



OAKLAND POLICE COMMISSION

SPECIAL MEETING AGENDA

June 24, 2021

5:30 PM

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's (OPD) policies, practices, and customs to meet or exceed national standards of constitutional policing, and to oversee the Community Police Review Agency (CPRA) which investigates police misconduct and recommends discipline.

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



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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/83314037753> 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: 833 1403 7753

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 azisser@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 on 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."

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

Chair Regina Jackson

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

II. Closed Session Item

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 EVALUATION – CPRA EXECUTIVE DIRECTOR
(Government Code Section 54957(b))

The Commission will report on any actions taken during Closed Session, as required by law.

III. Call to Order and Re-Determination of Quorum

Chair Regina Jackson

- IV. Open Forum Part 1** (2 minutes per speaker, 15 minutes total) – Estimated to begin at 7:30. 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.

V. Update from Police Chief

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item.*** ([Attachment 5](#)).

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

VI. Sloan Report – Legal Review

The Commission will follow up with independent counsel regarding the Step 3 report issued by Sloan Sakai Yeung & Wong, LLP. ***This item was discussed on 4.22.21.***

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

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

To the extent permitted by state and local law, Executive Director John Alden will report on the Agency’s pending cases, completed investigations, staffing, and recent activities. ***This is a recurring item. (Attachment 7).***

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

VIII. Request for Qualifications (RFQ) for Commission Counsel

The Commission will review a draft Request For Qualifications (RFQ) to retain outside counsel to the Commission, and may take action to modify the RFQ, issue the RFQ, and/or provide additional direction to staff. ***This is a new item. (Attachment 8).***

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

IX. Prioritization of OPD Policies for Review

The Commission will discuss and prioritize OPD policies for review. ***This item was discussed on 1.30.21, 4.22.21, 5.13.21 and is continued from 5.27.21.***

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

X. Committee Reports

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

**Inspector General Search
(Commissioners Gage, Jackson, Jordan)**

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.

**Community Resource Officer Deployment OPD 15-01
(Commissioners Dorado, Harbin-Forte, Jackson)**

The mission of the OPC Community Policing Ad Hoc Committee is to refine OPD Draft Policy 15-01 to assure the full implementation of Resolution 79235 and provide for specific procedures to address Beat level challenges. This mission also includes the development of Beat and block leaders into viable Citywide networks, expanded public access to information and resources as well as increased community involvement in OPD and staff training, especially that of Community Resource Officers.

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

XI. 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.***

XII. July 8 Meeting

The Commission will discuss, and may vote on, cancelling the meeting scheduled for July 8, 2021. ***This is a new item.***

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

XIII. 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.***

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

XIV. Adjournment



Weekly Crime Report — Area 1

14 Jun. – 20 Jun., 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)	15	565	492	479	-3%	512	-6%
Homicide – 187(a)PC	1	9	4	8	100%	7	14%
Homicide – All Other *	-	-	-	-	PNC	-	PNC
Aggravated Assault	8	269	246	284	15%	266	7%
Assault with a firearm – 245(a)(2)PC	2	25	20	40	100%	28	41%
Subtotal - Homicides + Firearm Assault	3	34	24	48	100%	35	36%
Shooting occupied home or vehicle – 246PC	-	20	20	44	120%	28	57%
Shooting unoccupied home or vehicle – 247(b)PC	-	10	13	20	54%	14	40%
Non-firearm aggravated assaults	6	214	193	180	-7%	196	-8%
Rape	-	23	26	10	-62%	20	-49%
Robbery	6	264	216	177	-18%	219	-19%
Firearm	5	73	40	57	43%	57	1%
Knife	-	16	19	7	-63%	14	-50%
Strong-arm	1	146	126	69	-45%	114	-39%
Other dangerous weapon	-	8	8	7	-13%	8	-9%
Residential robbery – 212.5(a)PC	-	6	7	5	-29%	6	-17%
Carjacking – 215(a) PC	-	15	16	32	100%	21	52%
Burglary	28	1,737	1,237	1,153	-7%	1,376	-16%
Auto	24	1,543	971	999	3%	1,171	-15%
Residential	3	85	103	62	-40%	83	-26%
Commercial	-	83	128	58	-55%	90	-35%
Other (Includes boats, aircraft, and so on)	1	24	27	24	-11%	25	-4%
Unknown	-	2	8	10	25%	7	50%
Motor Vehicle Theft	16	413	458	520	14%	464	12%
Larceny	7	775	676	478	-29%	643	-26%
Arson	-	15	13	13	0%	14	-5%
Total	66	3,505	2,876	2,643	-8%	3,008	-12%

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.



2021 Year-to-Date Recovered Guns

Recoveries through 20 Jun., 2021

Grand Total	552
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Crime Recoveries	
Felony	279
Felony - Violent	112
Homicide	15
Infraction	
Misdemeanor	17
Total	423

Crime Gun Types	Felony	Felony - Violent	Homicide	Infraction	Misdemeanor	Total
Machine Gun		2				2
Other	1					1
Pistol	224	93	10		14	341
Revolver	7	4	2		1	14
Rifle	32	11	1		2	46
Sawed Off	3					3
Shotgun	9		1			10
Sub-Machinegun						0
Unknown/Unstated	3	2	1			6
Total	279	112	15	0	17	423

Non-Criminal Recoveries	
Death Investigation	14
Found Property	53
SafeKeeping	62
Total	129

Non-Criminal Gun Types	Death Investigation	Found Property	SafeKeeping	Total
Machine Gun				0
Other				0
Pistol	8	20	30	58
Revolver	5	11	16	32
Rifle		7	12	19
Sawed Off		1		1
Shotgun	1	8	4	13
Sub-Machinegun				0
Unknown/Unstated		6		6
Total	14	53	62	129



Week: 14 Jun. to 20 Jun., 2021

Weekly Total 46

Crime Recoveries	This Week	Last Week	+/- Change	% Change
Felony	10	14	-4	-29%
Felony - Violent	2	3	-1	-33%
Homicide	2	0	2	PNC
Infraction	0	0	0	PNC
Misdemeanor	1	0	1	PNC
Total	15	17	-2	-12%

Other Recoveries	This Week	Last Week	+/- Change	% Change
Death Investigation	0	0	0	PNC
Found Property	1	1	0	0%
Safekeeping	30	0	30	PNC
Total	31	1	30	3000%

PNC = Percentage not calculated
[*Percentage cannot be calculated.*](#)



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

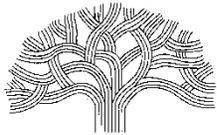
Recoveries through 20 Jun.

Gun Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Grand Total	543	552	9	2%

Crime Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Felony	268	279	11	4%
Felony - Violent	103	112	9	9%
Homicide	31	15	-16	-52%
Infraction	0	0	0	PNC
Misdemeanor	19	17	-2	-11%
Total	421	423	2	0%

Non-Criminal Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Death Investigation	13	14	1	8%
Found Property	44	53	9	20%
SafeKeeping	65	62	-3	-5%
Total	122	129	7	6%

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

6/24/21
Page 1 of 19
 (Total completed = 21)

Assigned Inv.	Case #	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding
JW	20-0938	5/29/20	5/24/21	5/28/21	Subject Officer 1	Performance of Duty – General	<i>Sustained</i>
		5/29/20				Supervisors – Authority and Responsibilities	<i>Sustained</i>
		6/1/20			Subject Officer 2	Performance of Duty – General	<i>Sustained</i>
		6/1/20				Supervisors – Authority and Responsibilities	<i>Sustained</i>
		5/31/20			Subject Officer 3	Use of Force	<i>Unfounded</i>
		5/29/20			Subject Officer 4	Use of Force	<i>Unfounded</i>
		5/29/20			Subject Officer 5	Use of Force	<i>Unfounded</i>
		5/31/20			Subject Officer 6	Use of Force	<i>Unfounded</i>
KT	20-0958	6/1/20	5/24/21	5/29/21	Subject Officer 1	Use of Force (Level 3)	<i>Sustained</i>

Definitions:

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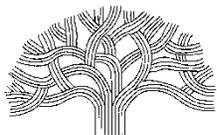
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No Jurisdiction: The subject of the allegation is not a sworn member of the OPD.

No MOR Violation: The alleged conduct does not violate any department rule or policy.

Service Related: The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.

ICR: Resolved through the Informal Complaint Resolution process pursuant to DGO M-3.1.



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

6/24/21
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 (Total completed = 21)

Assigned Inv.	Case #	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 2	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 3	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 4	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>

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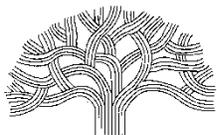
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						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 5	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 6	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 7	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 8	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>

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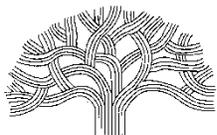
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						Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 9	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 10	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 11	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>

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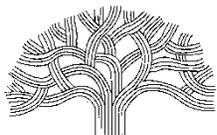
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						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 12	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 13	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 14	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 15	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Sustained</i>

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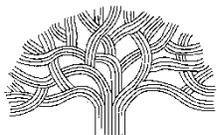
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					Subject Officer 16	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
					Subject Officer 17	Use of Force (Level 2)	<i>Exonerated</i>
					Subject Officer 18	Use of Force (Level 2)	<i>Exonerated</i>
JS	20-0799	6/28/20	6/7/21	6/27/21	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>ICR</i>
						Performance of Duty – General	<i>ICR</i>
					Subject Officer 2	Performance of Duty – General	<i>ICR</i>
						Performance of Duty – General	<i>Unfounded</i>

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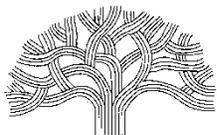
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Assigned Inv.	Case #	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding
MM	20-0879	7/11/20	6/16/21	7/10/21	Subject Officer 1	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
						Subject Officer 2	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest
					Subject Officer 3		Use of Force (Level 4)
						Subject Officer 4	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest
					Subject Officer 4		Use of Force (Level 4)
						Subject Officer 4	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest
					Subject Officer 4		Use of Force (Level 4)

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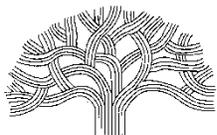
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(Allegations in bold were discovered by CPRA investigators)

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Assigned Inv.	Case #	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding
MM	20-0978	7/30/20	6/8/21	7/30/21	Subject Officer 1	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
JS	20-1005	8/5/20	6/15/21	8/4/21	Subject Officer 1	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>

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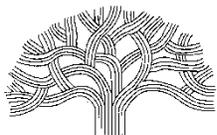
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					Subject Officer 2	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
					Subject Officer 4	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
ED	20-1088	8/22/20	6/8/21	8/22/21	Subject Officer 1	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Unfounded</i>
						Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Unfounded</i>

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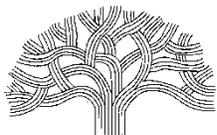
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Assigned Inv.	Case #	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding
						Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
					No Subject Identified	No Duty/No MOR Violation	<i>No MOR violation</i>
						No Duty/No MOR Violation	<i>No MOR violation</i>
JS	20-1113	8/28/20	6/15/21	8/28/21	Subject Officer 1	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>

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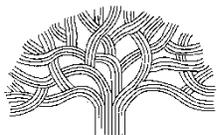
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					Subject Officer 3	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
JS	20-1147	9/6/20	4/22/21 ⁱ	9/5/21	Subject Officer 1	Use of Force	<i>Unfounded</i>
MB	21-0161	1/4/21	6/4/21	2/8/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
						Service Complaint	<i>Service related</i>
MB	21-0350	1/5/21	6/11/21	3/31/22	Subject Officer 1	No Duty/No MOR Violation	<i>Complaint Withdrawn</i>
RM	21-0128	2/1/21	6/8/21	1/31/22	Subject Officer 1	Use of Force	<i>Exonerated</i>
						No Duty/No MOR Violation	<i>No MOR Violation</i>

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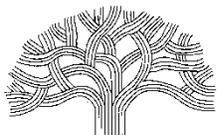
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						Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
						Performance of Duty - PDRD	<i>Not Mandated</i>
RM	21-0164	2/7/21	6/10/21	2/7/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
					Subject Officer 3	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
					Subject Officer 4	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
					Subject Officer 5	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
					Subject Officer 6	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>

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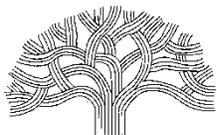
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Assigned Inv.	Case #	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding
					Subject Officer 7	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
					Subject Officer 8	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
					Subject Officer 9	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
					Subject Officer 10	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
					Subject Officer 11	Conduct Toward Others – Harassment and Discrimination / Race	<i>Unfounded</i>
MB	21-0215	2/22/21	6/4/21	2/22/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/General [Race]	<i>Unfounded</i>
						Performance of Duty - General	<i>Not Mandated</i>
MB	21-0310	3/7/21	6/11/21	3/18/22	Subject Officer 1	Performance of Duty - General	<i>Exonerated</i>

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					Subject Officer 2	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
MB	21-0289	3/9/21	6/7/21	3/11/22	Subject Officer 1	Use of Force	<i>Exonerated</i>
					Subject Officer 2	Use of Force	<i>Exonerated</i>
					Subject Officer 3	Use of Force	<i>Exonerated</i>
					Subject Officer 4	Use of Force	<i>Exonerated</i>
					No Subject Identified	Service complaint	<i>Service related</i>
MB	21-0291	3/12/21	6/4/21	3/13/22	Subject Officer 1	Conduct Toward Others - Demeanor	<i>Unfounded</i>
						Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>

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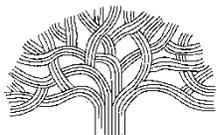
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Assigned Inv.	Case #	Incident Date	Completion Date	1-Year Goal	Officer	Allegation	Finding
						Use of Force	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
						Use of Force	<i>Exonerated</i>
					Subject Officer 4	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
MB	21-0292	3/14/21	6/11/21	3/14/22	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Unfounded</i>
						Performance of Duty - General	<i>Exonerated</i>

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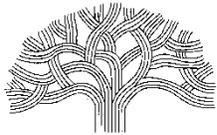
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						Performance of Duty - General	<i>Exonerated</i>
MB	21-0402	4/13/21	6/17/21	4/13/22	Unidentified	Use of Force	<i>No jurisdiction</i>
					Unidentified	No Duty/No MOR Violation	<i>No jurisdiction</i>
					Unidentified	No Duty/No MOR Violation	<i>No jurisdiction</i>
					Unidentified	No Duty/No MOR Violation	<i>No jurisdiction</i>
FC	21-0528	5/27/21	6/17/21	6/6/22	Subject Officer 1	Service Complaint	<i>Service related</i>

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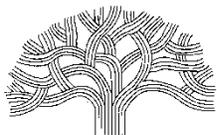
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CPRA Made the following Training Recommendations with Respect to Investigations in this Report

CPRA recommends that an officer receive training related to the Operations Plan and with Department policy regarding mutual aid and prohibited chemical agents/munitions

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

1. OPD should distill policies and procedures and any other relevant documents (including applicable court orders) applying to the conduct of mutual aid agencies into a separate document. This document should list the procedures that mutual aid agencies should follow, note prohibited munitions and interdicted uses of force, and permissible uses of force (especially regarding SIMs). This should be distributed to line officers responding as mutual aid. OPD should ensure that this document, and all relevant OPD policies are regularly distributed to regional law enforcement agencies likely to respond to a request for mutual aid.

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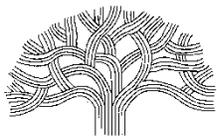
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| <p>2. OPD should hold a virtual or in-person meeting at least yearly with regional law enforcement agencies likely to respond to a request for mutual aid to review and discuss OPD's crowd control and use of force policies, procedures for utilizing mutual aid, and dynamics of crowd control situations in Oakland.</p> |
| <p>3. OPD should prepare presentations for use during briefings of mutual aid agencies during crowd control events. The presentation should focus on OPD crowd control, use of force, and less-lethal munitions policies.</p> |
| <p>4. A standard operating procedure (SOP) be developed regarding the process for checking in and checking out mutual aid agencies at the Staging area. It should be updated to reflect the most current OPD policies regarding mutual aid, including those mandated by court order. It should list and define each specific role officers will be required to perform and should include step-by step instructions.</p> |
| <p>5. An officer with expertise regarding less-lethal munitions and chemical agents should always be present at Staging to inspect a mutual aid agency's munitions and identify any that are prohibited for crowd control use by OPD policy.</p> |
| <p>6. Training should be conducted yearly for all officers in CID who are likely to be called up to work at Staging and for all Lieutenants and Captains who could be called upon to serve as Staging Manager.</p> |

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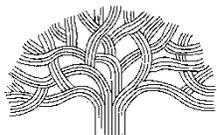
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7. An SOP for Pathfinders should be created, listing and defining each specific task Pathfinders must perform. OPD should provide annual training to all officers likely to be assigned to serve as Pathfinders.
8. To avoid confusion or ambiguity about the munitions OPD prohibits for crowd control, OPD should consider revising relevant portions of TB III-H: under No. 2 in the section headed "Crowd Control and Crowd Management Usage" (and similar language in TB III-G).
9. OPD should establish a written protocol for obtaining reports and body worn camera footage from mutual aid agencies.
10. OPD should consider incorporating protocols for production of reports and body worn camera footage by mutual aid agencies into its mutual aid agreements.
11. OPD should revise its Crowd Control Operations training for its Basic Academy and for Advanced Officer training to list Stinger Grenades, Stinger Rubber Ball rounds and other non-directional, non-target specific munitions among weapons prohibited for crowd control use.

ⁱ This case was unintentionally omitted from the relevant monthly Recently Completed Investigations report.

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CITY OF OAKLAND
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Pending Cases Associated with Public Demonstrations 5/29/20 – 6/1/20 (1 Case Total)

Case #	Incident Date	Assigned Staff	180-day Goal	1-year Goal	Type* (604(f)(1) or Other)	Allegation(s)
20-1323	6/1/2020	N/A	4/14/21	10/13/21	1 st Amendment Assembly, Profiling	Profiling, Failure to Accept or Refer Complaint

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



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Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
20-0800	6/27/20	7/1/20	6/28/20	Investigator	ED	12/28/20	6/27/21	Use of Force	1	5	5	Use of Force, Failure/Refusal to Accept/Refer Complaint
20-0880	7/11/20	7/21/20	7/11/20	Investigator	JS	1/11/21	7/10/21	Other	2	1	1	Demeanor
20-0971	7/29/20	8/30/20	7/29/20	Investigator	ED	2/26/21	7/28/21	Use of Force, Profiling/ Discrimination	1	5	11	Discrimination, Use of Physical Force
20-1000	8/4/20	8/6/20	8/4/20	Investigator	AL	2/2/21	8/3/21	Use of Force	1	2	3	Use of Force, Performance of Duty
20-1058	8/15/20	8/19/20	8/15/20	Investigator	AL	2/15/21	8/14/21	Use of Force	1	3	8	Use of Force, Service Complaint
20-1083	8/20/20	8/26/20	8/20/20	Investigator	ED	2/22/21	8/19/21	Use of Force	1	1	2	Use of Force, Demeanor
20-1085	8/20/20	8/26/20	8/20/20	Investigator	ED	2/16/21	8/20/21	Profiling/ Discrimination	1	2	6	Profiling/discrimination; unlawful Search; false arrest
20-1092	8/21/20	8/26/20	8/21/20	Investigator	MM	2/22/21	8/20/21	Use of Force	1	1	5	Use of Force; Care of Property; Unlawful Search & Seizure; Demeanor
20-1116	8/29/20	9/2/20	8/29/20	Investigator	MM	3/1/21	8/28/21	Use of Force	1	8	19	Use of Force
20-1129	9/1/20	9/2/20	9/1/20	Investigator	AL	3/1/21	8/31/21	Use of Force, Performance of Duty	2	12	23	Other, Unintentional/Improper Search, Use of Force, Failure to Accept, Performance of Duty
20-1164	9/6/20	9/16/20	9/10/20	Investigator	AL	3/15/21	9/9/21	Use of Force	1	2	5	Use of Force; Performance of Duty;
20-1282	9/28/20	10/8/20	10/6/20	Investigator	AN	3/27/21	9/28/21	Other	2	10	10	Demeanor, Unintentional/Improper Search
20-1283	10/6/20	10/8/20	10/6/20	Investigator	AL	4/6/21	10/5/21	Racial Discrimination/ Demeanor	1	3	6	Conduct Toward Others; Performance of Duty
20-1441	11/10/20	11/13/20	11/10/20	Investigator	JS	5/12/21	11/9/21	Other	1	2	2	Profiling
20-1484	11/20/20	1/22/21	11/20/20	Investigator	JS	7/20/21	11/20/21	Racial Discrimination	1	3	8	Racial Discrimination, Performance of Duty,
20-1524	11/28/20	12/2/20	12/1/20	Investigator	ED	5/31/21	11/30/21	Profiling/ Discrimination	1	1	5	Profiling/Discrimination, Demeanor, Performance of Duty
20-1542	11/15/20	12/9/20	12/6/20	Investigator	AN	6/7/21	12/5/21	Use of Force	1	3	7	Use of Force, Unlawful Arrest
20-1551	12/7/20	12/16/20	12/16/20	Investigator	JS	6/14/21	12/15/21	Use of Force	1	2	3	Performance of Duty, Use of Force, Care of Property

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Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
20-1578	10/31/20	5/18/21	12/17/20	Investigator	ED	6/15/21	12/17/21	Other	1	2	4	General Conduct, Obedience to Laws
21-0606	12/31/17	6/2/21	4/28/21	Intake	RM	11/29/21	1/3/22	Other	2	2	2	Performance of Duty
21-0025	1/7/21	1/7/21		Investigator	MM	7/6/21	1/6/22	Performance of Duty; Racial Discrimination	1	3	3	Performance of Duty
21-0028	1/8/21	1/14/21	1/8/21	Investigator	MM	7/13/22	1/7/22	Performance of Duty	1	2	1	Performance of Duty
21-0070	1/1/21	1/21/21	1/19/21	Investigator	ED	7/20/21	1/19/22	Use of Force	1	1	5	Use of Force, Demeanor
21-0202	1/29/21	1/29/21		Investigator	MM	7/28/21	1/28/22	Performance of Duty	2	2	2	Performance of Duty
21-0138	2/4/21	2/10/21	2/4/21	Intake	RM	8/9/21	2/3/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0151	2/6/21	2/10/21	2/6/21	Intake	RM	8/9/21	2/5/22	Use of Force	1	2	2	Use of Force
21-0179	2/15/21	2/17/21	2/15/21	Intake	RM	8/16/21	2/14/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0188	2/16/21	2/18/21	2/16/21	Investigator	AL	8/17/21	2/16/22	Use of Force	1	4	6	Use of Force
21-0217	2/23/21	3/4/21	3/4/21	Investigator	AL	8/22/21	2/23/22	Use of Force	1	2	2	Use of Force
21-0233	2/27/21	3/3/21	2/27/21	Intake	RM	8/30/21	2/26/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0238	3/2/21	3/2/21	3/2/21	Investigator	AN	8/29/21	3/2/22	Use of Force	1	1	2	Use of Force
21-0248	3/3/21	3/5/21	3/3/21	Intake	MB	9/1/21	3/3/22	Force	1	3	3	Performance of Duty
21-0252	3/1/21	3/11/21	3/5/21	Investigator	AL	9/7/21	3/4/22	Use of Force	1	5	13	Use of Force, Performance of Duty, Demeanor, Refusal to Accept or Refer a Complaint
21-0254	3/2/21	3/11/21	3/5/21	Intake	MB	9/7/21	3/5/22	Other	2	1	5	Performance of Duty
21-0262	3/6/21	3/11/21	3/6/21	Intake	RM	9/7/21	3/6/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0270	3/7/21	3/8/21	3/8/21	Investigator	AN	9/4/21	3/7/22	Racial Discrimination, Use of Force	1	4	8	Racial Discrimination, Conduct toward others, Performance of Duty, Use of Force
21-0309	1/2/21	3/24/21	3/19/21	Intake	MB	9/20/21	3/19/22	Other	1	3	4	Custody of Prisoners
21-0337	5/3/13	3/30/21	3/27/21	Intake	MB	9/26/21	3/27/22	Use of Force	1	8	8	Use of Force
21-0353	4/1/21	4/7/21	4/1/21	Intake	RM	10/4/21	3/31/22	Use of Force	1	2	2	Use of Force
21-0358	4/2/21	4/7/21	4/2/21	Investigator	AL	10/4/21	4/1/22	Use of Force	1	1	2	Use of Force; Performance of Duty
21-0366	4/5/21	4/7/21	4/5/21	Intake	MB	10/4/21	4/4/22	Use of Force	1	4	8	Use of Force
21-0354	4/1/21	4/2/21	4/7/21	Intake	RM	10/4/21	4/6/22	Other	1	2	4	Performance of Duty/Miranda Violation

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Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-0422	4/18/21	4/20/21	4/18/21	Investigator	ED	10/17/21	4/17/22	Racial Discrimination	1	2	7	Discrimination, Refusal to Provide Name or Serial Number, PDRD Activation, Demeanor
21-0430	4/20/21	4/21/21	4/20/21	Intake	RM	10/18/21	4/19/22	Use of Force	1	2	4	Performance of Duty, Use of Force; Improper/Unlawful Search & Seizure
21-0433	2/20/21	4/21/21	4/21/21	Intake	FC	10/18/21	4/20/22	Other	2	2	3	Demeanor, Performance of Duty
21-0439	4/22/21	4/27/21	4/22/21	Intake	FC	10/24/21	4/21/22	Other	1	1	4	Improper Search/Seizure, Demeanor, Performance of Duty
21-0535	2/18/19	5/14/21	4/28/21	Intake	MB	11/10/21	4/28/22	Racial Discrimination	1	1	3	Racial Discrimination
21-0465	2/6/16	4/29/21	4/28/21	Intake	FC	10/26/21	4/29/22	Racial/Gender Discrimination	1	3	11	Racial/Gender Discrimination, Truthfulness, Conduct/Demeanor, Performance of Duty
21-0469	4/30/21	5/4/21	4/30/21	Intake	FC	10/31/21	4/29/22	Racial Discrimination/ Demeanor	1	4	4	Racial Discrimination
21-0479	5/1/21	5/1/21	5/1/21	Intake	FC	10/28/21	4/30/22	Use of Force	1	2	4	Use of Force, No Duty
21-0497	5/5/21	5/7/21	5/5/21	Intake	FC	11/3/21	5/4/22	Use of Force	1	1	2	COVID Protocol Violation
21-0488	5/5/21	5/6/21	5/5/21	Intake	RM	11/2/21	5/4/22	Racial Discrimination	1	3	6	Racial Discrimination, Performance of Duty
21-0492	5/2/21	5/6/21	5/5/21	Intake	MB	11/2/21	5/5/22	Use of Force	1	2	3	Use of Force
21-0524	5/12/21	5/13/21	5/12/21	Intake	FC	11/13/21	5/11/22	Racial Discrimination/ Demeanor	1	2	3	Racial Discrimination
21-0530	5/12/21	5/13/21	5/12/21	Intake	FC	11/9/21	5/11/22	Racial Discrimination/ Demeanor	1	1	1	Racial Discrimination
21-0527	6/20/17	5/18/21	4/16/21	Intake	MB	11/14/21	5/12/22	Other	2	2	4	Performance of Duty
21-0540	5/16/21	5/18/21	5/17/21	Intake	FC	11/14/21	5/16/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0548	5/17/21	5/19/21	5/17/21	Intake	FC	11/15/21	5/16/22	Racial Discrimination	1	2	2	Racial Discrimination
21-0555	11/26/20	5/19/21	5/18/21	Intake	RM	11/15/21	5/18/22	Other	2	1	4	Performance of Duty, Demeanor,
21-0560	5/19/21	5/21/21	5/19/21	Intake	MB	11/17/21	5/19/22	Use of Force	1	1	1	Use of Force
21-0564	5/20/21	5/24/21	5/20/21	Intake	RM	11/17/21	5/19/22	Racial Discrimination	1	1	1	Racial Discrimination
21-0565	5/7/21	5/20/21	5/20/21	Intake	MB	11/16/21	5/20/22	Other	1	1	3	Performance of Duty
21-0566	5/20/21	5/25/21	5/20/21	Intake	FC	11/21/21	5/21/22	Use of Force	1	1	1	Use of Force

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Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-0575	5/22/21	5/25/21	5/22/21	Intake	FC	11/21/21	5/21/22	Use of Force	1	1	1	Use of Force
21-0595	5/20/21	6/2/21	5/28/21	Intake	FC	11/29/21	5/27/22	Performance of Duty	2	2	2	Performance of Duty
21-0603	5/30/21	6/2/21	5/30/21	Intake	MB	11/29/21	5/30/22	Use of Force	1	2	4	Use of Force
21-0618	6/3/21	6/4/21	6/3/21	Intake	RM	12/1/21	6/2/22	other	1	1	3	Demeanor, Refusal to Provide Name or Serial Number, Failure to Accept or Refer a Complaint
21-0621	6/3/21	6/8/21	6/3/21	Intake	MB	12/5/21	6/4/22	Racial Discrimination	1	2	2	Racial Discrimination
20-1406	11/3/20	11/3/20	11/3/20	Investigator	AN	5/2/21	Tolled	Use of Force	1	2	2	Use of Force
20-1561	4/16/20	4/16/20	4/16/20	Investigator	AN	10/13/20	Tolled	Use of Force	1	22	31	Use of Force (Level 1, Level 4), Performance of Duty
19-1169	10/17/19	10/22/19	10/17/19	Investigator	ED	4/19/20	Tolled	Use of Force, Profiling/ Discrimination	1	2	7	Bifurcated - use of force, false arrest, discrimination

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Community Police Review Agency

To: Oakland Police Commission
From: John Alden, Executive Director, Community Police Review Agency
Date: June 21, 2021
Re: Closed Cases from May 29 through June 1, 2020

Introduction and Overview

This report gives context to an accompanying statistical report for complaints received in the period of May 29 through June 1, 2020, the same period as the George Floyd protests in the City of Oakland, and since closed as of the date of this memo.

The number of allegations of police misconduct filed by the public in Oakland during that period were vastly beyond those normally received in any other four day period, and even more that usually received in any given quarter. These complaints were far too numerous for CPRA to fully investigate using the resources CPRA had at the time. The City Council graciously authorized additional funding for these investigations in the summer of 2020. At the same time, many agencies in the City of Oakland sustained budget cuts, so the funding provided by the City Council showed a tremendous commitment to accountability in the face of grave funding challenges. Nonetheless, the budget restrictions imposed by COVID prohibited funding at the level needed for CPRA to fully investigate every allegation independently.

Given these resource limitations, CPRA prioritized Level 1 Uses of Force (force that caused significant injury or involved the use of a potentially deadly weapon) and the conduct of the highest-ranking officers throughout those four days for in-depth, independent investigations. CPRA conducted interviews, identified new allegations not raised by complainants, and sustained officers in many of these cases. With respect to other complaints, like rudeness by line officers or claims of unlawful arrest, CPRA was only able to review to work of the Oakland Police Department's Internal Affairs Division. Regardless of which approach was used, at the end of the process CPRA and the Chief of Police both agreed to all of the findings seen in this report. We appreciated the support of Chief Armstrong in this regard, and the transparency OPD provided to CPRA throughout this process. We would like to especially note the commendable work of the OPD Force Review Board in this regard.

While current California law places tremendous limitations on what CPRA may share with the public about these cases – indeed, California remains among the least transparent of all states in the nation with regards to police misconduct - we hope this report at least provides the maximum transparency allowed by law in this field.

Legal Limitations on the Scope of this Report

The Community Police Review Agency (CPRA) receives and investigates complaints from the public about the conduct of City of Oakland police officers. Penal Code section 832.7 prohibits the release of “any information” regarding such investigations save for “statistical reports,” but provides no definition for statistical reports. Oakland Municipal Code (OMC) section 2.46.040(d) directs that CPRA’s monthly statistical reports to the Commission shall include specific information about each case, such as the date of the incident. In order to comply with these authorities, CPRA provides a monthly statistical report to the Police Commission that includes the information described in OMC section 2.46.040(d), but is prohibited by state law from providing any more case-by-case, detailed information than that.

CPRA continues to advocate for the reform of state law so that CPRA and other agencies can provide more transparency to the public.

Here, CPRA has culled from monthly statistical reports that CPRA has already provided to the Police Commission and the public all those cases with incident dates from within the period of the George Floyd protests here in Oakland. Not every one of these cases is directly related to protests held in downtown Oakland, but this set of cases necessarily includes all protest-related complaints from that period, save for a small number still under investigation. Thus, this report gives the public the most detailed and complete picture currently possible of the cases considered by CPRA as a result of the protests.

In the future, only one of these cases appears to be subject to a relatively new exception to these strict privacy laws. That exception, SB 1421, we expect will allow for public release of one Use of Force case in this set, once the reports in that matter are redacted to comply with SB 1421. No other cases in the set accompanying this report appear to qualify for this exception.

Definitions of Findings

The accompanying Statistical Report uses several technical terms that benefit from some detailed explanation here.

Each event a complainant complaints about, or that CPRA discovers, is called an “allegation.” The City of Oakland – both the Police Department and CPRA – use a set of terms to explain the conclusions they reach about those allegations, which are called “findings.” Some findings come from state law, and some from Police Department

policies. Below are those terms, their definitions, and some hypothetical examples of each to provide more insight into what each finding means.

1. Sustained.

This term means that the events a complainant alleged were more likely than not to have actually happened, and that those events were a violation of Oakland Police Department Policy. Some examples would include an officer using tear gas in violation of Police Department Policy, or an officer hitting someone in violation of Police Department Policy. In either case, one would see in this report an Allegation labelled “Use of Force” and a Finding of “Sustained.”

It is important to note here that CPRA used this combination (a sustained finding on a Use of Force violation) for all improper uses of tear gas, fists, hands, elbows, batons, taking a person to the ground, or any other type of Use of Force by an officer at a protest. In this regard, there were numerous sustained findings for Use of Force at protests, as Chief Armstrong has previously reported publicly. These are not reported here as violations of the Crowd Control policy in part because the Use of Force violation is more specific, and more accurately describes the officer’s violation of policy. The Sustained Use of Force Allegation is also a very serious one for an officer to have in their disciplinary history, and thus is an effective tool to hold them accountable. That said, there is no question that most of the Use of Force violations documented here occurred at protests, which is arguably a crowd control problem, even if not a literal violation of the OPD Crowd Control policy.

2. Unfounded.

This term means that CPRA concluded that the events a complainant alleged were more likely than not to not have happened. In these cases, CPRA might have concluded that a complainant misperceived the events, or perhaps heard about the event from someone else so wouldn’t have had first-person knowledge about the events. While this finding is used when CPRA concludes a complainant was not truthful, it is far more common that CPRA actually concludes that the complainant simply did not have all the facts. For example, CPRA often receives complaints from adults who are reporting an experience their juvenile or even adult child told them about, but which the complainant did not witness. CPRA also receives complaints from persons making complaints about events they saw in the news. It is not surprising that these individuals might not always have the full picture of the true events when making their complaint. Regardless of the information provided by the complainant, CPRA always makes an independent assessment of the facts, and may or may not agree with the complainant.

3. Exonerated

This term means that the events the complainant reported were more likely than not a correct recitation of what really happened, but that the officers’ behavior was consistent with policy. In many cases, this signals that the way in which officers are trained to

perform their duties is not acceptable to the complainant. For example, if a complainant were to allege that they should not have been arrested after the 8 pm curfew imposed during the protests, on the ground that the curfew should not have been ordered by the City of Oakland in the first place, that allegation would result in a finding of Exonerated, because making such arrests was consistent with Police Department policy at the time. Such a case would be reflected in CPRA reports as an allegation of “Unlawful Arrest or Detention” and a finding of “Exonerated.”

4. No M.O.R.

If a complainant raises an Allegation that does not describe a violation of Police Department Policy, CPRA reaches a finding of “No M.O.R. Violation.” This means that the conduct the person described in their complaint is not listed in the Police Department’s code of conduct for officers, which is called the “Manual of Rules.” So, for example, if a complainant were to allege that too many officers were armed with firearms (i.e., complaining that officers should not be armed with firearms at protests), that allegation would result in a finding of No M.O.R. Violation, because there is no rule at OPD that restricts how many officers should be armed with a firearm at protests.

5. No Jurisdiction

This finding means that an Allegation was found to more likely than not be about an officer who was not from the Oakland Police Department. CPRA and the City of Oakland generally have no ability to hold officers from other agencies accountable for violations of Oakland Police Department policy. When CPRA receives complaints about officers from other agencies, we forward those complaints to those agencies (assuming we can identify the agency). That said, the state laws noted above prohibits those agencies from telling CPRA what, if any, finding they reached on those allegations.

General Observations About The Cases in This Report

It is striking how many allegations in this set of cases resulted in a finding of “No Jurisdiction,” meaning that ultimately the alleged misconduct was committed by an officer from another jurisdiction. This is an ongoing challenge for the City of Oakland: with too few officers to adequately staff protests of this scale, OPD must ask for help from other agencies, but has very limited tools with which to direct such officers in the field, or to hold officers from those agencies accountable.

The Police Department has publicly stated that they use no rubber or wooden projectiles, and in fact do not even possess any. Their policies say the same. That said, the media has reported many claims from people attending the George Floyd protests that they were hit by rubber or wooden projectiles. One can infer from these claims that rubber and wooden projectile wounds suffered by people attending the protests were likely inflicted by officers from other agencies that do permit such projectiles. This, too, remains an ongoing challenge for the City of Oakland. Developing stronger controls to

prevent outside agencies from deploying prohibited weapons in Oakland should be a priority.

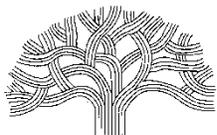
It is also significant that many Use of Force allegations resulted in sustained findings. Of those reported here, over 30 uses of force by OPD officers were sustained, meaning the force used violated policy.

Policy Recommendations

CPRA's policy and training recommendations stemming from these cases are included in the attached statistical report, as has been the custom in CPRA's monthly statistical reports. Among those recommendations are two overall trends worth highlighting here:

1. OPD should improve training for officers who are responsible for meeting, guiding, and overseeing mutual aid agencies that assist Oakland. In particular, making sure more officers properly understand how to recognize prohibited weapons – like rubber bullets and other projectiles prohibited in Oakland – and the importance of reporting these prohibited weapons up the chain of command at OPD is essential. OPD Command Staff cannot take action to keep these weapons off Oakland's streets if lower level officers don't recognize and report them.
2. Existing OPD policies allow patrol officers to use gas for crowd control in "exigent circumstances" even if not ordered by a supervisor. More detailed, and more frequent, training about what this term really means in a crowd control situation is needed. The ordinary dictionary definition is merely "pressing; demanding," but in the context of criminal law and law enforcement it generally refers only to imminent danger to life or property. Conveying this distinction will allow for better compliance with policy.

While all the policy recommendations noted in the attached report are important, CPRA would flag these as the top two priorities.



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Completed Investigations of Incidents Occurring 5/29/20 – 6/1/20
(Allegations in bold were discovered by CPRA investigators)

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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
KT	20-0638	5/29/20	4/25/21	5/29/21	Subject Officer 1	Failure to Accept or Refer a Complaint	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 3	Failure to Accept or Refer a Complaint	<i>Unfounded</i>
						Refusal to Provide Name or Serial Number	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – General	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Not Sustained</i>

Definitions:

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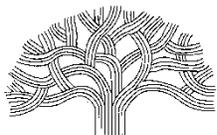
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COMMUNITY POLICE REVIEW AGENCY
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(Allegations in bold were discovered by CPRA investigators)

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 (Total Completed = 48)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Use of Force	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Unfounded</i>
					Subject Officer 4	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – Care of Property	<i>Not Sustained</i>
						Use of Force	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Not Sustained</i>
					Subject Officer 5	Use of Force (Level 4)	<i>Unfounded</i>

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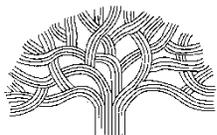
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Unfounded</i>
					Subject Officer 6	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 7	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – Care of Property	<i>Not Sustained</i>
						Failure to Accept or Refer a Complaint	<i>Unfounded</i>
						Failure to Accept or Refer a Complaint	<i>Sustained</i>

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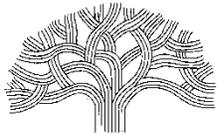
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 8	Failure to Accept or Refer a Complaint	<i>Sustained</i>
KT	20-0641	5/29/20	5/7/21	5/28/21	Unknown Officer	Service Complaint	<i>Service Related</i>
						Service Complaint	<i>Service Related</i>
						Service Complaint	<i>Service Related</i>
KT	20-0705	5/29/20	4/6/21	6/12/21	Unknown Officer	Use of Force (Level 2)	<i>Unfounded</i>
KT	20-0711	5/29/20	5/7/21	6/10/21	Unknown Officer	Use of Force	<i>No Officer</i>
KT	20-0787	5/29/20	3/21/21	5/29/21	Subject Officer 1	Failure to Provide a Serial Number	<i>Not Sustained</i>
KT	20-0853	5/29/20	4/6/21	7/6/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 2)	<i>Not Sustained</i>
						Use of Force (Level 3)	<i>Not Sustained</i>

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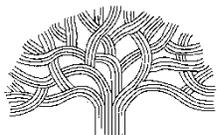
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					Subject Officer 2	Use of Force (Level 3)	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 4	Use of Force (Level 3)	<i>Unfounded</i>
					Subject Officer 5	Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
						Use of Force (Level 3)	<i>Unfounded</i>
					Subject Officer 6	Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
KT	20-0871	5/29/20	4/2/21	6/10/21	Subject Officer 1	Use of Force (Level 3)	<i>Unfounded</i>
					Subject Officer 2	Use of Force	<i>Unfounded</i>
JW	20-0938	5/29/20	5/24/21	5/28/21	Subject Officer 1	Performance of Duty – General	Sustained

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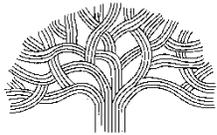
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		5/29/20				Supervisors – Authority and Responsibilities	<i>Sustained</i>
		6/1/20			Subject Officer 2	Performance of Duty – General	<i>Sustained</i>
		6/1/20				Supervisors – Authority and Responsibilities	<i>Sustained</i>
		5/31/20			Subject Officer 3	Use of Force	<i>Unfounded</i>
		5/29/20			Subject Officer 4	Use of Force	<i>Unfounded</i>
		5/29/20			Subject Officer 5	Use of Force	<i>Unfounded</i>
		5/31/20			Subject Officer 6	Use of Force	<i>Unfounded</i>
KT	20-1086	5/29/20	5/7/21	5/29/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
						No Duty/No MOR Violation	<i>No MOR Violation</i>
KT	20-1157	5/29/20	4/8/21	9/8/21	Subject Officer 1	General Conduct	<i>Sustained</i>

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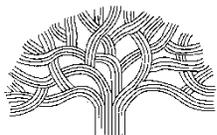
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KT	20-1575	5/29/20	4/6/21	11/25/21	Subject Officer 1	Use of Force (Level 3)	<i>Exonerated</i>
						Use of Force (Level 2)	<i>Unfounded</i>
					Subject Officer 2	Use of Force (Level 3)	<i>Exonerated</i>
						Use of Force (Level 2)	<i>Unfounded</i>
					Subject Officer 3	Use of Force (Level 3)	<i>Exonerated</i>
						Use of Force (Level 2)	<i>Unfounded</i>
					Subject Officer 4	Use of Force (Level 3)	<i>Exonerated</i>
						Use of Force (Level 2)	<i>Unfounded</i>
KT	20-1579	5/29/20	4/6/21	11/25/21	Subject Officer 1	Use of Force (Level 3)	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>

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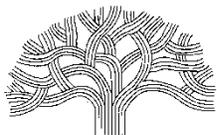
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KT	20-0640	5/30/20	5/7/21	5/29/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
KT	20-0644	5/30/20	4/2/21	5/31/21	Unknown Officer	Use of Force (Level 2)	<i>Unfounded</i>
KT	20-0652	5/30/20	4/2/21	5/31/21	Subject Officer 1	Use of Force (Level 3)	<i>Exonerated</i>
					Subject Officer 2	Use of Force (Level 3)	<i>Exonerated</i>
					Subject Officer 3	Use of Force (Level 3)	<i>Exonerated</i>
					Subject Officer 4	Use of Force (Level 3)	<i>Exonerated</i>
					Subject Officer 5	Use of Force (Level 3)	<i>Exonerated</i>
KT	20-0670	5/30/20	5/7/21	5/29/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
KT	20-0683	5/30/20	5/7/21	5/29/21	Unknown Officer	Service Complaint	<i>Service Related</i>
KT	20-1099	5/30/20	5/7/21	6/7/21	Unknown Officer	Use of Force	<i>Unfounded</i>

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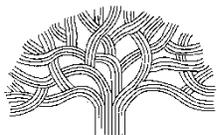
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KT	20-1178	5/30/20	5/14/21	9/14/21	Subject Officer 1	Use of Force (Level 3)	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Conduct Toward Others – Demeanor	<i>Sustained</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 4	Performance of Duty – General	<i>Not Sustained</i>
KT	20-1378	5/30/20	4/5/21	10/28/21	Subject Officer 1	Use of Force (Level 4)	<i>Not Sustained</i>
						Performance of Duty – General	<i>Not Sustained</i>
KT	20-1380	5/30/20	4/1/21	10/26/21	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Sustained</i>

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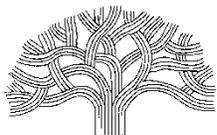
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KT	20-1568	5/30/20	4/2/21	11/25/21	Unknown Officer	Use of Force (Level 2)	<i>No Officer</i>
KT	20-0639	5/31/20	5/7/21	5/30/21	Unknown Officer	Use of Force	<i>Exonerated</i>
KT	20-0642	5/31/20	5/7/21	5/30/21	Unknown Officer	Use of Force	<i>Exonerated</i>
KT	20-0643	5/31/20	3/20/21	6/1/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty – PDRD	<i>Exonerated</i>
						Failure to Accept or Refer a Complaint (Unintentional)	<i>Not Sustained</i>
					Subject Officer 4	Use of Force (Level 4)	<i>Exonerated</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
					Subject Officer 5	Use of Force (Level 4)	<i>Exonerated</i>

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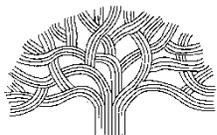
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						Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 6	Use of Force (Level 4)	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search, Seizure, or Arrest	<i>Exonerated</i>
					Subject Officer 7	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 8	Use of Force (Level 4)	<i>Exonerated</i>
KT	20-0645	5/31/20	5/7/21	5/31/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Care of Property	<i>Sustained</i>
					Subject Officer 2	Performance of Duty – General	<i>Not Sustained</i>
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					Subject Officer 3	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>

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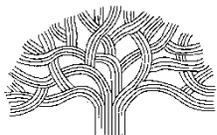
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						Commanding Officers – Authority and Responsibilities	<i>Sustained</i>
					Subject Officer 4	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 5	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 6	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 7	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 8	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>

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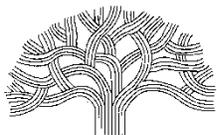
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					Subject Officer 9	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
ED	20-0646	5/31/20	5/13/21	6/1/21	Subject Officer 1	Use of Force (Level 1)	<i>Sustained</i>
						Refusal to Provide Name or Serial Number	<i>Sustained</i>
						Supervisors – Authority and Responsibilities	<i>Sustained</i>
						Truthfulness	<i>Not Sustained</i>
						Compromising Criminal Cases	<i>Not Sustained</i>
					Subject Officer 2	Supervisors – Authorities and Responsibilities	<i>Sustained</i>
						Performance of Duty – Miranda	<i>Sustained</i>
						Insubordination – Failure or Refusal to Obey a Lawful Order	<i>Not Sustained</i>
						Truthfulness	<i>Not Sustained</i>

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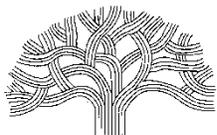
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(Allegations in bold were discovered by CPRA investigators)

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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 3	Performance of Duty – Miranda	<i>Sustained</i>
						Custody of Prisoners – Treatment and Maintaining Control	<i>Sustained</i>
					Subject Officer 4	Performance of Duty – Miranda	<i>Sustained</i>
					Subject Officer 5	Custody of Prisoners – Treatment and Maintaining Control	<i>Sustained</i>
					Subject Officer 6	Performance of Duty – General	<i>Sustained</i>
						Interfering with Investigations	<i>Not Sustained</i>
						Truthfulness	<i>Not Sustained</i>
						Performance of Duty – PDRD	<i>Not Sustained</i>
					Subject Officer 7	Performance of Duty – General	<i>Sustained</i>
						Truthfulness	<i>Not Sustained</i>

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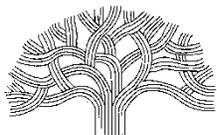
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						Interfering with Investigations	Not Sustained
					Subject Officer 8	General Conduct	<i>Not Sustained</i>
					Subject Officer 9	General Conduct	<i>Not Sustained</i>
KT	20-0647	5/31/20	3/10/21	6/1/21	Subject Officer 1	Use of Force (Level 3)	<i>Unfounded</i>
						Refusal to Provide Name or Serial Number	<i>Unfounded</i>
						Performance of Duty – PDRD	<i>Exonerated</i>
					Subject Officer 2	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Unfounded</i>
						Refusal to Provide Name or Serial Number	<i>Unfounded</i>
						Performance of Duty – PDRD	<i>Exonerated</i>

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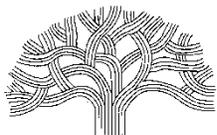
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 3	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Unfounded</i>
						Refusal to Provide Name or Serial Number	<i>Unfounded</i>
						Performance of Duty – PDRD	<i>Exonerated</i>
					Subject Officer 4	Refusal to Provide Name or Serial Number	<i>Unfounded</i>
						Performance of Duty – PDRD	<i>Sustained</i>
						Use of Force (Level 3)	<i>Unfounded</i>
					Subject Officer 5	Use of Force (Level 3)	<i>Unfounded</i>
KT	20-0666	5/31/20	3/21/21	5/30/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>

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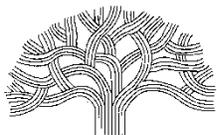
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
					Subject Officer 3	Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 4	Performance of Duty – General	<i>Exonerated</i>
KT	20-1379	5/31/20	3/21/21	10/26/21	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Sustained</i>
KT	20-0197	6/1/20	3/5/21	6/1/21	Subject Officer 1	Performance of Duty – General	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
KT	20-0648	6/1/20	3/20/21	6/1/21	Subject Officer 1	Use of Force (Level 1)	<i>Exonerated</i>
					Subject Officer 2	Use of Force (Level 4)	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Unfounded</i>

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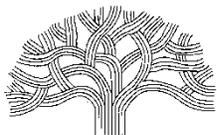
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 3	Use of Force (Level 4)	<i>Unfounded</i>
KT	20-0658	6/1/20	3/20/21	6/1/21	Subject Officer 1	Use of Force (Level 4)	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
						Conduct Toward Others – Profiling by Race or Ethnicity	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
						Refusal to Provide Name or Serial Number	<i>Unfounded</i>
KT	20-0659	6/1/20	5/7/21	5/31/21	Unknown Officer	Service Complaint	<i>Service Related</i>
KT	20-0660	6/1/20	3/21/21	6/1/21	Subject Officer 1	Conduct Toward Others – Identity Profiling by Race or Ethnicity	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Conduct Toward Others – Demeanor	<i>Unfounded</i>

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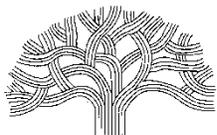
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KT	20-0661	6/1/20	4/9/21	6/1/21	Subject Officer 1	Use of Force (Level 4)	<i>Exonerated</i>				
						Use of Force (Level 2)	<i>Unfounded</i>				
						Use of Force (Level 4)	<i>Unfounded</i>				
						Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>				
										Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search, Seizure, or Arrest	<i>Exonerated</i>				
						Use of Force (Level 2)	<i>Unfounded</i>				
						Use of Force (Level 4)	<i>Unfounded</i>				
KT	20-0662	6/1/20	3/25/21	6/1/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>				
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>				

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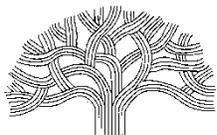
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					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Sustained</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
KT	20-0667	6/1/20	4/9/21	6/1/21	Subject Officer 1	Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 3	Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 4	Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 5	Performance of Duty – General	<i>Unfounded</i>
					Unknown Officer	Conduct Toward Others – Demeanor	<i>Unfounded</i>
KT	20-0961	6/1/20	4/2/21	6/1/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search, Seizure or Arrest	<i>Exonerated</i>
KT	20-0685	6/1/20	4/2/21	6/4/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Arrest	<i>Exonerated</i>

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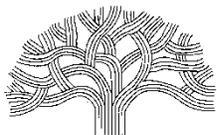
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						Performance of Duty – Care of Property	<i>Sustained</i>
						Performance of Duty – General	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 3	Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 4	Performance of Duty – General	<i>Exonerated</i>
KT	20-0988	6/1/20	4/2/21	6/2/21	Unknown Officer	Use of Force (Level 2)	<i>No Officer</i>
KT	20-0668	6/1/20	5/7/21	6/1/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>

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KT	20-0669	6/1/20	5/7/21	6/1/21	Unknown Officer	No Duty/No MOR Violation	<i>No MOR Violation</i>
KT	20-0957	6/1/20	4/25/21	6/1/21	Unknown Officer	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 2)	<i>Unfounded</i>
						General Conduct	<i>Unfounded</i>
KT	20-0958	6/1/20	5/24/21	5/29/21	Subject Officer 1	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 2	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 3	Use of Force (Level 3)	<i>Unfounded</i>

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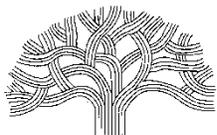
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						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 4	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 5	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 6	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 7	Use of Force (Level 3)	<i>Sustained</i>

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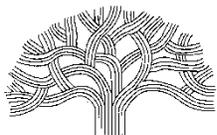
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						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 8	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 9	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 10	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
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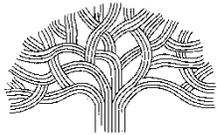
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					Subject Officer 11	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 12	Use of Force (Level 3)	<i>Sustained</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 13	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 14	Use of Force (Level 3)	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 15	Use of Force (Level 3)	<i>Unfounded</i>

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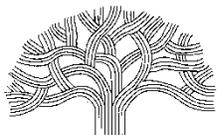
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						Use of Force (Level 3)	<i>Sustained</i>
					Subject Officer 16	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
					Subject Officer 17	Use of Force (Level 2)	<i>Exonerated</i>
					Subject Officer 18	Use of Force (Level 2)	<i>Exonerated</i>
KT	20-0959	6/1/20	4/25/21	6/1/21	Unknown Officer	Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
						Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 1	Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/Improper Search Seizure or Arrest	<i>Exonerated</i>

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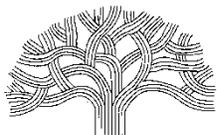
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CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Completed Investigations of Incidents Occurring 5/29/20 – 6/1/20
(Allegations in bold were discovered by CPRA investigators)

6/18/21
Page 27 of 32
 (Total Completed = 48)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
KT	20-0960	6/1/20	4/25/21	6/1/21	Officer Unknown	Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 2	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 3	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 4	Use of Force (Level 4)	<i>Exonerated</i>
KT	20-0962	6/1/20	5/4/21	6/3/21	Unknown Officer	Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 1	Use of Force (Level 4)	<i>Exonerated</i>
						Use of Force (Level 1)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Unfounded</i>

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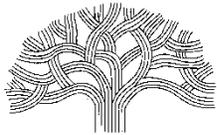
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						Performance of Duty – General	<i>Exonerated</i>
					Subject Officer 2	Use of Force (Level 4)	<i>Exonerated</i>
						Use of Force (Level 1)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Unfounded</i>
						Performance of Duty – General	<i>Exonerated</i>
KT	20-1554	6/1/20	4/25/21	6/1/21	Unknown Officer	Performance of Duty – General	<i>Exonerated</i>
						Use of Force (Level 2)	<i>Unfounded</i>
					Subject Officer 1	Use of Force (Level 2)	<i>Unfounded</i>
					Subject Officer 2	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 3	Use of Force (Level 4)	<i>Exonerated</i>

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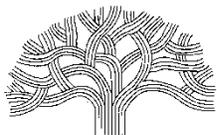
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					Subject Officer 4	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 5	Use of Force (Level 4)	<i>Exonerated</i>
					Subject Officer 6	Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 7	Performance of Duty – General	<i>Unfounded</i>

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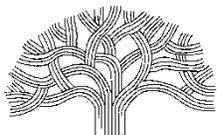
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CPRA Made the following Training Recommendations with Respect to Investigations in this Report

CPRA recommends that an officer receive training related to the Operations Plan and with Department policy regarding mutual aid and prohibited chemical agents/munitions

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

1. OPD should distill policies and procedures and any other relevant documents (including applicable court orders) applying to the conduct of mutual aid agencies into a separate document. This document should list the procedures that mutual aid agencies should follow, note prohibited munitions and interdicted uses of force, and permissible uses of force (especially regarding SIMs). This should be distributed to line officers responding as mutual aid. OPD should ensure that this document, and all relevant OPD policies are regularly distributed to regional law enforcement agencies likely to respond to a request for mutual aid.
2. OPD should hold a virtual or in-person meeting at least yearly with regional law enforcement agencies likely to respond to a request for mutual aid to review and discuss OPD's crowd control and use of force policies, procedures for utilizing mutual aid, and dynamics of crowd control situations in Oakland.

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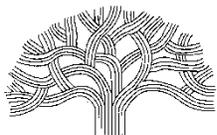
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- | |
|---|
| 3. OPD should prepare presentations for use during briefings of mutual aid agencies during crowd control events. The presentation should focus on OPD crowd control, use of force, and less-lethal munitions policies. |
| 4. A standard operating procedure (SOP) be developed regarding the process for checking in and checking out mutual aid agencies at the Staging area. It should be updated to reflect the most current OPD policies regarding mutual aid, including those mandated by court order. It should list and define each specific role officers will be required to perform and should include step-by step instructions. |
| 5. An officer with expertise regarding less-lethal munitions and chemical agents should always be present at Staging to inspect a mutual aid agency’s munitions and identify any that are prohibited for crowd control use by OPD policy. |
| 6. Training should be conducted yearly for all officers in CID who are likely to be called up to work at Staging and for all Lieutenants and Captains who could be called upon to serve as Staging Manager. |
| 7. An SOP for Pathfinders should be created, listing and defining each specific task Pathfinders must perform. OPD should provide annual training to all officers likely to be assigned to serve as Pathfinders. |
| 8. To avoid confusion or ambiguity about the munitions OPD prohibits for crowd control, OPD should consider revising relevant portions of TB III-H: under No. 2 in the section headed “Crowd Control and Crowd Management Usage” (and similar language in TB III-G). |

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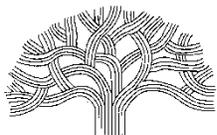
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9. OPD should establish a written protocol for obtaining reports and body worn camera footage from mutual aid agencies.
10. OPD should consider incorporating protocols for production of reports and body worn camera footage by mutual aid agencies into its mutual aid agreements.
11. OPD should revise its Crowd Control Operations training for its Basic Academy and for Advanced Officer training to list Stinger Grenades, Stinger Rubber Ball rounds and other non-directional, non-target specific munitions among weapons prohibited for crowd control use.

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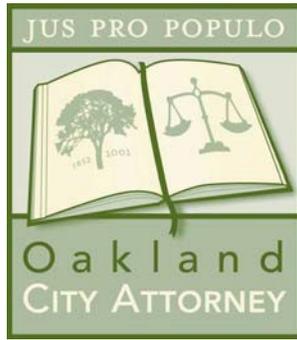
Community Police Review Agency

To: Oakland Police Commission
From: John Alden, Executive Director, Community Police Review Agency
Date: June 21, 2021
Re: RFQ re: Independent Counsel

As the Commission will recall, Measure S1 ensured that the Police Commission have its own separate counsel from the Office of the City Attorney. We anticipate the Police Commission's budget for Fiscal Years '22-'24, once approved by the City Council, is likely to contain funding specifically for this purpose for the first time.

Given this new funding and charter mandate, normal City of Oakland procedure would be to issue a Request for Qualifications (RFQ) to solicit bids from attorneys to serve as counsel to the Commission. The Commission's current counsel are eligible to submit a statement of qualifications for consideration in that process, and for that reason are not advising on the creation of the RFQ.

Attached is a proposed RFQ created by the Commission Chair. An accompanying red-lined version shows how this proposed version differs from the RFQs ordinarily issued by the Office of the City Attorney.



CITY OF OAKLAND
OFFICE OF THE CITY ATTORNEY
BARBARA J. PARKER, CITY ATTORNEY

REQUEST FOR QUALIFICATIONS
FOR THE LEGAL SERVICES:

Outside Counsel for Oakland Police Commission

Please respond by _____

Contact Person: _____
Phone Number:
E-mail Address:

Issued: _____

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INTRODUCTION/SCOPE OF SERVICE

In November 2016, Oakland voters overwhelmingly passed Measure LL, an amendment to the Oakland City Charter codified in Charter section 604, which established the Oakland Police Commission (“Commission”) consisting of seven regular and two alternate members, and which established the Community Police Review Agency (“CPRA”). In November 2020, Oakland voters passed Measure S1, an amendment to Charter section 604 which established an Office of Inspector General (“OIG”), expanded the powers and duties of the Commission, and provided for the Commission to retain independent legal counsel.

The Commission oversees the Oakland Police Department (“OPD”) in order to ensure that its policies, practices, and customs conform to national standards of constitutional policing. The Commission is charged with reviewing, proposing changes to, and holding annual public hearings on OPD’s policies and procedures. The Commission also must report annually to the Mayor, the City Council, and to the public regarding the Commission’s business.

The Commission oversees the work of the CPRA and the OIG. The CPRA investigates all public complaints against OPD officers involving use of force, in-custody deaths, profiling, public assemblies, and other possible misconduct as directed by the Commission. The Commission, as a body or by committee, reviews certain CPRA cases and provides direction to the Director on case closure, sustained findings and/or the imposition of discipline. The Commission reviews audits performed by the OIG. The CPRA Director and the Inspector General report to and may be terminated by the Commission. The Commission meets in closed session to discuss the CPRA Director’s and the Inspector General’s performance.

The Commission wishes to retain legal counsel (“Commission Attorneys”) to advise the Commission on matters within the scope of its powers and duties as enumerated in Charter section 604 and in Oakland Municipal Code Chapters 2.45 and 2.46; provide periodic training on Brown Act compliance and parliamentary procedure; represent the Commission as contemplated in Charter section 604(i)2; and advise on other matters as assigned. Commission Attorneys must be available to sit at the dais during the Commission’s regular and special meetings. Regular meetings are held the second and fourth Thursdays of each month at 6:30 p.m. in Oakland City Hall.

The Commission requests detailed information regarding the qualifications of attorneys or law firms interested in providing legal services to the Commission to make this appointment. Selection of Commission Attorneys will be based on the quality of their work, commitment to controlling costs, adherence to budgets, and commitment to providing equal opportunities for people of color and women, persons with disabilities and regardless of sexual orientation or other protected class status. We encourage innovative approaches to billing proposals, such as fixed rate per project, blended hourly rate per project, discounted rates, contingency fees, or some other methodology. When we select a firm to represent the Commission we decide which attorneys will be working on our matters, and we require advance approval of any changes in assignments.

All firms retained by the City of Oakland must enter into Oakland’s standard Professional Services Agreement (PSA), and complete and provide the following schedules and documentation.

- Combined Schedules: C-1: Declaration of Compliance with the American Disabilities Act, Schedule P: Nuclear Free Zone Disclosure, Schedule U: Compliance Commitment Agreement, Schedule V: Affidavit of Non-Disciplinary or Investigatory Action, Schedule;
- Schedule B-2: Arizona Resolution
- Schedule D: Ownership Ethnicity and Gender Questionnaire;
- Schedule E: Project Consultant Team;
- Schedule N: Declaration of Compliance for the City’s Living Wage Ordinance;
- Schedule N-1: Equal Benefits Declaration of Nondiscrimination,;
- Schedule O: Contractor Acknowledgment of City of Oakland Campaign Contribution Limits;
- Proof of Insurance on the ACORD form showing the types and amounts of and insurance coverage required in Schedule Q, Insurance Requirements; and
- Current Oakland Business Tax certificate or application in progress.

In addition to the PSA, the selected firm will be required to enter into a Scope of Service/Retention Agreement which includes a written work plan or case handling plan, a capped “not to exceed” amount in accordance with Charter section 604(i) and the names of the individuals in the law firm assigned to work on the matter and their hourly rates. The Scope of Service / Retention Agreement becomes a part of the overall agreement and cannot be modified without the advance written approval of the Commission. The Commission will not approve bills/invoices that are in excess of budget, absent prior approval. All invoices must set forth the billing amount, the cap, and the amount remaining on the contract. The documents listed above are included as an attachment.

The selected firm must be current on the payment of Oakland business taxes. This tax is based on income from work the firm performs in Oakland. The selected firm must have or obtain an Oakland Business Tax Certificate regardless of where the firm is located.

REQUESTED INFORMATION (FIRM DATA & INFORMATION)

Respondents should provide the following background information for each attorney in the firm who wishes to be qualified to provide advice or assist in providing advice to the Commission. Please provide two copies of the responses and please identify the partner or shareholder who would be in charge of the representation. For purposes of providing background information, “peace officers” include all law enforcement officers, including but not limited to police officers, deputy sheriffs, highway patrol officers, and corrections officers.

1. Describe your professional experience in the area of representation of public entities, including representation at public meetings / hearings, parliamentary procedure, compliance with the California Public Records Act, and application of the Brown Act.
2. Describe your professional experience in the areas of oversight and policy development for a peace-officer department or agency.
3. Describe your professional experience in the area of public-employee misconduct and discipline, including experience related to peace officers.
4. Describe your professional experience in the areas of employee privacy and public sector labor relations.
5. Have you ever represented a client in a claim or lawsuit against a peace-officer department or agency? If so, please describe the timing and nature of the representation(s).

6. Have you ever represented a peace-officer department or agency in a law suit? If so, please describe the timing and nature of the representation(s).
7. Have you ever represented a peace officer in a civil or criminal matter for alleged on-the-job misconduct? If so, please describe the timing and nature of the representation(s).
8. Have you ever represented a peace officer or a peace officer employee association in a discipline matter or collective bargaining dispute? If so, please describe the timing and nature of the representation(s).

In addition, Respondents should include the following information:

1. Your office's availability to work as outside counsel to the Commission, including number of hours per week/month the lead attorney can personally commit, availability of attorneys for Commission meetings, any regular time constraints or competing commitments, and availability of associate attorneys to advise the Commission in the absence of the lead attorney.
2. The diversity of the firm in terms of women, minorities, persons with disabilities, sexual orientation (LGBT), etc.
3. A description of the nature and scope of specific projects handled by each qualified attorney, or significant matters that may be relevant to representation of the City of Oakland in such disputes.
4. An agreement not to engage in litigation against the City of Oakland or represent clients that have interests that are directly adverse to the City of Oakland without first informing the Commission and the Office of the City Attorney and obtaining written permission from City to do so.
5. A firm resume or brochure.

FEE STRUCTURE

Respondents should provide hourly rates for each attorney seeking qualification, as well as paralegals and other professionals who will assist in the representation.

The quote hourly rate should include all salary and compensation, and all overhead expenses, profits and other employee costs, including but not limited to clerical and word processing expenses. Respondents should list all expenses they propose to bill in addition to legal fees and the basis for such expenses. The contract will provide for usual and customary reimbursement of third party costs based on the actual expense. The City does not reimburse for additional overhead on third party costs.

If rates the firm/attorney proposes to adjust rates during the course of representation, please describe the method for such adjustment. Respondents should include alternatives to hourly billing, including fixed price representation and contingency fee arrangements. The City Attorney will establish with selected firms legal fees and expense budgets for each assigned matter. Please see the attached Outside Counsel Policy Guide for more information.

REVIEW OF SUBMISSIONS

The City Attorney's Office will develop a list of firms to conduct work on behalf of the Office based upon its evaluation of the responses to this Request for Qualifications. Price will not be the controlling factor in selecting firms for the list, but price will be a factor in making work assignments. A firm is not entitled to be placed on the list or entitled to work solely on the basis of submission of a low price quotation. The City Attorney will evaluate the

responses in the areas of Scope of Service / Scope of Representation, Firm Data and Information and Fee Structure.

Once the list is established, specific firms and individual attorneys may be selected from the list for execution of the PSA, required schedules and Scope of Service / Retention Agreement as the need for legal services arises or in anticipation of the need for such services. Execution of the PSA and related documents will not guarantee that any case or matter or the number of cases or matters will be assigned to outside counsel. The City will make the decision to retain outside counsel on a case-by-case or matter-by-matter basis. Contracts will remain in effect for a period of not less than one year from the date of execution thereof unless they are terminated before expiration by providing written notice, or unless they are renewed or extended. Fee structures should take this time period into account.

RESPONDENT'S PERSONNEL

The Police Commission intends to reserve the right to designate a specific attorney(s) in a contracting law firm to work on a specific case or matter as lead counsel or as associate lead counsel for the services rendered pursuant to any contract, and further intends to reserve the right to terminate the contract if the lead counsel leaves employment of the firm.

CONFIDENTIALITY OF PROPOSAL INFORMATION WAIVER

Respondents specifically and categorically agree that, as a condition for the opening and review of their responsive submittals, the information relating to fees and fee structure submitted by every other respondent is confidential and proprietary information insofar as such Respondent is concerned.

Respondents are further advised that upon execution of an agreement, all the terms and conditions, including fees and fee structures, forming part of such agreement shall become a public record of the City and be subject to full disclosure; and each Respondent waives any right to object to any such disclosure.

CITY'S RESERVATION OF RIGHTS

This Request for Qualifications does not constitute a commitment by the Police Commission, Office of the City Attorney or by the City Attorney to enter into any agreement or contract, or to pay any costs associated with the preparation of responses, submittals or other documents or any related-work by any Respondent. The Police Commission reserves the right to enter into agreements for legal services with persons or firms who do not respond. The Police Commission further reserves the right to waive responses to any part of this request if, in their sole judgment, they determine that it is in the best interests of the City to do so. The Police Commission may require any Respondent to participate in negotiations and to submit such other information or documentation as it may deem necessary as conditions of awarding a contract. The Police Commission reserves the right to vary or waive requirements for different Respondents as shall fit the City's needs.

STATEMENT OF INTEREST AND QUALIFICATIONS (SOQ)

Submit Proposal to:

?To whom?

2 copies of the SOQ must be enclosed in a sealed package and marked as follows:

Confidential Documents / Attn: ?to Whom?

For questions concerning this SOQ contact [email address]

SELECTION OF COUNSEL

We are interested in hiring a diverse group of firms/individuals that will provide high-quality services and that are dedicated to containing legal costs. We seek to build ongoing relationships with firms that share our commitment to quality and cost containment, as well as expand and strengthen our relationships with Oakland-based firms, small firms and firms that are committed to diversity.

Selection of outside counsel for all matters - large and small - is based on the quality of their work, commitment to controlling costs, adherence to budgets and commitment to providing opportunities for minorities, women, and persons with disabilities, regardless of sexual orientation. We encourage innovative approaches to billing, fixed rate per project, blended hourly rate per project, discounted rates, contingency fee arrangements, etc.

When we select a firm to represent the Police Commission we decide which attorneys will be working on our matters, and we require advance approval of any changes in assignments.

CONFLICTS OF INTEREST

We expect that the Police Commission will be notified immediately if outside counsel becomes aware of an actual or potential conflict. The Police Commission recognizes that on occasion outside counsel will be asked to represent clients whose interests are inconsistent with the Police Commission's, and that outside counsel may even be asked to represent parties whose interests are in direct conflict with the Police Commission's. Whenever the Police Commission waives a conflict, the waiver will be conditioned on written agreement by the other client that it will not object to outside counsel representing the Police Commission in any pending or future matter. The Police Commission generally will **not** waive a conflict if the matter is related to a matter in which outside counsel has represented the City, or if your firm has access to relevant confidential information of the City, or if your representation of the other client involves issues of important City of Oakland policy.

ASSIGNMENT OF ATTORNEY

Before the Police Commission contracts with outside counsel, the Police Commission expects a commitment with respect to the attorneys who will be representing the Police Commission. If subsequently it becomes necessary to substitute an attorney or add additional attorneys, outside counsel must receive prior approval before doing so.

Significant roles should not be given to other attorneys without the Police Commission's prior concurrence.

While the Police Commission expects senior attorneys to perform those tasks that require substantial experience, the Police Commission expects that outside counsel will attempt to minimize legal expenses by relying on junior attorneys and paralegals for less demanding tasks.

STRATEGY AND BUDGET

For every new matter outside counsel and the responsible in-house attorney must prepare a strategy and a budget. The budget should estimate total fees and expenses to see the matter to its conclusion. If outside counsel anticipates a change in the budget after the agreement is executed outside counsel must discuss it with the Police Commission before the work is done or the expense is incurred. The Police Commission will not approve bills/invoices that are in excess of budget absent prior approval.

Litigation strategy should identify alternate methods of disposing of the case, including ADR (Alternative Dispute Resolution) and settlement. An outline should be made of the proposed course of litigation, including dispositive pretrial motions, the scope of discovery and the trial strategy. If it appears that a case will go to trial, an estimate of costs should be sent to the responsible in-house attorney no later than the close of discovery, if possible. The detail of all plans (litigation and otherwise) will be dictated by the significance of the matter.

LITIGATION

Advance approval from the Police Commission is required before:

- Preparing pretrial motions;
- Preparing a cross-complaint which adds new parties to the action; Selecting and retaining expert witnesses;
- Preparing motions during trial, post-trial motions or appeals;
- Undertaking any unusual activity, such as a major research memorandum;
- Agreeing to alternative dispute resolution processes;
- Agreeing to settlement.

Outside counsel must consult with the Police Commission concerning the strategy for taking depositions and other discovery. The deposition plan should include a brief explanation of the proposed deponent's location, his or her involvement in the matter, and the purpose of the deposition.

Outside counsel must exercise restraint in discovery and legal research conducted in routine small matters. We will not return to a firm that allows costs to approach - much less exceed- the City's exposure or potential recovery.

Litigation counsel must evaluate ADR as a substitute for full-scale litigation. The Police Commission expects that ADR techniques will be given active consideration from the commencement of litigation. The Police Commission does not view ADR as an alternative to be considered only when trial is imminent and after months or years of costly discovery and pretrial battles.

RATE STRUCTURE

Billing rates will be established at the outset of each matter. In establishing the billing rates it is expected that outside counsel will consider the competitive climate in the practice of law and the fact that the Police Commission assures prompt payment.

The Police Commission must provide advance consent of changes in billing rates and the existing agreement will need to be amended. The Police Commission assumes that the rates agreed upon are as low as those offered to any other government/public agency client; if any other clients enjoy more favorable billing rates, the Police Commission expects to be told how to qualify for similar billing treatment.

If the billing method is hourly rates, the rates should contain all overhead and internal charges associated with outside counsel's practice, such as administration, secretarial, docket, word processing, accounting, library and other clerical time. If outside counsel customarily makes separate charges for any of these functions; the billing arrangement must be specifically approved in advance by the responsible in-house attorney and the amount must be factored into the overall budget. The Police Commission expects that the hourly rates of outside counsel who bill separately for secretarial or other services will be less than those of competitive firms that include all overhead in their billing rates.

BILLING/INVOICING

Separate bills/invoices are required for each specific matter. Absent an express agreement to the contrary, bills/invoices must be submitted monthly, unless another arrangement is agreed to in advance, or unless the matter is inactive.

All bills/invoices should include hours spent (to nearest fraction), a brief description of the services rendered and the individual who provided the services. A summary of the total hours by individual with his/her billing rate also should be included.

All bills/invoices for services and disbursements must conform to the format of the budget per the Scope of Service Agreement, i.e., the bill/invoice must be in a form that will enable The Police Commission to compare the items that made up the budget with the items that appear on the bill/invoice.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement the billed/invoiced amounts to date and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.

The Police Commission will not approve bills/invoices that are in excess of budget absent prior approval.

If travel time is devoted to working for one or more clients in addition to the Police Commission, the Police Commission should not be billed for the time devoted to other clients. Billing for time spent in transit should not include time that would be spent in normal commute to your office unless agreed to in advance, the Police Commission should not be billed for time away from home or the office, which is not in transit or spent performing legal services.

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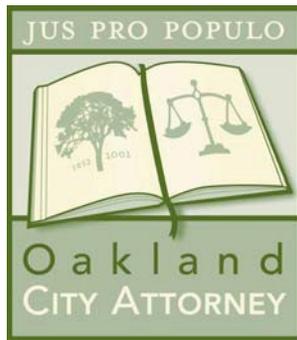
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All disbursement charges must be accompanied by a copy of the invoice or statement to verify the charges. the Police Commission will not pay charges that exceed the market rate for any service such as messengers, depositions, expert witness, etc.

COMMUNICATION

Outside counsel must contact the responsible in-house attorney if any issue arises that is not covered by this policy, or if outside counsel wishes to deviate from any of the stated policies.



CITY OF OAKLAND
OFFICE OF THE CITY ATTORNEY
BARBARA J. PARKER, CITY ATTORNEY

REQUEST FOR QUALIFICATIONS
FOR THE LEGAL SERVICES:

Outside Counsel for Oakland Police Commission

Please respond by **June 15, 2019** _____

Contact Person: **Mark Forte** _____
Phone Number: **(510) 238-2960**
E-mail Address: **mforte@oaklandcityattorney.org**

Issued: **May 2, 2019** _____

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INTRODUCTION/SCOPE OF SERVICE

In November 2016, Oakland voters overwhelmingly passed Measure LL, an amendment to the Oakland City Charter codified in Charter section 604, which established ~~an~~the Oakland Police Commission (“Commission”) consisting of seven regular and two alternate members, ~~and a~~which established the Community Police Review Agency (“CPRA”). ~~The~~In November 2020, Oakland voters passed Measure S1, an amendment to Charter section 604 which established an Office of ~~the Oakland City Attorney is responsible for providing all legal services for~~Inspector General (“OIG”), expanded the powers and duties of the Commission, ~~and is responsible~~provided for engaging outside counsel to advise the Commission in conjunction with the City Attorney’s Office to retain independent legal counsel.

The Commission oversees the Oakland Police Department (“OPD”~~.”~~) in order to ensure that its policies, practices, and customs conform to national standards of constitutional policing. The Commission is charged with reviewing, proposing changes to, and holding annual public hearings on OPD’s policies and procedures. The Commission also must report annually to the Mayor, the City Council, and to the public regarding the Commission’s business.

The Commission oversees the work of the CPRA and the OIG. The CPRA investigates all public complaints against OPD officers involving use of force, in-custody deaths, profiling~~and~~, public assemblies, and other possible misconduct as directed ~~by the Commission. The CPRA’s Director reports to and may be terminated~~ by the Commission. The Commission, as a body or by committee, reviews certain CPRA cases and provides direction to the Director on case closure, sustained findings and/or the imposition of discipline. The Commission reviews audits performed by the OIG. The CPRA Director and the Inspector General report to and may be terminated by the Commission. The Commission meets in closed session to discuss the CPRA Director’s and the Inspector General’s performance.

The ~~City Attorney~~Commission wishes to retain outside legal counsel ~~to the City Attorney (“Commission Attorneys”)~~ to advise the Commission ~~and on matters within the scope of its powers and duties as enumerated in Charter section 604 and in Oakland Municipal Code Chapters 2.45 and 2.46;~~ provide periodic training on Brown Act compliance, ~~and~~ parliamentary procedure, ~~and;~~ represent the Commission as contemplated in Charter section 604(i)2; and advise on other matters as assigned. ~~Outside counsel~~Commission Attorneys must be available to sit at the dais during the Commission’s regular and special meetings. Regular meetings are held the second and fourth Thursdays of each month at 6:30 p.m. in Oakland City Hall.

The ~~City Attorney~~Commission requests detailed information regarding the qualifications of attorneys or law firms interested in providing legal services to the Commission to make this appointment ~~and to establish a list of qualified attorneys or law firms from which future outside counsel may be selected.~~

~~In general, the City Attorney is interested in hiring a diverse group of firms/individuals that will provide high-quality services while containing legal costs. We seek to build ongoing relationships with firms that share our commitment to quality and to cost containment, as well as expand and strengthen our relationships with Oakland-based firms that are committed to diversity.~~

Selection of ~~outside counsel for all matters is~~Commission Attorneys will be based on the quality of their

work, commitment to controlling costs, adherence to budgets, and commitment to providing equal opportunities for people of color and women, persons with disabilities and regardless of sexual orientation or other protected class status. We encourage innovative approaches to billing proposals, such as fixed rate per project, blended hourly rate per project, discounted rates, contingency fees, or some other methodology. When we select a firm to represent the City of Oakland Commission we decide which attorneys will be working on our matters, and we require advance approval of any changes in assignments.

All firms ~~that we retain~~retained by the City of Oakland must enter into Oakland's standard Professional Services Agreement (PSA), and complete and provide the following schedules and documentation.

- Combined Schedules: C-1: Declaration of Compliance with the American Disabilities Act, Schedule P: Nuclear Free Zone Disclosure, Schedule U: Compliance Commitment Agreement, Schedule V: Affidavit of Non-Disciplinary or Investigatory Action, Schedule;
- Schedule B-2: Arizona Resolution
- Schedule D: Ownership Ethnicity and Gender Questionnaire;
- Schedule E: Project Consultant Team;
- Schedule N: Declaration of Compliance for the City's Living Wage Ordinance;
- Schedule N-1: Equal Benefits Declaration of Nondiscrimination,;
- Schedule O: Contractor Acknowledgment of City of Oakland Campaign Contribution Limits;
- Proof of Insurance on the ACORD form showing the types and amounts of and insurance coverage required in Schedule Q, Insurance Requirements; and
- Current Oakland Business Tax certificate or application in progress.

In addition to the PSA, the selected firms will be required to enter into a Scope of Service/Retention Agreement ~~for each specific matter. Each Scope of Service / Retention Agreement~~which includes a written work plan or case handling plan, a capped "not to exceed" amount in accordance with Charter section 604(i) and the names of the individuals in the law firm assigned to work on the matter and their hourly rates. The Scope of Service / Retention Agreement becomes a part of the overall agreement and cannot be modified without the advance written approval of the City Attorney, a Chief Assistant City Attorney or a Special Counsel. The Office of the City Attorney Commission. The Commission will not approve bills/invoices that are in excess of budget, absent prior approval. All invoices must set forth the billing amount, the cap, and the amount remaining on the contract. The documents listed above are included as an attachment.

~~Selected firms~~The selected firm must be current on the payment of Oakland business taxes. This tax is based on income from work the firm performs in Oakland. ~~Selected firms~~The selected firm must have or obtain an Oakland Business Tax Certificate regardless of where the firm is located. ~~See the attached Outside Counsel Policy Guide for more information.~~

REQUESTED INFORMATION (FIRM DATA & INFORMATION)

Respondents should provide the following background information for each attorney in the firm who wishes to be qualified to provide advice or assist in providing advice to the Commission. Please provide two copies of the responses and please identify the partner or shareholder who would be in charge of the representation. For purposes of providing background information, "peace officers" include all law enforcement officers, including but not limited to police officers, deputy sheriffs, highway patrol officers, and corrections officers.

1. Describe your professional experience in the ~~area~~area of representation of public entities, including representation at public meetings / hearings ~~and~~, parliamentary procedure, compliance with the California Public Records Act, and application of the Brown Act.
2. Describe your professional experience in the areas of oversight and policy development for a peace-officer department or agency.
3. Describe your professional experience in the area of public-employee misconduct and discipline, including experience related to peace officers.
4. Describe your professional experience in the areas of employee privacy and public sector labor relations.
- 4.5. Have you ever represented a client in a claim or lawsuit against a peace-officer department or agency? If so, please describe the timing and nature of the representation(s).
- 5.6. Have you ever represented a peace-officer department or agency in a law suit? If so, please describe the timing and nature of the representation(s).
- 6.7. Have you ever represented a peace officer in a civil or criminal matter for alleged on-the-job misconduct? If so, please describe the timing and nature of the representation(s).
- 7.8. Have you ever represented a peace officer or a peace officer employee association in a discipline matter or collective bargaining dispute? If so, please describe the timing and nature of the representation(s).

In addition, Respondents should include the following information:

1. Your office's availability to work as outside counsel to the Commission, including number of hours per week/month the lead attorney can personally commit, availability of attorneys for Commission meetings, any regular time constraints or competing commitments, and availability of associate attorneys to advise the Commission in the absence of the lead attorney.
2. The diversity of the firm in terms of women, minorities, persons with disabilities, sexual orientation (LGBT), etc.
3. A description of the nature and scope of specific projects handled by each qualified attorney, or significant matters that may be relevant to representation of the City of Oakland in such disputes.
4. An agreement not to engage in litigation against the City of Oakland or represent clients that have interests that are directly adverse to the City of Oakland without first informing the Commission and the Office of the City Attorney and obtaining written permission from City to do so.
5. A firm resume or brochure.

FEE STRUCTURE

Respondents should provide hourly rates for each attorney seeking qualification, as well as paralegals and other professionals who will assist in the representation.

The quote hourly rate should include all salary and compensation, and all overhead expenses, profits and other employee costs, including but not limited to clerical and word processing expenses. Respondents should list all expenses they propose to bill in addition to legal fees and the basis for such expenses. The contract will provide for usual and customary reimbursement of third party costs based on the actual expense. The City does not

reimburse for additional overhead on third party costs.

If rates the firm/attorney proposes to adjust rates during the course of representation, please describe the method for such adjustment. Respondents should include alternatives to hourly billing, including fixed price representation and contingency fee arrangements. The City Attorney will establish with selected firms legal fees and expense budgets for each assigned matter. Please see the attached Outside Counsel Policy Guide for more information.

REVIEW OF SUBMISSIONS

The City Attorney's Office will develop a list of firms to conduct work on behalf of the Office based upon its evaluation of the responses to this Request for Qualifications. Price will not be the controlling factor in selecting firms for the list, but price will be a factor in making work assignments. A firm is not entitled to be placed on the list or entitled to work solely on the basis of submission of a low price quotation. The City Attorney will evaluate the responses in the areas of Scope of Service / Scope of Representation, Firm Data and Information and Fee Structure.

Once the list is established, specific firms and individual attorneys may be selected from the list for execution of the PSA, required schedules and Scope of Service / Retention Agreement as the need for legal services arises or in anticipation of the need for such services. Execution of the PSA and related documents will not guarantee that any case or matter or the number of cases or matters will be assigned to outside counsel. The City will make the decision to retain outside counsel on a case-by-case or matter-by-matter basis. Contracts will remain in effect for a period of not less than one year from the date of execution thereof unless they are terminated before expiration by providing written notice, or unless they are renewed or extended. Fee structures should take this time period into account.

RESPONDENT'S PERSONNEL

The ~~City Attorney~~Police Commission intends to reserve the right to designate a specific attorney(s) in a contracting law firm to work on a specific case or matter as lead counsel or as associate lead counsel for the services rendered pursuant to any contract, and further intends to reserve the right to terminate the contract if the lead counsel leaves employment of the firm.

CONFIDENTIALITY OF PROPOSAL INFORMATION WAIVER

Respondents specifically and categorically agree that, as a condition for the opening and review of their responsive submittals, the information relating to fees and fee structure submitted by every other respondent is confidential and proprietary information insofar as such Respondent is concerned.

Respondents are further advised that upon execution of an agreement, all the terms and conditions, including fees and fee structures, forming part of such agreement shall become a public record of the City and be subject to full disclosure; and each Respondent waives any right to object to any such disclosure.

CITY'S RESERVATION OF RIGHTS

This Request for Qualifications does not constitute a commitment by the Police Commission, Office of the

City Attorney or by the City Attorney to enter into any agreement or contract, or to pay any costs associated with the preparation of responses, submittals or other documents or any related-work by any Respondent. The ~~City Attorney~~Police Commission reserves the right to enter into agreements for legal services with persons or firms who do not respond. The ~~City Attorney~~Police Commisison further reserves the right to waive responses to any part of this request if, in ~~her/his~~their sole judgment, ~~s/he~~they determines that it is in the best interests of the City to do so. The ~~City Attorney~~Police Commission may require any Respondent to participate in negotiations and to submit such other information or documentation as it may deem necessary as conditions of awarding a contract. The ~~City Attorney~~Police Commission reserves the right to vary or waive requirements for different Respondents as shall fit the City's needs.

STATEMENT OF INTEREST AND QUALIFICATIONS (SOQ)

Submit Proposal to:

~~City of Oakland, Office of the City Attorney
One Frank H Ogawa Plaza, 6th Floor Oakland, CA 94612~~

?To whom?

2 copies of the SOQ must be enclosed in a sealed package and marked as follows:

Confidential Documents / Attn: Mark Forte ?to Whom?

For questions concerning this SOQ contact mforte@oaklandcityattorney.org [email address]

~~CITY OF OAKLAND OUTSIDE COUNSEL POLICY~~

~~The Office of the Oakland City Attorney (OCA) brings affirmative litigation to protect the civil and human rights of Oakland residents. The City Attorney retains outside counsel for three types of matters/cases: (1) cases that require specialized expertise that our office does not have in-house; (2) cases that present conflict of interest issues; and, (3) cases that we cannot handle due to lack of capacity due to reductions to the City Attorney's Office budget. The City of Oakland engages Outside Counsel only through the Office of the City Attorney.~~

SELECTION OF COUNSEL

~~The goal is to establish a list of qualified firms and individuals in a variety of practice areas for work that we may need during a fiscal year.~~ We are interested in hiring a diverse group of firms/individuals that will provide high-quality services and that are dedicated to containing legal costs. We seek to build ongoing relationships with firms that share our commitment to quality and cost containment, as well as expand and strengthen our relationships with Oakland-based firms, small firms and firms that are committed to diversity.

Selection of outside counsel for all matters - large and small - is based on the quality of their work, commitment to controlling costs, adherence to budgets and commitment to providing opportunities for minorities, women, and persons with disabilities, regardless of sexual orientation. We encourage innovative approaches to billing, fixed rate per project, blended hourly rate per project, discounted rates, contingency fee arrangements, etc.

When we select a firm to represent the CityPolice Commission we decide which attorneys will be working on our matters, and we require advance approval of any changes in assignments.

GENERAL EXPECTATIONS

~~It is the policy of OCA that the City Attorney has the ultimate responsibility for managing every legal matter affecting the City of Oakland. All strategic and tactical decisions must be approved in advance by the responsible in-house attorney. It is expected that firms hired as outside counsel observe the highest ethical standards when they represent the City and that the firms discuss potential conflicts with OCA as soon as they recognize them. Outside counsel must fully understand the objectives to be achieved and their role in achieving them. This includes participation in establishing a strategy and a budget.~~

~~Outside counsel must keep OCA advised of significant developments as they occur, and obtain the approval of the City Attorney, Chief Assistant City Attorneys or Special Counsel before they perform services that would cause the contractual budget to be exceeded. Further, outside counsel must avoid overstaffing, rotating the attorneys assigned to the City's matters, and multiple representation at meetings, depositions, hearings and court appearances. We discourage changes in the individual attorneys who are working on our matters and we must be consulted in advance of any proposed changes.~~

~~Drafts of all briefs and submissions to courts and agencies should be provided to the responsible in-house attorney. It is important that OCA receive drafts sufficiently in advance of the due date to provide adequate time for review and comment. OCA also expects to receive the final version of briefs, filings and legal memos.~~

CONFLICTS OF INTEREST

We expect that ~~OCA~~the Police Commission will be notified immediately if outside counsel becomes aware of an actual or potential conflict. ~~OCA~~The Police Commission recognizes that on occasion outside counsel will be asked to represent clients whose interests are inconsistent with the ~~City's~~Police Commission's, and that outside counsel may even be asked to represent parties whose interests are in direct conflict with the ~~City~~. ~~OCA will generally waive conflicts when no issues of significant City policy are involved and when there is no connection between matters in which outside counsel has represented the City and matters in which outside counsel has been retained by other clients. Whenever OCA~~Police Commission's. Whenever the Police Commission waives a conflict, the waiver will be conditioned on written agreement by the other client that it will not object to outside counsel representing the ~~City~~Police Commission in any pending or future matter. ~~OCA~~The Police Commission generally will **not** waive a conflict if the matter is related to a matter in which outside counsel has represented the City, or if your firm has access to relevant confidential information of the City, or if your representation of the other client involves issues of important City of Oakland policy.

ASSIGNMENT OF ATTORNEY

Before ~~OCA~~the Police Commission contracts with outside counsel, ~~OCA~~the Police Commission expects a commitment with respect to the attorneys who will be representing the ~~City~~Police Commission. If subsequently it becomes necessary to substitute an attorney or add additional attorneys, outside counsel must receive prior approval before doing so. Significant roles should not be given to other attorneys without ~~OCA's~~the Police Commission's prior concurrence.

While ~~OCA~~the Police Commission expects senior attorneys to perform those tasks that require substantial experience, ~~OCA~~the Police Commission expects that outside counsel will attempt to minimize legal expenses by relying on junior attorneys and paralegals for less demanding tasks.

STRATEGY AND BUDGET

For every new matter outside counsel and the responsible in-house attorney must prepare a strategy and a budget. The budget should estimate total fees and expenses to see the matter to its conclusion. If outside counsel anticipates a change in the budget after the agreement is executed outside counsel must discuss it with the City Attorney, Special Counsel or an Assistant City Attorney~~Police Commission~~ before the work is done or the expense is incurred. ~~OCA~~The Police Commission will not approve bills/invoices that are in excess of budget absent prior approval.

Litigation strategy should identify alternate methods of disposing of the case, including ADR (Alternative Dispute Resolution) and settlement. An outline should be made of the proposed course of litigation, including dispositive pretrial motions, the scope of discovery and the trial strategy. If it appears that a case will go to trial, an estimate of costs should be sent to the responsible in-house attorney no later than the close of discovery, if possible. The detail of all plans (litigation and otherwise) will be dictated by the significance of the matter.

LITIGATION

Advance approval from the ~~City Attorney, Special Counsel or an Assistant City Attorneys~~ Police Commission is required before:

- Preparing pretrial motions;
- Preparing a cross-complaint which adds new parties to the action; Selecting and retaining expert witnesses;
- Preparing motions during trial, post-trial motions or appeals;
- Undertaking any unusual activity, such as a major research memorandum;
- Agreeing to alternative dispute resolution processes;
- Agreeing to settlement.

Outside counsel must consult with the ~~in-house attorney~~ Police Commission concerning the strategy for taking depositions and other discovery. The deposition plan should include a brief explanation of the proposed deponent's location, his or her involvement in the matter, and the purpose of the deposition.

Outside counsel must exercise restraint in discovery and legal research conducted in routine small matters. We will not return to a firm that allows costs to approach - much less exceed- the City's exposure or potential recovery.

Litigation counsel must evaluate ADR as a substitute for full-scale litigation. ~~OCA~~ The Police Commission expects that ADR techniques will be given active consideration from the commencement of litigation. ~~OCA~~ The Police Commission does not view ADR as an alternative to be considered only when trial is imminent and after months or years of costly discovery and pretrial battles.

RATE STRUCTURE

Billing rates will be established at the outset of each matter. In establishing the billing rates it is expected that outside counsel will consider the competitive climate in the practice of law and the fact that ~~OCA~~ the Police Commission assures prompt payment.

~~OCA~~ The Police Commission must provide advance consent of changes in billing rates and the existing agreement will need to be amended. ~~OCA~~ The Police Commission assumes that the rates agreed upon are as low as those offered to any other government/public agency client; if any other clients enjoy more favorable billing rates, ~~OCA~~ the Police Commission expects to be told how to qualify for similar billing treatment.

If the billing method is hourly rates, the rates should contain all overhead and internal charges associated with outside counsel's practice, such as administration, secretarial, docket, word processing, accounting, library and other clerical time. If outside counsel customarily makes separate charges for any of these functions; the billing arrangement must be specifically approved in advance by the responsible in-house attorney and the amount must be factored into the overall budget. ~~OCA~~ The Police Commission expects that the hourly rates of outside counsel who bill separately for secretarial or other services will be less than those of competitive firms that include all overhead in their billing rates.

BILLING/INVOICING

Separate bills/invoices are required for each specific matter. Absent an express agreement to the contrary, bills/invoices must be submitted monthly, unless another arrangement is agreed to in advance, or unless the matter is inactive.

All bills/invoices should include hours spent (to nearest fraction), a brief description of the services rendered and the individual who provided the services. A summary of the total hours by individual with his/her billing rate also should be included.

All bills/invoices for services and disbursements must conform to the format of the budget per the Scope of Service Agreement, i.e., the bill/invoice must be in a form that will enable The ~~Office of the City Attorney~~Police Commission to compare the items that made up the budget with the items that appear on the bill/invoice.

All bills/invoices must include an accounting showing the original budget amount per the Scope of Service Agreement the billed/invoiced amounts to date and the amount remaining on the original budget. Bills not including this accounting will be returned unpaid.

~~OC~~The Police Commission will not approve bills/invoices that are in excess of budget absent prior approval.

If travel time is devoted to working for one or more clients in addition to the ~~City, OC~~Police Commission, the Police Commission should not be billed for the time devoted to other clients. Billing for time spent in transit should not include time that would be spent in normal commute to your office unless agreed to in advance, ~~OC~~the Police Commission should not be billed for time away from home or the office, which is not in transit or spent performing legal services.

Any travel that requires an overnight stay or transportation by an airline must be approved in advance. If an overnight stay is necessary, ~~OC~~the Police Commission has the right to approve the accommodations. Reimbursement for meals will be made at the City's per diem rate (Breakfast \$11.00, Lunch \$16.00 and Dinner \$29.00 or \$56.00 per day). If airline travel is necessary, the ~~OC~~Police Commission will reimburse at the coach rate.

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