chief's annual report shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7</p>	High	June 14, 2018 and June 14 of each subsequent year		Dorado
7	OPD to Provide a 30 Day Snapshot on the Effectiveness of SO 9202	2/27/2020		On 2.27.20, at the request of OPD the Commission considered and approved SO 9202 which amends the section in SO 9196 regarding Type 32 reportable force	High			

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/D deadline	Scheduled	Lead Commissioner(s), if any
8	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		
9	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			
10	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		

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/D deadline	Scheduled	Lead Commissioner(s), if any
11	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	<p>Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of:</p> <ol style="list-style-type: none"> 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. <p>The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7</p>	High	Semi-annually First one done 10.22.20 Next one should be April, 2021		Smith
12	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado
13	CPAB Report			Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium			
14	Determine Outstanding Issues in Meet and Confer and the Status of M&C on Disciplinary Reports	10/6/2018		Need report from police chief and city attorney. Also need status report about collective bargaining process that is expected to begin soon.	Medium			

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/D deadline	Scheduled	Lead Commissioner(s), if any
15	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. Preparing quarterly reports will help with the coordination and preparation of an annual report.	Medium			
16	Free Gun Trace Service	1/27/2020		This service was mentioned at a meeting in 2019.	Medium			Dorado
17	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			
18	Offsite Meetings	1/1/2018	Meet in locations other than City Hall	The offsite meetings must include an agenda item titled "Community Roundtable" or something similar, and the Commission must consider inviting individuals and groups familiar with the issues involved in building and maintaining trust between the community and the Department.	Medium	Annually; at least twice each year		Dorado, Harris, Jackson
19	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			
20	Public Hearing on OPD Budget	1/1/2018	Conduct at least one public hearing on the Police Department's budget	Tentative release date of Mayor's proposed budget is May 1st of each year.	Medium	Spring, 2021		
21	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.	Medium			Brown, Gage, Prather

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/D deadline	Scheduled	Lead Commissioner(s), if any
22	Report from OPD Regarding Found/Confiscated Items	7/12/2019	OPD will report on the Department's policy for disposition of found/confiscated items.	This came about through a question from Nino Parker. The Chief offered to present a report at a future meeting.	Medium			
23	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		
24	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			
25	Review Commission's Agenda Setting Policy	4/25/2019			Medium			
26	Review Commission's Code of Conduct Policy	4/25/2019			Medium			Prather
27	Review Commission's Outreach Policy	4/25/2019			Medium			Dorado
28	Revise Contracts with CPRA and Commission Legal Counsels	10/10/2018		The contract posted on the Commission's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City Attorney's Office, not the Commission. The Commission has yet to see the CPRA attorney's contract, but it, too, may be problematic.	Medium			

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/D deadline	Scheduled	Lead Commissioner(s), if any
29	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			
30	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	Spring, 2021		Prather, Smith
31	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			
32	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	Low			
33	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			

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/D deadline	Scheduled	Lead Commissioner(s), if any
34	Discipline: Based on Review of MOU	10/6/2018		<p>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?</p>	Low			
35	Discipline: Second Swanson Report Recommendations – Have These Been Implemented?	10/6/2018		<p>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</p>	Low			

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/D deadline	Scheduled	Lead Commissioner(s), if any
36	Feedback from Youth on CPRA App	10/10/2018		Get some feedback from youth as to what ideas, concerns, questions they have about its usability.	Low			
37	OPD Data and Reporting			Review and comment on the Department's police and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments to the Chief, and request the Chief to consider its recommendations and respond to the comments in writing.	Low			
38	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low			
39	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			
40	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

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/D deadline	Scheduled	Lead Commissioner(s), if any
41	Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	1/1/2018	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress. (See Trauma Informed Policing Plan)	Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of posttraumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.	Low	4/15/2021		
42	Public Hearings on OPD Policies, Rules, Practices, Customs, General Orders	1/1/2018	Conduct public hearings on Department policies, rules, practices, customs, and General Orders; CPRA suggests reviewing Body Camera Policy		Low	Annually; at least once per year		Dorado
43	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019			Low			
44	Social Media Communication Responsibilities, Coordination, and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	Low			