



OAKLAND POLICE COMMISSION

REGULAR MEETING AGENDA

January 11, 2024 - 5:30 PM

City Hall Council Chambers (1 Frank H. Ogawa Plaza, Oakland)

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

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



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PUBLIC PARTICIPATION

The Oakland Police Commission welcomes public participation. During this time of transition back to in-person meetings, we are currently prohibited from implementing hybrid meetings. Please refer to the ways in which you can observe and/or participate below:

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/88252294245> 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 +1 669 444 9171 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 646 931 3860

Webinar ID: 882 5229 4245

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."

Use of Zoom is limited to observing, public comment will not be taken via Zoom

PROVIDE PUBLIC COMMENT IN PERSON:

- Public comment on each agenda item will be taken. Members of the public wishing to comment must fill out a speaker card for each item they wish to comment on. Speaker cards will be accepted up until Public Comment for each item begins. Please submit your cards to the Chief of Staff before being recognized by the presiding officer.
- Comments must be made on a specific agenda item covered in the meeting that the comment was submitted for, and that item must be written on the speaker card, or they will be designated open forum comments.
- Comments designated for open forum, either intentionally or due to the comments being outside of the scope of the meeting's agenda/submitted without a including a written agenda item, will be limited to one comment per person.

E-COMMENT:

- Please email written comments to opc@oaklandcommission.org. E-comments must be submitted at least **24 hours** prior to the meeting with the agenda item to which it pertains. Open Forum comments are limited to one per person.
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- I. **Call to Order, Welcome, Roll Call and Determination of Quorum, and (Read-Out from Prior Meeting, if any)**
Chair Marsha Peterson
Roll Call: Vice Chair Karely Ordaz; Commissioner Jesse Hsieh; Commissioner Regina Jackson; Commissioner Wilson Riles Jr.; Commissioner Angela Jackson-Castain, Alternate Commissioner Ricardo Garcia-Acosta

- II. **Closed Session (approximately 5:30 p.m. - 6:30 p.m.)**
The Police Commission will take Public Comment on the Closed Session items.
THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION AND WILL REPORT ON ANY FINAL DECISIONS DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.

PUBLIC EMPLOYEE APPOINTMENT
(Government Code Section 54957(b))
Title: Chief of Police

CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
Delphine Allen et al., v. City of Oakland, et al. N.D.Cal No, 00-cv-4599-WHO

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
(Government Code Section 54957(b))
Title not disclosed under personnel privacy laws, California's Brown Act, and City's Sunshine Ordinance
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

- III. **Open Forum Part 1** (2 minutes per speaker, 15 minutes total}
Members of the public wishing to address the Commission on matters that are not on tonight's agenda but are related to the Commission's work should submit a speaker card prior to this item. Comments regarding agenda items should be held until the agenda item is called for discussion. Speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2.
This is a recurring item.

- IV. **Election of Oakland Police Commission Chairperson**
The Commission will nominate and vote on the appointment of a chairperson to serve from January 2024 until the next election in January 2025. ***This is a recurring item.***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any



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V. Election of Oakland Police Commission Vice Chairperson

The Commission will nominate and vote on the appointment of a vice chairperson to serve from January 2024 until the next election in January 2025. ***This is a recurring item.***

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

VI. Update from Office of the Inspector General (OIG)

Inspector General Michelle N. Phillips will provide an update on OIG's latest work and current activity. Topics may include project priorities, recently released reports, as well as key takeaways from the National Association of Civilian Oversight of Law Enforcement Conference by Kiana Gums, Director of Communications and Engagement. ***This is a recurring item. (Attachment 1)***

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

VII. Update from Oakland Police Department (OPD)

Representatives of the Oakland Police Department will provide an update. Topics discussed in the update may include NSA Updates, risk analysis, crime response, a preview of topics which may be placed on a future agenda, responses to community member questions, and specific topics requested by the Commission.

This is a recurring item. (Attachment 2)

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

VIII. Office of the City Attorney (OCA) Semiannual Report

Deputy City Attorney Veronica Harris will provide a semiannual report on behalf of OCA.

This is a recurring item. (Attachment 3)

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

IX. New California Laws for 2024

The Commission is committed to staying up to date on newly passed state laws that are relevant to its work. This agenda item identifies new state laws that are effective in 2024 as they relate to public entities such as the Commission, law enforcement, and crime/traffic/vehicle matters that may be of interest to or impact (directly or indirectly) the work of the Commission and the agencies it oversees (OPD, OIG, and CPRA). ***(Attachment 4)***

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



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X. Ad Hoc Committee Overview

Report from Police Commission Chair Marsha Peterson regarding current ad hoc committees, members, and committee charge/purpose. (**Attachment 5**)

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

XI. Upcoming/Future Agenda Items

The Commission will engage in a working session to discuss and determine agenda items for the upcoming to this Commission meeting and to agree on a list of agenda items to be discussed on future agendas. The Commission will work on creating a list of agenda items for future meetings, including tasks like collecting and organizing previous meeting minutes and setting strategic planning goals for OIG, CPRA, and Chief of Police.

This is a recurring item.

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

XII. Open Forum Part 2 (2 minutes per speaker, 15 minutes total)

Members of the public wishing to address the Commission on matters that were not on tonight's agenda but are related to the Commission's work should submit a speaker card prior to the start of this item.

Persons who spoke during Open Forum Part 1 will not be called upon to speak again without prior approval of the Commission's Chairperson. *This is a recurring item.*

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

XIV. Adjournment

NOTICE: In compliance with the Americans with Disabilities Act and Equal Access Ordinance, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Discipline Committee meeting, or to otherwise participate at Commission meetings, please contact the Police Commission's departmental email at OPC@oaklandcommission.org for assistance. Notification at least 72 hours before the meeting will help enable reasonable arrangements to ensure accessibility to the meeting and to provide any required accommodations, auxiliary aids, or services.



AGENDA REPORT

TO: Oakland Police Commission

FROM: Michelle N. Phillips
Inspector General

SUBJECT: Office of the Inspector General (OIG)
Informational Report

DATE: January 11, 2024

PURPOSE

The purpose of this informational report is to provide the Police Commission and members of the public with updates from the Office of the Inspector General, since the Inspector General's last report out. In this document, the OIG details at a high level its prioritized projects and current activity. The OIG also attempts to address specific questions raised by Commissioners and community members at previous meetings. For additional context, the OIG has also included pertinent attachments that have been released since its last presentation. Through these reports the OIG seeks to fulfill its commitment to providing transparent civilian oversight.

CITY CHARTER AND NEGOTIATED SETTLEMENT AGREEMENT (NSA, MEASURE S1 OIG MANDATE)

Policy Review: DGO M-19: Prohibitions Regarding Racial Profiling and other Bias-Based Policing

From its review of IAD Cases 07-0538, 12-1062 and 16-0146 (commonly referred to as The Bey Matter), as well as active community concern, the OIG selected to review the Oakland Police Department's DGO M-19: *Prohibitions Regarding Racial Profiling and other Bias-Based Policing*.

Additionally, the OIG has reviewed OPD Special Order Nos. 9042 and 9101.¹ Special Order No. 9101 is a direct response to [Assembly Bill \(AB\) 953](#), the Racial and Identity Profiling Act of 2015, which requires local and state law enforcement agencies to collect stop data. The final report, with OIG's policy recommendations, should be submitted to the Police Commission and OPD by the end of January.

¹ Special Order 9042 was effective June 10, 2011, and revised sections of DGO M-19. Special Order 9101 was effective March 1, 2013, and revised additional sections of DGO M-19.

Policy Recommendation: Sexual Misconduct Departmental General Order

Given OPD's complex history of sexual misconduct, the OIG opted to review OPD's policies, Manual of Rules and other relevant documents to assess the sufficiency of its existing guidelines. Currently, OPD does not have a specific and centralized sexual misconduct DGO, which could improve officer behavior and action. To aid its review, the OIG consulted with Chicago's Civilian Office of Police Accountability as well as other subject matter experts in different jurisdictions.

On January 4, 2024, the OIG presented the Police Commission and OPD with a recommendation to create a sexual misconduct DGO. The OIG requested a response from both entities in 30 business days. A public report, with stakeholder responses will be released to members of the public in the near future.

Policy Review: DGO B-08: Field Training Program

The OIG's Policy Analyst and Inspector General are in the final review stages of DGO B-08: Field Training Program. This project has been slightly delayed due to the prioritization of other time-sensitive projects.

THE BEY MATTER (Review of IAD Cases as directed by the Police Commission)

In November of 2021, prior to the appointment of the current Inspector General, the Police Commission voted to refer The Bey Matter to the newly established OIG. The scope of this review, as provided to the Inspector General, was to review IAD cases 07-0538, 13-1062, and 16-0146 for relevant lessons learned and assess whether there were any policy gaps. The final draft of this report is going through the final quality assurance process.

THE CLARENCE, DYER & COHEN REVIEW

On July 13, 2023, the Oakland Police Commission directed the OIG to review the Clarence, Dyer & Cohen Report as it relates to IAD case 21-0862. The OIG was directed to review the report for any policy recommendations and to determine the appropriateness of discipline. The OIG will provide its final report to the Commission for review by January 24, 2024.

CITY COUNCIL POLICY DIRECTIVE-OPD STAFFING STUDY

In consultation with City Administration, the OIG selected an experienced vendor to conduct an OPD staffing study and resource analysis. The City Council unanimously approved the contract, which is in its final stage of compliance review. The OIG is hopeful this contract will be finalized by the end of January 2024.

Upon contract execution, the OIG will work with the City Attorney Office's to complete an addendum to include additional requests from the City Administrator by way of the City Council's November 2023 directives. The addendum will not delay the project start date.

Police Commissioners
Subject: OIG Informational Report
Date: January 11, 2024

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**NATIONAL ASSOCIATION OF CIVILIAN OVERSIGHT OF LAW ENFORCEMENT
(NACOLE) CONFERENCE UPDATE**

From November 12-16, 2023, the Inspector General and OIG's Director of Communications & Engagement attended NACOLE's Annual Conference in Chicago, Illinois. The NACOLE Conference brought together civilian oversight practitioners, from across the country, to offer their subject matter expertise to the industry's new and seasoned professionals. Workshops were grouped into four tracts: Community in Oversight, Building Better Oversight, Jail and Prison Oversight, and Innovation and Collaboration. Of the workshops attended by the OIG, the insight shared showcased common challenges and best practices of this growing field.

Additionally, Inspector General Phillips spoke to the importance and responsibilities of the media partners, as a panelist for the *Journalist and Authors as Catalyst for Change* workshop. She was joined by Police Accountability Consultant, Barbara Attard, Freelance Investigative Reporter, Kelly Davis, San Diego County's Citizen Enforcement Review Board Executive Director Paul Parker, and The Riders Come Out At Night Author and Freelance Investigative Journalist, Ali Winston.

For questions regarding this report, please contact Michelle N. Phillips, Inspector General, at OIG@oaklandca.gov.

Respectfully submitted,



Michelle N. Phillips
Inspector General
Office of the Inspector General

Office of the Inspector General

Annual Audit Work Plan

Fiscal Year 2024 | December 11, 2023



Photo: Greg Linhares, City of Oakland



CITY OF OAKLAND
OFFICE OF THE INSPECTOR GENERAL
250 Frank H. Ogawa Plaza • Oakland, CA 94612



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Dear Oaklanders,

It brings me great joy to share with you the [Office of the Inspector General](#)'s (OIG) Annual Audit Work Plan for Fiscal Year 2024. As a department still in its infancy, we are proud to have established a civilian oversight agency that community members can trust and work daily to sustain our growing momentum. With only two years under our belt, we have learned greatly from the feedback of residents, community partners, elected and appointed officials, and fellow oversight practitioners. From this qualitative data, we have derived our Annual Audit Work Plan, which will serve as a roadmap for the projects we plan to accomplish over the fiscal year.

With 81% of Oakland voters approving [Measure S1](#), in 2020, the OIG was established to strengthen local police reform efforts. This overwhelming community support was engrained in 2020's national conversation around police practices and standards, following the tragic murder of George Floyd. Oakland itself has a rich history of police accountability, as the birthplace of the Black Panther Party, the location where Oscar Grant was killed by a Bay Area Rapid Transit Police Officer, and headquarters to one of the longest federally monitored law enforcement agencies, in the nation.

Stemming from the ruling of [Delphine Allen, et al. v. City of Oakland](#), more commonly known as the "Riders" case, the Oakland Police Department (OPD) has been under federal oversight for over 20 years. This ruling was a direct response to community members' complaints of mistreatment and civil rights violations at the hands of six veteran officers. Consequently, the corresponding and ongoing [Negotiated Settlement Agreement](#) (NSA) provided OPD fifty-two (52) tasks to address its policies, practices, and procedures, as well as discontinue what the court described in April 2023 as a "cultural rot."

As the auditing arm of Oakland's civilian oversight apparatus, which also includes the [Oakland Police Commission](#) and [Community Police Review Agency](#), it is our responsibility to oversee and make recommendations that optimize OPD's compliance with the NSA, departmental policies, and the law. Within the enclosed Audit Work Plan, you will find that the OIG aims to deliver on this mandate by conducting requested and proactive audits, evaluations, inspections, and policy reviews. Additionally, to enhance the quality of our work products, we will continue to observe relevant meetings for additional insight, highlight systemic social observations from the community, as well as utilize data-backed studies and reports. Through this multi-pronged and community-centered approach, I am confident that the OIG can and will help Oakland hold its police officers accountable.

Sincerely,

Inspector General Michelle N. Phillips
City of Oakland, Office of the Inspector General

I | Mission and Vision

The Office of the Inspector General (OIG) is an independent, non-partisan oversight agency that increases community trust and ensures accountability in the Oakland Police Department (OPD). In its administration of duties, the OIG works to implement a fair, thorough, and autonomous system of civilian oversight of law enforcement. The OIG does this by conducting independent and objective audits, evaluations, inspections, and reviews of the OPD and the Community Police Review Agency (CPRA). These methods promote constitutional, community-based policing, as well as a transparent, accessible, and fair system for police accountability. The office has welcomed community and agency engagement, to assist in identifying long-term, and systemic reform opportunities. The OIG also plans to establish an interactive dashboard that will promptly share relevant data and information with members of the public. This technology will optimize police services delivered to all the City of Oakland neighborhoods.

II | The Office of the Inspector General's Work

The OIG's primary functions are to conduct performance audits, evaluations, inspections, and reviews; provide independent and objective analysis to the public; and make recommendations to the action holders including those responsible for governance and oversight. In some cases, the OIG may also review legal claims, lawsuits, settlements, complaints, and investigations by, against, or involving OPD and CPRA. This effort ensures allegations of officer misconduct are thoroughly investigated and provides an opportunity to identify systemic issues within OPD or CPRA's practices and policies. The OIG seeks to not only hold OPD accountable but to have community impact and public trust.

The OIG conducts its audits in compliance with the [Government Auditing Standards](#) set forth by the Government Accountability Office under the U.S. Comptroller General; as well as its evaluations, inspections, and reviews, under the [Principles and Standards for Offices of Inspector General](#) (Greenbook) set forth by the Association of Inspectors General.

In addition to audits, evaluations, inspections, and reviews, the OIG completes the following:

- **Annual Reports:** Per the Municipal Code, the OIG must prepare and issue an annual report that summarizes the OIG's activities and work performed during the Fiscal Year (FY) 2024.
- **Compliance and Monitoring:** The OIG periodically follows up on recommendations made to OPD, CPRA, and the Oakland Police Commission.
- **Special Projects:** The OIG may conduct audits, reviews, evaluations, inspections, and other projects under its purview, as requested by the Police Commission and City Council.

III | Strategic Priorities

The OIG’s authority, duties, and responsibilities are outlined in Section 604 of the Oakland City Charter and Chapter 2.45 of the Oakland Municipal Code. The OIG shall audit OPD’s compliance with the fifty-two (52) tasks described in the Negotiated Settlement Agreement (NSA) *Delphine Allen, et al., v. City of Oakland, et al.*, case number COO-4599, and make recommendations to OPD, the Police Commission, and City Council, even after the NSA expires.

The purpose of the OIG's strategic priorities is to articulate long-term goals, derived from the office's mission, vision, operations, and community stakeholders. The strategic priorities encompass the OIG values and goals, which include, but are not limited to the following:

Values	Goals
Prudence	Sustainable Relationships
Integrity	Excellence
Impartiality	Transparency
Community	Innovation

Additionally, the OIG’s strategic priorities are informed by a combination of jurisdictional requirements (outlined in the City Charter, Municipal Code, NSA), shareholder feedback, members of the public, as well as institutional knowledge of OPD’s Departmental General Orders (DGOs), patterns and practices. The OIG identified three (3) strategic priorities:

1. Acquire a baseline of OPD staffing and resources to optimize their patrol, investigative, and administrative functions.
2. Sustain compliance of inactive Internal Affairs Division (IAD) related NSA tasks.
3. Assist with upholding Oakland residents’ civil rights and civil liberties, as outlined in the Constitution, when interacting with OPD.

IV | Projects

The proposed projects for FY 2024, were determined by the OIG's multisource observations, research, and analysis. As the environment of local policing shifts over time, the OIG may prioritize other projects not listed in this document. If circumstances (staff capacity, internal/external prioritization, etc.) change, this audit work plan may be amended to include, remove, delay, or move up corresponding projects.

In August 2023, the OIG surveyed community members' feedback on OIG's potential project priorities for FY 2024.

OPD Resourcing and Service Impact

OPD Compliance Review of Vehicle Stops, Field Investigations, and Detentions (Task 34)

Task 34 of the NSA requires OPD officers to include specific data/information within their reports on vehicle stops, field investigations, and detentions. Per the NSA, This information must also be stored in an accessible and searchable database for authorized personnel. The objective of this audit will be to evaluate OPD's compliance with the Task 34 requirements and its associated DGOs.

Policy Review: DGO M-19 – Prohibitions Regarding Racial Profiling and Other Bias-Based Policing

DGO M-19: *Prohibitions Regarding Racial Profiling and Other Bias-Based Policing*, Report Writing Manual Inserts R-2: *Completing the Stop Data Collection Form*, N-1: *Notice to Appear (Misdemeanor Citations)*, and N-2: *Notice to Appear (Traffic Citations)* all incorporate Task 34 requirements. Compliance with DGO M-19 is of paramount importance, as it intersects with several areas of OPD's service impact. Given its significance, the OIG plans to prioritize the review and analysis of DGO M-19, which hasn't been updated since 2004.

Policy Review: DGO B-08 – Field Training Program

DGO B-08: *Field Training Program* policy has not been updated, in its totality, since 2014. The OIG completed a compliance evaluation in September 2023, which identified some areas of concern that required additional review. With the field training program serving as new officers' first opportunity to witness the culture of OPD, this policy review was prioritized.

Transparency, Accuracy and Accountability in “Inactive” IAD-Related NSA Tasks

The NSA outlines reforms that mandate that OPD must be in *sustained* compliance with the included 52 tasks and subtasks to be in full compliance with the NSA. The OIG reviewed Section III: Internal Affairs Division of the NSA and identified several tasks that were formerly deemed in compliance. Consequently, these tasks are no longer being monitored and are categorized as “inactive.” The OIG has elected to conduct an updated inspection on the following seven tasks, established under section III, to ensure continued compliance:

- 1. IAD Integrity Tests (Task 3)**
- 2. Complaint Control System for IAD (Task 4)**
- 3. Methods for Receiving Citizen Complaints (Task 7)**
- 4. Classification of Citizen Complaints (Task 8)**
- 5. Contact of Citizen Complainant (Task 9)**
- 6. Summary of Citizen Complaints Provided to OPD Personnel (Task 11)**
- 7. Documentation of Pitchess Responses (Task 13)**

Special Projects: City Council or Police Commission

OPD Staffing Study and Resource Analysis (City Council)

Via an Oakland City Council policy directive, the City Administrator, or their designee (OIG) was directed to conduct a **staffing study and resource analysis of OPD**. The study’s objectives would be to:

- a. Identify current resources.
- b. Determine the number of officers needed in a particular geographic area.
- c. Decide how staffing and operational resources should be allocated

Identifying OPD service impact through a call for service audit and resource allocation review is best when tied to a staffing study. To determine whether police are responding to calls for service efficiently, it is critical to establish a baseline of the number of available officers, target timeframes, and how to maximize alternative responses. The OIG will oversee this study from inception to completion, including its bid process, vendor deliverables, stakeholder updates, and public transparency.

Case Review of IAD Cases 21-0862 22-0858 (Police Commission)

In July 2021, IAD conducted an internal misconduct investigation into a Sergeant's actions in case 21-0862. The disputed findings in that investigation, brought to light by the Sergeant's subsequent actions, resulted in an external investigation. Further discovery noted that the case involved and implicated, other officers, supervisors, and command staff, including the former Chief of Police. The external investigation resulted in several recommendations to change OPD policies, which the Court ordered OPD to implement. In July 2023, the Police Commission directed the OIG to review this external investigation, case 22-0858, for additional policy recommendations.

Case Review of IAD Cases 07-0538, 13-1062 and 16-0146 (Police Commission)

For more than 15 years, Oakland's Bey family has filed complaints against OPD, and their corresponding civilian oversight agencies for alleged misconduct. Although those complaints have all been subsequently closed, the Bey family has continued to call for additional review or action. In November 2021, before the inaugural Inspector General took office, the Police Commission voted to direct the Inspector General to review the above listed closed IAD cases (also referred to as the Bey Matter) for potential policy recommendations. The purpose of this review is to identify lessons learned, and provide recommendations for clear, sound OPD policies that address certain community concerns.



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Email oig@oaklandca.gov



Call (510) 238-2088



Visit <https://www.oaklandca.gov/departments/inspector-general>



OIG's Annual Audit Work Plan Fiscal Year 2024

Learn more about the office's current and upcoming projects:

OPD Staffing Study & Resource Analysis

The City Council requested the OIG oversee the study and analysis of OPD's current resources. This information will be critical to OIG's subsequent calls for service audit.



Policy Review of DGO M-19

Last updated in 2004, the OIG is conducting a review of Departmental General Order M-19: Prohibitions Regarding Racial Profiling and Other Biased-Based Policing.



IAD Cases 07-0538, 13-1062 & 16-0146 Review

The Police Commission directed the OIG to review cases related to several complaints against OPD & the Community Police Review Board.



Policy Review of DGO B-08

As follow-up to its compliance evaluation, the OIG is doing a policy review of Departmental General Order B-08: Field Training Program.



Inspection of Inactive IAD-Related NSA Tasks

The OIG has elected to inspect seven Internal Affairs Division related Negotiated Settlement Agreement Tasks that were previously deemed compliant.



Compliance Review of Vehicle Stops, Detentions & Field Investigations

The OIG is completing a compliance review of Negotiated Settlement Agreement Task 34, which requires certain information within stop, detention and investigative reports.



IAD Cases 21-0862 & 22-0858 Review

The Police Commission directed the OIG to review the policy recommendations derived from an external investigation of OPD misconduct.



SCAN THE QR CODE OR VISIT
[TINYURL.COM/OIGAUDIT24](https://tinyurl.com/OIGAUDIT24) FOR
THE FULL AUDIT WORK PLAN.





OAKLAND POLICE DEPARTMENT

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

CRIME ANALYSIS

End of Year Gunfire Summary 01 Jan. – 31 Dec., 2023

Citywide <i>All totals include attempts except homicides.</i>	2019	2020	2021	2022	2023	Percentage Change 2022 vs. 2023	5-Year Average	2023 vs. 5-Year Average
Homicide – 187(a)PC	75	102	123	120	120	0%	108	11%
Homicide – All Other *	3	7	11	2	6	200%	6	3%
Subtotal - 187(a)PC + all other	78	109	134	122	126	3%	114	11%
Assault with a firearm – 245(a)(2)PC	286	498	606	456	509	12%	471	8%
Subtotal - Homicides + Firearm Assault	364	607	740	578	635	10%	585	9%
Shooting occupied home or vehicle – 246PC	244	426	541	340	368	8%	384	-4%
Shooting unoccupied home or vehicle – 247(b)PC	117	216	267	161	144	-11%	181	-20%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	725	1,249	1,548	1,079	1,147	6%	1,150	0%
Negligent discharge of a firearm – 246.3PC	688	1,360	1,843	1,579	1,491	-6%	1,392	7%
Grand Total	1,413	2,609	3,391	2,658	2,638	-1%	2,542	4%

Area 1 <i>All totals include attempts except homicides.</i>	2019	2020	2021	2022	2023	Percentage Change 2022 vs. 2023	5-Year Average	2023 vs. 5-Year Average
Homicide – 187(a)PC	14	9	16	30	26	-13%	19	37%
Homicide – All Other *	-	1	1	1	1	0%	1	25%
Subtotal - 187(a)PC + all other	14	10	17	31	27	-13%	20	36%
Assault with a firearm – 245(a)(2)PC	48	65	86	81	80	-1%	72	11%
Subtotal - Homicides + Firearm Assault	62	75	103	112	107	-4%	92	17%
Shooting occupied home or vehicle – 246PC	49	55	83	50	63	26%	60	5%
Shooting unoccupied home or vehicle – 247(b)PC	13	28	38	25	18	-28%	24	-26%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	124	158	224	187	188	1%	176	7%
Negligent discharge of a firearm – 246.3PC	80	121	139	130	126	-3%	119	6%
Grand Total	204	279	363	317	314	-1%	295	6%

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

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OAKLAND POLICE DEPARTMENT

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CRIME ANALYSIS

End of Year Gunfire Summary 01 Jan. – 31 Dec., 2023

Area 2	2019	2020	2021	2022	2023	Percentage Change 2022 vs. 2023	5-Year Average	2023 vs. 5-Year Average
<i>All totals include attempts except homicides.</i>								
Homicide – 187(a)PC	2	2	7	5	7	40%	5	52%
Homicide – All Other *	-	1	1	-	1	PNC	1	67%
Subtotal - 187(a)PC + all other	2	3	8	5	8	60%	5	54%
Assault with a firearm – 245(a)(2)PC	11	26	43	32	41	28%	31	34%
Subtotal - Homicides + Firearm Assault	13	29	51	37	49	32%	36	37%
Shooting occupied home or vehicle – 246PC	7	14	18	8	17	113%	13	33%
Shooting unoccupied home or vehicle – 247(b)PC	8	2	9	3	4	33%	5	-23%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	28	45	78	48	70	46%	54	30%
Negligent discharge of a firearm – 246.3PC	17	24	45	33	41	24%	32	28%
Grand Total	45	69	123	81	111	37%	86	29%

Area 3	2019	2020	2021	2022	2023	Percentage Change 2022 vs. 2023	5-Year Average	2023 vs. 5-Year Average
<i>All totals include attempts except homicides.</i>								
Homicide – 187(a)PC	10	12	24	20	18	-10%	17	7%
Homicide – All Other *	1	-	1	-	-	PNC	0	PNC
Subtotal - 187(a)PC + all other	11	12	25	20	18	-10%	17	5%
Assault with a firearm – 245(a)(2)PC	27	72	95	79	73	-8%	69	5%
Subtotal - Homicides + Firearm Assault	38	84	120	99	91	-8%	86	5%
Shooting occupied home or vehicle – 246PC	27	29	38	34	47	38%	35	34%
Shooting unoccupied home or vehicle – 247(b)PC	9	24	29	19	15	-21%	19	-22%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	74	137	187	152	153	1%	141	9%
Negligent discharge of a firearm – 246.3PC	69	141	199	189	180	-5%	156	16%
Grand Total	143	278	386	341	333	-2%	296	12%

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CRIME ANALYSIS

End of Year Gunfire Summary 01 Jan. – 31 Dec., 2023

Area 4	2019	2020	2021	2022	2023	Percentage Change 2022 vs. 2023	5-Year Average	2023 vs. 5-Year Average
<i>All totals include attempts except homicides.</i>								
Homicide – 187(a)PC	8	19	18	21	14	-33%	16	-13%
Homicide – All Other *	-	1	1	-	-	PNC	0	PNC
Subtotal - 187(a)PC + all other	8	20	19	21	14	-33%	16	-15%
Assault with a firearm – 245(a)(2)PC	37	56	87	58	72	24%	62	16%
Subtotal - Homicides + Firearm Assault	45	76	106	79	86	9%	78	10%
Shooting occupied home or vehicle – 246PC	25	66	80	61	46	-25%	56	-17%
Shooting unoccupied home or vehicle – 247(b)PC	16	29	36	29	17	-41%	25	-33%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	86	171	222	169	149	-12%	159	-7%
Negligent discharge of a firearm – 246.3PC	113	245	304	243	216	-11%	224	-4%
Grand Total	199	416	526	412	365	-11%	384	-5%

Area 5	2019	2020	2021	2022	2023	Percentage Change 2022 vs. 2023	5-Year Average	2023 vs. 5-Year Average
<i>All totals include attempts except homicides.</i>								
Homicide – 187(a)PC	18	29	28	19	28	47%	24	15%
Homicide – All Other *	2	-	2	1	3	200%	2	88%
Subtotal - 187(a)PC + all other	20	29	30	20	31	55%	26	19%
Assault with a firearm – 245(a)(2)PC	76	137	131	91	107	18%	108	-1%
Subtotal - Homicides + Firearm Assault	96	166	161	111	138	24%	134	3%
Shooting occupied home or vehicle – 246PC	76	144	183	101	91	-10%	119	-24%
Shooting unoccupied home or vehicle – 247(b)PC	35	67	86	40	46	15%	55	-16%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	207	377	430	252	275	9%	308	-11%
Negligent discharge of a firearm – 246.3PC	182	381	575	476	424	-11%	408	4%
Grand Total	389	758	1,005	728	699	-4%	716	-2%

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CRIME ANALYSIS

End of Year Gunfire Summary 01 Jan. – 31 Dec., 2023

Area 6 <i>All totals include attempts except homicides.</i>	2019	2020	2021	2022	2023	Percentage Change 2022 vs. 2023	5-Year Average	2023 vs. 5-Year Average
Homicide – 187(a)PC	23	31	30	25	27	8%	27	-1%
Homicide – All Other *	-	4	5	-	1	PNC	2	-50%
Subtotal - 187(a)PC + all other	23	35	35	25	28	12%	29	-4%
Assault with a firearm – 245(a)(2)PC	81	126	146	93	108	16%	111	-3%
Subtotal - Homicides + Firearm Assault	104	161	181	118	136	15%	140	-3%
Shooting occupied home or vehicle – 246PC	58	111	135	86	95	10%	97	-2%
Shooting unoccupied home or vehicle – 247(b)PC	33	65	64	43	41	-5%	49	-17%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	195	337	380	247	272	10%	286	-5%
Negligent discharge of a firearm – 246.3PC	222	421	561	478	474	-1%	431	10%
Grand Total	417	758	941	725	746	3%	717	4%

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OAKLAND POLICE DEPARTMENT

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CRIME ANALYSIS

End of Year Crime Report — Citywide

01 Jan. – 31 Dec., 2023

Part 1 Crimes <i>All totals include attempts except homicides.</i>	2019	2020	2021	2022	2023	Percentage Change 2022 vs. 2023	5-Year Average	2023 vs. 5-Year Average
Violent Crime Index (homicide, aggravated assault, rape, robbery)	5,842	6,063	6,633	6,201	7,526	21%	6,453	17%
Homicide – 187(a)PC	75	102	123	120	120	0%	108	11%
Homicide – All Other *	3	7	11	2	6	200%	6	3%
Subtotal - 187(a)PC + all other	78	109	134	122	126	3%	114	11%
Aggravated Assault	2,745	3,319	3,611	3,222	3,531	10%	3,286	7%
Assault with a firearm – 245(a)(2)PC	286	498	606	456	509	12%	471	8%
Subtotal - Homicides + Firearm Assault	364	607	740	578	635	10%	585	9%
Shooting occupied home or vehicle – 246PC	244	426	541	340	368	8%	384	-4%
Shooting unoccupied home or vehicle – 247(b)PC	117	216	267	161	144	-11%	181	-20%
Non-firearm aggravated assaults	2,098	2,179	2,197	2,265	2,510	11%	2,250	12%
Rape	205	222	171	179	185	3%	192	-4%
Robbery	2,817	2,420	2,728	2,680	3,690	38%	2,867	29%
Firearm	1,035	805	1,122	1,107	1,656	50%	1,145	45%
Knife	140	173	112	101	146	45%	134	9%
Strong-arm	1,252	972	794	779	1,028	32%	965	7%
Other dangerous weapon	88	78	73	89	86	-3%	83	4%
Residential robbery – 212.5(a)PC	99	89	98	63	108	71%	91	18%
Carjacking – 215(a) PC	203	303	529	541	666	23%	448	49%
Burglary	14,992	8,712	10,584	13,994	17,256	23%	13,108	32%
Auto	12,366	6,234	8,480	11,081	13,637	23%	10,360	32%
Residential	1,809	1,252	1,105	1,130	1,381	22%	1,335	3%
Commercial	624	963	757	1,499	1,627	9%	1,094	49%
Other (includes boats, aircraft, and so on)	169	191	177	163	228	40%	186	23%
Unknown	24	72	65	121	383	217%	133	188%
Motor Vehicle Theft	6,477	8,743	9,354	10,247	14,826	45%	9,929	49%
Larceny	7,778	5,990	6,606	9,386	7,262	-23%	7,404	-2%
Arson	152	194	173	164	110	-33%	159	-31%
Total	35,244	29,709	33,361	39,994	46,986	17%	37,059	27%

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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TTY/TDD: (510) 238-3254

January 8, 2024

OAKLAND POLICE COMMISSION

Re: Office of the City Attorney's Support for the Police-Discipline Process and Recent Arbitration Decisions

Police Commission Chair Peterson and Members of the Oakland Police Commission:

I. INTRODUCTION

This report summarizes recent efforts by the Office of the City Attorney (OCA) to help improve the police-discipline process, including the outcomes of recent arbitration hearings.

Our last report was dated May 10, 2023.

II. CIVIL MATTERS

Leal, et al. v. City of Oakland, et al.
Alameda Superior Court – Case No. 22CV012266

When we last reported to the Commission, in May 2023, oral argument for this case had recently been completed.

As a reminder regarding the factual and procedural background: Petitioners sought a writ of mandate in Alameda Superior Court, challenging the City's denial of their untimely grievance of discipline. Petitioners are a police canine officer and sergeant who the City disciplined for their involvement in an out-of-compliance canine bite that caused serious injury to a member of the public. The underlying case was also investigated by the Community Police Review Agency (CPRA). The CPRA Director and the Chief agreed on both the sustained findings and the discipline imposed. Petitioners allege they are entitled to grieve their discipline and to an administrative appeal because the City's notices of discipline were inadequate.

The Court issued its order on May 16, 2023, and ruled in favor of the petitioners/grievants, ordering the grievances to go forward on the merits. Importantly, however, the Judge Roesch found that the City provided proper notice and followed all required procedures. Thus, the Judge ordered that despite the grievances moving forward the officers cannot seek backpay. In other words, even if it is determined that the officers did not violate a

Re: OCA's Support for the Police Discipline-Process and Recent Arbitration Decisions

rule they were sustained for and thus the discipline must be lowered or rescinded, the City need not reimburse the officers in relation to the same.

III. TRAININGS

OCA has provided support and guidance to OPD's discipline process by participating in various trainings of OPD personnel. This includes both informal training which happens continuously and more formal trainings.

OCA is currently working on several trainings supporting investigations and accountability at OPD. In addition to working with OPD regarding these trainings, OCA has been collaborating with the Community Police review Agency (CPRA) to both: (1) ensure trainings regarding police accountability in the City are consistent; and (2) take advantage of the investigative and oversight expertise within CPRA. For example, our office recently worked with the CPRA Executive Director, Supervising Investigator, and outside counsel to develop training regarding investigative plans. We then provided this training in November 2023 to both IAD and CPRA leadership to further the development of appropriate planning both at the onset and throughout investigations. OCA is currently working with CPRA on training regarding tolling of investigations and to support OPD in training regarding police accountability and internal investigations in its continued professional training (CPT) programs.

OCA continues to support OPD in creating trainings regarding various topics that relate to the recommendations arising from the outside investigations conducted by Clarence Dyer & Cohen LLP, including but not limited to, investigative sufficiency, collecting and assessing evidence, conflicts and recusals, and conducting parallel criminal and administrative investigations. OCA also intends, to continue to include CPRA leadership in developing and conducting these trainings as appropriate and as described above.

IV. ARBITRATIONS

Since our last report, we have not received any arbitration decisions related to OPD accountability.

V. OTHER EFFORTS - TRANSPERANCY

Senate Bills 1421 and 16, which amended Penal Code § 832.7(b) under the Penal Code § 832.7(b) allow for disclosure of certain categories of Oakland police records that were previously confidential. Transparency is essential to accountability, and thus OCA has dedicated, and will continue to dedicate significant resources to make police personnel records accessible to the public.

During our last presentation, we announced that the police personnel records website is

Re: OCA's Support for the Police Discipline-Process and Recent Arbitration Decisions

We welcome feedback from both the Commission and public regarding future improvements to this website to further the goal of transparency to the greatest extent possible under the law.

VI. CONCLUSION

OCA respectfully submits this report.

BARBARA J. PARKER
City Attorney

A handwritten signature in black ink, appearing to be 'BJP', written over a horizontal line.

By: Veronica Harris
Special Counsel

New California Laws for 2024

Introduction

As a public entity charged with ensuring constitutional policing in the city of Oakland, the Oakland Police Commission is committed to staying up to date on all newly Approved state laws that are relevant to its work.

In 2023, Governor Newsom signed a total of 890 bills and vetoed 156. This document provides a list of laws passed by the California Legislature and signed by the Governor in 2023 that become effective in 2024 as well as those enacted in prior sessions that became effective in 2024. This document specifically identifies new state laws that are effective in 2024 as they relate to public entities such as the Commission, law enforcement, and crime/traffic/vehicle matters that may be of interest to or may impact (directly or indirectly) the work of the Commission and the agencies it oversees (OPD, OIG, and CPRA). Note, this list does not suggest that all these laws do in fact directly apply to the Commission, and does not claim to include an exhaustive list of bills that may impact the work of the Commission. The bill description is based on information from official legislative sources and does not constitute legal advice. Readers are encouraged to review the delineated bill for full legislative language.

Public Entity-Related laws

AB 334 (Approved on September 30 2023 - effective 2024)

This bill specifies that an independent contractor, who meets specified requirements, is not an officer for the purposes of a state conflicts-of-interest law prohibiting being financially interested in public contracts.

AB 557 (Approved on October 8 2023 - effective 2024)

This bill extends the provisions of AB 361 by preserving the provision allowing remote meetings during a declared state of emergency. AB 557 also extends the time during which an agency could hold remote meetings during a time of emergency. The bill extends the timeline to 45 days.

AB 1637 (Approved on October 8 2023 - effective 2029)

This bill, no later than January 1, 2029, requires a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain and requires a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a “.gov” or “.ca.gov” domain. This bill, no later than January 1, 2029, also requires a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name. The bill includes findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

**SB 519** (Approved in 2023- effective 2024)

This bill, beginning on July 1, 2024, makes records relating to an investigation conducted by a local detention facility into a death incident, as defined, available to public inspection, as specified. Under existing law, the personnel records of peace officers and custodial officers are confidential and not subject to public inspection. Existing law provides certain exemptions to this confidentiality, including the reports, investigations, and findings of certain incidents involving the use of force by a peace officer.

SB 790 (Approved on July 13 2023 - effective 2024)

This bill provides that any executed contract for the purchase of goods or services by a state or local agency, including the price and terms of payment, is a public record subject to disclosure under the act. The bill provides that any provision in a written agreement that purports to exclude a contract specified above from disclosure by agreeing to consider it a confidential or proprietary record of the vendor is void and unenforceable as a matter of law.

ACA 13 (Approved on November 2 2023 – for statewide ballot initiative)

This is a State Legislature resolution to propose to the people of the State of California for an amendment to the Constitution of the State to authorize a local governing body to hold an advisory vote concerning any issue of governance for the purpose of allowing voters within the jurisdiction to voice their opinions on the issue. The measure would specify that an advisory question is approved only if a majority of the votes cast on the question are in favor.

Police-Related Laws**AB 44** (Approved on October 10 2023 - effective 2024)

This bill would require the department to grant access to the system to the law enforcement agency or tribal court of a federally recognized Indian tribe meeting certain qualifications, as specified.

AB 134 (Approved on July 10 2023 - effective 2024)

This bill exempts from disclosure under the Public Records Act records pertaining to investigations of peace officers and custodial officers or their employing agencies and related proceedings conducted by POST. This bill provides that, until January 1, 2027, specified records in the possession of POST related to these functions are not public records subject to disclosure, although those same records may be subject to disclosure by the agency that employs or previously employed the peace officer.

AB 256 (Approved on October 4 2023– effective July 1, 2024) (also under “crime-related” laws)

This bill will prohibit an officer from pulling over a vehicle solely based on the expired stickers on the back license plate unless two months have Approved since the month stated on the sticker. For example, if a registration expires in July, the vehicle would not be able to be stopped solely for the expired sticker until October.

**AB 303** (Approved on September 8 2023 - effective 2024)

This bill requires the Attorney General to provide specific information to local law enforcement agencies involving prohibited persons (prohibited from possessing a firearm), including, but not limited to, personal identifying information, case status, and information regarding previous contact with the prohibited person, as specified.

AB 355 (Approved on September 26 2023 - effective 2024)

This bill exempts from the prohibition of the sale, transfer, or possession of an assault weapon, the loaning of an assault weapon to, or the possession of an assault weapon by, a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, while engaged in firearms training and being supervised by a firearms instructor. The bill also prohibits the loaned assault weapon from leaving the training facility and requires the enrollee to be currently employed by a law enforcement agency, as specified.

AB 360 (Approved on October 8 2023 - effective 2024)

The bill prohibits a peace officer from using the term “excited delirium” to describe an individual in an incident report, but does not prohibit the peace officer from describing an individual’s behavior, as specified. (Oakland Police Commission has discussed this new legislation and OPD policy changes since the bill’s approval by the Governor.)

AB 436 (Approved on October 13 2023 - effective 2024)

This bill would remove the authorization for a local authority to adopt rules and regulations by ordinance or regulation regarding cruising. Existing law makes it unlawful to operate a passenger vehicle, or commercial vehicle under 6,000 pounds, that has been modified from its original design so that any portion of the vehicle, other than the wheels, has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with the roadway. This bill repeals that prohibition.

AB 443 (Approved on October 8 2023 - effective 2026)

This bill will, commencing January 1, 2026, require POST to establish a definition of “biased conduct,” as specified, and will require law enforcement agencies to use that definition in any investigation into a bias-related complaint or an incident that involves possible indications of officer bias, and to determine if any racial profiling occurred, as defined. The bill will also require POST to develop guidance for local law enforcement departments on performing effective internet and social media screenings of officer applicants.

AB 449 (Approved on October 8 2023 - effective 2024)

This bill makes adoption of a hate crimes policy by a state and local law enforcement agency mandatory by July 1, 2024. The bill requires those policies to include the supplemental hate crime report in the model policy framework developed by the Commission on Peace Officer Standards and Training and a schedule of hate crime or related trainings the agency conducts. By imposing requirements on local agencies, this bill imposes a state-mandated local program.

AB 505 (Approved on October 8 2023 - effective 2024)

This bill authorizes an ombudsperson of the Office of Youth and Community Restoration to access a facility serving youth involved in the juvenile justice system at any time without prior notice to



the operator of the facility. The bill requires the ombudsperson to have access to, review, receive, and make copies of any record of a local agency, including all juvenile facility records at all times, except as otherwise prohibited. The bill authorizes the ombudsperson to meet or communicate privately with any youth, personnel, or volunteer in a juvenile facility and interview any relevant witnesses. The bill authorizes the ombudsperson to interview sworn probation personnel in accordance with applicable federal and state law, local probation department policies, and collective bargaining agreements. The bill requires the ombudsperson to be granted access to youth at all times, and requires the ombudsperson to be able to take notes, audio or video recording, or photographs during the meeting or communication with youth, to the extent not otherwise prohibited by applicable federal or state law. The bill also requires the ombudsperson to include recommendations for improving the juvenile justice system in their regular reports regarding data annually collected and made publicly available on the office's internet website.

AB 732 (Approved on September 26 2023 - effective 2024)

This bill removes authorization for the law enforcement agency to sell a relinquished firearm relinquished by a defendant after a conviction of an offense that would prohibit them from owning a firearm after the law enforcement agency has retained it for 30 days.

AB 750 (Approved on June 29 2023 - effective 2024)

This bill specifies that, unless for the safety of a person, a duly authorized representative of a news service, newspaper, or radio or television station or network is not prohibited from entering an area closed to the public by law enforcement or another authorized person due to a menace to public health. A duly authorized representative of a news service, newspaper, or radio or television station or network may not facilitate the entry of a person into, or facilitate the transport of a person within, an area closed due to a menace to public health, unless for the safety of the person, if that person is not a duly authorized representative of a news service, newspaper, or radio or television station or network.

AB 751 (Approved on June 29 2023 - effective 2024)

This bill clarifies that a department that complied or complies with the requirements regarding specified information about the elements of elder abuse crimes in their policy manuals on or after April 13, 2021 when the agency next undertakes the policy revision process, is required to include the specified provisions regarding procedures for investigating elder abuse in their policy pursuant to Penal Code section 368.6(c).

AB 818 (Approved on September 26 2023 - effective 2024)

This bill expands the provisions creating temporary restraining orders and emergency protective orders with respect to domestic violence and elder abuse to require service of orders issued after hearing. The bill also authorizes these orders to be served by a law enforcement officer who receives a request from the petitioner to provide service of the order, but excludes service by specified peace officers, including a parole officer of the Department of Corrections and Rehabilitation or a probation officer. The bill prohibits a fee from being charged to the petitioner for service of those orders. The bill requires specified peace officers to take into temporary custody any firearm or deadly weapon in plain sight or discovered pursuant to a consensual or otherwise lawful search for the protection of peace officers or other persons present when those officers are at the scene of a domestic violence incident involving a threat to human life or physical assault,



servicing a protective order pursuant to the above provisions, or serving a gun violence restraining order. This bill also requires law enforcement to enter, or cause to be entered, a firearm into the AFS if the firearm is obtained at the scene of a domestic violence incident or during service of specified orders.

AB 925 (Approved on July 21 2023 - effective 2024)

This bill requires a peace officer or a regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations to verify, using available Department of Motor Vehicles records, that no current registration exists for a vehicle before removing the vehicle. The bill prohibits a vehicle from being removed if it has a current registration on file with the department or if the officer or employee does not have immediate access to the department's records.

AB 946 (Approved on July 21 2023 - effective 2024)

This bill authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate an Endangered Missing Advisory, as defined, if the agency receives a report of a missing person and the agency determines that all of specified conditions are met regarding the investigation of the missing person, including, among others, that the person is developmentally disabled, cognitively impaired, has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk. This bill authorizes the department (CHP), if it concurs that these conditions have been met, to activate an Endangered Missing Advisory within the appropriate geographical area. Upon activation of an Endangered Missing Advisory, the bill authorizes the department to assist the investigating law enforcement agency by disseminating an electronic flyer or activating changeable message signs in compliance with certain procedures.

AB 994 (Approved on September 23 2023 - effective 2024)

With respect to an individual who has been arrested for any crime, this bill requires a police department or sheriff's office, upon posting a booking photo on social media, to use the name and pronouns given by the individual arrested. The bill authorizes a police department or sheriff's office to use other legal names or known aliases of an individual in limited specified circumstances. This bill also requires that a police department or sheriff's office remove any booking photo shared on social media after 14 days unless specified circumstances exist.

AB 1126 (Approved on October 8 2023 - effective 2024)

This bill expands the places and items authorized for a peace officer to inspect and seize to include any place where any package, label, advertisement, or other document or object of any kind bearing the universal symbol in connection with a commercial (cannabis) activity are sold or stored.

AB 1261 (Approved on October 10 2023 - effective 2024)

This bill specifies that a person submitting specified federal forms related to immigration does not have to be present in the United States at the time of filing, and requires the certifying entity to forward the form to the victim or other specified individuals without requiring the victim to provide government-issued identification. The bill requires a certifying entity that does not certify the form regarding "victim helpfulness" to provide a written explanation for the denial of the certification. The bill requires a certifying entity to certify that form for direct victims, indirect victims, and bystander or witness victims, as specified. The bill prohibits a certifying entity from refusing to



complete either of those forms for specified reasons, including, among others, the informant's criminal history information or immigration history. The bill requires the certifying entities to process those forms within 7 days if the victim asserts a qualifying family member of the victim will lose eligibility for specified immigration statuses within 60 days. By imposing additional duties on local law enforcement, this bill imposes a state-mandated local program. This bill authorizes a certifying official from a certifying entity, as defined, to certify that a person is a witness or informant on that federal petition form when the person is an informant with reliable information about an important aspect of a crime or pending commission of a crime, the person is willing to share that information with law enforcement officials or become a witness in court, and the person's presence in the United States is important and leads to the successful investigation or prosecution of that crime. A local law enforcement agency is considered a certifying entity.

AB 1638 (Approved on October 8 2023 - effective 2025)

This bill requires, commencing January 1, 2025, in the event of an emergency within the jurisdiction of a local agency, as defined, that provides emergency response services and that serves a population within which 5% or more of the people speak English less than "very well" according to American Community Survey data and jointly speak a language other than English, that the local agency provide information related to the emergency in English and in all languages spoken jointly by the 5% or more of the population that speaks English less than "very well." The bill requires local agencies to use data by January 1, 2025, as specified, to determine which languages are spoken jointly by 5% or more of the population in its jurisdiction and to reassess that data every 5 years. The bill imposes various requirements on the manner in which information is provided in languages other than English.

AB 2773 (Approved September 29, 2022 - effective 2024)

This bill, with the intent to address pretextual stops, requires a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, to state the reason for the stop, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat. The bill requires the officer to document the reason for the stop on any citation or police report resulting from the stop.

The bill also require the department to include information regarding the duty of a peace officer to state the reason for the stop in the handbook at the earliest opportunity when the handbook is otherwise revised or reprinted, and requires each state and local agency to include in its annual report the reason given to the person stopped at the time of the stop.

SB 2 (Approved on September 26 2023 - effective 2024) (also under "crime-related" laws)

The bill eliminates certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act. Additionally, this bill prevents concealed carry of firearms in certain public areas. The bill is being challenged in court for violating the Second Amendment of the U.S. Constitution.

SB 290 (Approved on July 13 2023 - effective 2024)

This bill extends the provisions requiring a local law enforcement agency to produce one copy of all incident report face sheets, one copy of all incident reports, or both to additionally require the



state or local law enforcement agency to make available to a victim or representative any accompanying or related photographs of a victim's injuries, property damage, or any other photographs that are noted in the incident report, and 911 recordings, if any. The bill requires the additional documentation to be provided within the same time periods as required for providing an incident report. The bill extends the time limit for victims of sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult, and their representatives, to request the documents described in the bill. from 2 years to 5 years.

SB 309 (Approved on October 7 2023 - effective 2024)

This bill includes the right to exercise religious freedom, including accommodations for religious grooming, clothing, and headwear, as specified for persons sentenced to imprisonment in a state prison or in a county jail for a felony offense. The bill allows these rights to be denied only when in furtherance of a compelling governmental interest with regard to institutional security that may impact the facility, staff, the individual, or others in custody. The bill requires a facility to accommodate these rights in specified ways, including, among others, by allowing the individual to purchase or access facility-issued, or Department of Corrections and Rehabilitation-approved, religious clothing and headwear or, if unavailable, allowing the individual to retain their personal religious clothing and headwear until a facility-issued, or department-approved, clothing or headwear can be accessed or purchased. If purchased by an individual in custody, the bill requires the price of facility-issued, or department-approved, religious clothing and headwear to not exceed the purchase price and normal taxes of the items.

SB 376 (Approved on July 21 2023- effective 2024)

This bill provides that a victim of human trafficking or abuse has the right to have a human trafficking advocate, as defined, and a support person of the victim's choosing present at an interview by a law enforcement authority, prosecutor, or the suspect's defense attorney. The bill requires the attending law enforcement authority or prosecutor to notify a victim of human trafficking or abuse of their right to have a human trafficking advocate and support person of their choosing present at the interview. as specified.

SB 449 (Approved on October 7 2023 - effective 2024)

The bill allows the Commission on Peace Officer Standards and Training to also consider suspension of a peace officer's POST certification as punishment for serious misconduct.

SB 464 (Approved on October 10 2023 - effective 2024)

This bill requires all law enforcement agencies, medical facilities, public crime laboratories, and any other facilities that receive, maintain, store, or preserve sexual assault evidence kits to conduct an audit of all untested sexual assault evidence kits in their possession. The bill requires each law enforcement agency and public crime laboratory to create a record in the SAFE-T database for every victim sexual assault kit that has not had DNA testing completed, as specified, by no later than July 1, 2026.

**SB 514** (Approved on October 8 2023 - effective 2024)

This bill extends the operation of the procedure for a prosecutor to apply for, and the court to issue, an order authorizing law enforcement to intercept a wire or electronic communication to January 1, 2030.

SB 602 (Approved on October 7 2023 - effective 2024)

This bill authorizes a single request for assistance to expel a trespasser from a premises to be made and submitted electronically, in a notarized form provided by the law enforcement agency, to a peace officer. The bill extends the maximum period of time for a request for peace officer's assistance from 30 days to 12 months for requests pertaining to fire hazard or the owner's absence. The bill authorizes local governments to accept electronic submissions of requests for peace officer assistance

SB 673 (Approved on October 8 2023 - effective 2024)

This bill authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate an "Ebony Alert," with respect to Black youth, including young women and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, or cognitively impaired, or who have been abducted. The bill authorizes the department to activate an Ebony Alert within the appropriate geographical area requested by the investigating law enforcement agency and to assist the agency by disseminating specified alert messages and signs, if the department concurs with the agency that an Ebony Alert would be an effective tool in the investigation of a missing person according to specified factors.

SB 852 (Approved on September 22 2023 - effective 2024)

This bill clarifies that a search of a person who is granted probation or mandatory supervision and subject to search or seizure must be performed only by a probation officer or other peace officer. This bill also clarifies that the person designated by a correctional administrator to verify the participant's compliance with the conditions of a home detention program or electronic monitoring program must be a probation officer or other peace officer.

Crime/Traffic and Vehicle - Related Laws**AB 28** (Approved on September 26 2023 - effective 2024)

This bill (effective July 1, 2024) imposes an 11% tax on the sale of firearms and ammunition. The revenue generated will fund gun violence the Gun Violence Prevention and School Safety Fund, which will fund various gun violence prevention, education, research, response, and investigation programs.

AB 92 (Approved on September 26 2023 - effective 2024)

This bill makes it a misdemeanor for a person who is prohibited from possessing a firearm to purchase, own, or possess body armor.

**AB 256** (Approved on October 4 2023 - effective 2024) (also under “police-related laws”)

This bill would, commencing July 1, 2024, until January 1, 2030, prohibit a violation of these provisions from being the sole basis for any enforcement action before the 2nd month after the month of expiration of the vehicle’s registration. Notwithstanding this provision, the bill would authorize enforcement action before the 2nd month following the month of expiration if a vehicle is stopped for any other violation of the Vehicle Code.

AB 361 (Approved on October 8 2023 - effective 2024)

This bill requires a designated employee of a city, county, city and county, or a contracted law enforcement agency for a special transit district, who is qualified by the city and county or the district to issue parking citations, to review photographs taken by automated forward facing parking control devices on city-owned or district-owned parking enforcement vehicles for the purpose of determining whether a parking violation occurred in a bicycle lane and to issue a notice of violation to the registered owner of a vehicle within 15 calendar days, as specified. The bill requires these photographic records to be confidential and make these records available only to public agencies to enforce parking violations. The bill requires any local agency that implements this pilot program to report to specified committees of the Legislature on the system’s effectiveness and impact on traffic outcomes, among other things, by December 31, 2028.

AB 413 (Approved on October 10 2023 - effective 2024)

This bill prohibits the stopping, standing, or parking of a vehicle within 20 feet of the vehicle approach side of any unmarked or marked crosswalk or 15 feet of any crosswalk where a curb extension is present, as specified. The bill, prior to January 1, 2025, authorizes jurisdictions to only issue a warning for a violation, and prohibits them from issuing a citation for a violation, unless the violation occurs in an area marked using paint or a sign.

AB 436 (Approved on October 13 2023 - effective 2024)

This bill removes authorization for a local authority to adopt rules and regulations by ordinance or regulation regarding cruising. Additionally, the law legalizes "low rider" vehicles allowing them to cruise streets by removing the height restriction on lowered vehicles.

AB 455 (Approved on September 26 2023 - effective 2024)

This bill, on July 1, 2024, authorizes the prosecution to request an order from the court, as specified, to prohibit a defendant subject to pretrial diversion from owning or possessing a firearm because they are a danger to themselves or others until they successfully complete diversion or their firearm rights are restored, as specified.

AB 641 (Approved on October 8 2023 - effective 2024)

This bill revises the definition of an automobile dismantler to include a person who keeps or maintains on property owned by the person, or under their possession or control, for any of the above-described purposes 9 or more used catalytic converters that have been cut from a motor vehicle using a sharp implement. The bill makes a first violation of acting as an automobile dismantler due to possessing 9 or more catalytic converters as described above punishable as an infraction, and subsequent violations punishable as a misdemeanor, as specified.

**AB 645** (Approved on October 13 2023 - effective 2024)

This bill authorizes the Cities of Los Angeles, San Jose, Oakland, Glendale, and Long Beach, and the City and County of San Francisco to establish a Speed Safety System Pilot Program subject to specified requirements. The system allows the cities to utilize a fixed or mobile radar or laser system or any other electronic device that utilizes automated equipment to detect a violation of speed laws and obtains a clear photograph of a speeding vehicle's license plate in specified locations.

AB 701 (Approved on October 8 2023 - effective 2024)

This bill adds fentanyl to the substances for which additional terms or fines can be imposed and requires a defendant who violates those laws with respect to a substance containing heroin, fentanyl, or cocaine, as specified, to know of the substance's nature or character as a controlled substance to be subjected to an additional term and authorized fine.

AB 1418 (Approved on October 8 2023 - effective 2024)

This bill prohibits a local government from, among other things, imposing a penalty against a resident, owner, tenant, landlord, or other person as a consequence of contact with a law enforcement agency, as specified. The bill also prohibits a local government from requiring or encouraging a landlord to evict or penalize a tenant because of the tenant's association with another tenant or household member who has had contact with a law enforcement agency or has a criminal conviction or to perform a criminal background check of a tenant or a prospective tenant.

AB 1519 (Approved on October 13 2023- effective 2024)

This bill prohibits any person, except as exempted, from removing, altering, or obfuscating the vehicle identification number that has been added to a catalytic converter, or from knowingly possessing 3 or more catalytic converters that have been so altered. A violation of these provisions is punishable as a misdemeanor.

SB 2 (Approved on September 26 2023 - effective 2024) (also under "police-related laws")

The bill eliminates certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act. Additionally, this bill prevents concealed carry of firearms in certain public areas. The bill is being challenged in court for violating the Second Amendment of the U.S. Constitution.

SB 14 (Approved on September 25 2023 - effective 2024)

This bill creates harsher penalties for those arrested and tried on charges of sex trafficking of minors for monetary gain. The new law includes human trafficking of minors for commercial gain in the definition of a "serious felony," resulting in harsher prison sentences and inclusion in California's Three Strikes Law.

SB 19 (Approved on October 13 2023 - effective 2024)

This bill, upon appropriation by the Legislature, establishes the Fentanyl Misuse and Overdose Prevention Task Force to undertake various duties relating to fentanyl misuse including, among others, collecting and organizing data on the nature and extent of fentanyl misuse in California and evaluating approaches to increase public awareness of fentanyl misuse.

**SB 43** (Approved on October 10 2023 - effective 2024)

This bill adds to the definition of “gravely disabled” to also include a condition in which a person, as a result of a severe substance use disorder, or a co-occurring mental health disorder and a severe substance use disorder, is, in addition to the basic personal needs described above, unable to provide for their personal safety or necessary medical care. Existing law provides for the involuntary commitment and treatment of a person who is a danger to themselves or others or who is “gravely disabled.” The bill also expands the definition of “gravely disabled,” as it applies to specified sections, to include, in addition to the basic needs described above, the inability for a person to provide for their personal safety or necessary medical care as a result of chronic alcoholism. The bill authorizes counties to defer implementation of these provisions to January 1, 2026, as specified.

SB 55 (Approved on October 13 2023 - effective 2024)

This bill prohibits a dealer or retailer from selling a new or used motor vehicle equipped with a catalytic converter unless the catalytic converter has been permanently marked, as defined, with the vehicle identification number of the vehicle to which it is attached.

SB 250 (Approved on July 21 2023 - effective 2024)

This bill defines “seeking medical assistance” for the purposes of the exemption of the crime of possessing a controlled substance, controlled substance analog, or drug paraphernalia for a person who experiences a drug-related overdose and who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug-related overdose, to be under the influence of, or to possess for personal use the prohibited items. The bill also provides that it is not a crime for a person to possess for personal use a controlled substance, controlled substance analog, or drug paraphernalia, if the person delivers the controlled substance or controlled substance analog to the local public health department or law enforcement and notifies them of the likelihood that other batches of the controlled substance may have been adulterated with other substances, if known. The bill makes the person’s identity confidential.

SB 700 (Approved on October 7 2023 - effective 2024)

This bill makes it unlawful for an employer to request information from an applicant relating to the applicant's prior use of cannabis, or to use prior criminal history of cannabis use.

SB 883 (Approved on October 4 2023 - effective 2024)

This bill removes exhibition of speed from the definition of gross negligence in the elements of the crime of vehicular manslaughter and adds engaging in a motor vehicle speed contest.



Oakland Police Commission

Ad Hoc Committees
2024
DRAFT



MEET OAKLAND'S POLICE COMMISSIONERS



Chair
Marsha Peterson



Vice Chair
Karely Ordaz



Commissioner
Regina Jackson



Commissioner
Jesse Hsieh



Commissioner
Wilson Riles Jr.



Commissioner
Angela Jackson-Castain



Alternate Commissioner
Ricardo Garcia-Acosta



AD HOC COMMITTEES 2024

Ad Hoc Committee	Description	Commissioners
NSA (Negotiated Settlement Agreement)	<p>This ad hoc committee is tasked with: (1) Representing the Commission in all deliberations and discussions with other City of Oakland stakeholders pertaining to the Sustainability Period and efforts to resolve Court oversight; (2) Reviewing the status of OPD compliance with NSA Tasks 5 (investigations) and 45 (racial disparity in discipline) and make recommendations as to any policies that may be required to achieve compliance in these areas, including the review and assessment of the January 18, 2023 policy recommendations of Clarence, Dyer & Cohen, LLP; and (3) Recommend policies and actions required to ensure that the constitutional policing mandated by the NSA continue beyond the Sustainability Period.</p>	Peterson (Chair), Jackson-Castain, Jackson
BUDGET	<p>This ad hoc committee is tasked with overseeing budget that is created for a specific, often temporary or special purpose, related to the operations, initiatives, or oversight of a police department or law enforcement agency. Ad hoc police commission budget might be allocated for a special task force, a specific investigation, community engagement programs, reforms, equipment upgrades, or any other initiative that requires additional financial resources beyond the scope of the regular budget.</p>	Ordaz (Chair), Riles Jr., Hsieh



AD HOC COMMITTEES 2024

Ad Hoc Committee	Description	Commissioners
CPRA & OIG POLICIES	<p>This ad hoc committee is tasked with reviewing and establishing standard operating procedures and policies for the Community Police Review Agency (CPRA). The CPRA is an independent civilian oversight agency with jurisdiction to investigate public complaints against sworn employees of the Oakland Police Department, make findings about those complaints, and recommend discipline when required.</p>	Ordaz (Chair), Garcia-Acosta, Jackson-Castain
MILITARIZED EQUIPMENT	<p>The Militarized Equipment ad hoc committee is tasked with drafting and updating policies regulating the acquisition and use of militarized equipment by the Oakland Police Department in accordance with the City of Oakland's Controlled Equipment Ordinance (OMC 9.65) and state law (AB 481; Gov Code 7070 et seq.)</p>	Hsieh (Chair), Garcia-Acosta



AD HOC COMMITTEES 2024

Ad Hoc Committee	Description	Commissioners
RACIAL PROFILING	<p>This ad hoc committee serves as a dedicated forum to address the complex issues of racial profiling while promoting community policing principles. Its temporary nature allows for focused attention on these critical matters, aiming to create lasting improvements in law enforcement practices and relationships between the police and the diverse communities they serve.</p>	Jackson (Chair), Garcia-Acosta, Peterson
COMMUNITY POLICING	<p>This ad hoc committee is dedicated to developing a new policy directing Oakland Police Department's role in Community Policing. This project began in earnest in July 2021 in partnership with community leaders, activists, police officers, and city staff. OPD has resubmitted the policy with amendments for review by the Ad Hoc, which reconvened in June 2023.</p>	Hsieh (Chair), Riles Jr., Garcia-Acosta
OAKLAND BLACK OFFICERS (OBOA)	<p>This ad hoc committee's formation demonstrates a commitment to addressing the unique challenges and promoting the professional development and well-being of Black officers within the law enforcement agency. Its focus on advocacy, support, and cultural awareness aims to create a more inclusive and supportive environment for Black individuals working within the department.</p>	Jackson (Chair), Jackson-Castain, Riles Jr.



AD HOC COMMITTEES 2024

Ad Hoc Committee	Description	Commissioners
RULES	<p>This ad hoc committee's temporary nature allows for focused attention on the review and refinement of policies and rules governing law enforcement, ensuring they align with evolving standards, legal requirements, and community expectations. The ultimate goal is to establish guidelines that promote accountability, transparency, fairness, and effective law enforcement practices within the jurisdiction.</p>	<p>Jackson-Castain (Chair), Ordaz, Jackson</p>
ENABLING ORDINANCE	<p>This ad hoc committee's temporary nature allows for focused attention on crafting a robust ordinance that outlines the establishment or enhancement of a police commission. This ordinance aims to provide a structured framework for effective oversight, accountability, and transparency in law enforcement activities while balancing the interests of the community and law enforcement agencies.</p>	<p>Hsieh (Chair), Ordaz, Peterson</p>



AD HOC COMMITTEES 2024

Ad Hoc Committee	Description	Commissioners
STAFF EVALUATIONS	<p>This ad hoc committee's primary objective is to ensure that the staff supporting the police commission operate efficiently, maintain high standards of performance, and effectively contribute to the commission's functions. Through regular evaluations and constructive feedback, this committee aims to facilitate continuous improvement among the staff working directly for the commission.</p>	Peterson (Chair), Ordaz, Jackson
RETREAT & STRATEGIC PLAN	<p>This ad hoc committee's temporary nature allows for a focused effort in organizing a strategic planning retreat and drafting a comprehensive plan to guide the commission's activities, initiatives, and decisions over a specified period. The strategic plan serves as a roadmap to help the police commission achieve its objectives, improve operations, and better serve the community.</p>	Jackson–Castain (Chair), Riles Jr., Ordaz