

Oakland Police Commission Statement

The Oakland Police Commission is pleased to respond to the Court's invitation to share our perspective on the value of a Sustainability Process and the best plan and prospects for a successful exit from the NSA.

The Police Commission was created through a 2016 ballot measure that amended our City Charter and vested in us broad authority to oversee the Oakland Police Department "to ensure that its policies, practices, and customs conform to national standards of constitutional policing."

The 2016 ballot measure, along with a subsequent ballot measure in 2020, enshrines civilian oversight to supervise the Police Department, the Office of the Inspector General (OIG), which has authority to assess the Department's performance and adherence to constitutional policing practices and audit its policies and procedures, and the Community Police Review Agency (CPRA), which has authority to investigate public complaints of misconduct against police officers and internal complaints if directed by the Commission. This model was part of City leadership's long term plan for the City of Oakland to earn resolution of the Negotiated Settlement Agreement (NSA). The Commission's bold exercise of its oversight authority, as informed by audit work of the OIG and investigatory work of the CPRA, should eventually replace the proactive compliance mandate currently imposed by the Monitor and the Independent Monitoring Team.

To earn NSA resolution, we appreciate that this Court and the Compliance Monitor/Director both expect the City of Oakland to demonstrate that it will routinely address major compliance incidents. The City can do so, first, by identifying deeper structural and cultural issues those incidents reveal and, second, by then implementing comprehensive response plans to keep its reform progress on track. The Monitor's Status Reports have routinely emphasized the proper scope of a more comprehensive response plan as integrating "broader issues of personnel, discipline, risk management, supervision, and leadership into a comprehensive management plan." The Oakland Police Commission's Charter authority positions it to support the City in developing this more comprehensive approach.

That's because the Police Commission plays a broad oversight role, both in leading the civilian oversight policymaking structure in Oakland and in supervising a civilian-led investigation agency that prioritizes the integrity of investigations into allegations against sworn officers. The Commission reforms Department policies related to all NSA tasks. We set direction for the Police Chief, the Inspector General, and the Executive Director of the CPRA. We can request reports about important police reform issues from the Chief and the City Administrator. We set the evaluation criteria for the Chief, the Inspector General, and the Executive Director of the CPRA. We hold an annual hearing on the Police Department's budget before the City Council approves it. We serve as a public forum for a highly informed community of Oakland residents and stakeholders, many of whom are organized and deeply engaged to help us set the reform agenda at our twice-monthly public meetings. Advocates for stringent police reform measures also serve as featured community participants of the Commission's policy committees, which we establish to revise the Department's

policies, procedures, and general orders. In the past year alone, the Commission has taken up close to 20 detailed policies, standard operating procedures, and general orders, ranging from the limited authorization to use military equipment to approving all of the changes the Monitor has required the City to implement, each time incorporating community involvement and perspectives without missing any deadlines imposed by state law or this Court. Far more policies and procedures and general orders are in the process of being created and revised, and we anticipate continuing to successfully take on the policymaking work required to reform OPD.

Based on our mandate from the voters of Oakland, and recent invitations of this Honorable Court, we understand that the Commission has a responsibility to fully exercise all of its Charter powers to continuously set the policing agenda and transform the Department from within, so that the constitutional policing measures mandated by the NSA will take root beyond the Sustainability Period.

In the short term, the Department has taken up the recommendations issued by the law firm of Clarence, Dyer, Cohen, LLP and started a detailed process of implementing those recommendations via new and updated policies and training materials. In addition, the Department has gone beyond those recommendations and is examining other policy and procedure changes to enhance communication between the Department and the CPRA and the Commission.

To set direction about ongoing reform efforts over the medium and long term, the Commission has established a new subcommittee of Commissioners currently led by Retired Judge Brenda-Harbin Forte as its Chair, other distinguished Commissioners of Oakland, and featured community participants of the public to lead the Commission in rendering its own determinations about what deeper structural and cultural issues were evidenced by the events described in the CDC Reports, in order to develop an appropriately comprehensive incident response reform plan for the Commission and the City to implement over the coming months. That plan is attached.

From this latest sprint of reform work, one point of perspective the Commission will share with the Court is to reemphasize the value of a near-term transition of oversight to the Commission and the civilian departments it oversees. With due respect to Clarence Dyer Cohen, LLP, recommended reforms to the Police Department and the City require an in-depth understanding of the City's Charter structure and the model of oversight it envisions, and key policymaking reform work would have been well underway by now had the Commission been read into the matter at an earlier juncture. Rather than coordinating the outside investigation with an Oakland-overseen investigation led by the CPRA, civilian oversight was siloed out of the process that resulted in the Reports of Investigation and Recommendations that Clarence Dyer Cohen LLP issued. The Commission is left to develop and implement big picture reforms on a short timeline, almost as an afterthought. We continue to recognize the work of the Independent Monitoring Team in helping the City of Oakland reform itself, and we are encouraged by the opportunity to build on the Monitor's herculean track record the Court itself emphasized. We would be remiss, though, if we did not respectfully share our perspective that the Commission

has been empowered by the voters because of widespread community sentiment that Oakland residents can set the direction of the reform work required to ensure Constitutional policing.