



# OAKLAND POLICE COMMISSION

## AGENDA

January 24, 2019

6:30 PM

City Council Chamber, 3<sup>rd</sup> Floor  
1 Frank H. Ogawa Plaza, Oakland California

- I. **Call to Order**  
Thomas Lloyd Smith
- II. **Roll Call and Determination of Quorum**  
Thomas Lloyd Smith
- III. **Welcome, Purpose and Open Forum (2 minutes per speaker)**  
Thomas Lloyd Smith will welcome and call public speakers.  
The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's policies, practices, and customs to meet or exceed national standards of constitutional policing and to oversee the Community Police Review Agency that investigates police misconduct and recommends discipline.
- IV. **R-02: Searches of Individuals on Probation and Parole**  
The Commission will review OPD's most recent proposal for R-02: Searches of Individuals on Probation or Parole. The Commission will also determine a process for working with OPD to incorporate recommended revisions to the policy. (Attachment 4)
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- V. **Request for Qualifications for Legal Services for Outside Counsel**  
The Commission has received the first draft of the City Attorney's RFQ for Legal Services for the Commission. Under Measure LL, one full-time-equivalent non-City Attorney legal advisor shall be assigned by the City Attorney after consultation with the Chair of the Commission (§ 604(e)(1)). Chair Smith invites feedback from the Commission and the Public on the RFQ. (Attachment 5)
  - a. Discussion
  - b. Public Comment
  - c. Action, if any
- VI. **Recess (8 minutes)**

**VII. Working Session on Suggestions for Standing or Ad Hoc Committee Tasks/Work Plan**

Items will be discussed and possibly assigned to Standing or Ad-Hoc Committees. (Attachment 7)

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

**VIII. Plan For Policy Assignments**

The Commission will determine the priority and timeline for review of OPD policies. The Commission will also assign its immediate priority policies to ad hoc policy committees. (Attachment 8)

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

**IX. Update on Inspector General Position**

Ginale Harris will provide an update on the status of the Inspector General Position.

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

**X. Review of Agency's Reporting Process, and Review of Agency's Administrative Closure or Dismissal of Complaints, Pending Cases, and Completed Investigations**

Ms. Tom will discuss changes to the Agency's reporting to the Commission on administratively closed or dismissed complaints, pending cases and completed investigations. To the extent permitted by state and local law, Ms. Tom will report on the Agency's administratively closed or dismissed complaints, pending cases and completed investigations. (Attachments 10a, 10b, 10c)

- a. Discussion
- b. Public Comment
- c. Action to approve CPRA recommendation for dismissal or closure of cases or reopen the investigation, if any

**XI. Meeting Minutes Format**

The Commission will vote on a new format for the meeting minutes that will reflect action items and votes. Summary of the dialogue during meetings will be a separate document and not part of the minutes themselves.

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

## XII. Agenda Setting and Prioritization of Upcoming Agenda Items

Thomas Lloyd Smith will engage the Commission 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. (Attachment 7)

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

## XIII. Adjournment



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin or Spanish interpreter, please email [ktom@oaklandca.gov](mailto:ktom@oaklandca.gov) or call (510) 238-7342 or TDD/TTY (510) 238-2007 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantones, Mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a [ktom@oaklandca.gov](mailto:ktom@oaklandca.gov) o llame al 510-238-7342 o 510-238-2007 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 [ktom@oaklandca.gov](mailto:ktom@oaklandca.gov) 或致電 (510) 238-7401 或 (510) 238-2007 TDD/TTY。請避免塗搽香氛產品。參加者可能對化學成分敏感。**Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.**



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OAKLAND

2018 NOV 29 PM 3:10

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Stephanie Hom  
Deputy City Administrator

**SUBJECT:** Probation and Parole Search Policy

**DATE:** November 26, 2018

City Administrator Approval

Date:

11/29/18

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Regarding Oakland Police Department General Order R-02, Searches Of Individuals On Probation Or Parole.**

## EXECUTIVE SUMMARY

Oakland Police Department (OPD) General Order R-02 (DGO R-02), is related to searches of individuals on probation or parole. Under Measure LL Section 604(b)(4), the City of Oakland's Police Commission has the authority to recommend modifying certain OPD internal policies and procedures. At its meeting on September 13, 2018, the Police Commission voted to amend DGO R-02 as provided in **Attachment A**. Per the requirements of Measure LL, if the Police Commission and OPD disagree on a proposed General Order, then the policy is to be forwarded to the City Council for determination. The City Council has 120 days to modify, approve or reject the Police Commission's recommendations. The deadline for City Council action on DGO R-02, is January 11, 2019.

Staff recommends adoption of the Resolution provided in the Supplemental Report that will determine DGO R-02 as proposed by OPD. Taking no action on the proposed Resolution means that the amendments as provided by the City of Oakland's Police Commission would go into effect.

This report serves to transmit the Police Commission's recommendations regarding DGO R-02 (**Attachment A**) and OPD's recommended policy (**Attachment B**).

## BACKGROUND / LEGISLATIVE HISTORY

The City of Oakland's Police Commission, authorized by Measure LL in the November 2016 election, is a seven Commissioner, and two alternate Commissioners, civilian oversight board that oversees the policies, practices and customs of the OPD to meet national standards of constitutional policing and oversees the Community Police Review Agency (CPRA) that investigates complaints of police misconduct and makes recommendations for discipline.

Item: \_\_\_\_\_  
Public Safety Committee  
December 4, 2018

Under Measure LL Section 604(b)(4) the Commission has the authority to "propose changes, including modifications to the Department's proposed changes, to any policy, procedure, custom, or General Order of the Department which governs use of force, use of force review boards, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements which pertain to the Department and are in effect at the time this Charter Section 604 takes effect for so long as such federal court orders and settlements remain in effect. All such proposed changes and modifications shall be submitted to the City Council for approval or rejection. If the City Council does not approve, modify and approve, or reject the Commission's proposed changes or modifications within one hundred and twenty (120) days of the Commission's vote on the proposed changes, the changes or modifications will become final."

At its meeting of September 13, 2018, the Police Commission met with representatives from OPD to discuss proposed revisions to DGO R-02. The Police Commission unanimously approved its revisions, which are included in redline form as **Attachment A**.

### **ANALYSIS AND POLICY ALTERNATIVES**

Staff recommends that the City Council adopt the Resolution provided in a Supplemental Report prepared by OPD. The Supplemental Report also provides an analysis of DGO R-02.

### **FISCAL IMPACT**

Currently, there are no new direct fiscal impacts associated with this report and Resolution.

### **PUBLIC OUTREACH / INTEREST**

No additional public outreach was deemed necessary other than the standard noticing procedures of posting the City Council's Agenda.

### **COORDINATION**

Preparation of this report was coordinated with the assistance of the City of Oakland's Police Commission, OPD, City Attorney's Office and Budget Bureau.

**SUSTAINABLE OPPORTUNITIES**

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

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

**Social Equity:** Social equity opportunities associated with DGO R-02 will be incorporated in the OPD Supplemental Report.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Consider Adopting A Resolution Regarding Oakland Police Department General Order R-02, Searches Of Individuals On Probation Or Parole.

For questions regarding this report, please contact Stephanie Hom, Deputy City Administrator, at 510-238-7542.

Respectfully submitted,



STEPHANIE HOM  
Deputy City Administrator

Prepared by:  
Richard J. Luna, City Administrator Analyst

Attachments (2):

- A – DGO R-02 – redlined changes proposed by Police Commission
- B – DGO R-02 – as proposed by Oakland Police Department



## DEPARTMENTAL GENERAL ORDER

**R-02: SEARCHES OF INDIVIDUALS ON PROBATION OR PAROLE**

Effective Date: XX Jul 18  
 Coordinator: Training Division

Individuals on probation with certain court-imposed search clauses and individuals on parole/PRCS (Post-Release Community Supervision) may be subject to warrantless searches by law enforcement. One role of Law Enforcement is to act as an arm of the probation and parole/PRCS systems by ensuring that probationers and parolees are conforming to the conditions of their release.

**COMMAND INTENT**

The intent of this policy is to enhance the effectiveness of Oakland Police Officers while also reminding them to use their best ~~judgement~~ judgment on when to use probation and parole/PRCS searches. The Department values the abilities of Oakland Police Officers to make sound ~~judgements~~ judgments when using law enforcement tools available to them, such as probation and parole/PRCS searches. At the same time, the Department recognizes that those searched and other community members can view searches as intrusive. Accordingly, the Department seeks to build community trust through transparency of Department operations by requiring officers to document articulable facts supporting a decision to search.

**A. PROBATION OR PAROLE SEARCHES AND THE COMMUNITY****A - 1. Purpose of Probation and Parole/PRCS Searches**

Probation and parole/PRCS searches must further a legitimate law enforcement or rehabilitative interest. Such searches shall not be:

1. Arbitrary;
2. Capricious; or
3. Harassing

**A - 2. Procedural Justice Considerations**

Law enforcement contact with individuals on probation, parole, and PRCS provides an opportunity to practice the tenets of procedural justice: voice, neutrality, respect, and trustworthiness. Probation and parole/PRCS contacts can be used as a means of providing counseling, referral to rehabilitative resources, and a deterrent against recidivism.

**A - 3. Inquiring About Probation or Parole/PRCS Status**

Inquiring about an individual's probation or parole/PRCS status, especially at the beginning of an interaction, or without an apparent basis for the inquiry, can be viewed as unjustly assuming that the individual has a criminal history. Officers ~~should~~ must refrain from immediately asking whether a person is on probation or parole/PRCS. Any subsequent inquiries about probation or parole/PRCS status ~~should~~ must be framed in a respectful manner.

## B. REQUIREMENTS FOR PROBATION OR PAROLE/PRCS SEARCHES

### B - 1. Knowledge of Searchable Probation or Parole/PRCS Status

Officers must know that an individual is on searchable probation or parole/PRCS, with a clause which allows the search the officer seeks to conduct, before the search. This information may be obtained/confirmed via:

1. Prior knowledge of the individual's searchable probation or parole/PRCS status;
2. Check of law enforcement databases such as AWS, CRIMS, CLETS, and CORPUS; in case of discrepancies:
  - a. CRIMS ~~should~~must be used to confirm probation terms.
  - b. CLETS ~~should~~must be used to confirm parole or PRCS status.
3. The individual's confirmation of his or her searchable probation or parole/PRCS status.<sup>1</sup> In such cases, officers ~~should~~must confirm the status of the individual with a records check. In cases where the individual is mistaken concerning status, the officer ~~should~~must provide the correct information to the individual and document the results in the appropriate report.

### B - 2. Rationale for Probation or Parole/PRCS Searches

An officer must have reasonable suspicion based on specific and articulable facts taken together with rational inferences from those facts that an individual on probation or parole is engaged in criminal activity before engaging in a stop and frisk or any other search of the individual's person, property or place of residence. Probation and parole/PRCS searches ~~should~~must be conducted in consideration of the totality of the circumstances surrounding the encounter. In those instances where a cursory search is justified and the individual is on probation or parole/PRCS, a full search should be conducted.

Individuals contacted or detained who are found to be on searchable probation or parole/PRCS for **weapons-related** or **violent** crimes, if searched, should ~~should~~must be searched pursuant to the terms of their supervised release/parole or probation conditions to ensure officer, community, and subject safety.

For individuals on probation or parole/PRCS for **non-weapons-related** or **non-violent** crimes, officers ~~should~~must consider articulable fact(s) which tend to show that the individual is connected in some way to criminal activity, that the individual is a threat to officer or citizen safety, or that a probation or parole/PRCS search would further a rehabilitative interest. The mere fact that a person is on probation or parole/PRCS is not in itself a connection to criminal activity.

**Comment [i1]:** What exactly does supervised release mean? Please explain.

<sup>1</sup> See In re Jeremy G. (1998) 65 Cal.App.4th 553, 556 (officer reasonably relied on minor's statement that he was on probation or parole; "[t]he fact that the minor was in error is immaterial").

Some examples of facts that could support a search include, **but are not limited to**, the following:

- The individual is a ~~known gang member or affiliate~~
- The individual has been identified as a person of interest in a crime
- ~~The individual is in the company of another who is a person of interest in a crime~~
- ~~The individual is connected to a crime reduction strategy (such as Ceasefire or a specific crime reduction plan)~~
- The individual is a person of interest in, or uncooperative witness to, an ongoing criminal investigation

**Comment [i2]:** What is the standard of proof to show that the person is a known gang member or affiliate?

### C. MEMORIALIZING FACTS OF THE SEARCH

#### C - 1. Required Documentation

Officers conducting a probation or parole/PRCS search shall at a minimum document the following in the appropriate report:

1. The circumstances of the encounter/detention;
2. How it was determined that the individual was on searchable probation or parole/PRCS;
3. How searchable probation or parole/PRCS status was verified including, if verified via the MDT, a paste of this information from the MDT to the body of the report (if feasible);
4. Any articulable fact(s) which informed the decision to search; and
5. The type(s) of search completed and disposition.

**Comment [i3]:** What is MDT? Please define this acronym.

By order of

Anne E. Kirkpatrick  
Chief of Police

Date Signed: \_\_\_\_\_

**R-02: SEARCHES OF INDIVIDUALS ON PROBATION OR PAROLE**

Effective Date: XX Jan 19  
Coordinator: Training Division

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Individuals on probation with certain court-imposed search clauses and individuals on parole/PRCS (Post-Release Community Supervision) may be subject to warrantless searches by law enforcement. One role of Law Enforcement is to act as an arm of the probation and parole/PRCS systems by ensuring that probationers and parolees are conforming to the conditions of their release.

**COMMAND INTENT**

The intent of this policy is to enhance the effectiveness of Oakland Police Officers while also reminding them to use their best judgment on when to use probation and parole/PRCS searches. The Department values the abilities of Oakland Police Officers to make sound judgments when using law enforcement tools available to them, such as probation and parole/PRCS searches, to ensure officer, community, and subject safety. At the same time, the Department recognizes that those searched and other community members can view searches as intrusive. Accordingly, the Department seeks to build community trust through transparency of Department operations by requiring officers to document articulable facts supporting a decision to search.

**A. DEFINITIONS****A - 1. Non-Violent Offense**

An offense in which violence or use of a weapon is not a factor. Examples include simple possession of controlled substances or property crimes such as petty theft.

**A - 2. Cursory Search**

A cursory search (also known as a pat search or search for weapons) is a limited search of the outer clothing in a manner designed to determine whether the person being searched is in possession of any weapons or items which may be used as such. A cursory search is most typically conducted if the officer has reasonable suspicion to believe that the person being searched is armed and/or dangerous.

**A - 3. Full Search**

A full search of a person is a "relatively extensive exploration"<sup>1</sup> of the person being searched, including their clothing, their pockets, and containers in their possession. A full search of a person is most typically conducted incident to that person's arrest.

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<sup>1</sup> *US v. Robinson*, 414 US 218, 236 (1973)

## **B. PROBATION OR PAROLE SEARCHES AND THE COMMUNITY**

### **B - 1. Purpose of Probation and Parole/PRCS Searches**

Probation and parole/PRCS searches must further a legitimate law enforcement or rehabilitative interest. Such searches shall not be:

1. Arbitrary;
2. Capricious; or
3. Harassing

### **B - 2. Procedural Justice Considerations**

Law enforcement contact with individuals on probation, parole, and PRCS provides an opportunity to practice the tenets of procedural justice: voice, neutrality, respect, and trustworthiness. Probation and parole/PRCS contacts can be used as a means of providing counseling, referral to rehabilitative resources, and a deterrent against recidivism.

### **B - 3. Inquiring About Probation or Parole/PRCS Status**

Inquiring about an individual's probation or parole/PRCS status, especially at the beginning of an interaction, or without an apparent basis for the inquiry, can be viewed as unjustly assuming that the individual has a criminal history. Officers must refrain when possible from immediately asking whether a person is on probation or parole/PRCS. Any subsequent inquiries about probation or parole/PRCS status must be framed in a respectful manner.

## **C. REQUIREMENTS FOR PROBATION OR PAROLE/PRCS SEARCHES**

Probation and parole/PRCS searches shall be conducted in consideration of the totality of the circumstances surrounding the encounter.

### **C - 1. Knowledge of Searchable Probation or Parole/PRCS Status**

Officers must know that an individual is on searchable probation or parole/PRCS, with a clause which allows the search the officer seeks to conduct, before the search. This information may be obtained/confirmed via:

1. Prior knowledge of the individual's searchable probation or parole/PRCS status;
2. Check of law enforcement databases such as AWS, CRIMS, CLETS, and CORPUS;<sup>2</sup>
3. The individual's confirmation of his or her searchable probation or parole/PRCS status.<sup>3</sup> In such cases, the officer shall confirm the status of the individual with a records check. In cases where the individual is mistaken concerning status, the officer shall provide the correct

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<sup>2</sup> CRIMS is the recommended database for confirming probation status. CLETS is the recommended database for confirming parole status.

<sup>3</sup> See *In re Jeremy G.* (1998) 65 Cal.App.4th 553, 556 (officer reasonably relied on minor's statement that he was on probation or parole; "[t]he fact that the minor was in error is immaterial").

information to the individual and document the results in the appropriate report.

**C – 2. Individuals on Probation or Parole/PRCS for Non-Violent Offenses**

For individuals on probation or parole/PRCS for **non-violent** crimes, officers shall consider articulable fact(s) which tend to show that the individual is connected in some way to criminal activity, that the individual is a threat to officer or citizen safety, or that a probation or parole/PRCS search would further a rehabilitative interest. The mere fact that a person is on probation or parole/PRCS is not in itself a connection to criminal activity.

Some examples of facts that could support a search include, **but are not limited to**, the following:

- The individual is a known gang member or affiliate
- The individual has been identified as a person of interest in a crime
- The individual is in the company of another who is a person of interest in a crime
- The individual is connected to a crime-reduction strategy (such as Ceasefire or a specific crime-reduction plan)
- The individual is a person of interest in, or uncooperative witness to, an ongoing criminal investigation

**C – 3. Individuals on Probation or Parole/PRCS for Violent or Weapons-Related Offenses**

Individuals contacted or detained who are found to be on searchable probation or parole/PRCS for violent or weapons-related offenses may be searched pursuant to the terms of their probation or parole/PRCS conditions.

**C – 4. Cursory and Full Searches**

In those instances where a cursory search is justified and the individual is on probation or parole/PRCS for any reason, with a clause which allows a full search of their person, a full search may be conducted.

**D. MEMORIALIZING FACTS OF THE SEARCH**

**D - 1. Required Documentation**

Officers conducting a probation or parole/PRCS search shall at a minimum document the following in the appropriate report:

1. The circumstances of the encounter/detention;
2. How it was determined that the individual was on searchable probation or parole/PRCS;
3. How searchable probation or parole/PRCS status was verified including, if verified via a Mobile Data Terminal (MDT), a paste of this information from the MDT to the body of the report (if feasible);
4. Any articulable fact(s) which informed the decision to search; and
5. The type(s) of search completed and disposition.

By order of

Anne E. Kirkpatrick  
Chief of Police

Date Signed: \_\_\_\_\_



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OAKLAND

2018 NOV 29 PM 3: 20

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Anne E. Kirkpatrick  
Chief of Police

**SUBJECT:** SUPPLEMENTAL – Probation and  
Parole Search Policy

**DATE:** November 26, 2018

City Administrator Approval

Date:

11/29/18

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Regarding Oakland Police Department General Order R-02, Searches Of Individuals on Probation Or Parole.**

## REASON FOR SUPPLEMENTAL

This supplemental report provides the Oakland Police Department (OPD) recommended version of Department General Order R-02, Searches of Individuals on Probation or Parole (DGO R-02) as **Attachment B**.

### *Basis for Policy*

OPD drafted DGO R-02 in response to a recommendation from the June 2016 report Strategies for Change<sup>1</sup>, edited by Stanford University Professor Jennifer Eberhardt. Strategies for Change provided 50 recommendations to assist OPD with improving police-community relations.

Recommendation 47, Review search policies, provides the following:

Does the discovery that someone is on probation or parole always trigger a search? If so, the department should query whether this practice helps or hinders community-police relations, individuals' rehabilitation process, and the protection of the community from crime.

Recommendation 48, Review use of severe legal language, provides the following:

What are legitimate reasons to ask whether someone is on probation or parole? When is the right time to ask? What is the right way to ask? Our analyses reveal that 93 [percent] of probation/parole searches were of African Americans and Hispanics. Are members of these groups more likely to be asked this question than are Whites or Asians? To clarify practice in the field, we recommend recording in the stop data report whether the officer asked about the community

<sup>1</sup> <https://stanford.box.com/v/Strategies-for-Change>

member's probation or parole status as well as the justification for asking that question.

Based on the above recommendations, OPD conducted a comprehensive review of its search policies. This review led OPD to craft a policy to assist officers in determining when they should conduct probation and parole searches. This policy emphasizes a number of points based on Stanford's recommendations, including the understanding that "those searched and other community members can view searches as intrusive."<sup>2</sup> The policy also states that "the Department seeks to build community trust through transparency of Department operations by requiring officers to document articulable facts supporting a decision to search."<sup>3</sup> This policy was approved by the Plaintiff Attorneys<sup>4</sup> and the Independent Monitoring Team.

#### *Changes to OPD Policy Based on Commission Input*

OPD is in agreement with the Police Commission (Commission) that there are systemic inequities in the number of individuals placed on probation and parole. To this end, the updated OPD version of DGO R-02 incorporates many of the language changes proposed by the Police Commission. These changes include making the language more restrictive (changing "should" to "must" or "shall"). The updated policy as recommended by OPD is provided as **Attachment B**.

One Commission recommendation that **Attachment B** does not incorporate is the requirement that officers to have individualized reasonable suspicion in order to perform probation or parole searches. Individualized reasonable suspicion is the standard applied to individuals not on probation or parole. OPD would be the first agency in the State of California to restrict officers' discretion to invoke search clauses. The Commission version of DGO R-02 (**Attachment A**) would effectively prohibit OPD officers from performing probation and parole searches unless there is individualized reasonable suspicion that the person to be searched has committed a crime.

The proposed requirement by the Commission that officers have individualized reasonable suspicion in order to conduct a probation or parole search removes a valuable tool from officers in addressing and reducing violent crime, including the removal of firearms and narcotics from probation and parole searches.

#### *Laws and Rationale Supporting Probation and Parole*

Under California law, peace officers have the legal right to search individuals on probation with a search clause and all individuals on parole.<sup>5</sup> As originally proposed, OPD would be the first

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<sup>2</sup> DGO R-02, Command Intent

<sup>3</sup> *Ibid*

<sup>4</sup> The Plaintiff Attorneys are John Burriss and Jim Chanin, who represent plaintiffs in *Delphine Allen et al. v. City of Oakland*

<sup>5</sup> For probation searches, see *People v. Bravo* (1987) 43 C3 600, 608; *People v. Robles* (2000) 23 C4 789, 795; and *People v. Ramos* (2004) 34 C4 494, 506. For parole searches, see California Penal Code Section 3067; *People v. Schmitz* (2012) 55 C4 909, 916; *People v. Smith* (2009) 172 Cal.App.4th 1354; and *People v. Middleton* (2005) 131 Cal.App.4th 732.

jurisdiction in California to provide guidance to officers as to when they should conduct probation and parole searches. Recognizing that these searches can have disparate impact on People of Color (specifically African Americans and Hispanics), OPD has attempted to enact a policy that encourages officers to use good judgment in determining when to conduct probation and parole searches. There have been a number of changes at the state level that align with – and support – the change in OPD policy.

In addition to serving as an important tool in making the City of Oakland safer, probation and parole serve as important alternatives to incarceration. Individuals on probation and parole are on supervised release so that they will not have to spend (additional) time in custody. Curtailing the ability of Oakland police officers to properly supervise individuals on probation and parole may have the unintended consequence of individuals being incarcerated longer because judges, prosecutors, probation departments, and the California Department of Corrections and Rehabilitation (CDCR) may not allow supervised release to a community where police officers are prohibited from searching individuals on supervised release.

Parole conditions are set by the state. If the state intended to limit search conditions for individuals, the state could do so. Probation conditions result from an agreement among the District Attorney's Office, the Court, and the defendant – with the defendant read the conditions in court and duly represented by counsel. Developing and enacting a policy or procedure which fails to enforce one of the conditions of that agreement (search clause) would be, in the words of one Alameda County Deputy District Attorney, "a detriment to the People and the Courts' deal." However, limiting enforcement of a search condition only to when and where it would best serve the interests of the community is appropriate and necessary – that is what the proposed OPD policy does.

Per the Alameda County District Attorney's Office, probation searches are similar to consent searches, in that individuals on probation consent to a search clause as a part of their plea bargain with the People of the State of California. There is no statutory requirement that individuals on probation have search clauses, and their imposition depends on several factors. There are several California Supreme Court cases affirming that persons can freely enter into these types of agreements (e.g. *People v. Ramos* (2004) 34 C4 494, 506).

Individuals on parole or Post-Release Community Supervision (PRCS) are mandated to have a search condition for their supervised release. These individuals are required by law to be informed of this search condition (PC § 3067). The rationale for this is that an individual on parole or PRCS remains in the legal custody of CDCR or the county Probation Department until their sentence is completed. As such, these individuals must comply with all conditions of their supervised release (see *People v. Smith* (2009) 172 Cal.App.4<sup>th</sup> 1354). One way of monitoring compliance is with warrantless searches.

Individuals who are eligible for parole have the right to refuse the search condition. If they do so, they are not released on parole or PRCS and remain imprisoned. **Attachment C**, CDCR 1515, provides individuals who are being released on parole with specific information concerning their parole conditions – including being subject to search by any peace officer without cause. The conditions of parole are imposed by CDCR, the courts, and the parole agent and must be related to the commitment offense and/or criminal history. This is in the interest of public safety to discourage recidivism.

*Reduction in the Number of Individuals on Probation and Parole*

As of June 2017, there were 562 individuals on parole in the City of Oakland. Over the last seven years, the number of individuals on probation, parole, and PRCS in California has been significantly reduced. Two key reasons for this reduction were Assembly Bill (AB) 109 and Proposition 47. Individuals remaining on probation, parole, or PRCS have been convicted of the most serious crimes.

AB 109, also known as “realignment,” went into effect on October 1, 2011. Realignment was intended to reduce overcrowding in California’s state prisons, whose populations had ballooned to the point where prisoners were no longer receiving adequate medical care. To that end, the legislature mandated the following:

- Parole violators without new convictions would be sent to county jail, not back to state prison;
- Lower-level offenders would serve felony sentences in county jail, not in state prison;
- Certain lower level offenders would be given “split sentences” (time in county jail followed by time on supervised release) and some would be given “straight sentences” (time in county jail only, with no following period of supervised release); and
- Lower level state prisoners would be released to PRCS, not parole.

The most significant outcome of AB 109 is the requirement that only individuals who are convicted of serious and violent felonies are placed on parole.

California State Proposition 47 passed with 59.61 percent of the vote in 2014. This measure reclassified certain crimes which were deemed “non-serious” and “non-violent” from felonies to misdemeanors. The proposition also allowed for re-sentencing of persons who were in prison or county jail for those crimes. This change further reduced the number of individuals in custody and reduced the number of individuals on probation, parole, and PRCS.

*Probation, Parole, and Recidivism*

Probation and parole are meant to be rehabilitative. Both types of supervised release provide incarcerated individuals with an opportunity to engage in law-abiding behavior under real-world conditions. CDCR imposes conditions – including searches by other peace officers – as a way to monitor the behavior of individuals on parole while encouraging and supporting their rehabilitation. This monitoring allows CDCR to provide a multitude of resources to assist the paroled individual. Available resources are outlined in **Attachment D**, Alameda County Community Resource Handbook.

There are many ways of measuring recidivism for individuals on parole. The three most widely used are:

1. Re-arrest;
2. Return to custody; and
3. Re-conviction.

Even using the strictest measure (re-conviction rate) individuals released from custody of CDCR are convicted a new crime (“re-convicted”) more than 40 percent of the time.

The most applicable measure for our purposes appears to be re-conviction, since it does not count technical violations such as absconding or missing an agent meeting and does not include arrests where no charges are filed.

Sixty-six percent of the 254,468 adults paroled in California in 2003 and 2004 (prior to realignment) returned to prison within three years of release. Forty-one percent of the individuals who returned to prison due to a new criminal conviction. The remaining 59 percent returned due to a technical or administrative violation.<sup>6</sup> Several factors correlated with an increased likelihood of a parole violation:

- Timing (risk was highest in the first 180 days after being released from prison);
- Youth (parolees 18-30 posed the greatest risk for almost all types of violations);
- Age at first adult commitment to a California prison; and
- The number of prior adult prison incarcerations in California (the best predictor).<sup>7</sup>

The article that provided the above information also provided several recommendations for parole administrators. One such recommendation was to “Align parolee risk and supervision levels.”<sup>8</sup> OPD is attempting to do this with DGO R-02.

Concerning post-realignment, CDCR completed its “Outcome Evaluation Report” for 2017.<sup>9</sup> This is a study of the cohort of individuals placed on supervised release in Fiscal Year (FY) 2012-13. This includes persons released on PRCS and parole. For the 2012-13 cohort (35,790 persons), the three-year re-conviction rate for new felony crimes was 28.2 percent. The rate for new misdemeanor crimes was 17.9 percent. This means that the overall re-conviction rate of these persons was 46.1 percent.<sup>10</sup> This is the most recent data as CDCR waits for each years’ cohort to complete the entire three years of anticipated supervised release before commencing the study.

CDCR noted that the recidivism rate for persons on PRCS was higher than for those on parole. Another study, jointly conducted by the California Board of State and Community Corrections (BSCC) and the Public Policy Institute of California (PPIC), noted a similar result: persons released on PRCS post-realignment had higher recidivism rates (about 2.4 percent higher rates of re-conviction) than similar persons released prior to realignment.<sup>11</sup>

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<sup>6</sup> Ryken Grattet et. al, “Parole Violations and Revocations in California: Analysis and Suggestions for Action”, *Federal Probation Journal* 73, no. 1 (2009).

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> California Department of Corrections and Rehabilitation, *2017 Outcome Evaluation Report*.

<sup>10</sup> *Ibid.*

<sup>11</sup> Mia Bird et. al, “Realignment and Recidivism in California”, *Public Policy Institute of California* (December 2017): 3.

The Alameda County Probation Department issued a status update on outcomes of their work post-realignment. This report stated that the Department supervised a total of 13,718 individuals on probation, PRCS, and mandatory supervision during FY 2014-15. During this period, 18.96 percent of these individuals had a violation.<sup>12</sup> However, the Alameda County Probation Department noted that “these [violation] figures are only for violations and new offenses within Alameda County; therefore the recidivism rates presented...may be under-representations of the level of criminal activity that probation clients engage in.”<sup>13</sup> Also noted was that, unlike other counties, the Alameda County District Attorney’s Office sometimes violates the probation of an individual in lieu of filing new charges against them.

Risk factors that might predict recidivism are taken into account when OPD devises intelligence-based strategies. OPD DGO R-02 moves that ethos to the broadest level of OPD by asking officers to consider risk factors so that officers engage in the most serious supervision (searches) when encountering those who are most likely to re-offend.

Probation and parole searches must be reasonably related to the purpose of the person’s probation or parole status, making certain he/she is adhering to the appropriate legal guidelines set forth. A parolee or probationer’s status is sanctioned by the courts to prevent recidivism and encourage accountability. The motivation behind invoking a parole or probation search shall not be to re-incarcerate an individual. It is, rather, an accountability mechanism to prevent any future criminal behavior.

*Impact of Commission-Recommended Policy on Public Safety*

The City of Oakland continues to have the most violent crimes per officer of any large American city.<sup>14</sup> Probation and parole searches serve as valuable tools in addressing and reducing violent crime. Enacting the probation and parole search policy – as recommended by the Commission in **Attachment A** – would eliminate probation and parole searches that result from stops for traffic violations and stops based on officer knowledge of an individual’s probation and parole status.

For the period of January 1, 2017 to June 30, 2018, OPD conducted 5,062 discretionary stops that resulted in probation and parole searches. OPD classifies discretionary stops into five categories, as follows:

- Consensual Encounter
- Reasonable Suspicion
- Probable Cause
- Traffic Violation
- Officer Knowledge of Probation or Parole Status

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<sup>12</sup> Alameda County Probation Department, *Year Four Status Update*.

<sup>13</sup> Alameda County Probation Department, *Year Four Status Update*.

<sup>14</sup> <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017>

**Table 1**, below, shows the number of probation and parole searches resulting from each type of discretionary stop for January 1, 2017 to June 30, 2018.

**Table 1: Probation/Parole Searches by Type of Discretionary Stop January 1, 2017 to June 30, 2018**

| Type of Discretionary Stop                      | Searches |
|---|----------|
| Consensual Encounter                            | 206      |
| Reasonable Suspicion                            | 331      |
| Probable Cause                                  | 517      |
| Traffic Violation                               | 3,280    |
| Officer Knowledge of Probation or Parole Status | 728      |
| Total   | 5,062    |

For the period of January 1, 2017 to June 30, 2018, **Table 2**, below, provides the number of probation and parole searches based on Consensual Encounter, Reasonable Suspicion, and Probable Cause as a single category. **Table 2** provides the number of probation and parole searches based on Traffic Violations and Officer Knowledge of Probation or Parole Status as a single category. These categories are collapsed because the probation and parole search policy as proposed by the Commission (**Attachment A**) would permit probation and parole searches only when the reason for the stop is Consensual Encounter, Reasonable Suspicion, and Probable Cause. The probation and parole search policy as proposed by the Commission would prohibit probation and parole searches when the reason for the stop is Traffic Violation or Officer Knowledge of Probation or Parole Status. **Table 2** also provides the results of probation and parole searches from January 1, 2017 to June 30, 2018.

**Table 2: Probation/Parole Searches and Recoveries Based on Type of Discretionary Stop January 1, 2017 to June 30, 2018**

| Type of Discretionary Stop  | Searches | Recoveries | Percent of Searches Resulting in Recovery |
|---|----------|------------|---|
| Consensual Encounter, Reasonable Suspicion, Probable Cause          | 1,054    | 285        | 27%                                       |
| Traffic Violation, Officer Knowledge of Probation and Parole Status | 4,008    | 720        | 18%                                       |
| Total   | 5,062    | 1,085      | 21%                                       |

For the period of January 1, 2017 to June 30, 2018, **Table 3**, below, provides greater specificity concerning the outcome of probation and parole searches that resulted from a traffic violation or officer knowledge of probation or parole status. All of these searches would be prohibited under the probation and parole search policy proposed by the Commission.

**Table 3: Detailed Probation and Parole Search Results Based on Traffic Violation and Officer Knowledge of Probation or Parole Status January 1, 2017 to June 30, 2018.**

| Probation/ Parole Search Outcome | Frequency | Percent of Total |
|----------------------------------|-----------|------------------|
| Firearms*                        | 80        | 2%               |
| Marijuana*                       | 168       | 4%               |
| Narcotics*                       | 286       | 7%               |
| Other Evidence*                  | 294       | 7%               |
| Other Weapons*                   | 43        | 1%               |
| Marijuana - Returned             | 734       | 17%              |
| Other Weapons - Returned         | 223       | 5%               |
| No Recovery                      | 2,422     | 57%              |
| Total                            | 4,250     | 100%             |

\* These 877 items make up the 720 recoveries in **Table 2**.

The frequency (4,250) exceeds the number of searches (4,008) because a single search can have multiple outcomes (such as the recovery of firearms and narcotics).

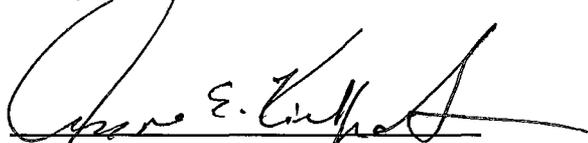
The Commission's recommended policy would have negatively impacted public safety in Oakland had it been in place for the period of January 1, 2017 to June 30, 2018. All probation and parole searches that resulted from traffic violations and officer knowledge of probation and parole status would have been eliminated during this timeframe, resulting in the failure to recover 80 firearms and large numbers of narcotics and other evidence. Under the OPD-recommended version of the policy, OPD would have been able to recover 80 illegal firearms. Under the version of the policy recommended by the Commission, these 80 illegal firearms would not have been recovered.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Regarding Oakland Police Department General Order R-02, Searches Of Individuals on Probation Or Parole.

For questions regarding this report, please contact Timothy Birch, Police Services Manager, Office of the Chief of Police, Research and Planning at (510) 238-6443.

Respectfully submitted,



ANNE E. KIRKPATRICK  
Chief of Police  
Oakland Police Department

Reviewed by:  
Darren Allison, Acting Assistant Chief of Police  
OPD, Office of the Chief

Prepared by:  
Timothy Birch, Police Services Manager  
OPD, Training Division, Research and Planning

Attachments (4):

- A – DGO R-02 – redlined changes proposed by Police Commission
- B – DGO R-02, Searches of Individuals on Probation or Parole, as modified by the Oakland Police Department and proposed to the Oakland City Council
- C – CDCR 1515, Notice and Conditions of Parole
- D – East Bay Parole District Resource Book

# Attachment A



## DEPARTMENTAL GENERAL ORDER

### R-02: SEARCHES OF INDIVIDUALS ON PROBATION OR PAROLE

Effective Date: XX Jul 18  
Coordinator: Training Division

Individuals on probation with certain court-imposed search clauses and individuals on parole/PRCS (Post-Release Community Supervision) may be subject to warrantless searches by law enforcement. One role of Law Enforcement is to act as an arm of the probation and parole/PRCS systems by ensuring that probationers and parolees are conforming to the conditions of their release.

#### COMMAND INTENT

The intent of this policy is to enhance the effectiveness of Oakland Police Officers while also reminding them to use their best ~~judgement~~judgment on when to use probation and parole/PRCS searches. The Department values the abilities of Oakland Police Officers to make sound ~~judgements~~judgments when using law enforcement tools available to them, such as probation and parole/PRCS searches. At the same time, the Department recognizes that those searched and other community members can view searches as intrusive. Accordingly, the Department seeks to build community trust through transparency of Department operations by requiring officers to document articulable facts supporting a decision to search.

#### A. PROBATION OR PAROLE SEARCHES AND THE COMMUNITY

##### A - 1. Purpose of Probation and Parole/PRCS Searches

Probation and parole/PRCS searches must further a legitimate law enforcement or rehabilitative interest. Such searches shall not be:

1. Arbitrary;
2. Capricious; or
3. Harassing

##### A - 2. Procedural Justice Considerations

Law enforcement contact with individuals on probation, parole, and PRCS provides an opportunity to practice the tenets of procedural justice: voice, neutrality, respect, and trustworthiness. Probation and parole/PRCS contacts can be used as a means of providing counseling, referral to rehabilitative resources, and a deterrent against recidivism.

##### A - 3. Inquiring About Probation or Parole/PRCS Status

Inquiring about an individual's probation or parole/PRCS status, especially at the beginning of an interaction, or without an apparent basis for the inquiry, can be viewed as unjustly assuming that the individual has a criminal history. Officers ~~should~~must refrain from immediately asking whether a person is on probation or parole/PRCS. Any subsequent inquiries about probation or parole/PRCS status ~~should~~must be framed in a respectful manner.

## B. REQUIREMENTS FOR PROBATION OR PAROLE/PRCS SEARCHES

### B - 1. Knowledge of Searchable Probation or Parole/PRCS Status

Officers must know that an individual is on searchable probation or parole/PRCS, with a clause which allows the search the officer seeks to conduct, before the search. This information may be obtained/confirmed via:

1. Prior knowledge of the individual's searchable probation or parole/PRCS status;
2. Check of law enforcement databases such as AWS, CRIMS, CLETS, and CORPUS; in case of discrepancies:
  - a. CRIMS ~~should~~must be used to confirm probation terms.
  - b. CLETS ~~should~~must be used to confirm parole or PRCS status.
3. The individual's confirmation of his or her searchable probation or parole/PRCS status.<sup>1</sup> In such cases, officers ~~should~~must confirm the status of the individual with a records check. In cases where the individual is mistaken concerning status, the officer ~~should~~must provide the correct information to the individual and document the results in the appropriate report.

### B - 2. Rationale for Probation or Parole/PRCS Searches

An officer must have reasonable suspicion based on specific and articulable facts taken together with rational inferences from those facts that an individual on probation or parole is engaged in criminal activity before engaging in a stop and frisk or any other search of the individual's person, property or place of residence. Probation and parole/PRCS searches ~~should~~must be conducted in consideration of the totality of the circumstances surrounding the encounter. In those instances where a cursory search is justified and the individual is on probation or parole/PRCS, a full search should be conducted.

Individuals contacted or detained who are found to be on searchable probation or parole/PRCS for **weapons-related** or **violent** crimes, if searched, should ~~must~~ be searched pursuant to the terms of their supervised release/parole or probation conditions to ensure officer, community, and subject safety.

For individuals on probation or parole/PRCS for **non-weapons-related** or **non-violent** crimes, officers ~~should~~must consider articulable fact(s) which tend to show that the individual is connected in some way to criminal activity, that the individual is a threat to officer or citizen safety, or that a probation or parole/PRCS search would further a rehabilitative interest. The mere fact that a person is on probation or parole/PRCS is not in itself a connection to criminal activity.

**Comment [j1]:** What exactly does supervised release mean? Please explain.

<sup>1</sup> See In re Jeremy G. (1998) 65 Cal.App.4th 553, 556 (officer reasonably relied on minor's statement that he was on probation or parole; "[t]he fact that the minor was in error is immaterial").

Some examples of facts that could support a search include, **but are not limited to**, the following:

- The individual is a known gang member or affiliate
- The individual has been identified as a person of interest in a crime
- ~~The individual is in the company of another who is a person of interest in a crime~~
- ~~The individual is connected to a crime reduction strategy (such as Ceasefire or a specific crime reduction plan)~~
- The individual is a person of interest in, or uncooperative witness to, an ongoing criminal investigation

**Comment [i2]:** What is the standard of proof to show that the person is a known gang member or affiliate?

### C. MEMORIALIZING FACTS OF THE SEARCH

#### C - 1. Required Documentation

Officers conducting a probation or parole/PRCS search shall at a minimum document the following in the appropriate report:

1. The circumstances of the encounter/detention;
2. How it was determined that the individual was on searchable probation or parole/PRCS;
3. How searchable probation or parole/PRCS status was verified including, if verified via the MDT, a paste of this information from the MDT to the body of the report (if feasible);
4. Any articulable fact(s) which informed the decision to search; and
5. The type(s) of search completed and disposition.

**Comment [i3]:** What is MDT? Please define this acronym

By order of

Anne E. Kirkpatrick  
Chief of Police

Date Signed: \_\_\_\_\_

**R-02: SEARCHES OF INDIVIDUALS ON PROBATION OR PAROLE**

Effective Date: XX Jan 19  
Coordinator: Training Division

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Individuals on probation with certain court-imposed search clauses and individuals on parole/PRCS (Post-Release Community Supervision) may be subject to warrantless searches by law enforcement. One role of Law Enforcement is to act as an arm of the probation and parole/PRCS systems by ensuring that probationers and parolees are conforming to the conditions of their release.

**COMMAND INTENT**

The intent of this policy is to enhance the effectiveness of Oakland Police Officers while also reminding them to use their best judgment on when to use probation and parole/PRCS searches. The Department values the abilities of Oakland Police Officers to make sound judgments when using law enforcement tools available to them, such as probation and parole/PRCS searches, to ensure officer, community, and subject safety. At the same time, the Department recognizes that those searched and other community members can view searches as intrusive. Accordingly, the Department seeks to build community trust through transparency of Department operations by requiring officers to document articulable facts supporting a decision to search.

**A. DEFINITIONS****A - 1. Non-Violent Offense**

An offense in which violence or use of a weapon is not a factor. Examples include simple possession of controlled substances or property crimes such as petty theft.

**A - 2. Cursory Search**

A cursory search (also known as a pat search or search for weapons) is a limited search of the outer clothing in a manner designed to determine whether the person being searched is in possession of any weapons or items which may be used as such. A cursory search is most typically conducted if the officer has reasonable suspicion to believe that the person being searched is armed and/or dangerous.

**A - 3. Full Search**

A full search of a person is a “relatively extensive exploration”<sup>1</sup> of the person being searched, including their clothing, their pockets, and containers in their possession. A full search of a person is most typically conducted incident to that person’s arrest.

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<sup>1</sup> *US v. Robinson*, 414 US 218, 236 (1973)

## **B. PROBATION OR PAROLE SEARCHES AND THE COMMUNITY**

### **B - 1. Purpose of Probation and Parole/PRCS Searches**

Probation and parole/PRCS searches must further a legitimate law enforcement or rehabilitative interest. Such searches shall not be:

1. Arbitrary;
2. Capricious; or
3. Harassing

### **B - 2. Procedural Justice Considerations**

Law enforcement contact with individuals on probation, parole, and PRCS provides an opportunity to practice the tenets of procedural justice: voice, neutrality, respect, and trustworthiness. Probation and parole/PRCS contacts can be used as a means of providing counseling, referral to rehabilitative resources, and a deterrent against recidivism.

### **B - 3. Inquiring About Probation or Parole/PRCS Status**

Inquiring about an individual's probation or parole/PRCS status, especially at the beginning of an interaction, or without an apparent basis for the inquiry, can be viewed as unjustly assuming that the individual has a criminal history. Officers must refrain when possible from immediately asking whether a person is on probation or parole/PRCS. Any subsequent inquiries about probation or parole/PRCS status must be framed in a respectful manner.

## **C. REQUIREMENTS FOR PROBATION OR PAROLE/PRCS SEARCHES**

Probation and parole/PRCS searches shall be conducted in consideration of the totality of the circumstances surrounding the encounter.

### **C - 1. Knowledge of Searchable Probation or Parole/PRCS Status**

Officers must know that an individual is on searchable probation or parole/PRCS, with a clause which allows the search the officer seeks to conduct, before the search. This information may be obtained/confirmed via:

1. Prior knowledge of the individual's searchable probation or parole/PRCS status;
2. Check of law enforcement databases such as AWS, CRIMS, CLETS, and CORPUS;<sup>2</sup>
3. The individual's confirmation of his or her searchable probation or parole/PRCS status.<sup>3</sup> In such cases, the officer shall confirm the status of the individual with a records check. In cases where the individual is mistaken concerning status, the officer shall provide the correct

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<sup>2</sup> CRIMS is the recommended database for confirming probation status. CLETS is the recommended database for confirming parole status.

<sup>3</sup> See *In re Jeremy G.* (1998) 65 Cal.App.4th 553, 556 (officer reasonably relied on minor's statement that he was on probation or parole; "[t]he fact that the minor was in error is immaterial").

information to the individual and document the results in the appropriate report.

**C – 2. Individuals on Probation or Parole/PRCS for Non-Violent Offenses**

For individuals on probation or parole/PRCS for **non-violent** crimes, officers shall consider articulable fact(s) which tend to show that the individual is connected in some way to criminal activity, that the individual is a threat to officer or citizen safety, or that a probation or parole/PRCS search would further a rehabilitative interest. The mere fact that a person is on probation or parole/PRCS is not in itself a connection to criminal activity.

Some examples of facts that could support a search include, **but are not limited to**, the following:

- The individual is a known gang member or affiliate
- The individual has been identified as a person of interest in a crime
- The individual is in the company of another who is a person of interest in a crime
- The individual is connected to a crime-reduction strategy (such as Ceasefire or a specific crime-reduction plan)
- The individual is a person of interest in, or uncooperative witness to, an ongoing criminal investigation

**C – 3. Individuals on Probation or Parole/PRCS for Violent or Weapons-Related Offenses**

Individuals contacted or detained who are found to be on searchable probation or parole/PRCS for violent or weapons-related offenses may be searched pursuant to the terms of their probation or parole/PRCS conditions.

**C – 4. Cursory and Full Searches**

In those instances where a cursory search is justified and the individual is on probation or parole/PRCS for any reason, with a clause which allows a full search of their person, a full search may be conducted.

**D. MEMORIALIZING FACTS OF THE SEARCH**

**D - 1. Required Documentation**

Officers conducting a probation or parole/PRCS search shall at a minimum document the following in the appropriate report:

1. The circumstances of the encounter/detention;
2. How it was determined that the individual was on searchable probation or parole/PRCS;
3. How searchable probation or parole/PRCS status was verified including, if verified via a Mobile Data Terminal (MDT), a paste of this information from the MDT to the body of the report (if feasible);
4. Any articulable fact(s) which informed the decision to search; and
5. The type(s) of search completed and disposition.

By order of

Anne E. Kirkpatrick  
Chief of Police

Date Signed: \_\_\_\_\_

YOU ARE BEING RELEASED TO PAROLE SUPERVISION, EFFECTIVE: \_\_\_\_\_, 20\_\_\_\_, FOR A MAXIMUM PERIOD OF: \_\_\_\_\_.

**YOU ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RELEASE FROM PRISON:**

If you violate any of the conditions of your parole or violate any law, you may be subject to arrest and/or incarceration in a county jail or returned to state prison, pursuant to Penal Code (PC) Section 3000.1, or PC Section 3000, subdivision (b), paragraph (4), regardless of whether new charges are filed.

You shall waive extradition to the State of California from any state or territory of the United States, or the District of Columbia. You shall not contest any effort to return you to the State of California.

You, your residence, and any property under your control are subject to search or seizure by a probation officer, an agent or officer of the California Department of Corrections and Rehabilitation, or any other peace officer, at any time of the day or night, with or without a search warrant, with or without cause.

If another jurisdiction has lodged a detainer against you, you may be released to the custody of that jurisdiction. Should you be released from their custody prior to the expiration of your California parole, or should the detainer not be exercised, you are to immediately contact the nearest office of the Department of Corrections and Rehabilitation, Division of Adult Parole Operations, for instructions on reporting to a parole agent.

The procedure for obtaining a Certificate of Rehabilitation is documented in PC Sections 4852.01–4852.21.

**CONDITIONS OF PAROLE**

**1. SPECIAL CONDITIONS:** Special conditions of parole may be mandated by law or may be imposed at the discretion of your agent. Special conditions of parole that forbid conduct which is not itself criminal, must reasonably relate to a crime for which you were convicted, or must be reasonably related to deterring future criminality. **You are subject to the following special conditions of parole:**

Reasons for the imposition of special conditions of parole:

|  |                                     |                    |
|--|-------------------------------------|--------------------|
| <b>I ACKNOWLEDGE MY SPECIAL CONDITIONS OF PAROLE</b><br>Inmate / Parolee Initials: _____ | <b>SIGNATURE OF UNIT SUPERVISOR</b> | <b>DATE SIGNED</b> |
|--|-------------------------------------|--------------------|

**2. RELEASE, REPORTING, RESIDENCE AND TRAVEL:** Unless other arrangements are approved in writing, you shall report to your parole agent on the first working day following your release. The name, address, and telephone number of the parole agent responsible for your parole supervision shall be documented on the CDCR Form 611 (Rev. 08/12), Release Program Study, which is incorporated by reference as part of this Notice. You shall inform your supervising parole agent of your residence, employment, education, and/or training. Any change or anticipated change to your residence shall be reported to your parole agent in advance. You shall inform your parole agent within 72 hours of any change to your employment location, employer, or termination of employment.

**3. PAROLE AGENT INSTRUCTIONS AND TRAVEL:** You shall comply with all of the instructions from your parole agent. You shall not travel more than 50 miles from your residence without the prior approval of your parole agent. You shall not be absent from your county of residence for a period of more than 48 hours. You shall not leave the State of California without prior written approval of your parole agent.

**4. CRIMINAL CONDUCT:** You shall not engage in conduct prohibited by law (state, federal, county, or municipal). You shall immediately inform your parole agent if you are arrested for any felony or misdemeanor crime. Be advised, your conduct, if prohibited by law, may result in parole revocation with or without a criminal conviction.

**5. WEAPONS:** You shall not own, use, have access to, or have under your control: (a) any type of firearm, instrument, or device which a reasonable person would believe to be capable of being used as a firearm, or any ammunition which could be used in a firearm; (b) any weapon as defined in state or federal statutes, or any instrument or device which a reasonable person would believe to be capable of being used as a weapon; (c) any knife with a blade longer than two inches, except kitchen knives which must be kept only in the kitchen of your residence, and knives related to your employment, which may be used and carried only in connection with your employment; or (d) a crossbow of any kind.

**6. THIS DOCUMENT SERVES AS YOUR NOTICE AND CONDITIONS OF PAROLE.** You have the right to appeal the special conditions of your parole. Special conditions imposed by the Division of Adult Parole Operations may be appealed pursuant to California Code of Regulations (CCR), Title 15, Sections 3084 - 3085.

**I have read, or have had read to me, and I understand the conditions of parole as they apply to me.**

|            |                                     |                          |             |
|------------|-------------------------------------|--------------------------|-------------|
| CDC NUMBER | INMATE/PAROLEE NAME (PRINT OR TYPE) | INMATE/PAROLEE SIGNATURE | DATE SIGNED |
|            |                                     | X                        |             |

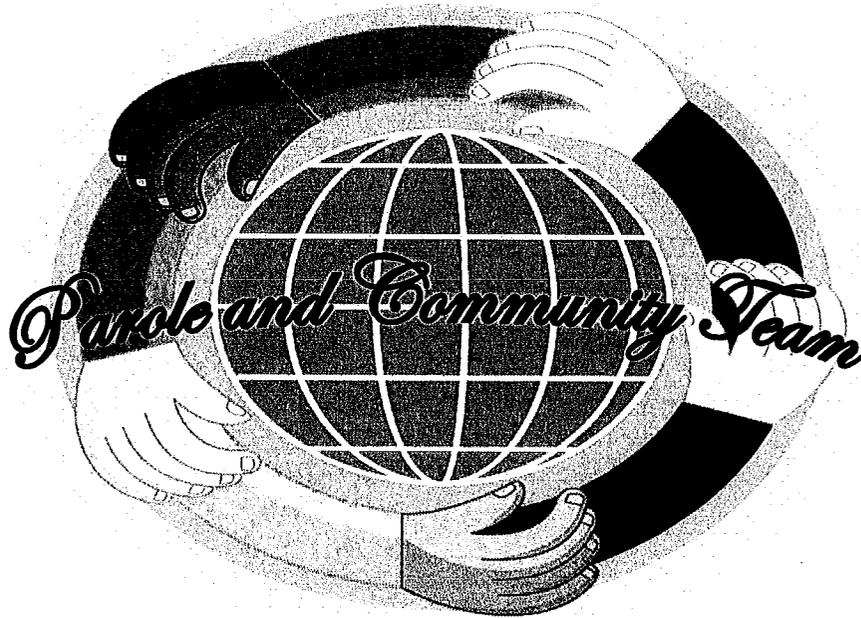
**THIS SECTION TO BE COMPLETED BY CDCR STAFF ONLY**

Does the inmate/parolee have a qualifying disability requiring effective communication?  YES  NO If yes, cite the source document and/or observations:

What type of accommodation or assistance was provided to achieve effective communication to the best of the inmate's/parolee's ability?

|                            |                 |             |
|----------------------------|-----------------|-------------|
| STAFF NAME (PRINT OR TYPE) | STAFF SIGNATURE | DATE SIGNED |
|----------------------------|-----------------|-------------|

California Department of Corrections & Rehabilitation



**P.A.C.T.**

**ALAMEDA COUNTY  
Community Resource Handbook**

**DIVISION OF ADULT PAROLE OPERATIONS**

## **Welcome to PACT**

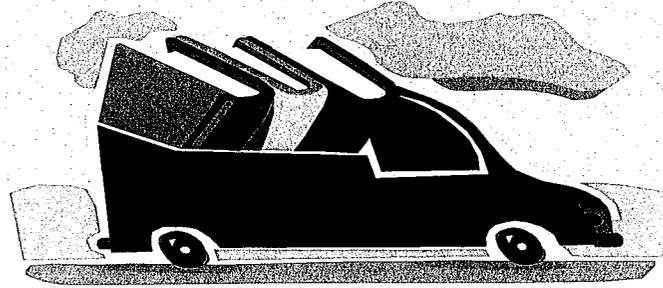
The Parole division would like to introduce you to the Parole and Community Team program or PACT Meeting. These meetings are to help and assist you. The PACT Meetings are bi-weekly meetings available to you upon release from prison or anytime you feel the need for assistance, this is a gathering of community resources available in your community. Please refer to this handbook when you need to find housing, social services, employment, counseling, substance abuse treatment, and other resource information. This is for your benefit so that you may successfully reintegrate back into your community and maintain a healthy, law-abiding life-style.

Good luck.

**Oakland Parole Units 1 & 2  
Berkeley Parole Unit  
7717 Edgewater Drive, Suite 200  
Oakland, CA 94621  
(510) 577-2407**

**East Bay Parole Unit  
7717 Edgewater Drive, Suite 100  
Oakland, CA 94621  
(510) 577-2000**

11/09/2018 revisions are ongoing.



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**Social Services**

**Berkeley Adult Day Health Center**

1890 Alcatraz Avenue Berkeley, CA 94703

Phone: 510-601-0167

Services: Comprehensive outpatient program for frail/ disabled adults (18 yrs. and older). Rehabilitative nursing care, psychiatric and psychological services and transportation provided.

**Berkeley Free Clinic**

2339 Durant Avenue Berkeley, CA 94704

Phone: 510-548-2570

Services: Provides limited acute primary care, TB Testing, Dental Services, STI & HIV Testing, Hepatitis Testing & Counseling, Women's Trans & Gender non-conforming Persons Services, Peer Counseling, Call Center & Information Resource Collective, Eyeglasses and Vision Screenings & Vision Service Referrals. **All Services are Free**

**CAL-PEP**

2811 Adeline Street, Oakland, CA 94608

Phone: 510-874-7850

Services: CAL-PEP provides life support, individual, and group health education, rapid HIV testing. CAL-PEP provides services to ex-offenders, sex workers, and substance users. For individuals who are HIV positive CAL-PEP will connect them with their partnering agency where they will receive assistance and primary care needs, substance abuse treatment, housing opportunities, mental health support and other services as needed. All services are provided in a non-judgmental manner. **ALL SERVICES ARE FREE**

**Davis Street Family Resource Center/ RotaCare Clinic**

California Department of Corrections & Rehabilitation

3081 Teagarden Street San Leandro, CA, 94577

Phone: 510-347-4620

Services: Program provides free clothing, free medical care and job placement assistance, crisis counseling, and childcare for low-income families.

**Alameda Health System-Eastmont Wellness Center**

6955 Foothill Boulevard, Suite 200 Oakland, CA 94621

Phone: 510-567-5700

Services: Full range of medical services for adults and children, physical exams, dental and gynecology, TB and STD testing. Fees vary according to income.

**Alameda County Health Care for the Homeless**

1404 Franklin Street, Suite 200, Oakland, CA. 94612-3208

Phone: 510-891-8950

Services: include comprehensive Primary care with integrated behavioral health at five sites throughout Alameda County, urgent care and street medicine at shelters and on the streets, substance abuse outreach and treatment, specialty medical care, dental and optical care, and case management.

**James A. Watson Wellness Center**

5709 Market Street Oakland, CA. 94608

Phone: 510-444-9460

Services: Program provides health care services to the re-entry population as well as those who are uninsured. The program welcomes clients who do not have health insurance as well as those who have recently been released from prison.

**Social Services**

**Native American Health Center**

3124 International Boulevard, Oakland, CA 94601

Phone: 510-535-4400

Services: Offers substance abuse counseling and education, outpatient services for men and women. Services include individual, family, and group counseling, health care, adult medicine, residential referrals, parenting classes, dental care and WIC.

**Order of Malta Oakland Clinic**

2121 Harrison Street, Suite #110, Oakland, CA 94612

Phone: 510-587-3000

Services: This clinic provides free health care services to uninsured adults and children. The clinic is run by the Catholic Diocese of Oakland but they will see and admit anyone to the clinic regardless of race, faith or religion.

**Parole Outpatient Clinic (P.O.C.)**

Contact your parole agent if you are having mental health concerns for a referral.

**Telegraph Ministry Center**

5316 Telegraph Avenue Oakland, CA, 94612

Mailing Address: P.O. Box 3776, Oakland CA 94609

Phone: 510-658-4457

Services: Program provides emergency food, clothing and mental health services.

**Social Services**

**West Oakland Health Center**

California Department of Corrections & Rehabilitation  
700 Adeline Street, Oakland, CA, 94607  
Phone: 510-835-9610

Services: 60 day residential program (MEN ONLY). Methadone detox center. Outpatient services for men and women. Substance abuse treatment, medical and general dentistry services for frail and or disabled adults. Women, infants, and children (WIC) program available: food vouchers and nutritional counseling for pregnant women and women with children.

**Axis Community Health**

5925 West Las Positas Blvd, Suite 100, Pleasanton CA,

4361 Railroad Avenue, Pleasanton, CA

Phone: 925-201-6056

Services: Offers outpatient medical care, anger management and domestic violence program.

**B.O.S.S. (Building Opportunities for Self-Sufficiency)/  
Harrison House**

711 Harrison Street, Berkeley, CA.

Phone: 866-960-2132

Services: Provides emergency shelter, transitional housing for Homeless single adults and families. Placements are only accepted upon referral from the Berkeley Housing Crisis Resolution Center. Rental subsidies, long-term case management, housing search assistance and advocacy with landlords. BOSS provides health services, doctor/ therapist referrals. Also, referrals are made to residential program for chronic mentally ill and dual diagnosed participants. Drop in services include mental health, health treatment, and substance abuse treatment.

**Educational Services**

**College of Alameda**

ATLAS- Alameda Transportation and Logistics Academic Support

California Department of Corrections & Rehabilitation

Program

555 Ralph Appezato Memorial Parkway alameda, CA 94501  
510-748-5251

If you are interested in the Trade & Logistics Industry this is for you. You can learn Green Diesel Technician, Office Administration for Logistics Industry, Warehouse Operation and Forklift. Financial assistance available.

**College of Alameda**

NEW D.R.E.A.M

Tracy King, M.A Coordinator/Counselor  
510-748-5288

Email: [tmking@peralta.edu](mailto:tmking@peralta.edu)

A program for formerly incarcerated men and women who are on parole or probation. NEW D.R.E.A.M helps students with transition into college. The program will be tailored to the individual needs of the students. We will make sure students have every access to all resources that are available. Our students have various options; Certificate/Associate Degree, Job Readiness Preparation, Cross Enrollment, and/or Transfer to four year College/University. CTE: Career Technical Education; Auto Body and Paint, Automotive Technology, Dental Assisting, etc.

**Berkeley Adult School (BAS)**

Culinary Career Training Program

1701 San Pablo Ave, Berkeley, CA 94702  
510-644-4575

Learn to Bake, Cook, Cater and Production, Professional Etiquette, Customer Service, Safety and Sanitation and more.

**For other Classes/Programs contact (BAS) at 510-644-6130**  
financial assistance available.

**Educational Services**

**Chabot College**

25555 Hesperian Blvd, Hayward, CA 94545  
510-723-6600                      [www.chabotcollege.edu](http://www.chabotcollege.edu)

Contact the School for courses to continue your education or job training. Also contact school for requirements to enroll.

**Computer Learning Center (CCCOE)**

Oakland Parole Office

7717 Edgewater Drive Suite 200, Oakland, CA, 94621

Phone: 510-577-2407

Services: The Oakland Learning Center can help you improve the skills you need to pass the GED, obtain employment or prepare for college.

**Laney College**

Restoring Our Communities Initiative - ROCI

900 Fallon Street, Building E, Room E203, Oakland, CA

510-464-3411 [www.laney.edu](http://www.laney.edu)

Services; Academic support (purchase books, supplies, tutoring), transportation (BART tickets), peer mentoring and transfer assistance. Financial assistance available.

**Merritt College**

NEXT UP (CAFYES) PROGRAM

12500 Campus Drive, Building R, Rm. 113G, Oakland, CA 94619

510-434-3980

Contact person; Daraja Wagner [dwagner@peralta.edu](mailto:dwagner@peralta.edu)

Services: Academic support (purchase books and supplies, tutoring, meet with an academic counselor and program case manager), Material support (gas cards, meal tickets, Clipper cards) other support (childcare, monthly disbursements, housing referral and support, career exploration and development, money management and more).

**Educational Services**

**Ohlone College**

43600 Mission Blvd, Fremont, CA 94539

510-659-6000

Contact the School for courses to continue your education or job

California Department of Corrections & Rehabilitation training. Also contact school for requirements to enroll.

## **OPEN GATE**

**In collaboration with Chabot College**

**R.I.S.E. Program**

P.O. Box 22812

Oakland, CA 94609

510-638-7113

Mildred McKinney, Executive Director

[mildred@opengateinc.com](mailto:mildred@opengateinc.com) [www.opengateinc.com](http://www.opengateinc.com)

Through Open Gate, low-risk parolee, probationers and formerly incarcerated individuals gain the skills to reenter society and their community through education and vocational training. Our participants enter local community colleges and the California University system to gain Associate and Bachelor Degrees or enter training course in skilled trades leading to full-time employment, a living wage and a fulfilling career.

Opportunities; full support with college enrollment, transportation, books, supplies, Degree & Certificate programs, transfer to a 4 year University, Job readiness program with job placement assistance, Interview/Resume workshops, mentors, counseling, discussion & support group, Community leadership, Assist with obtaining GED/HISET, stylist session @ Wardrobe for Opportunity.

## **Educational Services**

**Peralta Community College: College of Alameda/ Extended Opportunities Programs and Services (E.O.P.S.)**

555 Ralph Appezato Memorial Parkway, Alameda CA, 94501

Phone: 510-748-2258

Services: The E.O.P.S. is designed to ensure campus access and provide support services to students who face economic, language

California Department of Corrections & Rehabilitation  
and social barriers. Popular majors include: Auto Body and Paint,  
Automotive Technology, Aviation Maintenance Technician, Dental  
Assistance and others. Students can receive Associates Degree and  
vocational certificates. FINANCIAL AID AVAILABLE

**Peralta Community College District**

333 East 8<sup>th</sup> Street, Oakland, CA 94606

510-466-7200            www.peralta.edu

Colleges: Berkeley City, College of Alameda, Laney college  
Merritt College. Contact the School for requirements to continue  
your education or job training. Financial Aid available.

**The Gamble Institute**

Merritt College

12500 Campus Drive, Room P112, Oakland, CA 94619

Email: [info@gambleinstitute.org](mailto:info@gambleinstitute.org)

Services: The Gamble Institute was started for parolees, by parolees.  
The program offers family reunification classes, computer classes,  
employment assistance, community  
volunteering, and reintegration counseling. All of our programs  
were created with help from parolees and all of our employees are  
current or former parolees. All of the programs are FREE. Please  
call us, we would love to support you and your family.

**Educational Services**

**University of Berkeley**

Underground Scholars Initiative (USI) at the University of  
California Berkeley (Stiles Hall)

2400 Bancroft Way, Suite 7, Berkeley, CA 94704

510-643-2226 Program Director

510-368-7495 Outreach Coordinator

[undergroundscholars@berkeley.edu](mailto:undergroundscholars@berkeley.edu)

The Underground Scholars Initiative is a UC Berkeley student group that supports students impacted by mass incarceration by providing access and resources to higher education for a successful reentry, providing support for Community College Students to empower formerly incarcerated students in their efforts to transfer to a four-year university. Cross Enrollment Program allows community college students who have been negatively impacted by incarceration to attend courses at UC Berkeley. Transfer Support to Four-year Universities. Creating a welcoming space where students can come together to share their experiences and support each other without fear or judgment.

## **Employment Services**

### **Academy of Truck Driving**

2585 Buna Street, Building 99 Oakland, CA 94607

Phone: 510-663-9030

Services: Provides a thirty day class A and B commercial drivers license program. Assist with job placement. Tuition assistance available.

## **Employment Services**

### **Alameda County Re-Entry Pilot Program**

1405 Lakeside Drive, Oakland, CA 94612

Phone: 510-272-6471

Contact: Staff

Service: Program assist formerly incarcerated individual with finding jobs working with Alameda County.

**Alameda County Social Services Agency: Employment Services**

2000 San Pablo Avenue, Oakland CA

Phone: 510-267-8690

Services: Offers business attire to men and women seeking employment. **ALL SERVICES ARE FREE**

**Amos Temple CME Church: D-3, Dream, Dare, Do it!**

1500 90<sup>th</sup> Avenue, Oakland CA, 94603

Phone: 510-562-8533

Services: Provides long term sober independent living for **MEN ONLY**. The program also offers vocational training

**Aviation Institute of Maintenance**

9636 Earhart Road

Oakland, CA 94621

Phone: 510-365-4137 or 510-553-9600

21 month License Certification Training Program to learn maintenance of anything that fly's from Aircraft, helicopters to drones. While in the program you receive assistance in finding a job that will work with your school schedule.

**Employment Services**

**Bay Area Truck Driving School**

1061 Martin Avenue, Santa Clara CA, 95050

Phone: 408-283-9027, Todd Baum

Services: Clients must be 18 years of age or older, no experience necessary. Classes are 40 hours a week, for four weeks. Program offers job placement assistance.

**Associated Builders and Contractors**

4577 Las Positas Road, Office-C, Livermore CA, 94551

Phone: 925-474-1300

Services: The program provides apprenticeship training for carpentry, electrical, construction, painting and plumbing.

**Bay Area Truck Driving School**

675 Hegenburger Avenue, Suite 215, Oakland, CA, 94621

Phone: 510-739-1633

Services: Provides evening and weekend courses, provides training for class A and B drivers licenses. Teaches defensive driving, offers a free driving test, and offers job placement assistance and one on one instruction.

**Bethel Family Christian Center**

501 North P Street, Livermore CA, 94550

Phone: 925-449-4848

Services: Program provides free clothes to women and men seeking employment.

**B.O.S.S. (Building Opportunities for Self-Sufficiency)**

2065 Kittredge Street, Suite E, Berkeley, CA 94710

Phone: 510-649-1930, Fax: 510-649-0627

Services: In addition to the medical and mental health services described previously, BOSS also provides job placement, training and adult literacy services.

**Employment Services**

**Bread Project, The**

1615 University Avenue, Berkeley, CA 94703

Phone: 510-594-1702 and 510-644-4575

Email: [info@breadproject.org](mailto:info@breadproject.org)

Services: The program trains unemployed people in the skills needed for entry level baking and cooking positions. Participants will learn, *Bread Making, Pastry Making, Cake Baking, Cake*

*Decoration, and Cooking Techniques.* Participants receive job readiness training and job referrals.

**Allen Temple-Job Information Center**

8501 International Boulevard, Oakland CA, 94621

Phone: 510-544-8910

Services: Allen Temple offers assistance with finding employment through their website or in person. [www.allen-temple.org](http://www.allen-temple.org)

**Center Point Oakland-Day Reporting Center**

3333 Telegraph Avenue, Oakland CA, 94609

Phone: 510-496-5140

Services: Outpatient. The Oakland Day Reporting Center offers Parolees a range of services that promote pro-social development, employability, housing stability, and successful community reintegration. Services are targeted to reduce recidivism and increase public safety, to include GED prep, Parenting Education, Pre-Employment Skill Development, Job Readiness Training, Job Search Assistance, Housing, Substance Abuse Education, Money Management and Linkage to Community Support Services.

**Employment Services**

**Center for Employment Opportunities (CEO)**

464 7<sup>th</sup> Street, Oakland CA, 94607

510-251-2240

Services: CEO provides immediate, effective and comprehensive employment services to men and women with recent criminal convictions. Our highly structured and tightly supervised program helps participants regain the skills and confidence needed for successful transitions to stable, productive lives. The program

California Department of Corrections & Rehabilitation

includes pre-employment workshops, resume and interview help with a Job Coach, transitional employment, job search/matching with the Job Developer, and a work program with **GSW**.

**Cypress Mandela Training Center**

2229 Poplar Street, Oakland CA. 94607

Phone: 510-208-7350

Services: Pre-apprenticeship training for skilled construction trades. Hands on and classroom, CA state certificate awarded at completion of required hours: 14 weeks at 36 hours per week. Job placement help, free of cost.

**Fremont Employment Training Center**

3551 Decoto Road, Fremont CA, 94555

Phone: 510-790-1800

Services: They provide resume workshops, job search skills and interview preparation techniques.

**Goodwill Industries Homeless One Stop**

1600 San Pablo Avenue, Oakland CA, 94612

Phone: 510-903-3220

Services: Program provides job preparation, job placement, computer training, and mental health, medical, addiction, and recovery referrals.

**Employment Services**

**Goodwill Industries/ Measure Y**

1301 30<sup>th</sup> Avenue, Oakland CA, 94612

Phone: 510-698-7257

Services: Program provides job training, preparation and placement assistance, employment assistance, and computer skills training. Also available to clients, transportation and first month's rent referral service.

**Inter-City Services**

California Department of Corrections & Rehabilitation

3269 Adeline Street, Berkeley CA, 94703

Phone: 510-655-3552

Contact: Mansour or Montell

Services: Inter-City Services is an employment program for veterans. They offer job-training in office automation/ word processing, and computer repair. The program also teaches job-preparation which includes resume preparation and employment workshops, job readiness certification, case management and counseling services.

**Making the Turn Forward**

P.O. Box 1371 Oakland, CA 94604

Phone: 510-575-7443

Contact: Ed Turner

Services: Provides a clean and sober living environment for **MEN ONLY**. Making the Turn Forward has long term housing, job placement assistance, medical assistance, computer assistance, and school assistance. Clients must be clean and sober before they can be admitted.

**Michael's Transportation**

140 Yolano Dr., Vallejo, CA 94589

Phone: 707-652-2562

MTS Academy offers Commercial Class A and Class B Driver with S.B Cert, School Bus, Professional Transit, Tractor-Trailer  
**(continued on Page 19)**

**Employment Services**

**Michael's Transportation (continued from Page 18)**

Operator Driver and Job Placement assistance. Open enrollment classes starting every month, in as little as 4 weeks you may qualify for a new career. We offer 4 locations; Sacramento, Vallejo, Watsonville and our New Training Facility in Oakland. For More information or to enroll in the next class; contact our recruiting office. WIOA/VETS and Re-entry Approved Training!!

**Men of Valor**

California Department of Corrections & Rehabilitation

6118 International Boulevard, Oakland CA, 94621

Phone: 510-567-1308

Services: Men of Valor Academy is a residential program that offers spiritual, physical, emotional, mental growth and development. The services include anger management along with GED training. There is also vocational training which consist of basic carpentry, plumbing, electrical and sheet rock.

**Oakland Private Industry Council-OPIC**

1212 Broadway, Oakland CA, 94607

Phone: 510-768-4485 or 510-768-4472

Services: Oakland Private Industry Council provides employment training, resume writing assistance, interview skills, and job placement assistance. For young adults 18-24 years of age there is an on-going program called "Breaking through Barriers." This program helps with career development, work wardrobe assistance, personal budgeting, and referrals for GED and anger management.

**ALL SERVICES ARE FREE**

**One-Stop Career Center**

5150 Franklin Drive, Pleasanton CA, 94588

Phone: 925-485-5262, Fax 925-485-5273

Services: Job development, resume writing and referrals.

**Employment Services**

**Rubicon Programs**

24100 Amador Street 3<sup>rd</sup> Floor, Hayward, CA, 94544

Phone: 510-670-5700

Services: Program provides vocational and employment services and assists clients with finding employment.

**Berkeley Address: 1918 Bonita Ave, Berkeley, 510-549-8820,**

Services: Job placement assistance and legal aid services.

**Society of St. Vincent De Paul, Alameda County: Kitchen of Champions**

675 23<sup>rd</sup> Street, Oakland CA, 94612

Phone: 510-877-9212

Services: The goal of the Kitchen of Champions is to help Alameda County client's secure meaningful employment. This goal is accomplished by engaging clients in comprehensive 12 week culinary training that covers everything one needs to know to run a production kitchen. This program provides one-on-one counseling, job readiness training, workshops on successful interviewing techniques, and job referrals. 12 students are admitted every six weeks after they interview with the Culinary Services Coordinator.

**The Stride Center**

2300 El Portal Drive, Suites F and G, San Pablo CA, 94806

Phone: 510-234-1300

Services: The Stride Center provides affordable computer technical training, job training and placement assistance.

**Youth Employment Partnership (Y.E.P)**

2300 International Boulevard, Oakland CA, 94601

Phone: 510-533-3447

Services: YEP's mission is to enhance the employment and education opportunities of underserved Oakland youth and young adults by providing training, job placement, access to education,

**(Continued on Page 21)**

**Employment Services**

**Youth Employment partnership (Y.E.P) (continued from page 20)**

and comprehensive support services. YEP operates from the core belief that moving teens and young adults into stable high-demand, living wage jobs is most effectively done through simultaneous education and work experience. For young men and women ages 18-24 who are residents of Oakland.

## **Substance Abuse and Treatment Services**

### **Bay Area Consortium for Quality of Care: Family Life Center**

405 14<sup>th</sup> Street, Suite 300, Oakland, CA 94612

Phone: 510-835-2262

Services: They provide case management services to pregnant women or to anyone who is a caregiver to a child 0-6 years old. In order to qualify for services one must be an ethnic minority, low-income person, homeless, substance abuser, person with HIV/AIDS, pregnant women or a parenting adult with a child 0-6 years of age. **ALL SERVICES ARE FREE**

### **Berkeley Addiction Treatment (B.A.T.S.)**

2975 Sacramento Street Berkeley, CA

Phone: 510-644-0200

Services: Offers outpatient substance abuse and detox treatment: Methadone Maintenance and Heroin Detoxification. The program also offers special services for pregnant women.

### **Bride of Christ**

1056 E. 12<sup>th</sup> Street, Oakland CA, 94606

Phone: 510-938-7228, or 510-978-3086

Services: Provides transitional housing for MEN ONLY, who are dealing with either mental health or substance abuse issues. The program assists clients with looking for jobs.

## **Substance Abuse and Treatment Services**

### **Chrysalis**

3837 Telegraph Avenue, Oakland CA, 94609

Phone: 510-450-1190, Fax: 510-455-3520

Services: Chrysalis is a recovery program for WOMEN ONLY who are recovering from substance abuse and they can stay in the program for up to six months.

### **C.U.R.A. Inc.**

5410 Peralta Boulevard Suite I, Fremont CA, 94536

California Department of Corrections & Rehabilitation

Phone: 510-713-3200, Fax:791-8318

Services: C.U.R.A is a residential treatment program. Services include individual treatment plans one-to-one counseling sessions, group counseling, in-house high school equivalency program (GED), aftercare and support system.

**East Bay Community Recovery Project**

2579 San Pablo Ave, Oakland CA, 94607

Phone: 510-446-7100, Fax: 510-832-0606

Services: The program provides outpatient substance abuse treatment. Also provides services to CCCMS/ EOP clients.

**East Oakland Recovery Center**

Eastmont Town Center

7200 Bancroft Avenue, Suite 176, Oakland CA, 94605

Phone: 510-568-2432

Services: Outpatient substance abuse program committed to providing a non-drinking, drug-free, supportive environment for individuals and their families. Other services include: CalWorks services, child protective services, drug court services, probation services, drug testing, NA meetings, BASN, outpatient, parolee drug education.

**Substance Abuse and Treatment Services**

**ESA Family Home Care**

771 54<sup>th</sup> Street, Oakland CA, 94609

Phone: 510-655-5011 or 510-406-2066

Contact: Evelyn Nwigwe

Services: The program provides transitional housing for MEN ONLY that are dual diagnosed. They offer groups such as AA, NA, and mental health intervention. They also help with job referrals.

**Genesis Project**

California Department of Corrections & Rehabilitation  
P.O. Box 19299 Oakland, CA 94619  
Phone: 510-653-8869

Services: A long-term transitional housing program for MEN ONLY. In particular clients with dual diagnosis. Clients must attend two outside meetings per week and once admitted to house must be with working, in job training, or in school. The exception is for clients with severe mental illness.

**Hayward Full Gospel: Mission Ministries**

27955 Mission Boulevard, Hayward CA, 94544

Phone; 510-537-7338

Services: Residential program for male and female parolees with children. The program includes one year of drug, alcohol, and other lifestyle education. Counseling services, rehabilitation, medical assistance, vocational training, and educational training. NO FEE REQUIRED for services. Mission Ministries also includes food and toy distribution. Additional services provided are emergency household items, bedding, clothing, furniture, Thanksgiving and Christmas dinners.

**Substance Abuse and Treatment Services**

**Highland Hospital Substance Abuse Program (HHSAP)**

1411 E. 31<sup>st</sup> Street, OA-1, Oakland, CA 94602

Phone: 510-437-5192 Fax: 510-437-6414

Services: Recovery and Case Management for Drug and Alcohol related problems. The SAP is a treatment program designed to help you begin a recovery process with the goal of abstinence and a healthier lifestyle; Comprehensive Assessment, Recovery planning, one-on-one counseling, relapse prevention groups, Drug and Alcohol education and testing, physical examinations. To support your recovery the Alameda Health System SAP also offers helpful services; parenting classes, childcare, Mental Health, Anger

California Department of Corrections & Rehabilitation  
Management, HIV Education and testing and a supportive Case  
Management service designed to help fathers, mothers, and pregnant  
women remove barriers to treatment. Call for an appt.

### **House of Ruth**

7801 MacArthur Boulevard, Oakland CA, 94605

Phone: 510-562-1593

Services: Residential program for women which provides treatment  
for women dealing with issues such as homelessness,  
unemployment, drug abuse and domestic violence. Services include  
personal counseling, financial management, life skills, housing  
vocational training, and drug prevention and relapse education.

### **Images on the rise**

8801 International Boulevard, Oakland CA, 94621

Phone: 510-224-4647

Services: Program provides a transitional housing and residential  
recovery program that offers a chance to re-enter mainstream  
society and live a clean and sober life. They provide three meals a  
day, job training and childcare.

## **Substance Abuse and Treatment Services**

### **La Familia Counseling Service**

1315 Fruitvale Avenue, Oakland CA, 94601,

Phone: 510-535-2303-main, 510-536-4760-men's program.

Services: Provides education, prevention, intervention, and  
treatment of alcohol and drug related problems. Latino Commission  
offers an outpatient program for adult men and women experiencing  
alcohol and drug related problems. Latino Commission offers an  
outpatient program for pregnant, postpartum, and parenting women  
(childcare provided). In addition, there's a 20 bed residential  
program for men. The program provides information and referrals,  
counseling, educational activities and job placement. Also there is  
transitional housing available for men and women.

**WOMEN'S PROGRAM: 3315 International Boulevard,**

**Oakland 510-536-4764**

**Magnolia Women's Recovery Program**

682 Briergate Way, Hayward CA, 94544

Phone: 510-487-2910

Services: Residential housing for pregnant and postpartum women. Provide substance abuse treatment, individual/ family counseling, anger management, life skills, teach parenting skills, education.

**Men on the Way Recovery Center**

20424 Haviland Avenue, Hayward, CA 94541

Phone: 510-276-3661

Services: Offers and intensive six to twelve month residential program. Services include comprehensive case management, individual counseling, group therapy, AA and NA. Also drug education, stress management, strategies of building healthy relationships, anger management classes, relapse prevention, 12 step, Community resources such as Cal Works, GED and job referrals.

**Women's Program also available.**

**Substance Abuse and Treatment Services**

**New Bridge Foundation**

368 12<sup>th</sup> Street, Oakland CA, 94607

Phone: 510-451-9675

Services: BASN, outpatient and day treatment services. Also a residential treatment program.

**North Gate Transitional Housing**

P.O. Box 360 Grand Avenue Oakland CA, 94612

Contact/ Phone: Gregory Green 510-472-5003, Tracy 510-472-2594

Services: Provides long-term sober independent living for MEN ONLY. Residents must complete a nine month program. Afterwards clients go through aftercare where they can get assistance with finding housing and employment.

**Options Recovery Services**

1931 Center Street, Berkeley CA, 94704

Phone: 510-666-9552

Services: Includes detox support outpatient substance abuse treatment and aftercare, early intervention, for first time offenders. Some programs are long term intensive case management, emergency shelter, both clean and sober transitional permanent housing and educational and employment referrals for homeless substance abusers. Also provides treatment and housing for CCCMS/ EOP patients.

**Orchid Women's Perinatal Recovery Center**

1342 E. 27<sup>th</sup> Street Oakland, CA, 94606

Phone: 510-535-0611, Alternate 800-521-7128

Services: Residential program for women and women with children. Provide treatment for women dealing with alcohol and substance abuse related issues. Services include, self-help groups, parenting and child development classes, recovery planning, goal setting, follow-up groups for up to one year.

**Substance Abuse and Treatment Services**

**East Oakland Community Project: Our House-Young Adult Transitional Housing**

2224 Linden Street, Oakland CA, 94607

Phone: 510-251-1964

Services: A clean and sober living environment for **WOMEN ONLY**. They can stay for up to 19 months. Residents must attend a once a week group every week.

**Phatt Chance Community Services**

1905 90<sup>th</sup> Avenue Oakland, CA 94603

Phone: 510-772-8944

Contact: George Turner

Services: Phatt Chance Community Services is a safe, clean and sober housing program.

The program has a 15 bed facility for **MEN ONLY** who are 18 years

California Department of Corrections & Rehabilitation  
and older and are both state and federal offenders, homeless veterans  
and self-referrals. Minimum commitment to program is 6 months.  
This program offers outpatient substance services, medical,  
psychological treatment, employment and continued education.

**Serenity House**

4315 Amherst Way Livermore, CA, 94550

Phone: 925-294-4001, or 925-292-5583

Services: They provide a transitional substance recovery home for men. Once admitted to the program they are required to participate in a 12 step program and obtain work. Clients must attend three house meetings per week.

**Solidarity Fellowship**

34401 Blackstone Way Fremont, CA, 94555

Phone: 510-796-7120

Services: A long-term substance abuse recovery home for **MEN ONLY**. The clients participate in a 12 step program and groups and must work.

**Substance Abuse and Treatment Services**

**S.T.A.R. Program (Substance Abuse Treatment and Recovery)**

7717 Edgewater Drive, Oakland CA, 94621

Phone: 510-577-2000 ext 309

Services: STAR offers and intensive 4 week substance abuse and recovery program. The program is designed to provide parolees with a better understanding regarding their addiction. These include, the cycle of addiction, the process of recovery, stress and anger management, relationships, relapse prevention and successful transition planning.

**Successful Alternatives for Addiction**

795 Fletcher Lane, Hayward CA,

Phone: 510-247-8300

Contact: Searle or Roxanne

Services: The program provides an outpatient program for men and women. They have a 21 day detox program and a 180 day detox program. The services are long-term and the program assists

California Department of Corrections & Rehabilitation  
clients with finding other community resources.

**Terra Firma Diversion**

30086 Mission Boulevard, Hayward CA, 94544

Phone: 510-675-9362

Services: A five month program uniquely designed to meet the needs of court mandated individuals and others that require a drug free lifestyle, while avoiding the stigma of a criminal record. They also provide an outpatient counseling program and a 52 week domestic violence batterer's counseling program.

**TLC Sober Living: Archer House**

P.O. Box 1189 Danville, CA, 94526

Phone: 800-852-7374

Services: TLC Sober Living provides a clean and sober independent living for women and men. The requirements are that one is seriously committed to recovery and they must make a thirty day commitment.

**Substance Abuse and Treatment Services**

**Tranquility Sanctuary**

Pleasanton CA,

Phone: 925-699-8181

Contact: Saydia Kynak

Email: info@tranquilitysanctuary.com

Services: Provides a long term sober living environment for **WOMEN ONLY**. They accept dual diagnosed clients. Clients must attend recovery groups every week.

**Veterans Palo Alto Health Care System**

795 Willow Road, Menlo Park

Phone: 800-848-7254

Services: Offers free and low cost medical care, substance abuse treatment, mental health services, financial benefits, housing referrals, discharge upgrade.

**Veterans Benefits Administration**

1301 Clay Street, 12<sup>th</sup> Floor, Oakland, CA 94607

California Department of Corrections & Rehabilitation

Phone: 510-587-3440

Contact: Josh Orlans

Services: Offers free and low cost medical care, substance abuse treatment, mental health services, financial benefits, housing referrals, discharge upgrade.

### **Victory Outreach**

8945 Golf Links Road, Oakland CA, 94603

Phone: 510-482-4656

Email: [larryjme@hotmail.com](mailto:larryjme@hotmail.com)

Services: Offers residential treatment programs for men and women, special service re-entry home. Twelve step program and anger management.

## **Substance Abuse and Treatment Services**

### **Volunteer's of America Bay Area/ CCRC Parole Service Center/ Residential Program**

624 14<sup>th</sup> Street Oakland, CA 94612, 510-419-0360

2344 E. 15<sup>th</sup> Street Oakland, CA 94612, 510-261-1855

Services: V.O.A. is a residential program that offers substance abuse education, relapse prevention, 12 step and anger management, also job readiness, job referrals, literacy lab, individual and group counseling, parenting classes, stress and money management, Stay up to one year rent free.

### **Specialized Treatment for Optimized Programming (STOP):**

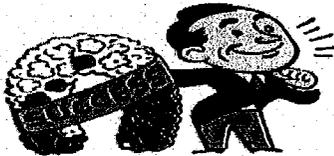
STOP provides comprehensive residential and outpatient programs and services supporting parolees' needs for housing, substance abuse treatment, cognitive behavioral intervention, employment, education, family relations and community referrals. To request a STOP placement referral, please contact your agent of record at your assigned parole unit.



**We hope you will use your Parole period to get a fresh start in life. Your Parole Agent will explain to you the Condition of Parole and the rules you must follow. Experience shows that parolees stay out of prison if they have a positive attitude, quickly find resources and follow their Conditions of Parole.**

**This Parolee Orientation Program gives you useful information on how to get a job, where to find drug and alcohol counseling and how to get services. Also, the Parolee Orientation Program gives you information on how to get your GED and where to find out about job training. The best way to get help is to talk to your Parole Agent.**

***Best wishes for a successful parole.***



**FOR YOUR USE**

Contacts

Phone #

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Appointments

Date/Time

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Programs

Contact Person

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## Change of Information (Community Partners)

For Community Partners only, please use this form to update or correct any information in regard to your program. It is vital so that we may maintain the correct information.

Please complete all the items on this form

Name of Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, Zip: \_\_\_\_\_

Physical Address (if different from mailing address):

\_\_\_\_\_

Telephone: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Description and Services of Program: \_\_\_\_\_

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Please send updates to either address on the first page of this handbook.  
Attention: Alameda County PACT

2010 NOV 29 PM 3: 20

OAKLAND CITY COUNCIL

Approved as to Form and Legality

  
City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION REGARDING OAKLAND POLICE DEPARTMENT  
GENERAL ORDER R-02, SEARCHES OF INDIVIDUALS ON  
PROBATION OR PAROLE.**

**WHEREAS**, the Oakland Police Department (OPD) has an obligation to address crime – particularly violent crime – in the City of Oakland; and

**WHEREAS**, one of the means of addressing violent crime in the City of Oakland is for OPD to conduct parole and probation searches of individuals convicted of violent, sexual, and weapons offenses; and

**WHEREAS**, OPD recognizes that one role of law enforcement is to act as an arm of the probation and parole/Post-Release Community Supervision (PRCS) systems by ensuring that probationers and parolees are conforming to the conditions of their release; and

**WHEREAS**, OPD recognizes that ensuring compliance with probation and parole/PRCS conditions helps to ensure that individuals subject to these types of supervised release are referred to appropriate resources to ensure their success by preventing them from engaging in negative behaviors; and

**WHEREAS**, OPD values the abilities of Oakland Police Officers to make sound judgments when using available law enforcement tools, such as probation and parole/PRCS searches to ensure officer, community, and subject safety; and

**WHEREAS**, OPD recognizes that individuals who are searched and other community members can view searches as intrusive; and

**WHEREAS**, OPD seeks to build community trust through transparency of Department operations by requiring officers to document articulable facts supporting a decision to search; and

**WHEREAS**, Plaintiff's counsel and the Independent Monitoring Team have both approved OPD's version of OPD Departmental General Order R-02; and

**WHEREAS**, Article VI, Section 604(b)(4) grants the Commission authority to make changes to policies, procedures, customs or General Orders which govern, among other things, profiling based on any protected characteristics

identified by federal, state or local law or which contain elements expressly listed in federal court orders or federal court settlements which pertain to the Department; and

**WHEREAS**, the Commission has submitted a competing version of Departmental General Order R-02; and

**WHEREAS**, OPD believes the Commission's version of Departmental General Order R-02 would place prohibitive burdens on OPD officers' abilities to conduct any probation and parole/PRCS searches whatsoever; and

**WHEREAS**, OPD is in agreement with the Police Commission that there are systemic inequities in the number of individuals placed on probation and parole, and to that end, OPD incorporated many of the language changes proposed by the Police Commission; therefore, be it

**RESOLVED:** That the City Council recognizes that OPD consistently needs to balance the need to address crime – particularly violent crime – in conjunction with building community trust; and be it

**FURTHER RESOLVED:** That OPD has the ability to address crime through using the law enforcement tool of probation and parole/PRCS searches; and be it

**FURTHER RESOLVED:** That OPD recognizes that building community trust requires transparency and good judgment in the application of law enforcement tools such as probation and parole/PRCS searches; and be it

**FURTHER RESOLVED:** That local law enforcement agencies can provide assistance to individuals on probation or parole/PRCS by helping to ensure that such individuals are complying with the conditions of their supervised release so that such individuals receive referral to additional resources when needed in order to reduce further incarceration and recidivism; and be it

**FURTHER RESOLVED:** That City Council adopts the below as the OPD Department General Order R-02, Searches of Individuals on Probation or Parole:

Individuals on probation with certain court-imposed search clauses and individuals on parole/PRCS (Post-Release Community Supervision) may be subject to warrantless searches by law enforcement. One role of Law Enforcement is to act as an arm of the probation and parole/PRCS systems by ensuring that probationers and parolees are conforming to the conditions of their release.

#### **COMMAND INTENT**

The intent of this policy is to enhance the effectiveness of Oakland Police Officers while also reminding them to use their best judgment on when to use probation and parole/PRCS searches. The Department values the abilities of Oakland Police Officers to make sound judgments when using law enforcement tools available to them, such as probation and parole/PRCS searches to ensure officer, community, and subject safety. At the same time, the Department recognizes that those searched and other community members can view searches as intrusive. Accordingly, the Department seeks to build community trust through transparency of Department operations by requiring officers to document articulable facts supporting a decision to search.

## **A. DEFINITIONS**

### **A - 1. Non-Violent Offense**

An offense in which violence or use of a weapon is not a factor. Examples include simple possession of controlled substances or property crimes such as petty theft.

### **A - 2. Cursory Search**

A cursory search (also known as a pat search or search for weapons) is a limited search of the outer clothing in a manner designed to determine whether the person being searched is in possession of any weapons or items which may be used as such. A cursory search is most typically conducted if the officer has reasonable suspicion to believe that the person being searched is armed and/or dangerous.

### **A - 4. Full Search**

A full search of a person is a "relatively extensive exploration"<sup>1</sup> of the person being searched, including their clothing, their pockets, and containers in their possession. A full search of a person is most typically conducted incident to that person's arrest.

## **B. PROBATION OR PAROLE SEARCHES AND THE COMMUNITY**

### **B - 1. Purpose of Probation and Parole/PRCS Searches**

Probation and parole/PRCS searches must further a legitimate law enforcement or rehabilitative interest. Such searches shall not be:

1. Arbitrary;

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<sup>1</sup> *US v. Robinson*, 414 US 218, 236 (1973)

2. Capricious; or
3. Harassing

## **B - 2. Procedural Justice Considerations**

Law enforcement contact with individuals on probation, parole, and PRCS provides an opportunity to practice the tenets of procedural justice: voice, neutrality, respect, and trustworthiness. Probation and parole/PRCS contacts can be used as a means of providing counseling, referral to rehabilitative resources, and a deterrent against recidivism.

## **B - 3. Inquiring About Probation or Parole/PRCS Status**

Inquiring about an individual's probation or parole/PRCS status, especially at the beginning of an interaction, or without an apparent basis for the inquiry, can be viewed as unjustly assuming that the individual has a criminal history. Officers must refrain when possible from immediately asking whether a person is on probation or parole/PRCS. Any subsequent inquiries about probation or parole/PRCS status must be framed in a respectful manner.

## **C. REQUIREMENTS FOR PROBATION OR PAROLE/PRCS SEARCHES**

Probation and parole/PRCS searches shall be conducted in consideration of the totality of circumstances surrounding the encounter.

### **C - 1. Knowledge of Searchable Probation or Parole/PRCS Status**

Officers must know that an individual is on searchable probation or parole/PRCS, with a clause which allows the search the officer seeks to conduct, before the search. This information may be obtained/confirmed via:

1. Prior knowledge of the individual's searchable probation or parole/PRCS status;
2. Check of law enforcement databases such as AWS, CRIMS, CLETS, and CORPUS;<sup>2</sup>
3. The individual's confirmation of his or her searchable probation or parole/PRCS status.<sup>3</sup> In such cases, the officer shall confirm the

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<sup>2</sup> CRIMS is the recommended database for confirming probation status. CLETS is the recommended database for confirming parole status.

<sup>3</sup> See *In re Jeremy G.* (1998) 65 Cal.App.4th 553, 556 (officer reasonably relied on minor's

status of the individual with a records check. In cases where the individual is mistaken concerning status, the officer shall provide the correct information to the individual and document the results in the appropriate report.

### **C – 2. Individuals on Probation or Parole/PRCS for Non-Violent Offenses**

For individuals on probation or parole/PRCS for non-violent crimes, officers shall consider articulable fact(s) which tend to show that the individual is connected in some way to criminal activity, that the individual is a threat to officer or citizen safety, or that a probation or parole/PRCS search would further a rehabilitative interest. The mere fact that a person is on probation or parole/PRCS is not in itself a connection to criminal activity.

Some examples of facts that could support a search include, but are not limited to, the following:

- The individual is a known gang member or affiliate
- The individual has been identified as a person of interest in a crime
- The individual is in the company of another who is a person of interest in a crime
- The individual is connected to a crime-reduction strategy (such as Ceasefire or a specific crime-reduction plan)
- The individual is a person of interest in, or uncooperative witness to, an ongoing criminal investigation

### **C – 3. Individuals on Probation or Parole/PRCS for Violent or Weapons-Related Offenses**

Individuals contacted or detained who are found to be on searchable probation or parole/PRCS for violent or weapons-related offenses may be searched pursuant to the terms of their probation or parole/PRCS conditions.

### **C – 4. Cursory and Full Searches**

In those instances where a cursory search is justified and the individual is on probation or parole/PRCS for any reason with a clause which allows a full search of their person, a full search may be conducted.

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statement that he was on probation or parole; "[t]he fact that the minor was in error is immaterial").

## **D. MEMORIALIZING FACTS OF THE SEARCH**

### **D - 1. Required Documentation**

Officers conducting a probation or parole/PRCS search shall at a minimum document the following in the appropriate report:

1. The circumstances of the encounter/detention;
2. How it was determined that the individual was on searchable probation or parole/PRCS;
3. How searchable probation or parole/PRCS status was verified including, if verified via a Mobile Data Terminal (MDT), a paste of this information from the MDT to the body of the report (if feasible);
4. Any articulable fact(s) which informed the decision to search; and
5. The type(s) of search completed and disposition.

**FURTHER RESOLVED:** Pursuant to Article VI, Section 604(b)(4), the City Council rejects the decision of the Commission and its alternative Departmental General Order R-02;

**FURTHER RESOLVED:** Any further changes to the OPD Department General Order R-02 must be adopted in accordance with City Charter Section 604 (b) of the City Charter, Powers and Duties of the Police Commission.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

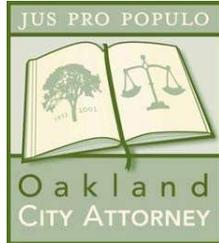
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, GIBSON MCELHANEY AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California



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

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**REQUEST FOR QUALIFICATIONS**  
**FOR THE LEGAL SERVICES:**

**Outside Counsel for Oakland Police Commission**

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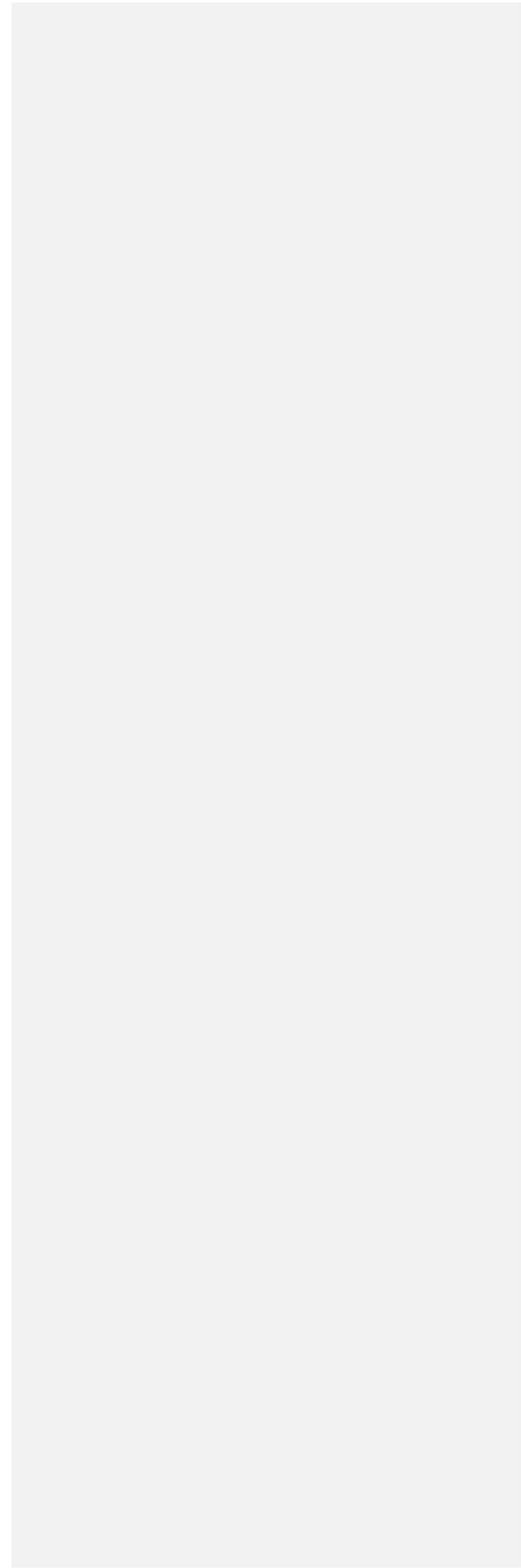
Please respond by           , 2019

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

Issued:

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## INTRODUCTION

In November 2016, Oakland voters overwhelmingly passed Measure LL, now Section 604 of the City Charter, establishing the Oakland Police Commission (the "Commission") consisting of seven regular and two alternate members. Measure LL also established the Community Police Review Agency (the "Agency") which replaced the former Citizens Police Review Board. ~~an amendment to the Oakland City Charter which established an Oakland Police Commission ("Commission") consisting of seven regular and two alternate members and a Community Police Review Agency ("CPRA"). The Office of the Oakland City Attorney is responsible for providing all legal services for the Commission and is responsible for engaging outside counsel to advise the Commission in conjunction with the City Attorney's Office.~~

The Commission oversees the Oakland Police Department (the "OPD") and the Agency. ~~The Commission's functions and duties are enumerated in Section 604 of the Oakland City Charter (Attachment A) and Section 2.45.070 of the Enabling Ordinance (Attachment B), passed by the Oakland City Council, on October 1, 2018. The Agency's principal purpose is to investigate alleged police misconduct and recommend discipline if appropriate. Its functions and duties are also in the Charter and are detailed in Section 2.46.030 of the Enabling Ordinance. The Commission is charged with reviewing, proposing changes to, and holding annual public hearings on OPD's policies and procedures. The Commission must also report annually to the Mayor, the City Council, and to the public regarding the Commission's business.~~

Pursuant to Charter authorization, the Enabling Ordinance provides for legal representation for the Commission and the Agency. Section 2.45.180 of the Enabling Ordinance establishes two part-time legal positions: Counsel for the Agency and Counsel for the Commission.

- Counsel for the Agency. This individual will serve as counsel for the Agency and provide legal advice to Agency investigators as they assemble evidence for the disposition of investigations.
- Counsel for the Commission. This individual will serve as counsel to the Commission on all matters. She or he will be, *inter alia*, required to provide periodic training on compliance with the Ralph M. Brown Act, parliamentary procedure and other matters as assigned by the Commission. The Commission's counsel must be available to sit on the dais during regular and special Commission meetings. Regular meetings are held the second and fourth Thursday of each month at 6:30 p.m. 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 through a committee, reviews certain CPRA cases and provides direction to the Director on case-closure, sustained findings and/or the imposition discipline. The Commission meets in closed session to discuss the CPRA Director's performance.

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Both counsel will report directly to the Commission and will be supervised by the Commission. Neither position will involve litigation as the Oakland City Attorney is counsel to the Commission and the Agency for all litigation brought against either in their official capacities.

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The Commission requests detailed information regarding the qualifications of individual attorneys or law firms interested in providing legal services for one or both of the two positions in order to make select counsel and

also to establish a list of qualified attorneys or law firms from which future counsel may be selected.

The City Attorney, in consultation with the Commission, will retain counsel for both positions. It should be noted that in general, the City Attorney is

The City Attorney wishes to retain outside counsel to advise the Commission and provide periodic training on Brown Act compliance, parliamentary procedure, and other matter as assigned. Outside counsel must be available to sit at the dais during the Commission's regular and special meetings. Regular meetings are held the 2nd and 4th Thursday of each month at 6:30 p.m. in Oakland City Hall. The City Attorney 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 back-up list of qualified attorneys or law firms from which future outside counsel may be selected.

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In general, the City Attorney is interested in hiring a working with a diverse group of outside firms/individuals that will provide high-quality services to the City of Oakland while containing legal costs. The City Attorney seeks to build ongoing relationships with firms that share Oakland's commitment to quality and to cost containment, as well as to expand and strengthen relationships with Oakland-based firms that are committed to diversity. This situation is no different. The City Attorney and Commission currently seek a diverse group of well-qualified, value-oriented firms and individuals to provide counsel to the Commission and the Agency. 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.

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The Selection of outside counsel for all matters is will be based on the quality of their work, commitment to controlling costs, adherence to budgets, and commitment to providing equal opportunities for minorities and women, persons with disabilities and regardless of sexual orientation. The City Attorney and Commission We encourage innovative approaches to billing proposals, whether fixed rate per project, blended hourly rate per project, discounted rates, contingency fees, or some other method. When we select a firm is selected to represent the Commission or the Agency, the Commission will City of Oakland we decide which attorneys will be working on our Commission or Agency matters and will 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, selected firms will be required to enter into a Scope of Service/Retention Agreement for each specific matter. Each Scope of Service / Retention Agreement includes a written work plan or case handling

plan, a capped “not to exceed” amount 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 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 are required to be current on the payment of Oakland business taxes. This tax is based on income from work the firm performs in Oakland. Selected firms 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 areas of public meetings / hearings and parliamentary procedure.
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.
4. 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. 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. 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.~~ 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).

7.

In addition, Respondents should include the following information:

1. Your office’s availability to work as outside counsel to the Commission or the Agency, including number of hours per week/month the lead attorney can personally commit, availability of attorneys for Commission meetings (if applicable), any regular time constraints or competing commitments, and availability of associate attorneys to advise the Commission or the Agency in the absence of the lead attorney.

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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 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 hourly rate quoted 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 of Oakland does not reimburse for additional overhead on third party costs.

If rates are to be adjusted during the course of representation, the method for such adjustment should be described. 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 ~~and the Commission~~ will develop a list of firms ~~or individuals as finalists for further interviews to conduct work on behalf of the Office~~ based upon ~~their~~s 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 selected as a finalist or otherwise selected or 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 ~~and the Commission~~ will evaluate the responses in the areas of Scope of Service / Scope of Representation, Firm Data and Information and Fee Structure. ~~Finalists will be interviewed by members of the Commission and a counsel will be selected.~~

~~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 occurs 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 decision to retain outside counsel will be that of the City Attorney 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 [and the 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 all the terms and conditions, including fees and fee structures, forming part of any agreement entered into shall, upon such agreement being executed, become a public record of the City and 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 Office of the City Attorney, ~~or~~ by the City Attorney [or by the Commission](#) 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 [and the Commission](#) reserves the right to enter into agreements for legal services with persons or firms who do not respond. The City Attorney [and the Commission](#) further reserves the right to waive responses to any part of this request if, in ~~their~~ sole judgment, it determines that it is in the best interests of the [City-Commission and the City of Oakland](#) to do so. ~~They e-City Attorney~~ 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 and the Commission. The City Attorney~~ 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 [two copies of the Proposal in a sealed package and marked "CONFIDENTIAL" Proposal](#) to: \_

[City of Oakland, Office of the City Attorney](#)[City of Oakland, Office of the City Attorney](#)  
[Attn: Mark Forte](#)  
[One Frank H. Ogawa Plaza, 6th Floor Oakland, CA 94612](#)

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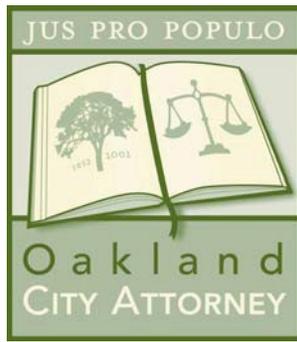
~~As noted above, bills/invoices for disbursements must be detailed and must reflect only the amounts that were paid.~~

~~If outside counsel charges separately for fax services, duplicating, computer assisted research, for a special word processing project that was approved in advance, the bill/invoice must show the way in which the charge was developed (for example, in the case of fax and duplicating charges, the bill/invoice must show the number of pages and the per page charge; in the case of Westlaw or Lexis research the bill/invoice must show the amount that was charged to outside counsel).~~

~~All disbursement charges must be accompanied by a copy of the invoice or statement to verify the charges. OCA will not pay charges that exceed the market rate for any service such as messenger, 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**

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**REQUEST FOR QUALIFICATIONS**  
**FOR THE LEGAL SERVICES:**

**Outside Counsel for Oakland Police Commission**

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Please respond by                     , 2019

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

Issued:

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## INTRODUCTION

In November 2016, Oakland voters overwhelmingly passed Measure LL, an amendment to the Oakland City Charter which established an Oakland Police Commission (“Commission”) consisting of seven regular and two alternate members and a Community Police Review Agency (“CPRA”). The Office of the Oakland City Attorney is responsible for providing all legal services for the Commission and is responsible for engaging outside counsel to advise the Commission in conjunction with the City Attorney’s Office.

The Commission oversees the Oakland Police Department (“OPD”). The Commission is charged with reviewing, proposing changes to, and holding annual public hearings on OPD’s policies and procedures. The Commission must also report annually to the Mayor, the City Council, and to the public regarding the Commission’s business.

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 through a committee, reviews certain CPRA cases and provides direction to the Director on case closure, sustained findings and/or the imposition discipline. The Commission meets in closed session to discuss the CPRA Director’s performance.

The City Attorney wishes to retain outside counsel to advise the Commission and provide periodic training on Brown Act compliance, parliamentary procedure, and other matter as assigned. Outside counsel must be available to sit at the dais during the Commission’s regular and special meetings. Regular meetings are held the 2nd and 4th Thursday of each month at 6:30 p.m. in Oakland City Hall. The City Attorney 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 back-up 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 based on the quality of their work, commitment to controlling costs, adherence to budgets, and commitment to providing equal opportunities for minorities and women, persons with disabilities and regardless of sexual orientation. We encourage innovative approaches to billing proposals, whether fixed rate per project, blended hourly rate per project, discounted rates, contingency fees, or some other method. When we select a firm to represent the City of Oakland 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 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, selected firms will be required to enter into a Scope of Service/Retention Agreement for each specific matter. Each Scope of Service / Retention Agreement includes a written work plan or case handling plan, a capped “not to exceed” amount 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 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 are required to be current on the payment of Oakland business taxes. This tax is based on income from work the firm performs in Oakland. Selected firms 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 areas of public meetings / hearings and parliamentary procedure.
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.
4. 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. 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. 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. 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 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 hourly rate quoted 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 are to be adjusted during the course of representation, the method for such adjustment should be described. 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 occurs 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 decision to retain

outside counsel will be that of the City Attorney 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 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.

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If travel time is devoted to working for one or more clients in addition to the City, OCA 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, OCA 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, OCA 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 OCA will reimburse at the coach rate.

As noted above, bills/invoices for disbursements must be detailed and must reflect only the amounts that were paid.

If outside counsel charges separately for fax services, duplicating, computer-assisted research, for a special word-processing project that was approved in advance, the bill/invoice must show the way in which the charge was developed (for example, in the case of fax and duplicating charges, the bill/invoice must show the number of pages and the per-page charge; in the case of Westlaw or Lexis research the bill/invoice must show the amount that was charged to outside counsel).

All disbursement charges must be accompanied by a copy of the invoice or statement to verify the charges. OCA will not pay charges that exceed the market rate for any service such as messenger, 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.

## Attachment 7

### **Suggestions for Police Commission Agenda and Standing or Ad Hoc committee tasks/work plan**

Respectfully submitted by M.Benson

#### **All:**

- \*Follow up on appeals plan and/or discovery of new evidence for Bey Case
- Follow up on Najiri Smith Case
- Appointment of Interim Inspector General
- Process to review allegations of misconduct by a commissioner
- Joshua Pawlik follow-up
- City Attorney Report
- CPAB Report
- Brian Hoefler case: review video. Response to allegation was officer was Just and Honorable, when allegations were the officer was untrue. All the issues, despite what the officer said, was a deportation matter. Chief stated that people were charged with crimes, when they were not.
- city administrator: Update on attorney contracts, IG
- develop protocol around report back from conference funds spent
- ad hoc committee for appellate process (Bey sparked, but all citizens with this concern)
- Add explicit bias to training suggestions so that we are all clear on explicit bias as it relates to racial profiling.
- Training committee will identify trainers for remaining training
- Office of Inspector General Policy Analyst, item tabled from 10.11.18 meeting

#### **Budget:**

- Review budget and resource of IAD
- Preliminary Budget Development Dates & Milestones

#### **Community Outreach:**

- \*Finalize Community Outreach Plan \*added from previous mtg discussions
- Request for easy to read process to determine if Commission can open or re-open an investigation
- Feedback from Youth on CPRA app
- Outreach plan discussion, include social media policy

#### **Data:**

- OPD Data and Reporting
- Stop Data and racial profiling
- Use of Force Data
- Reports from the police department on such issues as response times, murder case closure rates, hiring and discipline status report (general number for public hearing), any comp stat data they are using, privacy issues, human trafficking work, use of force stats, Homelessness issues, Towing cars of people who sleep in their vehicles

#### **Discipline:**

- Executive session for confidential reports on open investigations, disciplinary matters and  
\*added from previous mtg discussion

## **Attachment 7**

legal issues, including the status of bargaining with OPOA and open meet and confer issues

### **Governance:**

- Protocol on how OPC handles serious incidents
- Protocol on how to handle issues that are non-critical
- Modify Code of Conduct from Ethics Commission for Police Commission
- Interagency Coordination

### **Legal:**

- Executive session for confidential reports on open investigations, disciplinary matters and legal issues, including the status of bargaining with OPOA and open meet and confer issues
- Do Not Call list issues – cops whose untruthfulness prevents them from testifying
- What are the outstanding issues in meet and confer and what is the status of the M&C on the disciplinary reports?
- What does “insufficient evidence” mean and what is the basis of challenges to the template?
- How to seek reimbursement of laptop destroyed during a commission mtg.
- Need to revise employment contracts with CPRA and Commission legal counsels

### **OIG:**

- Overtime usage – cost and impact on personnel health + moonlighting for AC Transit
- Discipline: based on review of MOU
- Discipline: Second Swanson Report recommendations – have these been implemented?
- Promotions of officers who have committed crimes
- Supervision policies
- Recommendations for increasing communication between CPRA and IA (ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing)
- Personnel
- Need to create job description/announcement for IG
- Performance evaluation of the Chief: need to decide the components and methodology
- Recommendations for increasing communication between CPRA and IA (ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing)
- \*Finalize hire of ED for CPRA

### **Policy:**

- Deep dive on racial profiling
- Follow up on parole and probation policy
- Follow up on homelessness policy
- Review taser policy per outcome of Marcellus Toney Assessing responsiveness capabilities
- 1421 bill – should we have a policy on supporting state legislation + AB 931: use of deadly force (Webber)
- De-escalation policy
- Review of list of policies to prioritize and calendar
- Amendment of DGO C-1 (Grooming & Appearance Policy)
- Supervision policies
- Recommendations for increasing communication between CPRA and IA (ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing)

\*added from previous mtg discussion

## **Attachment 7**

- Review list of OPD policy coming down the pipeline to see which ones we want to engage

### **Research**

- Tools for commission work

### **Training**

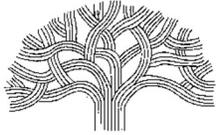
- Review/Complete Mandated Training, Part 1 and Part 2.
- \*Set up facilitation per our retreat priorities

\*added from previous mtg discussion

## Attachment 8

### OPD Policies and Procedures Currently Under Revision

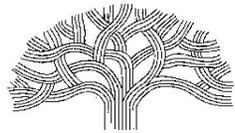
|             |  |
|-------------|--|
| DGO C-01    | Uniforms and Equipment                                   |
| DGO D-01    | Overtime   |
| DGO H-01    | Property and Evidence                                    |
| DGO H-04    | 8102 W&I - Confiscation of Weapons from 5150 Individuals |
| DGO I-15.1  | Body Worn Cameras (BWC)                                  |
| DGO J-04    | Pursuit Driving  |
| DGO K-03    | Use of Force   |
| DGO K-04    | Reporting and Investigating the Use of Force             |
| DGO K04.1   | Force Review and Executive Force Review Boards           |
| DGO M-03    | Complaints Against Departmental Personnel or Procedures  |
| DGO R-02    | Probation and Parole Searches                            |
| Lexipol 415 | Immigration  |
| Lexipol 430 | Automated License Plate Readers (ALPR)                   |
| P&P XX-XX   | Community Policing                                       |
| RWM R-1     | Field Interview and Stop Data Report                     |
| TB III W    | Cannabis   |
| TB VIII-I   | Homeless Encampment Response                             |
| TB V-T.1    | Internal Affairs Investigation                           |



CITY OF OAKLAND  
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*Recently Completed Investigations*

1/17/19  
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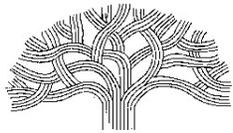
| Case #  | Incident Date | Assigned Inv. | Completion Date | Officer           | Disposition  |
|---------|---------------|---------------|-----------------|-------------------|--|
| 17-1007 | 10/10/17      | ED            | 11/07/2018      | Subject Officer 1 | 1. Use of Force. <i>Exonerated</i><br>2. Performance of Duty (dispatch policy) <i>Exonerated</i><br>3. Performance of Duty (tactical choices) <i>Unfounded</i>   |
| 17-1228 | 12/12/17      | JS            | 12/07/18        | Subject Officer 1 | 1. Intentional Search, Seizure, or Arrest <i>Sustained</i><br>2. Performance of Duty (PDRD) <i>Sustained</i><br>3. Truthfulness <i>Sustained</i><br>4. Performance of Duty (care of property) <i>Not Sustained</i><br>5. Use of Force <i>Unfounded</i><br>6. Improper Detention <i>Unfounded</i><br>7. Harassment and Discrimination <i>Unfounded</i><br>8. Performance of Duty (use of handcuffs) <i>Exonerated</i><br>9. Performance of Duty (tightness of handcuffs) <i>Unfounded</i> |
|         |               |               |                 | Subject Officer 2 | 1. Reports and Bookings <i>Sustained</i><br>2. Truthfulness <i>Sustained</i><br>3. Performance of Duty (search warrant) <i>Sustained</i><br>4. Performance of Duty (care of property) <i>Not Sustained</i><br>5. Use of Force <i>Unfounded</i><br>6. Improper Detention <i>Unfounded</i><br>7. Harassment and Discrimination <i>Unfounded</i><br>8. Performance of Duty (use of handcuffs) <i>Exonerated</i><br>9. Performance of Duty (tightness of handcuffs) <i>Unfounded</i>         |
|         |               |               |                 | Subject Officer 3 | 1. Supervision <i>Sustained</i><br>2. Performance of Duty (care of property) <i>Not Sustained</i>  |
|         |               |               |                 | Subject Officer 4 | 1. Performance of Duty (care of property) <i>Not Sustained</i>   |
|         |               |               |                 | Subject Officer 5 | 1. Performance of Duty (care of property) <i>Not Sustained</i>   |



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases*

1/17/2019  
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 (Total Pending = 43)

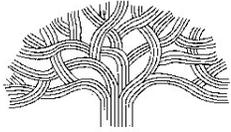
| Case #  | Incident Date | Rcv'd CPRA | Rcv'd IAD | Assigned Inv. | 180-day Goal | 3304 Deadline | Type (604(f)(1) or Other) | Description   |
|---------|---------------|------------|-----------|---------------|--------------|---------------|---------------------------|---|
| 16-0703 | 08/03/16      | 08/05/16   | 08/03/16  | NG            | N/A          | Tolled        | Use of Force              | Excessive force.  |
| 17-0283 | 03/30/17      | 04/04/17   | 03/30/17  | NG            | 10/02/17     | 03/14/19      | Other                     | Case was tolled; coercion via duress/fear to engage in sexual intercourse.          |
| 17-1009 | 09/03/17      | 10/17/17   | 10/11/17  | ED            | N/A          | Tolled        | Use of Force              | Excessive force; PDRD and Taser policy violations.                                  |
| 18-0128 | 02/04/18      | 02/15/18   | 02/04/18  | NG            | 08/14/18     | 02/03/19      | Other                     | Failure to provide name/serial number upon request.                                 |
| 18-0202 | 02/01/18      | 02/23/18   | 02/20/18  | AL            | 08/22/18     | Tolled        | Use of Force              | Excessive force.  |
| 18-0207 | 02/21/18      | 02/23/18   | 02/21/18  | ED            | 08/22/18     | 02/20/19      | Other                     | Robbery/assault victim alleged officer failed to assist while incident in progress. |
| 18-0214 | 02/24/18      | 02/27/18   | 02/24/18  | JS            | 08/27/18     | 02/23/19      | Use of Force              | Improper pointing of firearm; false arrest.   |
| 18-0225 | 03/01/18      | 03/07/18   | 02/28/18  | JS            | 09/04/18     | 02/27/19      | Use of Force              | Excessive force, harassment.  |
| 18-0249 | 03/11/18      | 03/13/18   | 03/12/18  | JS            | 09/10/18     | 03/11/19      | Use of Force              | Officer-involved shooting.  |
| 18-0302 | 02/27/18      | 04/11/18   | 03/26/18  | ED            | 10/09/18     | 11/20/19      | Other                     | Inappropriate sexual contact.   |
| 18-0303 | 09/06/17      | 04/11/18   | 03/27/18  | NG            | 10/09/18     | 03/26/19      | Use of Force              | Excessive force.  |
| 18-0328 | 03/27/18      | 04/03/18   | 04/03/18  | JS            | 10/01/18     | 03/28/19      | Profiling                 | Harassment and discrimination; disrespectful treatment.                             |
| 18-0335 | 04/04/18      | 04/12/18   | 04/04/18  | JS            | 10/09/18     | 04/03/19      | Use of Force              | Use of Taser; PDRD violation.   |
| 18-0345 | 04/09/18      | 04/12/18   | 04/09/18  | NG            | 10/09/18     | 04/08/19      | Use of Force              | Excessive force.  |
| 18-0346 | 04/08/18      | 04/10/18   | 04/08/18  | NG            | 10/09/18     | 04/07/19      | DUI                       | Officer arrested for DUI.   |



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases*

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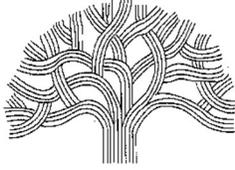
| Case #  | Incident Date | Rcv'd CPRA | Rcv'd IAD | Assigned Inv. | 180-day Goal | 3304 Deadline | Type (604(f)(1) or Other) | Description   |
|---------|---------------|------------|-----------|---------------|--------------|---------------|---------------------------|---|
| 18-0354 | 04/09/18      | 04/11/18   | 04/09/18  | AL            | 10/09/18     | 04/18/19      | Use of Force              | Excessive force.  |
| 18-0381 | Fall 2017     | 10/15/18   | 02/24/18  | JS            | 04/15/19     | 02/23/19      | Other                     | Theft.  |
| 18-0396 | 02/24/18      | 02/27/18   | 02/24/18  | JS            | 08/27/18     | 02/23/19      | Other                     | Theft; care of property.  |
| 18-0397 | Fall 2017     | 10/15/18   | 02/24/18  | JS            | 04/15/19     | 02/23/19      | Other                     | Theft.  |
| 18-0398 | Fall 2017     | 10/15/18   | 02/24/18  | JS            | 04/15/19     | 02/23/19      | Other                     | Officer threatened complainant.   |
| 18-0509 | 05/14/18      | 05/29/18   | 05/15/18  | AL            | 11/26/18     | 05/14/19      | Use of Force              | Excessive force.  |
| 18-0516 | 05/17/18      | 05/29/18   | 5/17/2018 | ED            | 11/26/18     | 05/16/19      | Use of Force              | Excessive force.  |
| 18-0524 | 05/21/18      | 05/29/18   | 05/19/18  | ED            | 11/26/18     | Tolled        | Other                     | Unlawful activity.  |
| 18-0538 | 05/06/18      | 05/29/18   | 5/23/2018 | NG            | 11/26/18     | 05/22/19      | Use of Force              | Handcuffs too tight; false arrest; delay in Miranda Rights admonition; inaccurate police report.                  |
| 18-0583 | 06/05/18      | 06/08/18   | 6/4/2018  | ED            | 12/05/18     | 06/04/19      | Use of Force              | Excessive force during false placement on psychiatric hold; damage to property; sexual assault during pat search. |
| 18-0612 | 06/06/18      | 06/14/18   | 6/8/2018  | AL            | 12/11/18     | 06/07/19      | Other                     | Illegal detention; PDRD violation.  |
| 18-0678 | 06/21/18      | 07/03/18   | 6/27/2018 | JS            | 12/31/18     | 06/26/19      | Use of Force              | Excessive force; false arrest; performance of duty.   |
| 18-0695 | 06/29/18      | 07/02/18   | 6/29/2018 | JS            | 12/31/18     | 06/28/19      | Other                     | Sleeping in vehicle while on duty.  |
| 18-0949 | 08/06/18      | 09/07/18   | 8/30/2018 | AL            | 03/06/19     | 08/29/19      | Other                     | False arrest; improper search; illegal tow of vehicle.  |
| 18-0954 | 08/30/18      | 09/17/18   | 8/30/2018 | NG            | 03/18/19     | 08/29/19      | Use of Force              | Pointing of firearm during arrest.  |



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases*

**1/17/2019**  
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 (Total Pending = 43)

| Case #  | Incident Date | Rcv'd CPRA | Rcv'd IAD | Assigned Inv. | 180-day Goal | 3304 Deadline | Type (604(f)(1) or Other) | Description   |
|---------|---------------|------------|-----------|---------------|--------------|---------------|---------------------------|---|
| 18-0964 | 09/03/18      | 09/03/18   | 9/3/2018  | AL            | 03/04/19     | 09/02/19      | Other                     | General conduct.                                      |
| 18-0970 | 09/04/18      | 09/04/18   | 9/4/2018  | NG            | 03/04/19     | 09/03/19      | Other                     | Racial slur.  |
| 18-0971 | 09/04/18      | 09/17/18   | 9/4/2018  | NG            | 03/18/19     | 09/03/19      | Use of Force              | Excessive force; racial slurs; disrespectful conduct. |
| 18-0972 | 09/04/18      | 09/07/18   | 9/4/2018  | ED            | 03/06/19     | 09/03/19      | Use of Force              | Attacked by officers.                                 |
| 18-0977 | 09/05/18      | 09/17/18   | 9/6/2018  | NG            | 03/18/19     | 09/05/19      | Use of Force              | Excessive force.                                      |
| 18-0989 | 09/09/18      | 09/09/18   | 9/9/2018  | JS            | 03/08/19     | 09/08/19      | Use of Force              | Excessive force; harassment; illegal tow.             |
| 18-0991 | 09/09/18      | 09/12/18   | 9/9/2018  | ED            | 03/11/19     | 09/08/19      | Profiling                 | Racial profiling; lying to complainant.               |
| 18-0997 | 08/03/18      | 09/13/18   | 9/12/2018 | JS            | 03/12/19     | 09/11/19      | Other                     | Wrongful detention and arrest; property damage.       |
| 18-0999 | 09/12/18      | 09/12/18   | 9/17/2018 | JS            | 03/11/19     | 09/11/19      | Other                     | Rudeness.   |
| 18-1013 | 09/17/18      | 09/17/18   | 09/17/18  | JS            | 03/18/19     | 09/16/19      | DUI                       | Officer arrested for DUI.                             |
| 18-1016 | 09/14/18      | 09/17/18   | 9/15/2018 | ED            | 03/18/19     | 09/14/19      | Other                     | Racial bias; care of property.                        |
| 18-1030 | 09/16/18      | 09/20/18   | 9/16/2018 | AL            | 03/19/19     | 09/15/19      | Use of Force              | Excessive force.                                      |
| 18-1218 | 11/01/18      | 11/01/18   | 11/01/18  | ED            | 04/30/19     | 10/31/19      | Other                     | PDRD  |



# CITY OF OAKLAND COMMUNITY POLICE REVIEW AGENCY

*Agency Report*  
January 17, 2019

## 1. Action Item - Class I Cases Administratively Closed or Dismissed

### **Background**

Oakland Municipal Code section 2.45.070(M) provides that the Police Commission shall “[r]eview the Agency’s dismissal and/or administrative closure of all complaints of Misconduct involving Class I offenses, including any Agency investigative file regarding such complaints, and, in its discretion and by five (5) affirmative votes, direct the Agency to reopen the case and investigate the complaint.” Class I offenses are listed in OPD’s Discipline Policy and include the most serious allegations of misconduct, which, if sustained, could result in disciplinary action up to and including termination and could serve as the basis for criminal prosecution.

By separate confidential communication, the Agency provided to the Police Commission summaries of the following four Class I complaints that have been administratively closed: Case #s 18-1068; 18-1126; 18-1036; 18-0880. Pursuant to Ordinance Section 2.45.070(M), upon request of the Police Commission the CPRA will make available the Agency’s investigative files regarding any or all of these complaints, to be reviewed in a closed session at a future meeting.

**Action requested:** Accept Agency’s closure(s) or request further review, to be conducted in closed session:

- Case # 18-1068            \_\_\_\_\_
- Case # 18-1126           \_\_\_\_\_
- Case # 18-1036           \_\_\_\_\_
- Case # 18-0880           \_\_\_\_\_

## 2. Information Item – Pending Cases

### **Background**

Oakland Municipal Code section 2.46.040(D) provides that the Agency Director shall report to the Commission once a month with information regarding the Agency’s pending cases. Attachment 1 contains the Agency’s current pending case list.

### **3. Information Item – Completed Investigations**

#### **Background**

Pursuant to City Charter section 604(f)(3), the Agency submits its written findings and proposed discipline to the Commission and to the Chief of Police regarding allegations stated in a public complaint it has investigated. The Agency shall submit such written findings and proposed discipline to the Commission through confidential communications.

California Penal Code sec. 832.7(d) provides that an agency “may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.” Attachment 2 contains the type and dispositions of two recent complaint investigations completed by the Agency.