



OAKLAND POLICE COMMISSION

SPECIAL MEETING AGENDA

December 16, 2021

6:30 PM

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 Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

Pursuant to California Government Code Section 54953(e), 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.



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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/81395768635> 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: 813 9576 8635

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 radwan@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 radwan@oaklandca.gov.



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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 Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

I. Call to Order, Welcome, Roll Call and Determination of Quorum

Chair Regina Jackson

Roll Call: Chair Regina Jackson; Vice Chair Tyfahra Milele; Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner David Jordan; Commissioner Marsha Peterson; Alternate Commissioner Jesse Hsieh

II. Adoption of Renewal Resolution Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953(E), a Provision of AB-361.

The Commission will re-adopt findings to permit it to continue meeting via teleconference under the newly amended provisions of the Brown Act. ***This is a recurring item.***

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

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

After ascertaining how many members of the public wish to speak, Chair Regina Jackson will invite the public to speak on any items not on the agenda but may be of interest to the public, and that are within the subject matter jurisdiction of the Commission. Comments on specific agenda items will not be heard during Open Forum but must be reserved until the agenda item is called. The Chair has the right to reduce speaking time to 1 minute if the number of speakers would cause this Open Forum to extend beyond 15 minutes. Any speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2, at the end of the agenda.

IV. Consent Calendar

Consider non-substantive changes to the Commission's previously adopted Rules of Procedure and Code of Conduct, reflected in attached redlines. ***This item is a continuation of action taken at the 2.25.21 meeting (Rules of Procedure adopted) and the 5.27.21 meeting (Code of Conduct adopted) (Attachment 4).***

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

V. Update from Police Chief

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; an update on the Negotiated Settlement Agreement; 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 (specific questions regarding survey of police officer morale, coordination, officer's public messaging, Juvenile Interrogation Process, Stop Data and interactions with other law enforcement entities); and specific topics requested in advance by Commissioners. ***This is a recurring item (Attachment 5).***

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

VI. Selection of Inspector General

The Commission will provide an update on the selection and hiring of Oakland's first independent Inspector General. ***This item is a new item.***

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

VII. Consider Approval of Revised CID Policies & Procedures (OPD Homicide Section)

The Commission will review and discuss the approval of the Police Department's revised Policies and Procedures manual for the Department's Criminal Investigation Division; Homicide Section (19-01). ***This item is a continuation from a discussion at the 11.18.21 meeting (Attachment 7).***

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

VIII. Review of the 77th Federal Monitor Report

The Commission will review and discuss the most recently published report from the Federal Monitor. ***This is a recurring item (Attachment 8)***

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

IX. Committee Reports

Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item (Attachment 9).***

**Inspector General Search
(Commissioners Milele, Jackson, Peterson)**

The Inspector General Search Ad Hoc Committee is tasked with conducting a nationwide search for a civilian Inspector General who will report to the Police Commission.

**CID Manual Review Ad Hoc
(Commissioners Howell, Hsieh, Jackson)**

The focus of this Ad Hoc is to review and support a public process with respect to the Commission's consideration of OPD's revised Policies and Procedures manual for the Department's Criminal Investigation Division; Homicide Section (19-01).

**OBOA Allegations Investigation
(Commissioners Harbin-Forte, Jackson)**

The mission of the OBOA Allegations Investigation Ad Hoc Committee is to select an outside firm through the City's Request for Proposals process, to investigate allegations made by the Oakland Black Officers Association that the Oakland Police Department engages in racially discriminatory hiring and promotions.

**Rules of Procedure Ad Hoc
(Commissioners Gage, Harbin-Forte)**

The Rules of Procedure Ad Hoc Committee has been formed to examine the organization and operation of the Commission, make recommendations designed to strengthen the Commission, improve the Commission's relationships with governmental partners, and better enable the Commission to fulfill its Charter-mandated oversight duties.

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

X. Open Forum Part 2 (2 minutes per speaker)

Chair Regina Jackson will invite public speakers to speak on items that were not on the agenda, and that are within the subject matter jurisdiction of the Commission, with priority given to speakers who were unable to address the Commission during Open Forum at the beginning of the meeting. Speakers who made comments during Open Forum Part 1 will not be permitted to make comments during this Open Forum. Comments previously made during public comment on agenda items may not be repeated during this Open Forum. The Chair has the right to reduce speaking time to 1 minute for reasons the Chair will state on the record. ***This is a recurring item.***

XI. Adoption of Meeting Minutes

The Commission will vote to approve minutes from the November 18 Special Meeting. ***This is a recurring item. (Attachment 11).***

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

XII. 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 12).***

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

XIII. Adjournment

NOTICE: In compliance with the Americans with Disabilities Act, 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 Chief of Staff, Rania Adwan, at radwan@oaklandca.gov for assistance. Notification at least 48 hours before the meeting will enable the Police Commission to make reasonable arrangements to ensure accessibility to the meeting and to provide any required accommodations, auxiliary aids or services.

OAKLAND POLICE COMMISSION

RESOLUTION NO. 21-09

ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE OAKLAND POLICE COMMISSION AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. *See* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

WHEREAS, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

WHEREAS, City Council Resolution No. 88075 remains in full force and effect to date; and

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. *See* <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

WHEREAS, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. *See* <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

WHEREAS, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19

symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

WHEREAS, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

WHEREAS, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

WHEREAS, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

WHEREAS, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

WHEREAS, on October 14, 2021 the Oakland Police Commission adopted a resolution determining that conducting in-person meetings would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361; now therefore be it:

RESOLVED: that the Oakland Police Commission finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this resolution; and be it

FURTHER RESOLVED: that, based on these determinations and consistent with federal, state and local health guidance, the Oakland Police Commission renews its determination that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

FURTHER RESOLVED: that the Oakland Police Commission firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

FURTHER RESOLVED: that the Oakland Police Commission will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Oakland Police Commission finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.

ON DECEMBER 16, 2021, AT A MEETING OF THE OAKLAND POLICE COMMISSION IN OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES –

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
 RANIA ADWAN
 Chief of Staff
 Oakland Police Commission
 City of Oakland, California



CITY OF OAKLAND

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

Police Commission

Date: December 10, 2021
To: Chair Regina Jackson and Members of the Oakland Police Commission
From: Rules of Procedure Ad Hoc Committee (Commissioners Gage and Harbin-Forte)
RE: Reformatting of First Pages of Code of Conduct and Rules of Order

RECOMMENDATION

The Rules Ad Hoc Committee (Committee) recommends that the Oakland Police Commission (Commission) make non-substantive changes to the Commission's previously adopted Rules of Procedure and Code of Conduct through the following actions:

- (1) Reformat the first page of the Commission's Code of Conduct to:
 - a. insert the heading "Guiding Principles" and
 - b. delete the word "whereas" and all other resolution language wherever it appears; and

- (2) Reformat the first page of the Commission's Rules of Order to:
 - a. delete all of the "whereas" clauses, and
 - b. delete all resolution language wherever it appears in the Rules of Order,

All of these proposed non-substantive amendments are reflected in the accompanying redlined and clean copies of the first pages of each document.

The Committee further recommends that the complete Code of Conduct and the complete Rules of Order with their revised cover pages be made available to the public by posting them at a link accessible from the Commission's webpage at: <https://www.oaklandca.gov/boards-commissions/police-com>

BASIS FOR RECOMMENDATION

The recommendation is made because both the final Code of Conduct and the final Rules of Order are formatted as resolutions, but the Commission did not adopt or process them as resolutions. The Committee believes that changing the Code of Conduct cover page to reframe the "whereas" clauses as "Guiding Principles" is consistent with the intent of the Commissioners that the Code of Conduct specify the rationale for, and the limitations on the use of, the Code of Conduct. With respect to the Rules of Order, the "whereas" clauses and other resolution language add nothing of substance of the Rules of Order, so deleting the language will not affect the rules.



CITY OF OAKLAND

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

Police Commission

Date: October 8, 2021
 To: Chair Regina Jackson and Members of the Oakland Police Commission
 From: Rules of Procedure Ad Hoc Committee (Commissioners Gage, Harbin-Forte, and Garcia)
 RE: Reformatting of First Pages of Code of Conduct and Rules of Order

RECOMMENDATION

The Rules of Procedure Ad Hoc Committee (Committee) recommends that the Oakland Police Commission (Commission) take the following action: (1) Reformat the first page of the Commission’s Code of Conduct to insert the heading “Guiding Principles” and to delete the word “whereas” and all other resolution language wherever it appears; and (2) Reformat the first page of the Commission’s Rules of Order to delete all of the “whereas” clauses and all other resolution language wherever it appears, all as reflected on the accompanying redlined and clean copies of the first pages of each document. The Committee further requests that the reformatting requests be placed on the agenda as a Consent Calendar item for the next Commission meeting, under the heading “Reformat Certain Commission Documents” or similar description, so that the Code of Conduct and the Rules of Order can be immediately properly posted on the Commission’s webpage.

BASIS FOR RECOMMENDATION

The recommendation is made because both the final Code of Conduct and the final Rules of Order are formatted as resolutions. However, they should not have been formatted as resolutions, and, of more importance, the Commission did not approve or adopt them as resolutions. There are no attestations at the end of the final documents. The Committee believes that changing the Code of Conduct cover page to reframe the “whereas” clauses as “Guiding Principles” is consistent with the intent of the Commissioners that the Code of Conduct specify the rationale for, and the limitations on the use of, the Code of Conduct. With respect to the Rules of Order, the “whereas” clauses and other resolution language add nothing of substance of the Rules of Order, so deleting the language will not affect the rules.

BASIS FOR CONSENT CALENDAR REQUEST

The Commission’s Rule 2.24 provides in relevant part: “The Consent Calendar may include routine matters that are expected to be non-controversial and on which there are no scheduled speakers. . . . 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.”

The Committee believes that the requested changes will be non-controversial, and no Committee member will speak on the item. The Committee also notes that if another Commissioner wishes to remove the item from the Consent Calendar, the Committee will move that the item be tabled for discussion at a future meeting.

A sense of urgency exists because the Commission’s Rules of Order are not posted anywhere on the Commission’s webpage, and the Rules should be posted as soon as possible under an appropriate tab, with the reformatted cover page. The Code of Conduct is on the Commission’s webpage, but it is under the “Commission Resolutions” tab and is difficult for the public to find. The Code of Conduct does not look like any of the other resolutions under the Resolutions tab. Reformatting the first page will allow the Code of Conduct to be relocated from the “Resolutions” tab to its own tab.

**ORIGINAL VERSION ADOPTED 5/24/2018
AMENDED 5/27/2021
AMENDED 10/14/2021**

**CITY OF OAKLAND
POLICE COMMISSION**

CODE OF CONDUCT

GUIDING PRINCIPLES

Police Commissioners are public officials and have a responsibility to conduct themselves with the highest integrity and leadership.

Police Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group.

Police Commissioners must act in the public interest, not their private interests or any special interests.

Police Commissioners must strictly adhere to the legal and ethical requirements of office and avoid all situations where prejudice, bias or conflicts of interest could influence their decisions.

Accountability for and between members of the Police Commission is promoted by the adoption of agreed-upon standards of behavior.

Rule 7.1 of the Oakland Police Commission's Rules of Order calls for the adoption of a Code of Conduct to which Commissioners are to be held accountable. This Code is intended as a statement of the expectations of Commissioner behavior, not as a pretext for discipline by the Commission, or evidence in support or removal of a Commissioner.

In accordance with the Oakland City Charter, the Oakland Municipal Code, and the Oakland Police Commission's Rules of Order, the following is established as the Code of Conduct for the Oakland Police Commission.

CODE OF CONDUCT

A. Responsibilities of All Commissioners. Serving on the Commission is an honor. All Commissioners shall conduct themselves in a manner that demonstrates civility, courtesy, honesty, integrity, decorum, and respect in all discussions, debates, and interactions with the public, fellow Commissioners, and City of Oakland representatives and staff. Commissioners shall observe the letter and the spirit of all state and federal laws, the Charter of the City of Oakland, the Oakland Municipal Code, Commission Rules of Order, and this Code of Conduct. To promote these ideals and to ensure the credibility of the Commission, all Commissioners shall:

1. Prepare in advance for, attend, and fully participate in all Commission meetings, unless excused by the Chair;
2. Actively engage in assigned Commission committees and meet applicable deadlines;
3. Be respectful of time constraints during public meetings by raising only appropriate points that advance the decision-making process;
4. Foster a collaborative working relationship with other Commissioners and engage in discussions with them in a manner that shows respect and appreciation for their varied backgrounds, skills and interests, so that Commission business can be discussed openly and comfortably;
5. Respect differing opinions, and refrain from belligerent comments or personal attacks, shouting, or any other actions that could be construed as threatening or intimidating;
6. Take the time to comprehend, and then actively and diligently support and implement final action taken by the Commission as a whole, even when the Commissioner did not vote with the majority on such action;
7. Maintain the confidentiality of all confidential information disclosed to Commissioners, unless expressly authorized by the Chair, the Commission's legal advisor, or court order to disclose such information;
8. When appearing before or corresponding with another governmental agency, a non-governmental organization, or the public, clearly articulate whether they are acting or speaking on behalf of the Commission, on behalf of a Commission Committee, or in their personal or individual capacity;
9. When speaking as a representative of the Commission, state the Commission's official position on the issue, as reflected by a Commission vote. If a Commissioner who did not vote with the majority on the issue wishes to speak to the reasons for the Commissioner's individual vote, the Commissioner should do so in a way that respectfully recognizes the vote of the majority;

10. Avoid any explicit or implicit promises on behalf of the Commission as to a certain outcome related to any Commission action. Commissioners may appropriately give a brief factual overview of Commission policy, but should refer questions to the Chair, Vice Chair, or Commission staff to provide further information.
11. Treat all staff as professionals and engage in clear, honest communication that respects the abilities, experience and dignity of each individual; and
12. Participate in the ongoing review and improvement of Commission procedures, such as this Code of Conduct.

B. Responsibilities of the Chair. It is a privilege to serve as the Commission's leader. With that privilege comes the responsibility to treat other Commissioners as equals, and in a manner that demonstrates appreciation and respect for their hard work and commitment. To promote these ideals, the Chair (or other Presiding Officer), in addition to complying with the responsibilities of all Commissioners as stated above shall:

1. Welcome input and suggestions from other Commissioners on how to improve the operations of the Commission;
2. Take the time to comprehend and then diligently comply with all of the Commission's rules of procedure and any other authorities governing the Commission's work;
3. Maintain order and decorum at meetings by applying the Commission's rules and other governing authorities in a consistent fashion to ensure the fair and equal treatment of all speakers;
4. Keep discussion and questions at the meetings focused on the specific agenda item under consideration, and ensure that discussion of related items advances deliberation of that agenda item; and
5. Seek advice from the Commission's Legal Counsel as necessary to ensure compliance with the Commission's rules and other statutes or authorities governing the Commission's work.

C. Social Media. Commissioners are strictly accountable for their conduct at all times, whether in public or private, in person or through social media outlets. Of course Commissioners may engage in activity that is protected by the First Amendment. However, Commissioners who maintain personal social media accounts and publicly disseminate information related to the Commission's work must understand that their social media posts may discredit, undermine, or otherwise negatively impact the Commission, the City of Oakland, or the Oakland Police Department. For these reasons, Commissioners should exercise good judgment when posting content on social media platforms, and should refrain from using social media to attack, retaliate against, or harass other Commissioners, the Commission itself, the Oakland Police Department, and City staff.

COMMISSIONER'S ACKNOWLEDGMENT

I hereby acknowledge receipt of this Oakland Police Commission Code of Conduct on the date stated below and agree to abide by all of its terms.

Commissioner Signature

Date

Commissioner Printed Name

**ORIGINAL VERSION ADOPTED 5/24/2018
AMENDED 5/27/2021
AMENDED 10/14/2021**

**CITY OF OAKLAND
POLICE COMMISSION**

CODE OF CONDUCT

**~~Resolution Adopting a Code of Conduct for
the Oakland Police Commission~~**

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

GUIDING PRINCIPLES

~~WHEREAS~~, Police Commissioners are public officials and have a responsibility to conduct themselves with the highest integrity and leadership. ~~;~~ ~~and~~

~~WHEREAS~~, Police Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group. ~~;~~ ~~and~~

~~WHEREAS~~, Police Commissioners must act in the public interest, not their private interests or any special interests. ~~;~~ ~~and~~

~~WHEREAS~~, Police Commissioners must strictly adhere to the legal and ethical requirements of office and avoid all situations where prejudice, bias or conflicts of interest could influence their decisions. ~~;~~ ~~and~~

~~WHEREAS~~, ~~a~~Accountability for and between members of the Police Commission is promoted by the adoption of agreed-upon standards of behavior. ~~;~~

~~WHEREAS~~, Rule 7.1 of the Oakland Police Commission's Rules of Order calls for the adoption of a Code of Conduct to which Commissioners are to be held accountable. ~~;~~ ~~and~~

~~WHEREAS~~, ~~t~~Ihis Code is intended as a statement of the expectations of Commissioner behavior, not as a pretext for discipline by the Commission, or evidence in support or removal of a Commissioner. ~~;~~ ~~now therefore be it~~

~~RESOLVED~~, ~~that the Commission adopts this Code of Conduct in its entirety; and~~

~~FURTHER RESOLVED~~, ~~that i~~n accordance with the Oakland City Charter, the

Oakland Municipal Code, and the Oakland Police Commission's Rules of Order, the following is established as the Code of Conduct for the Oakland Police Commission.

~~OAKLAND POLICE COMMISSION~~

CODE OF CONDUCT

A. Responsibilities of All Commissioners. Serving on the Commission is an honor. All Commissioners shall conduct themselves in a manner that demonstrates civility, courtesy, honesty, integrity, decorum, and respect in all discussions, debates, and interactions with the public, fellow Commissioners, and City of Oakland representatives and staff. Commissioners shall observe the letter and the spirit of all state and federal laws, the Charter of the City of Oakland, the Oakland Municipal Code, Commission Rules of Order, and this Code of Conduct. To promote these ideals and to ensure the credibility of the Commission, all Commissioners shall:

1. Prepare in advance for, attend, and fully participate in all Commission meetings, unless excused by the Chair;
2. Actively engage in assigned Commission committees and meet applicable deadlines;
3. Be respectful of time constraints during public meetings by raising only appropriate points that advance the decision-making process;
4. Foster a collaborative working relationship with other Commissioners and engage in discussions with them in a manner that shows respect and appreciation for their varied backgrounds, skills and interests, so that Commission business can be discussed openly and comfortably;
5. Respect differing opinions, and refrain from belligerent comments or personal attacks, shouting, or any other actions that could be construed as threatening or intimidating;
6. Take the time to comprehend, and then actively and diligently support and implement final action taken by the Commission as a whole, even when the Commissioner did not vote with the majority on such action;
7. Maintain the confidentiality of all confidential information disclosed to Commissioners, unless expressly authorized by the Chair, the Commission's legal advisor, or court order to disclose such information;
8. When appearing before or corresponding with another governmental agency, a non-governmental organization, or the public, clearly articulate whether they are acting or speaking on behalf of the Commission, on behalf of a Commission Committee, or in their personal or individual capacity;
9. When speaking as a representative of the Commission, state the Commission's official position on the issue, as reflected by a Commission

- vote. If a Commissioner who did not vote with the majority on the issue wishes to speak to the reasons for the Commissioner's individual vote, the Commissioner should do so in a way that respectfully recognizes the vote of the majority;
10. Avoid any explicit or implicit promises on behalf of the Commission as to a certain outcome related to any Commission action. Commissioners may appropriately give a brief factual overview of Commission policy, but should refer questions to the Chair, Vice Chair, or Commission staff to provide further information.
 11. Treat all staff as professionals and engage in clear, honest communication that respects the abilities, experience and dignity of each individual; and
 12. Participate in the ongoing review and improvement of Commission procedures, such as this Code of Conduct.

B. Responsibilities of the Chair. It is a privilege to serve as the Commission's leader. With that privilege comes the responsibility to treat other Commissioners as equals, and in a manner that demonstrates appreciation and respect for their hard work and commitment. To promote these ideals, the Chair (or other Presiding Officer), in addition to complying with the responsibilities of all Commissioners as stated above shall:

1. Welcome input and suggestions from other Commissioners on how to improve the operations of the Commission;
2. Take the time to comprehend and then diligently comply with all of the Commission's rules of procedure and any other authorities governing the Commission's work;
3. Maintain order and decorum at meetings by applying the Commission's rules and other governing authorities in a consistent fashion to ensure the fair and equal treatment of all speakers;
4. Keep discussion and questions at the meetings focused on the specific agenda item under consideration, and ensure that discussion of related items advances deliberation of that agenda item; and
5. Seek advice from the Commission's Legal Counsel as necessary to ensure compliance with the Commission's rules and other statutes or authorities governing the Commission's work.

C. Social Media. Commissioners are strictly accountable for their conduct at all times, whether in public or private, in person or through social media outlets. Of course Commissioners may engage in activity that is protected by the First Amendment. However, Commissioners who maintain personal social media accounts and publicly disseminate information related to the Commission's work must understand that their social media posts may discredit, undermine, or otherwise negatively impact the Commission, the City of Oakland, or the Oakland Police Department. For these reasons, Commissioners should exercise good judgment when posting content on social media platforms, and should refrain from using social media to attack, retaliate against, or harass other Commissioners, the Commission itself, the Oakland Police Department, and City staff.

COMMISSIONER'S ACKNOWLEDGMENT

I hereby acknowledge receipt of this Oakland Police Commission Code of Conduct on the date stated below and agree to abide by all of its terms.

Commissioner Signature

Date

Commissioner Printed Name

~~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

RULES OF ORDER

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

~~ORIGINAL VERSION APPROVED 12.27.2017
AMENDED 8.23.2018
AMENDED 9.13.2018
AMENDED 5.19.2019
AMENDED 2.25.2021
AMENDED 10.14.2021~~

~~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 previously adopted and amended various rules of procedure, and now desires to further 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.~~

~~ness 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~~

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~~WHEREAS, in December 2017, August 2018, September 2018, and May 2019, the Commission properly previously adopted and amended various rules of procedure, and now desires to further 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.~~

DRAFT



Weekly Crime Report — Citywide

06 Dec. – 12 Dec., 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)	87	5,539	5,676	6,212	9%	5,809	7%
Homicide – 187(a)PC	1	71	100	120	20%	97	24%
Homicide – All Other *	-	3	7	10	43%	7	50%
Aggravated Assault	44	2,617	3,128	3,398	9%	3,048	11%
Assault with a firearm – 245(a)(2)PC	13	274	465	584	26%	441	32%
Subtotal - Homicides + Firearm Assault	14	348	572	714	25%	545	31%
Shooting occupied home or vehicle – 246PC	5	238	394	510	29%	381	34%
Shooting unoccupied home or vehicle – 247(b)PC	1	110	202	255	26%	189	35%
Non-firearm aggravated assaults	25	1,995	2,067	2,049	-1%	2,037	1%
Rape	3	197	210	145	-31%	184	-21%
Robbery	39	2,654	2,238	2,549	14%	2,480	3%
Firearm	25	970	720	1,043	45%	911	14%
Knife	-	135	161	105	-35%	134	-21%
Strong-arm	8	1,186	919	744	-19%	950	-22%
Other dangerous weapon	2	85	73	69	-5%	76	-9%
Residential robbery – 212.5(a)PC	-	87	83	91	10%	87	5%
Carjacking – 215(a) PC	4	191	282	497	76%	323	54%
Burglary	84	14,074	8,440	9,578	13%	10,697	-10%
Auto	59	11,604	6,071	7,694	27%	8,456	-9%
Residential	7	1,708	1,192	995	-17%	1,298	-23%
Commercial	11	586	931	598	-36%	705	-15%
Other (Includes boats, aircraft, and so on)	2	155	178	155	-13%	163	-5%
Unknown	5	21	68	136	100%	75	81%
Motor Vehicle Theft	92	6,150	8,348	8,462	1%	7,653	11%
Larceny	36	7,322	5,723	5,804	1%	6,283	-8%
Arson	2	146	184	164	-11%	165	0%
Total	301	33,234	28,378	30,230	7%	30,614	-1%

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 unfounding 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.



OAKLAND POLICE DEPARTMENT

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

CRIME ANALYSIS

Weekly Gunfire Summary

06 Dec. – 12 Dec., 2021

Citywide <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
Homicide – 187(a)PC	1	71	100	120	20%	97	24%
Homicide – All Other *	-	3	7	10	43%	7	50%
Assault with a firearm – 245(a)(2)PC	13	274	465	584	26%	441	32%
Subtotal - 187 + 245(a)(2)	14	348	572	714	25%	545	31%
Shooting occupied home or vehicle – 246PC	5	238	394	510	29%	381	34%
Shooting unoccupied home or vehicle – 247(b)PC	1	110	202	255	26%	189	35%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	20	696	1,168	1,479	27%	1,114	33%
Negligent discharge of a firearm – 246.3PC	25	656	1,256	1,747	39%	1,220	43%
Grand Total	45	1,352	2,424	3,226	33%	2,334	38%

Area 1 <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
Homicide – 187(a)PC	-	14	9	16	78%	13	23%
Homicide – All Other *	-	-	1	1	0%	1	50%
Assault with a firearm – 245(a)(2)PC	-	46	59	81	37%	62	31%
Subtotal - 187 + 245(a)(2)	-	60	69	98	42%	76	30%
Shooting occupied home or vehicle – 246PC	-	48	51	77	51%	59	31%
Shooting unoccupied home or vehicle – 247(b)PC	-	13	28	36	29%	26	40%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	-	121	148	211	43%	160	32%
Negligent discharge of a firearm – 246.3PC	1	77	113	130	15%	107	22%
Grand Total	1	198	261	341	31%	267	28%

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CRIME ANALYSIS

Weekly Gunfire Summary

06 Dec. – 12 Dec., 2021

Area 2 <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
Homicide – 187(a)PC	-	2	3	10	233%	5	100%
Homicide – All Other *	-	-	1	1	0%	1	50%
Assault with a firearm – 245(a)(2)PC	3	11	26	47	81%	28	68%
Subtotal - 187 + 245(a)(2)	3	13	30	58	93%	34	72%
Shooting occupied home or vehicle – 246PC	1	8	15	18	20%	14	32%
Shooting unoccupied home or vehicle – 247(b)PC	-	7	2	12	500%	7	71%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	4	28	47	88	87%	54	62%
Negligent discharge of a firearm – 246.3PC	-	19	24	50	108%	31	61%
Grand Total	4	47	71	138	94%	85	62%

Area 3 <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
Homicide – 187(a)PC	-	14	21	25	19%	20	25%
Homicide – All Other *	-	1	1	2	100%	1	50%
Assault with a firearm – 245(a)(2)PC	1	47	93	126	35%	89	42%
Subtotal - 187 + 245(a)(2)	1	62	115	153	33%	110	39%
Shooting occupied home or vehicle – 246PC	1	37	56	82	46%	58	41%
Shooting unoccupied home or vehicle – 247(b)PC	-	18	35	37	6%	30	23%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	2	117	206	272	32%	198	37%
Negligent discharge of a firearm – 246.3PC	9	114	242	323	33%	226	43%
Grand Total	11	231	448	595	33%	425	40%

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OAKLAND
POLICE DEPARTMENT

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CRIME ANALYSIS

Weekly Gunfire Summary
06 Dec. – 12 Dec., 2021

Area 4 <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
Homicide – 187(a)PC	-	11	24	27	13%	21	31%
Homicide – All Other *	-	2	-	2	PNC	1	50%
Assault with a firearm – 245(a)(2)PC	3	55	95	124	31%	91	36%
Subtotal - 187 + 245(a)(2)	3	68	119	153	29%	113	35%
Shooting occupied home or vehicle – 246PC	-	53	97	110	13%	87	27%
Shooting unoccupied home or vehicle – 247(b)PC	-	22	43	55	28%	40	38%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	3	143	259	318	23%	240	33%
Negligent discharge of a firearm – 246.3PC	5	142	312	452	45%	302	50%
Grand Total	8	285	571	770	35%	542	42%

Area 5 <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
Homicide – 187(a)PC	1	30	43	42	-2%	38	10%
Homicide – All Other *	-	-	4	4	0%	3	50%
Assault with a firearm – 245(a)(2)PC	6	109	177	190	7%	159	20%
Subtotal - 187 + 245(a)(2)	7	139	224	236	5%	200	18%
Shooting occupied home or vehicle – 246PC	3	90	168	220	31%	159	38%
Shooting unoccupied home or vehicle – 247(b)PC	1	48	93	110	18%	84	31%
Subtotal - 187 + 245(a)(2) + 246 + 247(b)	11	277	485	566	17%	443	28%
Negligent discharge of a firearm – 246.3PC	10	299	540	776	44%	538	44%
Grand Total	21	576	1,025	1,342	31%	981	37%

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OAKLAND POLICE DEPARTMENT

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CRIME ANALYSIS

2021 Year-to-Date Recovered Guns

Recoveries through 12 Dec., 2021

Grand Total 1,137

Crime Recoveries	
Felony	610
Felony - Violent	219
Homicide	33
Infraction	0
Misdemeanor	37
Total	899

Crime Gun Types	Felony	Felony - Violent	Homicide	Infraction	Misdemeanor	Total
Machine Gun	1	3				4
Other	3					3
Pistol	493	184	26		33	736
Revolver	18	5	2		1	26
Rifle	59	19	2		3	83
Sawed Off	5					5
Shotgun	17	3	2			22
Sub-Machinegun						0
Unknown/Unstated	14	5	1			20
Total	610	219	33	0	37	899

Non-Criminal Recoveries	
Death Investigation	21
Found Property	111
SafeKeeping	106
Total	238

Non-Criminal Gun Types	Death Investigation	Found Property	SafeKeeping	Total
Machine Gun		1		1
Other				0
Pistol	12	52	56	120
Revolver	6	30	20	56
Rifle		9	19	28
Sawed Off		1		1
Shotgun	3	12	10	25
Sub-Machinegun				0
Unknown/Unstated		6	1	7
Total	21	111	106	238



OAKLAND POLICE DEPARTMENT

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CRIME ANALYSIS

Week: 06 Dec. to 12 Dec., 2021

Weekly Total 22

Crime Recoveries	This Week	Last Week	+/- Change	% Change
Felony	17	16	1	6%
Felony - Violent	1	5	-4	-80%
Homicide	2	0	2	PNC
Infraction	0	0	0	PNC
Misdemeanor	0	1	-1	-100%
Total	20	22	-2	-9%

Other Recoveries	This Week	Last Week	+/- Change	% Change
Death Investigation	0	0	0	PNC
Found Property	1	3	-2	-67%
Safekeeping	1	1	0	0%
Total	2	4	-2	-50%

PNC = Percentage not calculated
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OAKLAND POLICE DEPARTMENT

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CRIME ANALYSIS

2021 vs. 2020 — Year-to-Date Recovered Guns

Recoveries through 12 Dec.

Gun Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Grand Total	1,222	1,137	-85	-7%

Crime Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Felony	648	610	-38	-6%
Felony - Violent	219	219	0	0%
Homicide	50	33	-17	-34%
Infraction	0	0	0	PNC
Misdemeanor	54	37	-17	-31%
Total	971	899	-72	-7%

Non-Criminal Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Death Investigation	25	21	-4	-16%
Found Property	104	111	7	7%
SafeKeeping	122	106	-16	-13%
Total	251	238	-13	-5%

PNC = Percentage not calculated

[Percentage cannot be calculated.](#)



For Immediate Release December 3, 2021

OPD NEWS:

OPD Homicide Division Close Nearly a Dozen Cases in November

The Oakland Police Department (OPD) Homicide Division continues to work around the clock to solve homicide cases and bring justice to families who have lost loved ones to homicide. This year, the Homicide Division has investigated 129 homicides in the City of Oakland. This represents a significant increase compared to prior years, in response Chief LeRonne L. Armstrong reassigned six additional investigators to work in the homicide section for a total of 16 homicide investigators. https://fb.watch/9Dzz-f_h1O/

The additional investigators allowed the department to solve 10 homicides in the month of November. All 10 solved homicides were charged by the Alameda County District Attorney's Office, bringing OPD's homicide clearance rate to 44%.

- On June 25, 2021, Ukono Hall was fatally shot in the 5400 block of Bancroft Avenue. Charles Beal was arrested by OPD officers. The Alameda County District Attorney's Office charged Beal with Hall's murder.
- On August 14, 2021, Victor Argueta-Casara was fatally shot in the 300 block of West MacArthur Boulevard. On November 17, 2021, officers with OPD's Violent Crime Operation Center (VCOC) located and arrested a juvenile in Stockton. The Alameda County District Attorney's Office charged the juvenile with the murder of Argueta-Casara.
- On September 26, 2021, Sweet and Sam Mesui who are brothers, were fatally shot in the 3700 block of High Street. On November 23, 2021, Sam Veimau turned himself into officers. The Alameda County District Attorney's Office charged Veimau with the murders of Sweet Mesui and Sam Mesui.
- On October 18, 2021, Carolina Carillo-Mendoza's body was found with a gunshot(s) in the 7800 block of Redwood Road. On November 2, 2021, OPD officers located and arrested Matias Mendoza-Mendoza. The Alameda County District Attorney's Office charged Mendoza-Mendoza with the murder of Carillo-Mendoza.
- On October 21, 2021, Ersie Joyner was a victim of a robbery in the 1700 block of Castro Street. During the robbery, Joyner shot and killed Desoni Gardner who was robbing Joyner along with Marlon King and Kamandre King. Joyner was shot multiple times by Marlon King. The investigation led to the identification of Joshua Hayles who was the driver of the vehicle in which the suspects fled.

Marlon King and Kamandre King were taken into custody in Elk Grove, California, and Hayles was taken into custody in Houston, Texas. The Alameda County District



Attorney's Office charged Marlon King, Kamanre King, and Hayles with Gardner's murder.

- On October 29, 2021, Harold Jackson was fatally shot in the 900 block of 85th Avenue. On that same day, Leland Moore was arrested by OPD officers. The Alameda County District Attorney's Office charged Moore with Jackson's murder.
- On November 18, 2021, Mari Shaw and Jesse Willner were fatally shot in the 400 block of 17th Street. On that same day, Franz Gadiant was arrested by OPD officers. The Alameda County District Attorney's Office charged Gadiant with the murders of Shaw and Willner.
- On November 2, 2021, Terrell Graham was fatally shot in the 5000 block of Melrose Avenue. On November 8, 2021, Jason Hathorn was arrested for attempted murder. On November 25, 2021, Graham succumbed to his injuries. The Alameda County District Attorney's Office charged Hathorn with Graham's murder.

Ceasefire continues to be the department's primary strategy to address gun violence. Our VCOC leads our focused enforcement and apprehension efforts. In 2021, OPD has arrested 53 homicide suspects, supporting our message that OPD will make every effort to bring those responsible for these crimes to justice.

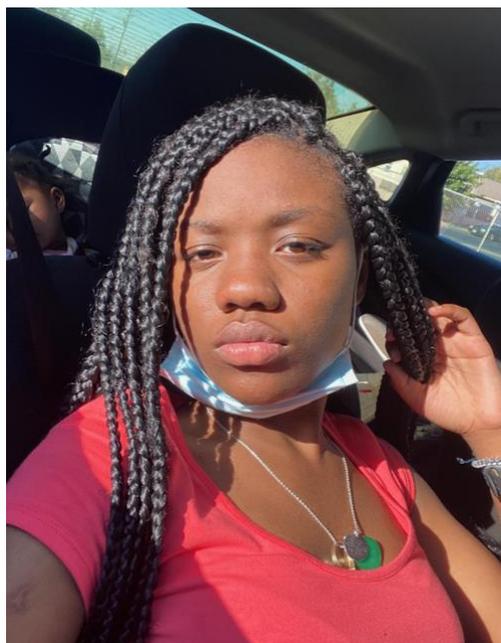
Anyone with information can contact the Homicide Section at (510) 238-3821 or the TIP LINE at (510) 238-7950.



For Immediate Release – December 2, 2021
OPD NEWS:

Help Locate Daniyah Strane, A Runaway Person at Risk Due to Age

The Oakland Police Department is requesting assistance from our community and media partners in locating juvenile runaway Daniyah Strane, who is at-risk due to her age.



Strane was last seen at midnight on November 30, 2021, at her residence in Oakland, wearing a black t-shirt with singer “Aaliyah” on the front, gray sweatpants, and black shoes.

Strane is described as a 13-year-old, black female, 5’5” tall, 118 pounds, with black hair, and brown eyes.

If you have any knowledge or information regarding the whereabouts of Strane, please notify the Oakland Police Department's Missing Persons Unit at 510-238-3641.



For Immediate Release – December 2, 2021
OPD NEWS:

Help Locate Marina Doyle, A Runaway Person at Risk Due to Age

The Oakland Police Department is requesting assistance from our community and media partners in locating runaway person Marina Doyle, who is at-risk due to her age.



Marina Doyle is 12 years old and was last seen December 1, 2021, at 11 PM, in the 5900 block of Marshall Street.

The 12-year-old is described as a black female, weighing 100 pounds, and is 4'6" tall. She has brown hair and blue eyes. Doyle was last seen wearing a black hat, tan and grey sweater, and black cargo pants. She has abrasions on her left shoulder, lower back, and right leg from falling off her skateboard.

If you have any information regarding the whereabouts of Doyle, please notify the **Oakland Police Department's Missing Persons Unit at (510) 238-3641**



For Immediate Release December 8, 2021
OPD NEWS:

Help Locate Missing Person at Risk, Amanda West

The Oakland Police Department is requesting assistance from our community and media partners in locating Missing Person at risk, Amanda West.



West was last seen on December 7, 2021, at 7:30 PM, in the 3000 block of Broadway. She was wearing a gold and tan sweater and blue jeans. West is possibly driving a 2018 Hyundai Elantra, 4-door, blue in color.

West is described as a 25-year-old Black female. She stands 5'4", weighs 155 pounds, with black hair and brown eyes. West's family reports she has mental health challenges.

If you have any knowledge or information regarding the whereabouts of West, please notify the **Oakland Police Department's Missing Persons Unit at 510-238-3641.**

Visit [Nixle.com](https://www.nixle.com) to receive Oakland Police Department alerts, advisories, and community messages, or follow OPD on Twitter, Facebook, Instagram @oaklandpoliceca.



For Immediate Release – December 2, 2021
OPD NEWS:

OPD is Assisting Hammond Indiana Police in locating Missing Person Merriel Hartfield

The Oakland Police Department is requesting assistance from our community and media partners in locating Merriel Hartfield, who is reported as a missing person by the Hammond Police Department in Hammond, Indiana.



Hartfield was last seen on November 21, 2021, around Laney Community College in Oakland, CA. She was last seen wearing an olive-green jacket, a blue hooded sweatshirt, and dark-colored pants.

Hartfield is described as a 25-year-old, black female, 5'6", 120 pounds with a thin build, and dreadlocks with gold beads.

If you have any knowledge or information regarding the whereabouts of Hartfield, please notify the **Oakland Police Department's Missing Persons Unit at 510-238-3641.**

December 8, 2021

Seventy-Seventh Report *of the Independent Monitor for the Oakland Police Department*

Introduction

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

Following the Court's Order of May 21, 2015, we devote special attention to the most problematic component parts of the NSA Tasks that are not yet in full or sustained compliance; and discuss in our status reports the most current information regarding the Department's progress with the NSA and its efforts at making the reforms sustainable. Our monthly reports do not address all Tasks. This report describes our recent assessments of NSA Tasks 5, 20, 41, and 45.

Each month, our Team conducts a visit to Oakland that includes both compliance assessments and technical assistance. Due to the COVID pandemic, we have been holding our visits remotely. During our site visits, we meet with Department and City officials; observe Department meetings and technical demonstrations; review Departmental policies; conduct interviews and make observations in the field; and analyze OPD documents and files, including misconduct investigations, use of force reports, crime and arrest reports, Stop Data Forms, and other documentation.

During the September 1, 2021 Case Management Conference, the Court reiterated its five priorities for the Department:

1. Reduce racial disparities in vehicle, pedestrian, and bicycle stops, with continued use of intelligence-led policing;
2. Implement Vision and its associated dashboards in a technologically straightforward way so that the tools are used effectively in the risk management process;
3. Recruit officers who reflect the diversity (gender, race/ethnicity, and other) of Oakland;
4. Ensure that all uses of force and instances of potential misconduct are accurately reported and rigorously investigated within set timeliness standards; and
5. Ensure that disciplinary decisions and the disciplinary process are fair and equitable.

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The Department is making progress in these areas, and the Chief and the Monitor continue their discussions regarding these on a regular basis.

Focused Task Assessments

Task 5: Complaint Procedures for IAD

Requirements:

- 1. On or before December 1, 2003, OPD shall develop a policy so that, OPD personnel who become aware that a citizen wishes to file a complaint shall bring such citizen immediately, or as soon as circumstances permit, to a supervisor or IAD or summon a supervisor to the scene. If there is a delay of greater than three (3) hours, the reason for such delay shall be documented by the person receiving the complaint. In the event that such a complainant refuses to travel to a supervisor or to wait for one, the member/employee involved shall make all reasonable attempts to obtain identification, including address and phone number, as well as a description of the allegedly wrongful conduct and offending personnel, from the complainant and any witnesses. This information, as well as a description of the complaint, shall immediately, or as soon as circumstances permit, be documented on a Complaint Form and submitted to the immediate supervisor or, in his/her absence, the appropriate Area Commander, and shall be treated as a complaint. The supervisor or appropriate Area Commander notified of the complaint shall ensure the Communications Division is notified and forward any pertinent documents to the IAD.*
- 2. An on-duty supervisor shall respond to take a complaint received from a jail inmate taken into custody by OPD, who wishes to make a complaint of Class I misconduct contemporaneous with the arrest. The supervisor shall ensure the Communications Division is notified and forward any pertinent documents to the IAD. All other misconduct complaints by a jail inmate shall be handled in the same manner as other civilian complaints.*
- 3. In each complaint investigation, OPD shall consider all relevant evidence, including circumstantial, direct and physical evidence, and make credibility determinations, if feasible. OPD shall make efforts to resolve, by reference to physical evidence, and/or use of follow-up interviews and other objective indicators, inconsistent statements among witnesses.*
- 4. OPD shall develop provisions for the permanent retention of all notes, generated and/or received by OPD personnel in the case file.*

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5. *OPD shall resolve each allegation in a complaint investigation using the “preponderance of the evidence” standard. Each allegation shall be resolved by making one of the following dispositions: Unfounded, Sustained, Exonerated, Not Sustained, or Administrative Closure. The Department shall use the following criteria for determining the appropriate disposition:*
 - a. *Unfounded: The investigation disclosed sufficient evidence to determine that the alleged conduct did not occur. This finding shall also apply when individuals named in the complaint were not involved in the alleged act.*
 - b. *Sustained: The investigation disclosed sufficient evidence to determine that the alleged conduct did occur and was in violation of law and/or Oakland Police Department rules, regulations, or policies.*
 - c. *Exonerated: The investigation disclosed sufficient evidence to determine that the alleged conduct did occur, but was in accord with law and with all Oakland Police Department rules, regulations, or policies.*
 - d. *Not Sustained: The investigation did not disclose sufficient evidence to determine whether or not the alleged conduct occurred.*
 - e. *Administrative Closure: The investigation indicates a service complaint, not involving an MOR violation, was resolved without conducting an internal investigation; OR*
 - f. *To conclude an internal investigation when it has been determined that the investigation cannot proceed to a normal investigative conclusion due to circumstances to include but not limited to the following:*
 - 1) *Complainant wishes to withdraw the complaint and the IAD Commander has determined there is no further reason to continue the investigation and to ensure Departmental policy and procedure has been followed;*
 - 2) *Complaint lacks specificity and complainant refuses or is unable to provide further clarification necessary to investigate the complaint;*
 - 3) *Subject not employed by OPD at the time of the incident; or*
 - 4) *If the subject is no longer employed by OPD, the IAD Commander shall determine whether an internal investigation shall be conducted.*
 - 5) *Complainant fails to articulate an act or failure to act, that, if true, would be an MOR violation; or*
 - 6) *Complaints limited to California Vehicle Code citations and resulting tows, where there is no allegation of misconduct, shall be referred to the appropriate competent authorities (i.e., Traffic Court and Tow Hearing Officer).*

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Task 5.1 requires that when a citizen wishes to file a complaint, the citizen is brought to a supervisor or IAD, or a supervisor is summoned to the scene. **Task 5.2** requires that if there is a delay of greater than three hours in supervisory response, the reason for the delay must be documented. **Task 5.3** requires that where a complainant refuses to travel to a supervisor, or wait for one, personnel make all reasonable attempts to obtain specific information to assist in investigating the complaint. **Task 5.4** requires that specific information be documented on a complaint form and submitted to the immediate supervisor or, in his/her absence, the appropriate Area Commander. **Task 5.5** requires that the supervisor or Area Commander notify Communications and forward any pertinent documents to IAD.

To assess compliance with Tasks 5.1 through 5.5, we reviewed the Daily Incident Logs (DILs) prepared by the Communications Division and forwarded to IAD each business day. The DIL form has been modified several times during our tenure to elicit “forced responses” that gather all of the information required to evaluate compliance with these Tasks. These modifications have significantly enhanced OPD’s ability to document compliance by properly filling out and distributing the logs, and compliance rates with these subtasks have been near 100% for several years. Consequently, we no longer actively assess OPD’s compliance with these subtasks, but we continue to receive both the DILs and Daily Complaint Referral Logs (used to document when Information Business Cards [IBCs] are provided to citizens in lieu of a complaint forms). We spot-check these forms regularly to verify that the quality of their completion has not diminished. OPD remains in compliance with Tasks 5.1 through and including Task 5.5.

Task 5.6 requires that an on-duty supervisor respond to take a complaint received from a jail inmate taken into custody by OPD, who wishes to make a complaint of Class I misconduct contemporaneous with the arrest of the inmate. We have not actively monitored this subtask since December 2014, though we have reviewed cases applicable to this requirement in several reports since that time.

Task 5.12 requires that the Watch Commander ensure that any complaints that are applicable to Task 5.6 are delivered to and logged with IAD. Under current policy, the Communications Division must record on the DILs complaints that are received and/or handled by on-duty supervisors, and the DILs are forwarded daily to IAD.

OPD remains in compliance with Tasks 5.6 and 5.12.

Task 5.15 through **Task 5.19**, and **Task 5.21**, collectively address the quality of completed IAD investigations, and therefore remain the subject of our focused Task assessments. To assess compliance with these Tasks, we reviewed 15 IAD cases that were closed between July 1-August 31, 2021, sampled from our two most recent document requests. This sample included investigations completed by IAD and Division-level investigations (DLIs). It also included cases that were resolved via formal investigation and investigations that were resolved via summary finding. (Summary findings are investigations in which the Department believes a proper conclusion can be determined based on a review of existing documentation with limited or no additional interviews and follow-up.) As is our practice, if we had questions pertaining to a case, we consulted with the commanding officer of IAD before making our final determination.

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Together, **Tasks 5.15** and **Task 5.16** require that OPD: gathers all relevant evidence; conducts follow-up interviews where warranted; adequately considers the evidence gathered; makes credibility assessments where feasible; and resolves inconsistent statements.

In all of the cases we reviewed, we believe that OPD gathered all relevant evidence available. As we often find, in many of the cases video and/or audio recordings proved to be a significant factor in allowing OPD to reach an appropriate conclusion. Investigators conducted follow-up interviews to seek clarification or resolve inconsistencies in four of the 15 cases we reviewed. In one case, the complainant was interviewed seven times, and two subject officers were each interviewed twice. In another case, three witness officers were each interviewed twice. In another case, the complainant was interviewed four times, each time with the assistance of a language translation service. In the final case, the complainant was interviewed twice.

OPD made credibility assessments for all involved parties in seven of the 15 cases. We agreed with these credibility assessments, and there were no “not credible” determinations in any of these cases. Three cases were approved for summary finding; and per policy, investigators are not required to assess the credibility of the involved officers and civilian employees in these instances. The remaining five cases were administratively closed – two in whole or in part via informal complaint resolution – and credibility assessments are not required for administrative closures.

In seven of the 15 cases we reviewed, OPD resolved inconsistent statements. In four of these cases, BWC recordings were available and assisted in the determination. In one case, recorded phone calls were available for review. Three cases resulted in at least one finding of not sustained. Not sustained is an acceptable finding; and by definition, it implies that inconsistencies were not resolved despite investigative efforts. Five additional cases were administratively, negating the need to resolve inconsistent statements.

Task 5.17 requires that OPD permanently retain all notes generated and/or received by OPD personnel in the case file. OPD personnel document that all investigative notes are contained within a particular file by completing an Investigative Notes Declaration Form. OPD has a sustained history of 100% compliance with this subtask. During this reporting period, the form was again properly completed in all of the cases we reviewed.

Task 5.18 requires that OPD resolve each allegation in a complaint investigation using the preponderance of the evidence standard. **Task 5.19** requires that each allegation of a complaint is identified and resolved with one of the following dispositions: unfounded; sustained; exonerated; not sustained; or administrative closure. Our sample of 15 cases contained 55 allegations that received dispositions as follows: 12 exonerated; six unfounded; eight not sustained; ten sustained; and 19 administratively closed (eight of these by informal complaint resolution, or ICR). We did not disagree with the findings in any of the cases we reviewed.

Task 5.20 requires that the IAD Commander review all “filed” cases quarterly to determine whether the conditions that prevented investigation and final disposition have changed. A filed case is defined as an investigation that cannot be presently completed and is pending further developments that will allow completion of the investigation; filed is not a final disposition. Traditionally, as part of our review of this Task, we also reviewed cases that are tolling. OPD defines a tolled case as an administrative investigation that has been held in abeyance in

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accordance with one of the provisions of Government Code Section 3304. While we are no longer actively assessing this subtask, we note that filed and tolling cases are reviewed with the Chief or her designee during the weekly IAD meetings and are listed by case number on the printed meeting agendas. We receive and review these agendas regularly, and a Monitoring Team member regularly attends these meetings. Additionally, we regularly receive a weekly report listing all tolled cases and all cases approaching their 3304 dates. When we have questions regarding any of the cases in the report, the IAD Commander answers them promptly.

Task 5.21 requires that any member or employee who is a subject of an internal investigation, as well as any other member or employee on the scene of an incident at which misconduct has been alleged by a complainant, shall be interviewed and a recorded statement taken. However, with the approval of the IAD Commander or his designee, investigators are not required to interview and/or take a recorded statement in all cases. For example, interviews are not needed from a member or employee who is the subject of a complaint, or who was on the scene of the incident when additional information – beyond that already provided by the existing set of facts and/or documentation – is not necessary to reach appropriate findings and conclusions. Three of the 15 cases we reviewed were resolved via summary finding, and each case was appropriately approved for such closure. Five other cases were administratively closed, negating the need for interviews in these cases.

Task 5 compliance status	Deferred
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Task 20: Span of Control

Requirements:

On or before August 14, 2003, OPD shall develop and implement a policy to ensure appropriate supervision of its Area Command Field Teams. The policy shall provide that:

1. *Under normal conditions, OPD shall assign one primary sergeant to each Area Command Field Team, and, in general, (with certain exceptions) that supervisor's span of control shall not exceed eight (8) members.*
2. *During day-to-day operations, in the absence of the primary supervisor (e.g., due to sickness, vacation, compensatory time off, schools, and other leaves), the appropriate Area Commander shall determine, based on Department policy and operational needs, whether or not to backfill for the absence of the sergeant on leave.*
3. *If a special operation, (e.g., Beat Feet, Special Traffic Offenders Program (STOP), etc.) requires more than eight (8) members, the appropriate Area Commander shall determine the reasonable span of control for the supervisor.*

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4. *If long-term backfill requires the loan or transfer of a supervisor from another unit, the Chief of Police and/or the Deputy Chief of Police shall make that decision.*

(Negotiated Settlement Agreement IV. C.)

Relevant Policy:

Three Departmental policies incorporate the requirements of Task 20: Departmental General Order A-19, *Supervisory Span of Control*, issued on July 26, 2006; Departmental General Order D-13, *Assignment to Acting Higher Rank or Classification*, issued on June 17, 1999; and Departmental General Order D-13.1, *Assignment to Acting Sergeant of Police*, issued on May 14, 2014. (The publication of DGO D-13.1 cancelled Special Order 8435, which previously governed the selection process of acting sergeants.)

Commentary:

To assess these requirements for this report, we reviewed spreadsheets prepared by the Department for July, August, and September 2021 that, by date, note which type of sergeant supervised each applicable squad – a primary sergeant, relief sergeant, acting sergeant, other sergeant (one working overtime), or none. (The Department refers to unsupervised squads as “open.”) We calculated per squad the compliance percentages for this subtask during this time period. Each of the 49 applicable squads were in compliance – that is, all applicable squads during this time period were supervised by either a primary, relief, or other/overtime sergeant for at least 85% of their working shifts. We also found that none of the applicable squads exceeded the required 1:8 supervisor to officer ratio at least 90% of their working shifts.

OPD continues to be in compliance with these requirements. The Department has institutionalized the practices of tracking how each squad is supervised each day; planning, when possible, for expected absences; and considering how to fill in for personnel who are absent unexpectedly.

Task 20 compliance status	In compliance
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Task 41: Use of Personnel Assessment System (PAS) and Risk Management

Requirements:

Within 375 days from the effective date of this Agreement, OPD shall develop a policy for use of the system, including supervision and audit of the performance of specific members, employees, supervisors, managers, and OPD units, as well as OPD as a whole.

The policy shall include the following elements:

1. *The Chief of Police shall designate a PAS Administration Unit. The PAS Administration Unit shall be responsible for administering the PAS policy and, no less frequently than quarterly, shall notify, in writing, the appropriate Deputy Chief/Director and the responsible commander/manager of an identified member/employee who meets the PAS criteria. PAS is to be electronically maintained by the City Information Technology Department.*
2. *The Department shall retain all PAS data for at least five (5) years.*
3. *The Monitor, Inspector General and Compliance Coordinator shall have full access to PAS to the extent necessary for the performance of their duties under this Agreement and consistent with Section XIII, paragraph K, and Section XIV of this Agreement.*
4. *PAS, the PAS data, and reports are confidential and not public information.*
5. *On a quarterly basis, commanders/managers shall review and analyze all relevant PAS information concerning personnel under their command, to detect any pattern or series of incidents which may indicate that a member/employee, supervisor, or group of members/employees under his/her supervision may be engaging in at-risk behavior. The policy shall define specific criteria for determining when a member/employee or group of members/employees may be engaging in at-risk behavior.*
6. *Notwithstanding any other provisions of the PAS policy to be developed, the Department shall develop policy defining peer group comparison and methodology in consultation with Plaintiffs' Counsel and the IMT. The policy shall include, at a minimum, a requirement that any member/employee who is identified using a peer group comparison methodology for complaints received during a 30-month period, or any member who is identified using a peer group comparison methodology for Penal Code §§69, 148 and 243(b)(c) arrests within a 30-month period, shall be identified as a subject for PAS intervention review. For the purposes of these two criteria, a single incident shall be counted as "one" even if there are multiple complaints arising from the incident or combined with an arrest for Penal Code §§69, 148 or 243(b)(c).*
7. *When review and analysis of the PAS threshold report data indicate that a member/employee may be engaging in at-risk behavior, the member/employee's immediate supervisor shall conduct a more intensive review of the*

member/employee's performance and personnel history and prepare a PAS Activity Review and Report. Members/employees recommended for intervention shall be required to attend a documented, non-disciplinary PAS intervention meeting with their designated commander/manager and supervisor. The purpose of this meeting shall be to review the member/employee's performance and discuss the issues and recommended intervention strategies. The member/employee shall be dismissed from the meeting, and the designated commander/manager and the member/employee's immediate supervisor shall remain and discuss the situation and the member/employee's response. The primary responsibility for any intervention strategies shall be placed upon the supervisor. Intervention strategies may include additional training, reassignment, additional supervision, coaching or personal counseling. The performance of members/ employees subject to PAS review shall be monitored by their designated commander/manager for the specified period of time following the initial meeting, unless released early or extended (as outlined in Section VII, paragraph B (8)).

8. *Members/employees who meet the PAS threshold specified in Section VII, paragraph B (6) shall be subject to one of the following options: no action, supervisory monitoring, or PAS intervention. Each of these options shall be approved by the chain-of-command, up to the Deputy Chief/Director and/or the PAS Activity Review Panel.*

Members/employees recommended for supervisory monitoring shall be monitored for a minimum of three (3) months and include two (2) documented, mandatory follow-up meetings with the member/employee's immediate supervisor. The first at the end of one (1) month and the second at the end of three (3) months.

Members/employees recommended for PAS intervention shall be monitored for a minimum of 12 months and include two (2) documented, mandatory follow-up meetings with the member/employee's immediate supervisor and designated commander/manager: The first at three (3) months and the second at one (1) year. Member/employees subject to PAS intervention for minor, easily correctable performance deficiencies may be dismissed from the jurisdiction of PAS upon the written approval of the member/employee's responsible Deputy Chief, following a recommendation in writing from the member/employee's immediate supervisor. This may occur at the three (3)-month follow-up meeting or at any time thereafter, as justified by reviews of the member/employee's performance. When a member/employee is not discharged from PAS jurisdiction at the one (1)-year follow-up meeting, PAS jurisdiction shall be extended, in writing, for a specific period in three (3)-month increments at the discretion of the member/employee's responsible Deputy Chief. When PAS jurisdiction is extended beyond the minimum one (1)-year review period, additional review meetings involving the member/employee, the member/ employee's designated commander/manager and immediate supervisor, shall take place no less frequently than every three (3) months.

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9. *On a quarterly basis, Division/appropriate Area Commanders and managers shall review and analyze relevant data in PAS about subordinate commanders and/or managers and supervisors regarding their ability to adhere to policy and address at-risk behavior. All Division/appropriate Area Commanders and managers shall conduct quarterly meetings with their supervisory staff for the purpose of assessing and sharing information about the state of the unit and identifying potential or actual performance problems within the unit. These meetings shall be scheduled to follow-up on supervisors' assessments of their subordinates' for PAS intervention. These meetings shall consider all relevant PAS data, potential patterns of at-risk behavior, and recommended intervention strategies since the last meeting. Also considered shall be patterns involving use of force, sick leave, line-of-duty injuries, narcotics-related possessory offenses, and vehicle collisions that are out of the norm among either personnel in the unit or among the unit's subunits. Division/appropriate Area Commanders and managers shall ensure that minutes of the meetings are taken and retained for a period of five (5) years. Commanders/managers shall take appropriate action on identified patterns of at-risk behavior and/or misconduct.*
10. *Division/appropriate Area Commanders and managers shall meet at least annually with his/her Deputy Chief/Director and the IAD Commander to discuss the state of their commands and any exceptional performance, potential or actual performance problems or other potential patterns of at-risk behavior within the unit. Division/appropriate Area Commanders and managers shall be responsible for developing and documenting plans to ensure the managerial and supervisory accountability of their units, and for addressing any real or potential problems that may be apparent.*
11. *PAS information shall be taken into account for a commendation or award recommendation; promotion, transfer, and special assignment, and in connection with annual performance appraisals. For this specific purpose, the only disciplinary information from PAS that shall be considered are sustained and not sustained complaints completed within the time limits imposed by Government Code Section 3304.*
12. *Intervention strategies implemented as a result of a PAS Activity Review and Report shall be documented in a timely manner.*
13. *Relevant and appropriate PAS information shall be taken into account in connection with determinations of appropriate discipline for sustained misconduct allegations. For this specific purpose, the only disciplinary information from PAS that shall be considered are sustained and not sustained complaints completed within the time limits imposed by Government Code Section 3304.*
14. *The member/employee's designated commander/manager shall schedule a PAS Activity Review meeting to be held no later than 20 days following notification to the Deputy Chief/Director that the member/employee has met a PAS threshold and when intervention is recommended.*

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15. *The PAS policy to be developed shall include a provision that a member/employee making unsatisfactory progress during PAS intervention may be transferred and/or loaned to another supervisor, another assignment or another Division, at the discretion of the Bureau Chief/Director if the transfer is within his/her Bureau. Inter-Bureau transfers shall be approved by the Chief of Police. If a member/employee is transferred because of unsatisfactory progress, that transfer shall be to a position with little or no public contact when there is a nexus between the at-risk behavior and the “no public contact” restriction. Sustained complaints from incidents subsequent to a member/employee’s referral to PAS shall continue to result in corrective measures; however, such corrective measures shall not necessarily result in a member/employee’s exclusion from, or continued inclusion in, PAS. The member/employee’s exclusion or continued inclusion in PAS shall be at the discretion of the Chief of Police or his/her designee and shall be documented.*
16. *In parallel with the PAS program described above, the Department may wish to continue the Early Intervention Review Panel.*
17. *On a semi-annual basis, beginning within 90 days from the effective date of this Agreement, the Chief of Police, the PAS Activity Review Panel, PAS Oversight Committee, and the IAD Commander shall meet with the Monitor to review the operation and progress of the PAS. At these meetings, OPD administrators shall summarize, for the Monitor, the number of members/employees who have been identified for review, pursuant to the PAS policy, and the number of members/employees who have been identified for PAS intervention. The Department administrators shall also provide data summarizing the various intervention strategies that have been utilized as a result of all PAS Activity Review and Reports. The major objectives of each of these semi-annual meetings shall be consideration of whether the PAS policy is adequate with regard to detecting patterns of misconduct or poor performance issues as expeditiously as possible and if PAS reviews are achieving their goals.*
18. *Nothing in this Agreement, and more specifically, no provision of PAS, shall be construed as waiving, abrogating or in any way modifying the Department’s rights with regard to discipline of its members/employees. The Department may choose, at its discretion, to initiate the administrative discipline process, to initiate PAS review or to use both processes concurrently or consecutively.*

(Negotiated Settlement Agreement VII. B.)

Relevant Policy:

OPD revised and issued Departmental General Order D-17, *Personnel Assessment Program*, in November 2013.

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Commentary:

The Department continues its risk management work as defined by Task 40, which elaborates data requirements; and Task 41, which describes the required procedures for the risk management system. The Department's Risk Management Meeting processes have continued to evolve. The meetings now occur at multiple layered levels, including Area meetings and specialized units, meetings across the Bureau of Field Operations, and Department-wide reviews of risk-related data and processes. During our most recent site visit, OPD held a Department-wide meeting. These meetings are not yet codified in Department policy. The Department has sent several iterations of a draft policy, and we have discussed our recommendations and suggestions. The codification of a Department policy relevant to Risk Management Meetings should have been behind us by this time.

OPD's commitment to risk management has been reflected in the establishment of its Bureau of Risk Management (BRM). The BRM oversees the risk management process and its iterations which originated with the NSA. The initial elaboration of the Bureau's mission and processes are being defined by Chief Armstrong and the BRM's first Deputy Chief. A recent personnel change resulted in the reassignment of the Deputy Chief who has been principally charged with overseeing risk management processes and organizational components.

The Data Manager provides the analysis and presentation of data for the multiple layers of Risk Management Meetings. For the most recent Risk Management Meeting, the Data manager added new measures of risk-related issues by adding new data on outcomes of police stops – including data on searches, handcuffing, and arrests. Additional analysis was also provided for cases in which charges of assault on an officer, obstructing, or resisting arrest were not linked to other substantive charges. New reviews of complaint data were also added to the recent data presentations. All of these are valuable additions to the available risk-related data, particularly as they support analysis of potential racial disparities.

The Department is in the process of writing new policy to clarify the goals and practices of risk management at OPD. We have been working closely with OPD on this policy, to help the Department to institutionalize its new administrative structure, as well as to define and set the schedule for its Risk Management Meetings. As noted above, these meetings are currently not set out in any Department policy, and without that codification, they will not be sustainable. The policy should also ensure that the processes of identification and management of risk are significant throughout the Department and across the careers of officers.

Below are recommendations that may contribute to meeting those goals:

- a. A risk management policy will benefit from clear definitions of risk and of risk management. Those definitions should set expectations and provide a foundation for a systematic process that is not simply ad hoc supervision, and that is also not confused with any form of discipline. Shared definitions of key concepts will help set expectations.
- b. The discussion of risk management should have a place in the officer recruitment process. Risk management should be described as an ongoing improvement and officer development process within the Department, noting that officers' careers are supported by identifying patterns of behavior that may need further development or change.

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Likewise, the supervisory process is improved by systematic analysis of data and responses that support officer improvement. All of that has benefits for the careers of officers and supervisors.

- c. The hiring process can provide opportunities to emphasize officers' obligations and Departmental expectations regarding risk management.
- d. Academy Training should involve a training block dedicated to the philosophical approach of risk management, the data used and the nuts and bolts of the risk management process. It could also include training on risk management data and dashboards and review of all policies relevant to risk management.
- e. Field Training should address the relationship between Field Training Officers and officers with regard to risk management as a formative process.
- f. Sergeants supervising officers in their initial assignments should be expected to demonstrate positive approaches to managing risk.
- g. Training should include covering the Risk Management Meeting structure and command staff, supervisor, and officer roles – as well as the PAS process.
- h. Risk management training can also be important for supervisors; and may also be useful in at addressing new expectations regarding risk management roles at each promotional stage.
- i. The discussion of risk management may also be useful at time of separation from the Department.
- j. The NSA calls for periodic Command reviews of risk-related concerns. Beyond the regular substantive review of risk-related data, a semi-annual management team review of the risk management process and its effectiveness could be useful.

Task 41 compliance status	While we find the Department in compliance, we urge the agency to understand the nexus between this Task and the broader, pending risk management policy.
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Task 45: Consistency of Discipline Policy

Requirements:

On or before October 6, 2003, OPD shall revise and update its disciplinary policy to ensure that discipline is imposed in a fair and consistent manner.

1. *The policy shall describe the circumstances in which disciplinary action is appropriate and those in which Division-level corrective action is appropriate.*
2. *The policy shall establish a centralized system for documenting and tracking all forms of discipline and corrective action, whether imposed centrally or at the Division level.*

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3. *All internal investigations which result in a sustained finding shall be submitted to the Discipline Officer for a disciplinary recommendation. The Discipline Officer shall convene a meeting with the Deputy Chief or designee in the affected chain-of-command for a confidential discussion of the misconduct, including the mitigating and aggravating factors and the member/employee's overall performance.*
4. *The COP may direct the Discipline Officer to prepare a Discipline Recommendation without convening a Discipline Conference.*

(Negotiated Settlement Agreement X. B.)

Relevant Policy:

Five Departmental policies incorporate the requirements of Task 45: Departmental General Order M-03, *Complaints Against Department Personnel and Procedures* (published December 6, 2005 and revised most recently on August 24, 2013); Training Bulletin V-T.1 and V-T.2, *Internal Investigation Procedure Manual* (published July 17, 2008); Internal Affairs Policy and Procedure Manual (published December 6, 2005); and Training Bulletin V-T, *Departmental Discipline Policy* (published March 14, 2014). Several of these policies are currently being revised.

Commentary:

Task 45.2 requires that OPD maintain a centralized system for documenting and tracking all OPD forms of discipline and corrective action, whether imposed centrally or at the division level. To assess Phase 2 compliance with this subtask, we reviewed the 40 cases that contained at least one sustained finding that were approved in May, June, July, and August 2021. All (100%) of these cases and findings contained the necessary information available on the spreadsheets that IAD generated for our review. OPD is in compliance with the requirement that it maintain an adequate system for documenting and tracking discipline and corrective action.

The NSA also requires that discipline be imposed in a manner that is fair and consistent. To this end, the Department developed a Discipline Matrix, which was adopted on September 2, 2010 and was in effect until a new Discipline Matrix was approved on March 14, 2014. This subsequent Matrix applies to violations after that date.

As noted above, we reviewed all 40 cases with sustained findings that were approved in May, June, July, and August 2021. (Several cases involved multiple sustained findings.)

In May, there were seven cases. In one case, an officer was sustained for his involvement in a preventable vehicle collision. In another case, a sergeant was sustained for unlawfully searching the glove compartment of a person's vehicle. In another case, an officer was sustained for cursing at a suspect during a foot pursuit. In another case, an officer was sustained for conducting an improper and inadequate investigation of an assault. There were also three cases that related to the George Floyd protests during the summer of 2020: In the first, several officers were sustained for their use of chemical munitions against protesters; in the second, an officer

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was sustained for directing an officer of another agency to cut the straps of a protester's backpack while placing flexicuffs on the protester; and in the third, an officer was sustained for slapping a cell phone out of a protester's hand.

In June, there were 12 cases. Four cases involved incidents during the summer 2020 George Floyd protests: In the first case, multiple officers were sustained for using force against protesters; in the second, an officer was sustained for cursing at a protester; in the third, an officer was sustained for failure to activate his body-worn camera; and in the fourth, an officer was sustained for his noncompliant chemical munitions deployment. In another case, a sergeant was sustained for failure to accept or refer a complaint and performance of duty after he investigated a use of force in which he was involved and failed to notify his supervisor he allegedly used excessive force. In another case, multiple officers who were working undercover were sustained for performance of duty-care of property for puncturing the tires of a looting suspect's vehicle and a lieutenant was sustained for commanding officers-authority and responsibilities. In another case, a Communications dispatcher was sustained for failing to ask a caller clarifying questions. Three cases involved officers who were sustained for conducting improper preliminary investigations: two of two different vehicle accidents, by the same officer; and one of a battery. In another case, an officer was sustained for demeanor for making rude and inappropriate comments to a man who was suspected of battery. In another case, a member of the executive team was sustained for making inappropriate gender-based comments in violation of Administrative Instruction (AI) 71 (Equal Employment Opportunity/Anti-Discrimination/Non-Harassment Policy and Complaint Procedure).

In July, there were 13 cases. Three cases involved sustained findings for failure to accept or refer a complaint: one against a sergeant, and two against officers. In eight cases, officers were sustained for their involvement in preventable vehicle collisions. In another case, a sergeant and an officer were sustained for their failure to conduct an investigation after the officer struck and seriously injured a dog as he was heading to an incident. In another case, a sergeant was sustained for obedience to laws-misdemeanor/infraction and gifts, gratuities-soliciting or accepting after he was caught in an undercover prostitution sting.

In August, there were eight cases. In one case, an officer was sustained for his involvement in a preventable vehicle collision. In another case, two officers were sustained for inappropriately handling the arrest and transport of a wheelchair-bound subject. In another case, which was referred by the Force Review Board, a sergeant was sustained for demeanor for cursing during a conversation with a subject and performance of duty for failure to conduct a proper force investigation. In another case, an Academy trainee was sustained for demeanor for his inappropriate actions with Training Division staff members. Four cases involved Communications dispatchers. In the first, a dispatcher was sustained for performance of duty after she failed to log out of her Communications console when she went on her lunch break, causing several 911 calls to go unanswered. In the second, a dispatcher was sustained for failure to accept or refer a complaint after she did not follow the proper procedures with a caller who requested to speak with a supervisor. In the third, a dispatcher was sustained for demeanor after she used inappropriate language with a caller. In the fourth, a dispatcher was sustained for performance of duty for failing to ask follow-up questions of a caller reporting a car accident.

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In each case, unless otherwise documented in writing, the proposed discipline fell within the Discipline Matrix that was in effect at the time of the action for which the discipline was imposed.

We reviewed the records that OPD provided for the eight total *Skelly* hearings it completed in May, June, July, and August 2021. *Skelly* hearings are held for IAD cases involving employees with sustained findings in which discipline of a one-day suspension or greater was recommended. We reviewed the reports for the *Skelly* hearings, and found that they contained adequate justification for the results documented.

The first *Skelly* hearing involved an officer who was sustained for a demeanor violation for saying “Keep your mouth shut” to an arrestee he was handcuffing. For this violation, the Chief had approved a two-day suspension. The *Skelly* Officer reduced the discipline to a written reprimand, but the Chief overturned this reduction, noting that there was “not enough mitigation to drop discipline” to that level. The Chief instead reduced the discipline to a one-day suspension.

The second *Skelly* hearing involved an officer who was sustained for unprofessional conduct in violation of the City’s AI 71 (Equal Employment Opportunity/Anti-Discrimination/Non-Harassment Policy and Complaint Procedure) after he made comments to a trainee regarding her age during an Academy training exercise. For this violation, the Chief approved a five-day suspension; the *Skelly* Officer recommended that the sustained finding be overturned (to not sustained), but the Chief denied the recommendation and maintained the original discipline.

The third *Skelly* hearing involved an officer who was sustained for obedience to laws-felony and truthfulness after he vandalized the vehicle of his wife’s friend, and was untruthful during his IAD interview regarding the incident. For these violations, the Chief had approved termination; and the *Skelly* Officer upheld the discipline recommendation.

The fourth *Skelly* hearing involved an officer who was sustained for custody of prisoners-treatment after denying an arrestee’s request to use the restroom. For this violation, the Chief had approved a four-day suspension; the *Skelly* Officer reduced the discipline to a two-day suspension, and the Chief concurred with the recommendation.

The fifth *Skelly* hearing involved an officer who was sustained for a noncompliant vehicle pursuit. For this violation, the Chief had approved a one-day suspension; the *Skelly* Officer reduced the discipline to a written reprimand, and the Chief concurred with the recommendation.

The sixth *Skelly* hearing involved a Communications dispatcher who was sustained for demeanor and failure to accept or refer a complaint for denying a caller’s request to speak with a supervisor. For these violations, the Chief had approved a three-day suspension; the *Skelly* Officer reduced the discipline to a written reprimand, and the Chief concurred with the recommendation.

The seventh *Skelly* hearing involved an officer who was sustained for driving his police vehicle in an unsafe manner. For this violation, the Chief had approved a three-day suspension; and the *Skelly* Officer upheld the discipline recommendation.

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The eighth *Skelly* hearing involved a police service technician who was sustained for miscoding his timesheet. For this violation, the Chief had approved termination; and the *Skelly* Officer upheld the discipline recommendation.

Each month, we request from OPD a list of all *Skelly* officers provided with updated *Skelly* Hearing Training during the past month, and their dates trained. For the four-month period under review, OPD did not conduct any training on this issue. We will continue to review records once they are made available to verify that any applicable personnel who were recently promoted received the approved *Skelly* Officer Training.

For the four-month period under review, OPD received one arbitration decision, on August 29, 2021. This case involved an officer who was terminated for filing a false report about being assaulted while jogging and for being untruthful during his IAD interview regarding the incident. In its post-arbitration brief, the City argued that it would amount to “a violation of the public trust” to return the officer to duty after “he so obviously and readily lied” about what occurred. The arbitrator concurred with the City that the officer “knowingly” filed a false police report and gave false statements to IAD, and upheld the termination.

We will review and discuss any upcoming arbitration decisions in our next assessment of Task 45.

We continue to follow the Department’s response to the discipline disparity study conducted in 2020 by an external consulting firm on behalf of OPD. The study found significant racial disparities in sustained complaints of misconduct between Black officers and officers of other races. The Department is working with the Stanford University SPARQ (Center for Social Psychological Answers to Real-World Questions) to provide a Project Reset: A Cultural Change training program in response to the discipline disparity study report. According to the Department, the program will “teach officers about culture; empower them to decide how they want to serve; create space to learn about and discuss the history of race and policing; and invite officers to propose concrete policy changes.”

Task 45 compliance status	In partial compliance
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Conclusion

We are currently reviewing a list of incidents in which an officer’s failure to properly activate a body-worn camera resulted in any remedial action within the last two years. We requested this list following our most recent review of Task 24 (Use of Force Reporting Policy), where we noted our ongoing concerns with body-worn camera activations in use of force incidents and the failure of supervisors to identify and address this policy violation. We will discuss our assessment in future reports and upcoming site visits with the Department.

During our most recent site visit, we discussed with OPD its plans for the implementation of the recommendations in the public report on what has been referred to as the “Instagram case.” While the City made public commentary about its imposition of discipline in this case, the City made no public statements about the findings of the outside law firm who had investigated the

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matter and had released, through the Court, a detailed public report of its conclusions, observations, and recommendations. The report recommends that the Department establish policies regarding social media and anti-discrimination – incorporating key concepts from the City’s Administrative Instruction 71 (Equal Employment Opportunity/Anti-Discrimination/Non-Harassment Policy and Complaint Procedure); as well as “clear rules and regulations concerning the use of personal devices, private text communications, and ephemeral media in the conduct of police work.” During our visit, the Chief reported that he and other members of the executive team had met with all sergeants, lieutenants, and captains to discuss the findings of the Instagram case report; make clear the Department’s expectations for supervisors; and encourage staff to be more proactive when they identify potentially intolerable behavior. According to the Department’s 301st Biweekly Compliance Update, at these meetings, “The Chief made it clear that there will be command accountability when shortcomings are not properly identified by reviewing commanders and managers.” It is crucial that the new policies developed in response to the Instagram case report include such provisions. We will continue to follow up on the Department’s progress implementing the report’s recommendations during our monthly site visits.

There remain considerable cultural issues that appear to inform the decisions of officers and supervisors in the performance of their duties. Further, the progress in Tasks that have been noncompliant has been disappointing; and we urge the Department and City leadership to elevate its attention to these matters.



Chief (Ret.) Robert S. Warshaw
Monitor



CITY OF OAKLAND | POLICE COMMISSION
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Current Committees

Standing Committee	Commissioners
Outreach	Hsieh, Jordan, Howell
Personnel	Jackson

Ad Hoc Committee	Commissioners
Annual Report	Jackson
Budget	Jackson
Community Policing OPD 15-01	Harbin-Forte, Hsieh, Howell
CPRA Director Performance Evaluation	Milele, Jackson
Inspector General Search	Jackson, Milele, Peterson
Mental Health Model	X (formally Dorado)
Militarized Police Equipment	Gage, Jordan
Missing Persons Policy	Jackson, Jordan
OBOA Allegations Investigation	Harbin-Forte, Jackson
Police Chief Goals and Evaluation	Milele, Peterson
Racial Profiling Policy	Jackson, Milele
Rules of Procedure	Gage, Harbin-Forte
White Supremacists and Other Extremist Groups	Harbin-Forte, Jackson
OPD's Social Media Policy	Jackson, Hsieh, Milele
CID Ad Hoc	Jackson, Howell, Hsieh



OAKLAND POLICE COMMISSION

SPECIAL MEETING MINUTES

November 18, 2021, 5:30 PM

I. Call to Order, Welcome, Roll Call and Determination of Quorum

Chair Regina Jackson

Roll Call: Commissioner Henry Gage, III; Commissioner Sergio Garcia; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell, Commissioner David Jordan; Commissioner Tyfahra Milele; Alternate Commissioner Jesse Hsieh; Alternate Commissioner Marsha Peterson

II. Closed Session Item

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/EMPLOYMENT

(California Government Code Section 54957(b))

Title: Inspector General

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(California Government Code Section 54957(b))

Title: Director, Community Police Review Agency

Public Comment provided by the following speakers:

Assata Olugbala

Mary Vail

III. Call to Order and Re-Determination of Quorum

Roll Call: Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell, Commissioner David Jordan; Commissioner Tyfahra Milele; Alternate Commissioner Jesse Hsieh; Alternate Commissioner Marsha Peterson

Commissioner Sergio Garcia rejoined shortly after roll call to redetermine quorum.

Chair Jackson noted nothing to report from the closed session.

Chair Jackson did make a statement with two key points. The first regarding public comment related to the Commission's work and process in service of identifying a qualifying candidate to serve as the new Inspector General. The Chair shared that she felt public critique was predominantly unconstructive criticism given the thoughtful planning and great number of hours dedicated to the process. She asked that members of the public join public forums with the spirit of



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SPECIAL MEETING MINUTES

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useful and constructive support. The second point shared by the Chair was in response to the criticism of her efforts to support the Chief in his work of reforming the Oakland Police Department. She said that as a community leader she will always champion and encourage change agents and noted that her support of the Chief by no means preclude her from providing him with actionable critique and direction.

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

After ascertaining how many members of the public wish to speak, Chair Regina Jackson will invite the public to speak on any items not on the agenda but may be of interest to the public, and that are within the subject matter jurisdiction of the Commission. Comments on specific agenda items will not be heard during Open Forum but must be reserved until the agenda item is called. The Chair has the right to reduce speaking time to 1 minute if the number of speakers would cause this Open Forum to extend beyond 15 minutes. Any speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2, at the end of the agenda.

Public Comment provided by the following speakers:

None

V. **Selection of Alternate Commissioner to Fill Vacancy**

To fill the vacancy arising from a Commissioner's resignation, whose letter is available in the agenda packet, the Commission will discuss and consider a vote to select an Alternate Commissioner as a new Commissioner, per Oakland City Charter Section 604(c)(8). ***This is a new item.***

Comm. Garcia resigns his position and Commissioners thank him for his service. The Commission then moved on to elevating a current alternate to the newly empty seat and begins discussing whether the vacant seat should be filled by a Mayoral or Selection Panel alternate appointee.

Comm. Harbin-Forte suggests the elevation process be decided by seniority, which was her basis for voting to fill the prior vacancy for a Mayoral appointee with a selection panel appointee. She also requested that the Commission formalize the process for filling vacancies and moved to table this agenda item until the next meeting.

Comm. Jordan stated that seniority was not the primary determinant to the last elevation and nominates Comm. Hsieh. Comm. Garcia seconds.

Chair Jackson asks for a nomination of Comm. Peterson, based on seniority. Vice Chair Milele moves the elevation of Commissioner Peterson. Commissioner Harbin-Forte seconds. The Chair invites each of the alternate Commissioners to speak to their work and qualifications, starting with Comm. Hsieh.



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After Comms. Hsieh and Peterson speak, Comm. Gage requests the Commission consider establishing and codifying the elevation process to avoid future issues, so that the Commission can decide whether vacancies be filled by a like-for-like process or seniority or some other system. Chair Jackson commits to reviewing all the concerns, including whether maintaining the ratio established by Measure LL of having three Mayor's appointees and four Selection Panel appointees as regular commissioners, before proposing a standard procedure, and appoints Vice Chair Milele to assist with the review. Comm. Gage asks to join the Chair and Vice Chair Milele in creating a procedure.

Comm. Harbin-Forte's motion to table the item until the next meeting (w Comm. Garcia as a second) does not pass. (Ayes: Comms. Harbin-Forte, Howell, Vice Chair Milele; Nays: Comms. Gage, Garcia, Jordan, Chair Jackson. Abstentions: None)

Comm. Jordan's motion to elevate Comm. Hsieh to the vacant position (w Comm. Garcia as a second) does not pass. (Ayes: Comm. Jordan. Nays: Comms. Gage, Harbin-Forte, Howell, Vice Chair Milele, Chair Jackson. Abstentions: None)

Vice chair Milele's motion to elevate Comm. Peterson to the vacant position (w Comm. Harbin-Forte as a second) does pass. (Ayes: Comms. Gage, Harbin-Forte, Howell, Vice Chair Milele, Chair Jackson. Nays: None. Abstentions: Comm. Jordan)

Public Comment provided by the following speakers:

Rashidah Grinage
 Anne Janks
 Oscar Yassin
 Mariano Contreras
 Assata Olugbala
 Bruce Schmeichen
 Jennifer Tu
 Cathy Leonard

VI. **Update from Police Chief**

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; an update on the Negotiated Settlement Agreement; 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.***

Chief Armstrong presented the Department's current crime statistics and the value of the Department's ceasefire strategy. Also covered was the Department's partnership with the ATF, the increase in gun recoveries, missing persons alerts, slightly improved staffing levels, the latest



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federal monitor visit, the completion of the Axon contract to purchase new body-worn cameras and integrating the recommendations from the social media investigations.

The Chief asked that public questions posed during public comment be noted and included in a forthcoming meeting – in line with the Brown Act and allowing him and the Department find the necessary information to respond.

Topics requesting attention

- + Post-arrest referral data (Comm. Gage)
- + Attrition data analysis + positions/assignments officers are leaving and moving to (Comm. Hsieh)
- + Policy and training regarding officers making flippant remarks and citing city politics and policies while on assignment (Anne Janks/Public Comment)

Comm. Gage and Chair Jackson asked Chief Armstrong to diligently review and consider the vendors the Department chooses to work with, following public comment regarding training recently provided by the Anti-Defamation League.

Public Comment provided by the following speakers:

Anne Janks
Oscar Yassin
Assata Olugbala

VII. **Revised CID Policies & Procedures for the Police Department Homicide Section**

The Commission will review and discuss the approval of the Police Department's revised Policies and Procedures manual for the Department's Criminal Investigation Division; Homicide Section (19-01). ***This is a new item.***

Chief Armstrong, along with Lt. Turner and DC Drennon, presents the revised CID (Criminal Investigation Division) policies and procedures manual for the Department's homicide investigations. The Chief noted the draft document before the Commission had been reviewed by the independent monitors, the plaintiff's attorneys in the Allen case, and the City Attorney's Office.

Commissioners posed questions to the Department regarding the draft document and enquired about the time restriction to review and adopt this policy given the potential desire for public review and commentary. Chair Jackson set up an Ad Hoc to review the draft CID policy and procedures manual, appointing: Comms. Jackson, Howell, Hsieh.

Public Comment provided by the following speakers:

Anne Janks
Oscar Yassin



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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.***

Executive Director Alden presented the CPRA's monthly statistical report, with a focus on pending cases.

Public Comment provided by the following speakers:

Rashidah Grinage

Anne Janks

A.L. Warren

IX. **Militarized Equipment Ad Hoc Committee Final Report Out**

Leads of the Militarized Equipment Ad Hoc will discuss the Commission's obligations under the new Military Equipment Ordinance, Oakland Municipal Code § 9.65.010 – 9.65.060, confirm the completion of the time-limited task of the ad hoc and recommend next steps. ***This is a recurring item.***

Comm. Gage shared the legal guidance related to Ad Hocs and Standing Committees confirming that a Standing Committee is not required unless membership is static – necessitating the Militarized Equipment Ad Hoc rotate its Commission members.

Comm. Gage requests this Ad Hoc be restructured as a Standing Committee to ensure maximum public exposure of the topic.

Public Comment provided by the following speakers:

John Lindsay-Polland

Jennifer Tu

X. **Referral of Prior-Subpoenaed Records to the Inspector General**

The Commission will vote on whether to refer Department records previously subpoenaed by the Commission related to IAD Numbers 07-0538, 13-1062, and 16-0146 to the new Inspector General, per Oakland Municipal Code § 2.45.120(F). ***This is a new item.***

Commission counsel explains the shifts to expect when the new Inspector General (IG) joins Oakland's public safety landscape including the referral of a series of records for the IG to prioritize once they begin.



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Vice Chair Milele brings a motion to refer previously subpoenaed records to the IG, Chair Jackson seconds. The motion passes. (Ayes: Comms. Gage, Harbin-Forte, Howell, Jordan, Vice Chair Milele, Peterson and Chair Jackson. Nays: None. Abstentions: None).

Public Comment provided by the following speakers:

None

XI. **Committee Reports**

Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.***

Missing Persons Ad Hoc

(Commissioners Jackson, Jordan)

The Missing Persons Ad Hoc Committee is tasked with reviewing and updating the OPDs missing persons policy, to ensure that it is in line with the standards of constitutional policing and evolving community values. The resulting policy will be presented for review and approval to the full Police Commission, with the intent that it be formally adopted as the guiding policy for the investigations of missing persons by the OPD.

Comm. Jordan reminded the Commission and the public of the public hearing held since the last progress report-out. He noted the Committee had reached out to subject matter experts, per the public comment at the public hearing. Once final modifications are made, the Commissioner believes the group will be ready to bring the draft to the full commission for review and possible action.

Inspector General Search

(Commissioners Milele, Jackson, Peterson)

The Inspector General Search Ad Hoc Committee is tasked with conducting a nationwide search for a civilian Inspector General who will report to the Police Commission.

Comm. Peterson mentioned that she, along with her fellow Ad Hoc members, walked the full Commission through their findings and recommendations. She reiterated that while there was nothing to report back from closed session, the Commission is nearing the end of its search and is anticipating announcing the qualifying candidate soon.

Chief's Performance Evaluation

(Commissioners Garcia, Milele, Peterson)

The mission of the Chief Goals Ad Hoc is to establish goals and objectives that determine the criteria upon which the Oakland Chief of Police will be evaluated by the Oakland Police Commission.



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Comm. Peterson noted that the group continues to make progress and will keep providing updates to their efforts.

CPRA Director Performance Evaluation (Commissioners Milele, Jackson)

The purpose of this Ad Hoc Committee is to provide a transparent performance review of the CPRA Executive Director. The Committee will craft constructive critiques, as well as performance expectations for the coming year.

Chair Jackson reported the Ad Hoc used the closed session to continue reviewing and addressing the performance evaluation of the CPRA Executive Director. She noted the continued progress and the last activities required to close out this group's work by the years end.

Public Comment provided by the following speakers:

Anne Janks
Jennifer Tu

Chair Jackson asks for a motion from the Commissioners to extend the meeting from a 10:30 end to an 11:30 end. Comm. Harbin-Forte brings the motion, seconded by Comm. Gage. Commissioners voted unanimously and the motion passes.

XII. Open Forum Part 2 (2 minutes per speaker)

Chair Regina Jackson will invite public speakers to speak on items that were not on the agenda, and that are within the subject matter jurisdiction of the Commission, with priority given to speakers who were unable to address the Commission during Open Forum at the beginning of the meeting. Speakers who made comments during Open Forum Part 1 will not be permitted to make comments during this Open Forum. Comments previously made during public comment on agenda items may not be repeated during this Open Forum. The Chair has the right to reduce speaking time to 1 minute for reasons the Chair will state on the record. ***This is a recurring item.***

Public Comment provided by the following speakers:

Assata Olugbala
Anne Janks
Reisa Jaffe

XIII. Robert's Rules of Order

Refresher Training. ***This is a new item.***



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Vice Chair Milele made a motion to table this item and re-agendize for the next Commission meeting (Dec 9). Chair Jackson seconds. The Commission votes unanimously and the motion passes, this item is held over to the next meeting.

Public Comment provided by the following speakers:

None

XIV. **Cancel a November 2021 meeting**

Staff will recommend cancelling the November 25 meeting. ***This is a new item.***

Chair Jackson noted that the next scheduled Commission Meeting falls on November 25 and looks to accept a motion to cancel this meeting given the Thanksgiving holiday break.

Comm. Harbin-Forte brings the motion, seconded by Chair Jackson. The Commission votes unanimously and the meeting scheduled for Thursday, Nov 25, is cancelled. The next scheduled meeting will be held on Thursday, December 9, 2021.

XV. **Adoption of Meeting Minutes**

The Commission will vote to approve minutes from the October 28 Special Meeting. ***This is a recurring item***

Commission staff noted the unintended omission of a header and footer identifying the document as the October 28 Meeting minutes and confirmed the correction will be made before the minutes are finalized and posted online for public access.

The Commission votes unanimously to adopt the draft minutes.

Public Comment provided by the following speakers:

None

XVI. **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.***

Chair Jackson acknowledged the running list of queries posed to Chief Armstrong and the Police Department by members of the public, including towing, flippant officer remarks, probation and parole statistics and BearCat deployment, as well as possible review of the Missing Person's policy.

Public Comment provided by the following speakers:



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Assata Olugbala

- XVII. Adjournment**
Meeting adjourned at 10:50 pm.

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
2	Commissioner Trainings	1/1/2018	<p>Complete trainings mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190</p> <p>Some trainings have deadlines for when they should be completed (within 3 months, 6 months, etc.)</p> <p>Several trainings were delivered in open session and have been recorded for future use</p>	<p>The following trainings must be done in Open Session:</p> <ol style="list-style-type: none"> 1. California's Meyers 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 (done 4.22.21) 4. Police Officers Bill of Rights (done 12.12.19; 2021) 	High	COMPLETED (as to current commissioners)		

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
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	COMPLETED		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			Jackson
6	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.	High	COMPLETED		
7	Neighborhood Opportunity and Accountability Board (NOAB) Update	5/13/2021	Receive a report on the Neighborhood Opportunity and Accountability Board which launched in April 2020	Tabled from May 13, 2021 meeting	High	July 22, 2021		

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
8	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		Jackson
9	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/Deadline	Scheduled	Lead Commissioner(s), if any
10	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		Jackson
11	Prioritization of OPD Policies for Review	5/13/2021	Discuss and prioritize OPD policies for review	Tabled from May 13, 2021 meeting; discussed June 24, 2021 - Gage to reorganize by category	High			
12	Recommendations for Community Engagement	5/13/2021	Discuss recommendations for community engagement	Tabled from May 13, 2021 meeting	High			
13	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		

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14	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of: 1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; 2. Arbitration decisions or other related results; 3. The ways in which it has supported the police discipline process; and 4. Significant recent developments in police discipline. The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7	High	Semi-annually Next one should be October, 2021		Jackson
15	Sloan Report	5/13/2021	Discuss the independent review commissioned by the City as part of a Step 3 Grievance procedure related to the Pawlik investigation	Tabled from May 13, 2021 meeting, discussed June 24, 2021 -- Commission counsel submitted report	High	COMPLETED		
16	Training on Brown Act, Sunshine Ordinance, and Parliamentary Procedure	5/21/2021	Receive a training session for Commissioners to understand rights and obligations under the Brown Act, the Sunshine Ordinance, Robert's Rules of Order, and the Commission's Rules		High	COMPLETED		
17	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado

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18	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			
19	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			
20	Free Gun Trace Service	1/27/2020		This service was mentioned at a meeting in 2019.	Medium			Dorado
21	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, Jackson
22	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			
23	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	COMPLETED for 2021		
24	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			

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25	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		
26	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			
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			
29	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019	The chair will create adhoc and staff standing committees as appropriate		Medium	Ongoing		Jackson
30	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			
31	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	Spring, 2022		Jackson

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32	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			
33	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	Low	August, 2021		
34	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			
35	Discipline: Based on Review of MOU	10/6/2018		How often is Civil Service used v. arbitration? How long does each process take? What are the contributing factors for the length of the process? How often are timelines not met at every level? How often is conflict resolution process used? How long is it taking to get through it? Is there a permanent arbitration list? What is contemplated if there's no permanent list? How often are settlement discussions held at step 5? How many cases settle? Is there a panel for Immediate dispute resolution? How many Caloca appeals? How many are granted? What happened to the recommendations in the Second Swanson report?	Low	2023		

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36	Discipline: Second Swanson Report Recommendations – Have These Been Implemented?	10/6/2018		Supervisor discipline Process for recommending improvements to policies, procedures and training, and to track and implement recommendations Tracking officer training and the content of training Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines IAD civilian oversight for continuity in IAD Improved discovery processes Permanent arbitration panel implemented from MOU OPD internal counsel Two attorneys in OCA that support OPD disciplines and arbitration Reports on how OCA is supporting OPD in discipline matters and reports on arbitration Public report on police discipline from Mayor’s office OIG audit includes key metrics on standards of discipline	Low			
37	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			
38	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			
39	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low			
40	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			

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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	Social Media Communication Responsibilities, Coordination, and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	Low			