



OAKLAND POLICE COMMISSION
SPECIAL MEETING AGENDA
January 30, 2021
10:00 AM

I. Call to Order

Chair Regina Jackson

II. Roll Call and Determination of Quorum (5 min)

Chair Regina Jackson

III. Welcome, Purpose, and Open Forum (2 minutes per speaker)

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

IV. Police Commission Retreat

The Police Commission Retreat will be facilitated by Frank J. Omowale Satterwhite, Ph.D., President, Leadership Incorporated.

- a. Opening Session (10 min)
 - The Chair will state the purposes of the retreat, preview the agenda and review Brown Act and Commission Protocols.
 - The facilitator will do an icebreaker exercise where Commission members state "What I value about the OPC."
- b. OPC's Legal Mandate, Charge and Accomplishments (10 min.)
 - The Chair will review Measure LL, OPC's Purpose and OPC's Accomplishments.
- c. Reports from the Consultant (20 min.)
 - The facilitator will do a PowerPoint presentation summarizing the main findings in the "Report on Police Boards/Commissions in Five Metropolitan U.S. Cities." ([Attachment C1](#))
 - The facilitator will do a PowerPoint presentation summarizing the main findings in the "OPC Pre-Retreat Interview Report." ([Attachment C2](#)).
- d. OPD Policy Review Process (40 min.)
 - Former Commissioner Tara Anderson will present a report on "Recommendations for Policy Development and Implementation" for review OPC. ([Attachment D](#)).
 1. Discussion

LUNCH (30 min.)

- e. Code of Conduct (15 min.)
 - Former Commissioner Edwin Prather will present a report with proposed “Code of Conduct” recommendations for review by OPC. **(Attachment E)**.
 1. Discussion
- f. Chief of Police Evaluation Criteria (45 min.)
 - Former Commissioner Ginale Harris will present a report with proposed “Chief of Police Evaluation Criteria” for review by OPC. **(Attachment F)**.
 1. Discussion

BREAK (10 min.)

- g. OPC Orientation Program (30 min.)
 - Chair Regina Jackson and Alternate Commissioner David Jordan will present a report with proposed recommendations for an “OPC Orientation Program” for review by OPC. **(Attachment G)**.
 1. Discussion
- h. Rules of Order (30 min.)
 - Vice Chair Henry Gage, III and Commissioner Brenda Harbin-Forte will present proposed updates to the Rules of Order for review by OPC. **(Attachment H)**.
 1. Discussion
- i. 2021 Action Plan (45 min.)
 - The facilitator will present a draft 2021 Action Plan for review and action by OPC.
 1. Discussion
 2. Public Comment
 3. Action, if any
- j. Closing Exercise and Remarks (15 min.)

Opportunity to reflect on the Retreat and what Commissioners have gained and will take with them as they move toward the work ahead.

 1. Discussion
 2. Public Comment
 3. Action, if any

V. Adjournment

OAKLAND POLICE COMMISSION

**REPORT ON POLICE BOARDS/COMMISSIONS
IN FIVE METROPOLITAN U.S. CITIES
January 30, 2021**

DRAFT

Prepared by:

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POLICE BOARD/COMMISSION MODELS IN FIVE METROPOLITAN U.S. CITIES¹
By Leadership Incorporated for the Oakland Police Commission
January 30, 2021

REPORT SUMMARY

This is a summary of Police Board/Commission Models in five metropolitan U.S. cities that are illustrated in the table of this report. The five metropolitan cities are: **1. Chicago, Illinois (Chicago Police Board); 2. Denver, Colorado (Citizens Oversight Board); 3. New York, New York (Civilian Complaint Review Board); 4. San Francisco, California (San Francisco Police Commission); and 5. Seattle, Washington (Community Police Commission).** The five Board/Commission models are examined in four key areas: **1. Mission; 2. Roles and Responsibilities; 3. Membership, Meetings and Community Engagement; 4. Process for filing, investigating and adjudicating Complaints.** The main findings are presented below:

1. PURPOSE/MISSION

The Police Boards/Commissions in all five cities have a legal mandate based on a city charter, ballot measure or ordinance adopted by a local governmental agency. The main purposes/missions of the Police Boards/Commissions in these cities include: (a) providing oversight and setting policy for the police department (n=2); (b) investigating, conducting hearings and deciding disciplinary cases where there are allegations of serious police misconduct (n=2); and (c) engaging with and being a liaison to the community (1). In Seattle, the Police Commission is responsible for fulfilling requirements of a Negotiated Settlement Agreement with the U.S. Justice Department.

2. ROLES AND RESPONSIBILITIES

The Police Boards/Commissions have the following official roles and responsibilities:

- a. Making policy recommendations or adopting policies for the police department (n=5);
- b. Conducting investigations and recommending disciplinary action for police misconduct (n=4);
- c. Engaging in community outreach and addressing issues of community concern (5);
- d. Overseeing the police department (1);
- e. Assessing the effectiveness of the independent police monitoring agency (1); and
- f. Nominating candidates for the Chief of Police (1).

3. MEMBERSHIP AND MEETINGS

The Police Boards/Commissions have the following membership and meeting practices:

- a. The number of commissioners in the five cities ranges from 5 members to 21 members.
- b. The terms of office for commissioners range from 1 year to 4 years and are renewable.
- c. The Police Boards/Commissions hold regular weekly (1), twice-monthly (2) or monthly (n=2) meetings.
- d. Citizens can attend and participate in all public meetings of the Police Boards/Commissions.

4. FILING, INVESTIGATING AND ADJUDICATING COMPLAINTS

- a. All of the Police Boards/Commissions have standard procedures for filing, investigating and adjudicating complaints of police misconduct.

¹ All information in this report was taken from websites of the profiled cities. This information is current and accurate only to the extent that the websites have been updated by their jurisdictions.

POLICE BOARD/COMMISSION MODELS IN FIVE METROPOLITAN CITIES²

CITY	PURPOSE/MISSION	ROLES AND RESPONSIBILITIES	MEMBERSHIP AND MEETINGS	FILING, INVESTIGATING AND ADJUDICATING COMPLAINTS
<p>Chicago, IL: Chicago Police Board (CPB)</p>	<p>CPB is an independent civilian body that decides police disciplinary cases when there are allegations of serious misconduct made against members of the Chicago Police Department</p>	<p>CPB has the power and authority to:</p> <ol style="list-style-type: none"> 1. Decide cases when the Police Superintendent files charges to discharge or suspend a police officer for more than thirty days. 2. Decide matters in which the Chief Administrator of the Civilian Office of Police Accountability and the Superintendent of Police do not agree regarding discipline of a police officer. 3. Hold monthly public meetings that provide an opportunity for all members of the public to present questions and comments to the Board, the Superintendent of Police, and the Chief Administrator of the Civilian Office of Police Accountability. 4. Nominate candidates for the position of Superintendent of Police to the Mayor. 5. Adopt the <u>Rules and Regulations</u> for the governance of the Police Department. 	<p>Membership The nine CPB board members are private citizens appointed by the Mayor with the advice and consent of the City Council. Board members are usually appointed for one or two year terms and may serve up to a maximum of six years.</p> <p>Meetings CPB holds public meetings on the 3rd Thursday of each month.</p> <p>Members of the public can attend CPB meetings and are welcome to pose questions or make comments to the CPB.</p>	<p>Filing Complaints Complaints of alleged misconduct by Chicago police officers are filed with the Civilian Office of Police Accountability (COPA).</p> <p>Investigating Complaints Depending on the allegation, COPA or the Bureau of Internal Affairs (BIA) will investigate the complaint of alleged misconduct.</p> <p>Adjudicating Complaints The investigating unit can recommend disciplinary action to the Superintendent of Police based on its findings.</p> <p>CPB's role is to disciplinary decisions about serious misconduct cases that are filed with the Board by the Superintendent of Police, COPA or the BIA.</p>

² All information in this report was taken from websites of the profiled cities. This information is current and accurate only to the extent that the websites have been updated by their jurisdictions.

CITY	PURPOSE/MISSION	ROLES AND RESPONSIBILITIES	MEMBERSHIP AND MEETINGS	FILING, INVESTIGATING AND ADJUDICATING COMPLAINTS
<p>Denver, CO:</p> <p>Citizens Oversight Board (COB)</p>	<p>COB provides civilian oversight for the City and County of Denver Police and Sheriff Departments.</p>	<p>COB roles and responsibilities are:</p> <ol style="list-style-type: none"> 1. Assess the effectiveness of the Office of the Independent Monitor. 2. Make policy-level recommendations regarding discipline, use of force and other policies; hiring; training; community relations; and the complaint process. 3. Address any other issues of concern to the community, the COB, the Monitor, the Executive Director of Safety, the Chief of Police or the Sheriff. 4. Review and make recommendations on closed internal affairs cases, where the findings were not sustained, as appropriate. <p>The COB can make recommendations to the Manager of Safety, Chief of Police, Sheriff, Fire Chief and Office of the Independent Monitor regarding investigations, determinations as to whether department rules or policies have been violated, and the appropriateness of disciplinary sanctions, if any.</p>	<p>Membership The 9-member COB are alternately appointed by the Mayor and City Council, with one jointly appointed. Each COB member serves a four-year term.</p> <p>Meetings COB holds regular public meetings twice monthly (1st and 3rd Fridays)</p> <p>COB meets at least quarterly with the Director of Safety, Chief of Police and Sheriff.</p> <p>COB holds quarterly Public Forums throughout the City and County of Denver “to allow the public an opportunity to address issues of concern in their communities”.</p> <p>Members of the public can attend COB meetings and address the board in a public forum.</p>	<p>Filing Complaints Complaints alleging misconduct by Denver City and County police officers and Sheriff’s deputies are filed with the Office of the Independent Monitor.</p> <p>Investigating Complaints Complaints of alleged misconduct are referred to and investigated by the appropriate units of the Police and Sheriff Departments.</p> <p>Adjudicating Complaints The investigating unit can recommend disciplinary action to the Manager of Safety based on its findings. The Manager of Safety oversees the Police and Sheriff Departments.</p> <p>All investigations of alleged misconduct are monitored by the Office of the Independent Monitor which can also recommend disciplinary action to the Manager of Safety.</p>

CITY	PURPOSE/MISSION	ROLES AND RESPONSIBILITIES	MEMBERSHIP AND MEETINGS	FILING, INVESTIGATING AND ADJUDICATING COMPLAINTS
<p>New York, NY</p> <p>Civilian Complaint Review Board (CCRB)</p>	<p>CCRB is the oversight agency of the largest police force in the country. CCRB is an independent agency that is empowered to receive, investigate, prosecute, mediate, hear, make findings, and recommend action on complaints filed against members of the New York City Police Department (NYPD) that allege the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language.</p>	<p>CCRB is the city government board tasked with investigating, mediating and prosecuting complaints of misconduct on the part of the New York City Police Department. To fulfill its duties, the Board has pledged to:</p> <ol style="list-style-type: none"> 1. Encourage community members to file complaints when they feel there has been police misconduct. 2. Encourage all parties to come forward and present evidence. 3. Investigate each allegation thoroughly and impartially. 4. Make objective determinations on the merits of each case. 5. Recommend disciplinary actions that are fair and appropriate, if investigative findings show that misconduct occurred. 6. Respect the rights of the civilians and officers. 7. Engage in community outreach to educate the public about the agency and to respond to concerns relevant to the agency’s mandate. 8. Report relevant issues and policy matters to the police commissioner. 9. Offer civilians and officers the opportunity to mediate complaints. 	<p>Membership</p> <p>CCRB has 13 members who must all live in the city and reflect the diversity of the city. The city council chooses five board members, with one from each borough; the mayor chooses five, including the chairperson; and the police commissioner chooses three who have law enforcement experience. Board members serve three-year renewable terms.</p> <p>Meetings</p> <p>The Board holds meetings on the second Wednesday of every month which are open to the public.</p> <p>Members of the public can attend CCRB meetings and address the board about public safety matters.</p>	<p>Filing Complaints</p> <p>Complaints of alleged misconduct by New York City police officers are filed with the CCRB.</p> <p>Investigating Complaints</p> <p>CCRB investigations normally involve the following tasks: (1) doing an in-person interview with the complainant; (2) contacting witnesses to get statements; (3) gathering evidence; and (4) interviewing police officers who are the subject of a complaint.</p> <p>Adjudicating Complaints</p> <p>After an investigation, the CCRB offer the change to participate in mediation or recommend disciplinary action to the Police Commissioner who, under the law, has the authority to impose discipline and decide the appropriate penalty.</p>

CITY	PURPOSE/MISSION	ROLES AND RESPONSIBILITIES	MEMBERSHIP AND MEETINGS	FILING, INVESTIGATING AND ADJUDICATING COMPLAINTS
<p>San Francisco, CA</p> <p>San Francisco Police Commission (SFPC)</p>	<p>SFPC’s mission is to:</p> <ol style="list-style-type: none"> 1. Set policy for the Police Department; 2. Conduct disciplinary hearings on charges of police misconduct filed by the Chief of Police or the Department of Police Accountability 3. Impose discipline in such cases as warranted; and 4. Hear police officer appeals from discipline imposed by the Chief of Police. 	<p>SFPC oversees the Police Department and the Department of Police Accountability. The Police Commission also appoints and regulates the Patrol Special Police, which is a neighborhood police force authorized in the City Charter with non-sworn, private patrol persons.</p>	<p>Membership SFPC has seven members who are appointed by the Mayor and the Board of Supervisors. All Commissioners serve a four-year term.</p> <p>Meetings SFPC meets every Wednesday to conduct the business of the Commission</p> <p>Members of the public can attend SFPC meetings and address the Commission about public safety matters.</p>	<p>Filing Complaints Complaints of alleged misconduct by San Francisco police officers are filed can be filed with a department supervisor at any SFPD police station or the Department of Police Accountability (DPA).</p> <p>Investigating Complaints DPA is charged with impartially investigating complaints against SFPD officers and making policy recommendations regarding police practices.</p> <p>Adjudicating Complaints SFPC conducts hearings on complaints of serious misconduct forwarded by the Department of Police Accountability and, based on its findings, recommends disciplinary action to the Chief of Police, when warranted.</p>

CITY	PURPOSE/MISSION	ROLES AND RESPONSIBILITIES	MEMBERSHIP AND MEETINGS	FILING, INVESTIGATING AND ADJUDICATING COMPLAINTS
<p>Seattle, WA</p> <p>Community Police Commission (CPC)</p>	<p>Vision We envision our communities and Seattle’s police aligned in shared goals of safety, respect and accountability.</p> <p>Mission The Community Police Commission listens to, amplifies and builds common ground among communities affected by policing in Seattle. We champion police practices centered in justice and equality.</p>	<p>CPC’s roles and responsibilities are:</p> <ol style="list-style-type: none"> 1. Fulfill the requirements of the 2012 Negotiated Settlement Agreement with U.S. Department of Justice 2. Provide ongoing, community-based oversight of SPD including: (a) gathering and sharing community feedback about police policies, procedures and services, (b) engaging in community outreach and maintaining connections with disenfranchised communities and (c) identifying and advocating for reforms to state laws that will enhance public trust in policing and the criminal justice system. <p>Current priority issues are:</p> <ul style="list-style-type: none"> • Banning crowd control weapons used against protesters • Fighting for police contracts that promote accountability • Improving investigations of police use of deadly force • Protecting the First Amendment rights of journalists • Providing input on policing and police reform • Holding police accountable through the 2012 Consent Decree 	<p>Membership CPC has 21 Commissioners, one third of whom are appointed by the Mayor, City Council and the CPC. The 21st member joins the Commission each year through <i>Get Engaged</i>, a leadership development program for 18 - 29 years. All Commissioners are appointed for a two-year term.</p> <p>Meetings CPC meets twice monthly on the first and third Wednesdays of each month</p> <p>CPC meetings are open to the public. Community members can attend CPC meetings and address the Commission about public safety matters.</p>	<p>Filing Complaints Complaints of alleged misconduct by Seattle police officers are filed with the Office of Police Accountability (OPA).</p> <p>Investigating Complaints OPA investigates allegations of police misconduct ranging from unprofessional behavior to biased policing to excessive force.</p> <p>Adjudicating Complaints After investigating complaints, OPA makes recommendations on disciplinary action to the Chief of Police.</p>

DRAFT

OAKLAND POLICE COMMISSION

PRE-RETREAT INTERVIEW REPORT January 30, 2021

Prepared by:

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**OAKLAND POLICE COMMISSION
 INTERVIEW REPORT
 JANUARY 30, 2021
 Authored by Leadership Incorporated**

GOAL

To identify views and perspectives about the status and role of the Oakland Police Commission (OPC)

INTERVIEW PROCESS

DATES: December 29-31, 2021

INTERVIEWEES (n= 12)

Current Commissioners:	Former Commissioners	CPRA	Attorney
Jose Dorado, Henry Gage III, Sergio Garcia, Brenda Harbin-Forte, James Jackson, Regina Jackson and Tyfahra Singleton? (not yet interviewed)	Tara Anderson Ginale Harris Thomas Lloyd Smith	John Alden	Nitasha Sawhney
Alternate David Jordan			

SURVEY QUESTIONS

Interview participants were asked the following set of questions about the current status and future direction of OPC:

- **Personal Information:** What is your name, role and tenure with OPC?
- **Assessment:** What are OPC’s strengths? Weaknesses or challenges? Opportunities? Threats?
- **2021 Planning:** What is your vision for OPC? What should be OPC’s strategic priorities in 2021? What are the target dates for completing these priorities (Q1, Q2, Q3 or Q4)?
- **Retreat Outcomes:** What are the main outcomes that you want for the retreat?

ACKNOWLEDGEMENTS

The consultant expresses gratitude to: (1) the individuals who participated in an interview and candidly shared their views and (2) the staff member who provided administrative support to the consultant.

QUESTIONS AND FINDINGS¹

ASSESSMENT

OPC Strengths

Interviewees stated that the main strengths of OPC are:

OPC Power and Authority

- OPC was created and empowered by two ballot measures approved by more than 4/5 of the Oakland electorate.²
- OPC has a major role in selecting the Chief of Police, deciding police department policies, disciplining policing officers when warranted and responding to citizen complaints.

OPC Commissioners

- Commissioners have a common aim of re-envisioning public safety in the City of Oakland and reforming the OPD.
- Commissioners have diverse professional backgrounds, broad knowledge/experience and are dedicated public servants who devote considerable time to OPC.
- OPC's founding Commissioners are outstanding leaders who laid a strong foundation for future development of the Commission.
- OPC has new members who will bring new perspectives and new energy to the Commission.

Community Support

- OPC has strong community support as evidenced by overwhelming approval of the two ballot measures.

Relationship with the City

- OPC has successfully tread through uncharted territory, "found its voice" and gained credibility with elected officials and the city administration.

OPC Weaknesses/Challenges

Interviewees stated that the main weaknesses/challenges of OPC are:

Lack of Organization

- OPC does not have a policy and procedures manual defining its structure, process and rules of procedure for conducting business.
- OPC has not defined its strategic priorities and, as a result, tends to focus mostly on real-time issues raised by community members.
- OPC conducts very lengthy public meetings and has not determined how it will address this challenge.
- OPC has a heavy workload and the work is not evenly distributed among Commission members.

¹ Definitions: Oakland Police Commission (OPC), Oakland Police Department (OPD) and Civilian Police Review Board (CPRA)

² The first ballot measure (2016) authorized formation of the Oakland Police Commission and a Community Police Review Agency (CPRA) to investigate complaints of police misconduct. The second ballot measure (2020) was a Charter Amendment changing the powers, duties and staffing of the OPC and CPRA and creating the Office of the Inspector General to review the policies of the OPC and CPRA.

Lack of Support from the City of Oakland

- OPC does not have an adequate budget or staffing to fulfill its legal mandate in an optimal way.
- OPC does not have the full support of the Mayor and city administration and has often experienced resistance from city officials.
- OPC has to work in a way that does not jeopardize its reputation or credibility with the city.

Membership Transition

- OPC has to improve its process for orienting and onboarding new Commissioners.
- OPC has to minimize the loss of institutional knowledge when founding Commissioners transition off of the Commission.

Community Relations

- There is a need to appoint Black and Brown Commissioners who have lived experience and encounter police in their communities.
- OPC needs to engage and build a strong, trusting relationship with the Black community and other communities of color.

Federal Oversight

- OPC should give the highest priority to ending federal oversight under the Negotiated Settlement Agreement.

OPC Opportunities

Interviewees stated that potential opportunities for OPC are:

Improving Internal Operations

- OPC can establish administrative policies and procedures to be more strategic, function more effectively and have greater impact.
- OPC can hire an Inspector General who has responsibility for auditing and monitoring the OPD.
- OPC can hire administrative staff to enable the Commission to function more efficiently.
- OPC could have fewer budget cuts than other departments in the City of Oakland.

Working Collaboratively with OPD

- OPC can build a positive and collaborative relationship with the new Chief of Police.
- OPC can fully implement a community policing program as proposed by the 15-01 committee.
- OPC can provide input into labor negotiations with the Oakland Police Officers Association.
- OPC can work to terminate White Supremacists and build a new “guardian” culture in the OPD.
- OPC can implement the policies enacted last year to bring about changes in the OPD.

Engaging the Community

- OPC can engage the community and ensure meaningful community input into its work.
- OPC can work to build cooperation and mutual respect between OPD and communities of color.

Playing a Leadership Role

- OPC can collaborate more with the Reimagining Public Safety Task Force, Department of Race and Equity, Violence Prevention Department and other City departments.
- OPC can demonstrate that civilian volunteers are able to establish a meaningful oversight process for the police department and change how policing is done in the City of Oakland.

OPC Threats

Interviewees stated that potential threats to OPC are:

Lack of Organization

- OPC does not fulfill its mandate because of lack of structure and operating procedures.

Negative Relationships with OPD

- OPC does not develop a collaborative relationship with the new Chief of Police.
- OPC does not work effectively with the Oakland Police Officers Association.
- OPC does not confront White racism and the right-wing elements in the OPD.
- OPC fails to hold police officers accountable for acts of misconduct.

Lack of Support from the City of Oakland

- OPC is not a high priority for the Mayor and city administration.
- OPC does not get adequate resources, staffing and administrative support from the city.
- OPC is not able to fill vacancies on the Commission in a timely way.
- OPC does not address the issues raised in the City Auditor's report.
- OPC does not minimize resistance in city government to formation of the Commission.

Lack of Community Trust

- OPC does not respond to the unique concerns of diverse, marginalized communities of color.
- OPC does not mitigate the identity politics and factionalism among people of color regarding public safety issues.
- OPC does not educate the community about the issue of police reform or change the narrative about "defunding the police".
- OPC does not implement the policies that it has approved, which could erode community trust.

OPC VISION

Interviewees shared the following vision for OPC:

National Recognition

- OPC is a national leader in police reform and a best practice model of constitutional policing for the nation.
- OPC is broadly recognized inside and outside of the City of Oakland as a cutting-edge pioneer in the field of public safety.
- OPC has an impeccable record of success and the respect of City Leaders and the community.

OPC Role

- OPC has a long-term, proactive strategy for reviewing and re-defining all OPD policies.
- OPC is a strong, cohesive, trained and community grounded group, that is ready, willing and able to hold OPD and the City accountable to constitutional and responsible guardianship of our City.
- OPC speaks with one voice and effectively communicates with city government and the broader community about police reform and accountability in the City of Oakland.
- OPC advocates for the hiring of more police officers who live in the city and for more female officers to be employed by OPD.
- OPC is a professional, proficient and compassionate servant of the people.

OPC Operations

- OPC members have a strong consensus about the overall direction, strategic priorities and plan of action for the Commission.
- OPC has adequate resources and is fully staffed to carry out its mission.
- OPC works collaboratively with key stakeholder groups both inside and outside of city government.
- Commissioners are financially support and there are no financial barriers to serving on the OPC.

Community Engagement

- OPC has a strategy and plan of action for systematically engaging the community.
- OPC is a place where those who are disempowered can have a voice and be heard.
- OPC is an authentic voice of the community.

2021 ACTION PLAN

Interviewees identified the following strategic priorities and target dates for OPC in 2021:

KEY ACTIVITIES	TO BE COMPLETED BY			
	Q1 3/31/21	Q2 6/30/21	Q3 9/30/21	Q4 12/31/21
Personnel (n=7)				
Submit nominations to the Mayor for hiring a Chief of Police with the desired qualifications and experience	X			
Define supervisory relationship and set priorities for the Chief of Police		X		
Hire an Inspector General and other staff for this office contingent on budget approval		X		
Hire OPC and CPRA staff contingent on budget approval				X
Work with OPD to fully staff all divisions contingent on budget approval				X
Work on terminating racist police officers in the OPD				X
City Budget (n=6)				
Advocate for increased OPC funding by the City		X		
Advocate for re-allocation of the OPD budget to other city departments as appropriate		X		
Operations (n=5)				
Develop a policy and procedures manual to define the rules of procedure for conducting OPC business		X		
Develop protocols for conducting more effective OPC meetings and reducing the time spent in meetings		X		
Define performance expectations for Commission members		X		
Develop and implement communications strategy to change the narrative about “defunding the police”			X	
Create a leadership development pipeline for those who might serve in leadership roles on the Commission				X
Ensure that all Commissioners complete required trainings				X
Change OPC’s hierarchical culture				X

KEY ACTIVITIES	TO BE COMPLETED BY			
	Q1 3/31/21	Q2 6/30/21	Q3 9/30/21	Q4 12/31/21
<i>Policy Reform (n=5)</i>				
Finalize and present recommendations for a community policing program to the City Council	X			
Complete investigation and respond to letter from the Oakland Black Officers Association		X		
Prioritize OPD policies and develop/implement a policy review process				X
Define and implement a state legislative advocacy strategy focusing on constitutional policing				x
<i>Community Engagement (N=5)</i>				
Develop and implement a community engagement strategy		X		
Convene Black and Brown unity meetings to develop a common agenda for reforming the OPD				X
<i>Negotiated Settlement Agreement (N=4)</i>				
Develop and implement plan to end federal monitoring of the OPD				X
<i>City Auditor's Report (n-1)</i>				
Respond to key issues raised in the City Auditor's report		X		

RETREAT OUTCOMES

Interviewees identified the following desired outcomes for the OPC retreat:

Process

- Orientation and teambuilding with new Commissioners
- Review of OPC's history and main accomplishments
- Stronger working relationships and more comradery by Commissioners
- Alignment on key issues and agreement that OPC will speak with one voice
- Culture-building to eliminate OPC's hierarchical culture

Outcome/Outputs

- Strategic priorities for OPC
- A 2021 action plan
- A process for reviewing all OPD policies
- Contents of an OPC policy and procedures manual
- A community engagement strategy
- A strategy to address issues raised in the City Auditor's report
- A process and protocols for holding more effective meetings

To: Regina Jackson, Oakland Police Commission Chair
From: Tara Anderson, Former Oakland Police Commissioner
Date: January 12, 2021
RE: Recommendations for Policy Development and Implementation

BACKGROUND

On November 8, 2016, City of Oakland residents voted to approve Measure LL thereby creating a civilian Police Commission to oversee Oakland Police Department policies and practices and CPRA's investigations of police misconduct complaints. CPRA replaced the Community Police Review Board (CPRB). On November 3, 2020 voters approved Measure S1, which further amends the Oakland City Charter strengthening the Oakland Police Commission and expressly permitting the Commission to hire the Inspector General position. The Inspector General will have the authority to review, analyze and make recommendations on policies and procedures relating to police misconduct and use of force.

This memorandum is based my experience participating in the development and approval of five Oakland Police Department (OPD) Policies during my 2019-2020 term as an Oakland Police Commissioner.

- Departmental General Order R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Post-Release Community Supervision)-July 2019
- Special Order 9196: Documentation of the Use of Force-August 2019
- Special Order 9202: Documentation of the Use of Force- Feb 2020
- Department General Order K-03: Use of Force-October 2020
- Special Order 9205: Banning Carotid Restraint and All Forms of Asphyxia- October 2020

Policies for the purpose of this memo are intended to include but are not limited to OPD Special Orders, Department General Orders and Training Bulletins. This memo was prepared upon request of Chair Jackson with the intent to inform discussion at the January 30, 2021 Commission retreat. The following nine recommendations are submitted with the greatest respect toward those currently serving on the Commission and the public.

RECOMMENDATIONS

1. Publish a Priority Policy List. Make public a list of Oakland Police Department Policies identified as a priority for the Commission and Inspector General to review. This Priority Policy List should be generated annually by the Commission as a whole and updated throughout the course of the year as priorities shift. When formal requests are made by the public, OPD, CPRA or Inspector General to review or update a specific policy this should be acknowledged by the chair on the record during the next Police Commission meeting and logged on the publicly posted policy priority list. The Policy Priority List should be posted on the Oakland Policy Commission website under the Projects tab. This can serve as the 'initial intent to review or draft' outlined in the Commission Process for editing or drafting policy.

2. Create a memo for each Policy at the onset of the development process. Each policy revision process should have a formal memo defining the policy issue to be addressed. The description should include data, public testimony, Federal Monitor Reports, CPRA reports, or other

source material used to identify the specific policy as a priority for review. This memo should include the intent of the policy revision or development of the new policy, and workplan including deadlines for deliverables. Each policy memo must also include the plan for public engagement. The Policy memo should be made available to the public and placed on the agenda as a part of the regular Commission meetings to solicit feedback.

3. Set clear expectations about public engagement from the onset of each policy revision process. There are various reasons that may compel the Commission to convene an open or closed ad hoc policy committee meeting. Reasons can include but not be limited to time sensitive or urgent nature of the change in policy, and exigent circumstances. The reason for the determination that a policy specific ad hoc committee is open or closed should be stated on the record at a regular Commission meeting during the creation of the ad hoc or at the next meeting immediately following and included in the publicly Priority Policy List.

4. Establish policy specific ad hoc committees. Multiple policy specific ad hoc committees can function simultaneously and leverage the time and expertise of multiple Commissioners. City Council approval is not required for creating temporary or ad hoc committees. The Commission does not have the staffing capacity to support the creation of a Standing Policy Committee. In addition, the Commission must obtain City Council approval prior to the creation of any standing committee. A proposal to create a standing committee of the Commission must include information regarding the costs associated with staffing the standing committee, if any, and the costs of complying with noticing and reporting requirements resulting from its establishment.

5. Leverage tools that solicit community feedback outside of regular Commission or ad hoc meetings. These can include but not be limited to town halls, targeted community street outreach, and web-based applications, like Konveio. Konveio is a platform that supports an interactive public engagement on written policy. Regardless of how comfortable any real or virtual meeting space is made people will not feel comfortable coming forward and speaking out against police violence. It is the Commission's responsibility to, as best as reasonably possible, reach those voices and incorporate feedback into the development of policy.

In addition, I highly recommend using the Spectrum of Public Participation to set clear expectations, which was developed by the International Association of Public Participation (IAP2) to help clarify the role of the public (or community) in planning and decision-making, and how much influence the community has over planning or decision-making processes. It identifies five levels of public participation (or community engagement). The levels range from inform to empower. An example of an application of this method can be found in the [meeting materials for July 9, 2020](#).

6. Incorporate the Racial Equity Toolkit into the development of all policies. In consultation with the Department of Race and Equity, Commission policy ad hocs should apply a racial equity tool to draft policy. According to the Government Alliance on Race and Equity (GARE), racial equity tools are designed to integrate explicit consideration of racial equity in decisions, including policies, practices, programs, and budgets. It is both a product and a process. Use of a racial equity tool can help to develop strategies and actions that reduce racial inequities and improve success for all groups. Too often, policies and programs are developed and implemented without thoughtful consideration of racial equity. When racial equity is not explicitly brought into operations and

decision-making, racial inequities are likely to be perpetuated. Racial equity tools provide a structure for institutionalizing the consideration of racial equity.

7. Maintain Individual Project Commission web pages for each policy ad hoc. All policy related materials, including the initial policy memo, research reports, and policy drafts should be posted on the project specific pages. This will ease public review of the specific policy providing a single project file with related materials rather than requiring that people navigate through meeting agenda packets.

8. Revise the Commission Process for editing or drafting policy. The process outlined in the proposal as voted on by the Commission in Fall 2018 includes specific tasks to be completed by the Director of the CPRA. I would recommend revisiting this language and expanding the list of individuals that can be called upon by the Chair to draft documents and materials. At a minimum this should include the CPRA Director or a designee, Inspector General or a designee, Commission staff and subject matter experts. I would further recommend that the notice timeline be discussed amongst Commissioners and Commission staff. In my experience 4-6 weeks is not a realistic timeline for advanced notice, unless a priority policy list is generated on an annual basis (see Recommendation 1). In practice meeting public disclosure responsibilities for the meeting notice was the most achievable timeline.

9. Create standing item on the regular Commission agenda for policy implementation. Once a policy is approved by the Commission there can be several steps before the policy is implemented. Having a regular report out at least once a month on implementation status of all policies approved by the Commission, will keep both the commission and public informed about, the development of training, the meet and confer process (when initiated), and impact of the policy. As an alternative to a standing agenda item the Commission could choose to have the Chief report include these updates.

CONCLUSION

The Oakland Police Commission is one of the strongest civilian police oversight bodies in the country. The Commission has the responsibility to oversee OPD policies and practices, and hundreds of those policies are decades old. The Commission must set a plan of action for addressing the priority policies for review in a way that is consistent and prioritizes transparency and successful implementation. These nine recommendations are a step toward realizing that goal.

OPD Policies for Review

Canine: DGO K-09

Current Policy: [DGO K-9, Department Canine Program](#)

Year Developed: 2006

Status: Review of policy has been requested, but no current drafting status.

Brief Definition: The mission of the Department Canine Program is to train, maintain and deploy Canine Teams to search for and locate criminal suspects and evidence in order to safeguard our community and police officers. The law enforcement industry has recognized that the appropriate deployment of police canines enhances the safety of citizens and officers by increasing an agency’s ability to capture criminals and locate items of evidence. A dog bite is an intermediate use of force that may inflict serious injury. Therefore, this policy only allows Patrol Canine deployments for violent forcible crimes, burglary and weapons related offenses.

CPRA Report Recommendations: 2020 – [April 23](#) - The CPRA recommends that the Department provide training to all OPD members on utilizing interpreters/translators in the field, and that the Canine Program integrate the use of interpreters/translators in regular training scenarios. DGO K-9 and DGO K-4 presumptively categorize canine bites as Level 2 uses of force. Due to the potential for canine bites to cause severe bodily injury, the CPRA recommends eliminating the presumption that a canine bite is automatically a Level 2 use of force. Updating the policy to indicate that a canine bite shall be at least a Level 2 or above, followed by the criteria for both Level 2 and Level 1 cases, would provide clarity to officers in incidents such as these.

[Federal Monitor Report](#) **Task Number:** no defined task number

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

Community Engagement

Current Policy: [DGO B-7 Public Appearances](#) and [BFO 11-01 Problem Solving Officer Deployment and Responsibilities](#)

Year Developed: DGO B-7, 2005 and BFO 11-01, 2011

Status: No work at this time on new policy iteration.

Brief Definition: DGO B-7: The purpose of this order is to set forth Departmental policy and procedures for providing and authorizing qualified personnel to make public appearances, to set forth policy on public appearance tracking responsibility and to provide a centralized file for public appearance information.

BFO 11-01: The purpose of this directive is to set forth bureau policy and procedures regarding deployment, responsibilities and standards for Departmental Problem Solving Officers (PSOs). These objectives and standards are designed not only to meet legal mandates but also to improve police community relations, enhance City-wide problem-solving efforts, reduce violent crime, and diminish citizens' perception of crime.

CPRA Report Recommendations: 2020 – [October 22](#) - The CPRA recommends that Field Training Officers receive additional training related to communication with the public and trainees during an incident. The CPRA recommends additional training related to communications with detainees during an incident.

[Federal Monitor Report](#) Task Number: no defined task number

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

Community Policing: Bureau of Field Operations (BFO) 15-01

Current Policy: [Training Bulletin III-A.05, Community-Oriented Policing](#) and [SO 9112 Revision of TB III-A.05](#)

Year Developed: 2008

Status: [Draft of 15-01](#) has been submitted to Police Commission

Brief Definition: Community Policing is the affirmed public safety policy and philosophy of the City of Oakland and Oakland Police Department and its purpose is to reduce crime, enhance public safety and to improve quality of life through police and community partnerships. The purpose of this directive is to set forth bureau procedures regarding expectations and responsibilities for Neighborhood Service Coordinators (NSCs), Community Resource Officers (CROs), Foot Patrol Officers, Crime Reduction Team (CRT) Officers, and Community Meetings. This policy is designed to improve police community relations, enhance Citywide problem-solving efforts, reduce serious and violent crime, and address public safety issues through the community policing philosophy.

[Federal Monitor Report](#) **Task Number: 47 Community Policing Plan**

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

Handcuffing: (Lexipol 302)

Current Policy: [Handcuffing and Restraints](#)

Year Developed: This is a Lexipol policy. Policy says printed date is 2017.

Status: Request has been made to move this to the current DGO format, but still in the drafting phase.

Brief Definition: The use of handcuffs and other restraints is intrusive and can impact the community’s trust in the police. As courts put it, the use of handcuffs “substantially aggravates the intrusiveness of an otherwise routine investigatory detention and is not part of a typical Terry (investigative) stop.” The application of restraints shall never be considered a part of standard operating procedure. This policy sets forth guidelines for the use of handcuffs and other restraints during arrests and detentions.

CPRA Report Recommendations: [2019 Policy and Training Recommendations](#) page 3, number 13 - The CPRA recommends that the Department provide additional training on when officers can handcuff or pat search detainees; towing procedures and explaining Fourth Amendment justifications for handcuffing and pat searching under Terry.; 2020 – [May 28](#), - The CPRA recommends that OPD consider instituting more specific policies and/or training regarding the handcuffing of pregnant women. In particular, CPRA staff recommend that OPD: consider training officers on the specific risks associated with handcuffing pregnant women, so that officers are better positioned to evaluate the totality of the circumstances when presented with a pregnant detainee/arrestee; consider training officers on modified restraint methods that would alleviate these risks, so that officers are better positioned to determine whether modified restraints would be appropriate in a given situation; and consider developing more specific standards to inform officer discretion when presented with the choice of whether and how to handcuff pregnant detainees/arrestees, along the lines of the more specific instruction officers receive related to using certain types of force on pregnant women. [November 12](#) - The CPRA recommends that officers receive additional training related to the proper positioning of handcuffs.

[Federal Monitor Report](#) **Task Number: no defined task number**

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

IAD Manual

Current Policy: Draft of a manual has been completed.
Year Developed: 2020
Status: Draft completed. Expected request for Commission ad hoc forthcoming.
Brief Definition: A document that sets forth roles and responsibilities for Internal Affairs Division Personnel.

Federal Monitor Report **Task Numbers: 1-17, 29, 37**

Task	Name
1	IAD Staffing and Resources
2	Timeliness Standards and Compliance with IAD Investigations
3	IAD Integrity Tests
4	Complaint Control System for IAD and Informal Complaint Resolution Process
5	Complaint Procedures for IAD
6	Refusal to Accept or Refer Citizen Complaints
7	Methods for Receiving Citizen Complaints
8	Classifications of Citizen Complaints
9	Contact of Citizen Complainants
10	Procedure Manual for Investigations of Citizen Complaints
11	Summary of Citizen Complaints Provided to OPD Personnel
12	Disclosure of Possible Investigator Bias
13	Documentation of Pitchess Responses
14	Investigation of Allegations of MoR Violations
15	Reviewing Findings and Disciplinary Recommendations
16	Supporting IAD Process – Supervisor/Managerial Accountability
17	Audit, Review, and Evaluation of Functions
29	IAD Investigation Priority
37	Internal Investigations – Retaliation Against Witness

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

Missing Persons: DGO O-06

Current Policy: [DGO-O-06 Missing and Abducted Persons](#)

Year Developed: 2009

Status: Drafting in progress.

Brief Definition: A missing person is any juvenile or adult who is missing voluntarily or involuntarily under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance. Penal Code Section 14295(a) states, all local police and sheriffs’ departments shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports related to crimes involving property.

CPRA Report Recommendations: 2020 – [June 25](#) - The CPRA recommends that OPD work with the proper legal advisers to bring DGO O-6 – Missing Persons up to date as quickly as is practicable, including the following specific edits: a) The DGO references Penal Code section 14213 for the definition of an “at risk” individual; in 2017, the Legislature renumbered that section and the definition is now contained in Penal Code section 14215. b) The DGO references Penal Code section 14205, and talks about steps to take when a missing person is under the age of 16 or “at risk”. That section was renumbered in 2015, and also revised to include persons under the age of 21, not 16. Additionally, the department should independently double-check the DGO against current law, and consult with current subject matter experts for recent changes in best practices.

[Federal Monitor Report](#) **Task Number: no defined task number**

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

OIS Policy: Criminal Investigations Division (CID) 19-01

Current Policy: No current policy, drafting in progress.
Year Developed: N/A
Status: Drafting in progress.
Brief Definition: A policy regarding investigation by the Criminal Investigation Division of officer involved shootings and other serious uses of force.

[Federal Monitor Report](#) **Task Number: 31 Officer-Involved Shooting Investigation**

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

Racial Profiling: DGO M-19

Current Policy: [DGO M-19 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing](#)
Year Developed: 2004
Status: Department recognizes need for revision, no draft as of yet.
Brief Definition: The Department recognizes that there has been a growing national perception that law enforcement action is too often based on racial stereotypes (“racial profiling”) or other bias-based policing – whether it is against African Americans, Latinos, Asians, Middle Easterners, South Asians, or any other race, ethnicity, national origin, gender, age, religion, sexual orientation, or disability. In Oakland, there is concern within our communities that some members may engage in this behavior. Whether individual members agree or not, we, as an organization, must recognize that this concern exists and be responsive to it. The purpose of this policy is to reaffirm the Oakland Police Department’s commitment to providing service and enforcing laws in a fair and equitable manner, and to establish a relationship with the community based on trust and respect. Whenever our practices are, or are perceived to be, biased, unfair, or disrespectful, we lose public trust and support and diminish our effectiveness.

[Federal Monitor Report](#) **Task Number: no defined task number**

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

Social Media

Current Policy: No current policy specific to the Department and its members.

Year Developed: N/A

Status: Policy on Department (official) social media is in the drafting phase. Policy on member (personal) use of social media is in the drafting phase.

Brief Definition: A policy on the use of social media Department-wide and as a member of the Department.

CPRA Report Recommendations: 2020 – [June 25](#) - The CPRA recommends that the Department continue to review its social media policy and make recommendations for appropriate revisions. Those should include: a) Comparing OPD policy to that of other jurisdictions for best practices; b) Creating specific guidance in missing persons cases as to when social media should and should not be used, including consultation with family members of the missing person; c) Having a central mid-level member (likely professional, not sworn) designated to monitor the overall use of the Department’s social media platforms with an eye towards ensuring consistent messaging to the community about the Department’s priorities.

[Federal Monitor Report](#) **Task Number: no defined task number**

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

SWAT: Tactical Operations Team DGO K-05

Current Policy: [Tactical Operations Team \(DGO K-05\)](#)

Year Developed: 2000

Status: No work at this time on new policy iteration.

Brief Definition: Recognizing that the use of specially trained and equipped police tactical operations teams during critical incidents has been shown to substantially reduce the risk of injury or loss of life to citizens, law enforcement personnel and suspects; and recognizing that a well-managed team response usually results in the successful resolution of such incidents, the Department will utilize the Tactical Operations Team as a resource for the handling of appropriate critical incidents as described in this order. The purpose of this order is to set forth Departmental policy regarding the Tactical Operations Team, consisting of Tactical Commanders, the Entry Team, Sniper Team and Hostage Negotiation Team, and to establish policy for deployment during high risk operations.

[Federal Monitor Report](#) **Task Number: no defined task number**

Commission Work Plan

Ad Hoc Committee	Deadline for Final Draft	Date to Present at Meeting

**VERSION THREE (ORIGINAL VERSION 5/24/18)
AUTHORED BY COMMISSIONER EDWIN PRATHER**

**CITY OF OAKLAND
POLICE COMMISSION**

CODE OF CONDUCT

It is of the utmost importance to conduct Police Commission business in a responsible way that reflects the highest ideals of public service. This Code of Conduct reflects the collective view of this Commission about how Commissioners and Commissioner Alternates will conduct themselves as public servants.

A. Commissioner Conduct - Commissioners and Commissioner Alternates should conduct themselves in a manner that demonstrates respect for the public, for fellow Commissioners, Commissioner Alternates and for Commission staff. Commissioners and Commissioner Alternates should remain committed to observing the letter and the spirit of the law, Commission rules and procedures and act in a manner that upholds the credibility of the Commission while practicing civility, integrity and decorum in discussions. To promote these ideals between the Commission and the public, among Commissioners and Commissioner Alternates, between the Commission and staff members of the Citizens' Police Review Agency, the Office of the Inspector General, the City of Oakland and the Oakland Police Department, all Commissioners shall:

[1] Attend Commission meetings, except for absences excused by the Chair for illness, personal emergency, work emergency, a death in the family, maternity leave or religious observance;

[2] Fully participate in Commission meetings and other public forums attended by Commissioners or Commissioner Alternates, while demonstrating respect, consideration and courtesy to others;

[3] Prepare in advance of Commission meetings and familiarize themselves with issues on the agenda;

[4] Actively engage in Commission committees to which they are assigned and endeavor to meet applicable deadlines;

[5] Be respectful of the time of others by staying focused and working efficiently during public meetings, while asking well-founded questions or raising appropriate points that advance the dialog and decision-making process;

[6] Serve as a model of leadership and civility to the public and demonstrate honesty and integrity in every action and statement; and

[7] Participate in scheduled activities to review and increase the effectiveness of Commission procedures, such as this Code of Conduct.

B. Responsibilities of the Chair during Commission Meetings - Commission meetings should be opportunities for a full and respectful exchange of ideas and the responsible execution of Commission duties. During meetings, the Chair (or the Vice Chair in the Chair's absence) will be responsible for:

[1] Maintaining order and decorum and ensuring the fair treatment of all speakers;

[2] Keeping discussion and questions focused on the specific agenda item under consideration and ensuring that discussion of related items advance deliberation of the agenda item;

[3] Managing the meetings in a manner that complies with all statutory and policy requirements, and seek advice from the Commission's Legal Advisor as necessary to ensure that compliance; and

[4] Ensuring all agenda items are given the opportunity to be discussed and voted on by Commissioners in a manner that is fair, unbiased and reflects the positions of all of the Commissioners.

C. Interactions During Meetings - Serving on the Commission is an honor and its members and staff should treat their colleagues with respect for the varied backgrounds, skills and interests that each one brings. In interactions with the public, Commissioners and Commissioner Alternates should:

[1] Practice civility and decorum in discussions and debate. Differences of opinion and debate are to be expected, but Commissioners should refrain from belligerent comments, shouting or actions that could be construed as threatening or intimidating;

[2] Engage other Commissioners in a manner that promotes a respectful dialogue and avoids personal comments;

[3] Demonstrate effective problem-solving approaches; and

[4] Respect the actions of the Commission. Differing viewpoints are healthy in the decision-making process. Once the Commission takes action, Commission members should commit to implement said action in accordance with their responsibilities as public officials.

D. Interactions with the Public - In public and private, Commissioners and Commissioner Alternates must:

[1] Be clear about whether they are acting or speaking in their capacity as a Commissioner or Commissioner Alternate or in their individual capacity.

If a Commissioner appears before or corresponds with another governmental agency or organization or the public, the Commissioner should indicate: whether his or her statement reflects personal opinion or is the official stance of the Commission; and whether this is the majority or minority opinion of the Commission. If a Commissioner is representing the Commission, the Commissioner should indicate the official Commission position on an issue, as reflected in a Commission vote on an issue. If a Commissioner who did not vote with the majority on a matter wishes to speak to the reasons for his or her vote, the Commissioner should do so in a way that respectfully recognizes Commissioner deliberation and the vote of the majority;

[2] Members of the media frequently contact Commissioners seeking background information or quotes. It is preferred that any direct contacts be channeled through Commission staff to the Chair or Vice Chair;

[3] Continue respectful behavior in private. The same level of respect and consideration of differing points of view appropriate for public discussions should be maintained in private conversations;

[4] Commissioners must make no promises on behalf of the Commission to parties or members of the public. Commissioners will frequently be asked to explain a Commission action or opine issues as they interact with the public. It is appropriate to give a brief overview of Commission policy and to refer questions to the Chair, Vice Chair, or Commission staff for further information. It is inappropriate to promise a certain outcome from Commission action, overtly, or implicitly; and

[5] Commissioners should treat all staff as professional and engage in clear, honest communication that respects the abilities, experience and dignity of each individual. Commissioners should develop a working relationship with the Chair, Vice Chair, and Secretary so that current issues, concerns, and Commission business can be discussed comfortably and openly.

E. Social Media – Commissioners and Commissioner Alternates are reminded that they are strictly accountable for their conduct at all times, whether in public or private, in person or through social media outlets. Commissioners and Commissioner Alternates who maintain personal social media accounts and disseminate information related to the Commission must understand that their social media posts may discredit and

negatively impact the Commission, the City of Oakland or the Oakland Police Department.

Commissioners and Commissioner Alternates should refrain from attacking, retaliating against, or harassing any other Commissioner or Commissioner Alternate, the Oakland Police Department, or the Commission itself, as such statements, even personal opinion, undermine the efforts of the Commission.

The Code of Conduct in its entirety shall apply to Commissioners and Commissioner Alternates' use of social media. Commissioners and Commissioner Alternates are prohibited from any personal use of social media that violates any local, state or federal statute or regulation. This statement regarding social media is not intended to prohibit activity by Commissioners and Commissioner Alternates that is protected by the First Amendment.

Commissioner Signature

Date

Commissioner Printed Name

DRAFT 10.3.19			
Performance Indicator: Crime Reduction			
Goal	Target	Measure	Data Source
Reduce gun related crime	%	Rates of reported crime and criminal victimization, adjusted for community demographics	Analysis of records management system data and/or surveys of randomly selected community members
Reduce possession and illegal carrying of firearms	total whole number goal	Number of firearms confiscated.	Analysis of records management system data/evidence control records.
Performance Indicator: NSA/Racial Profiling Compliance			
Goal	Target	Measure	Data Source
Elimination of racial disparities in stops and searches	%	Reduction in disparities by stop/search type and outcome.	Analysis of Stop and Search Data
Elimination of racial disparities in use of force	%	Reduction in Use of Force disparities by type.	Analysis of Use of Force Data
Complete Negotiated Settlement Agreement (NSA) tasks for compliance this year	Increase in completed tasks	Number of NSA Tasks completed.	Quartely Independent Monitor Reports
Demonstrate progress toward completing Dr. Eberhardt's recommendations	Increase in completed recommendations	Number of recommenations in process and completed.	Report from Stanford on Outomes? Is self-report theonly option here?

Performance Indicator: Gain Public Trust			
Goal	Target	Measure	Data Source
Community Policing: Full implementation of SARA Process			
Chief working collaboratively with Police Commission			
Engage the communities impacted by police contact			
Effective whistleblower reporting for police			
Performance Indicator: Fiscal Responsibility			
Goal	Target	Measure	Data Source
Development and implement staffing plan that includes community policing			Completed Plan
Plan to have IAD fully staffed to ensure integrity of the Department	100% staffed	All X positions filled.	?
Fill Vacancies: Sworn and Civilian	-15%	Percentage change reduction vacancy rate.	Ratio of open funded positions to filed positions by position type.
Reduce Overtime		Police Department Budget	Budget Hearing/ Audits
Ensure that all Measure Z funds are used appropriately		Police Department Budget	Budget Hearing/ Audits

Performance Indicator: OPD Internal Process Goals			
Goal	Target	Measure	Data Source
Achieve 100% accuracy in reporting data by OPD and/or accountability when erroneous reporting happens	%	Use of Body Worn camera tracked and Body camera policy consistently enforced	Use of force data STOP data
Create 360 degree evaluation for Chief			Command Staff to submit performance evaluations for Chief Community Advisory Councils offer feedback
Identify, Develop and Revise Department Policies		Number of policies revised and training plan implemented.	

Commission Orientation and Onboarding Outline

- **Commission Description and Mission Statement**
- **History of the Commission**
 - NSA
 - CPRB
 - Measure LL/Measure S1
 - Progress of the Commission up to date
 - Policies and ordinances drafted
 - Challenges and lessons learned
 - Current Strategic Plan [1 pager]
- **Legislative Mandate: The Inciting Ordinance**
 - Broad overview of Commission rights and responsibilities under the law
- **Training Matrix**
 - Breakdown of necessary trainings
 - Suggested order of online trainings [Begin with Chanin video]
- **CPRA Primer**
 - Broad overview of CPRA form and function
- **Meeting Procedure**
 - Democratic Rules of Order
 - Brown and Sunshine
 - Rules of Respectful Engagement
- **Standing Committee Descriptions**
- **Selected Policy and Procedure Highlights**
- **Explanation of Conflict of Interest and 700 Forms**
 - **Who to ask for help on this form**
- **Commission Contact Information**
 - Directory of contacts for fellow commissioners
 - Directory of contacts for CPRA and other city staff

**ORIGINAL VERSION APPROVED 12.27.17
AMENDED 2.24.18
AMENDED 8.23.18
AMENDED 5.19.19**

**CITY OF OAKLAND
POLICE COMMISSION**

Resolution adopting Rules of Order for the Oakland Police Commission

**Introduced by Oakland Police Commission Vice Chair Ginale Harris and
Oakland Police Commissioner Edwin Prather**

WHEREAS, the Police Commission of the City of Oakland hereby declares that the business before it is to be conducted in an orderly and efficient manner to facilitate sound Commission and public deliberation and decision making; and

WHEREAS, the following Rules of Order seek to provide for: (1) reasonable time for public input and comment on agenda items at Commission meetings; (2) thorough consideration of policy proposals, for problem-solving opportunities among staff, Commissioners and the public; and (3) an agenda that is managed more efficiently and effectively and for predictable discussion times for debate regarding agenda items in order to avoid long waits by the public as the Commission considers procedural, ceremonial and consent items; and

WHEREAS, in recognition of these goals, the Commission desires to establish Rules of Order for the conduct of Commission meetings; and

WHEREAS, the Brown Act (Government Code Section 54950, et seq.) authorizes the Commission to prescribe reasonable rules and regulations for conducting its meetings; now therefore be it

RESOLVED: That the Commission hereby adopts these Rules of Order in their entirety; and be it

FURTHER RESOLVED: That in accordance with the Oakland City Charter and the Oakland Municipal Code, the following are established as the Rules of Order for the conduct of Oakland Police Commission meetings:

Chapter 1 – Definition of Terms

Rule 1 Definition of Terms. The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Police Commission of the City of Oakland to be effective;
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Police Commission of the City of Oakland;
- C. "Agenda" means the agenda of the Police Commission of the City of Oakland;
- D. "Chair" shall mean the Chairperson of the Police Commission of the City of Oakland;
- E. "Charter" shall mean the Charter of the City of Oakland;
- F. "Commission" shall mean the Police Commission of the City of Oakland;
- G. "Committee" shall mean a Committee of the Commission;
- H. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item;
- I. "Informational Item" shall mean an item of the agenda consisting only of informational report that does not require or permit Commission action.
- J. "Municipal Code" shall mean the Oakland Municipal Code;
- K. "Open Meeting Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance");
- L. "Rules" shall mean the Rules of Order of the Commission; and
- M. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.

Chapter 2 – Organization and Meetings

Rule 2.1 Adoption of Rules of Order. The Commission's Rules of Order shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

When adopted, such Rules remain in effect unless suspended or amended as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

Rule 2.2 Amendment to Rules. All proposed amendments to the Rules shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

Rule 2.3 Election of Officers. At the first regular meeting of the Commission held in the month of February of each year, the Commissioners shall elect from among their number a Chair and Vice Chair of the Commission, each to serve for a term beginning

on the date of the first regular meeting held in the month of February, and ending one year thereafter or until the election of a new Chair or Vice Chair.

Rule 2.4 Meetings and Rules of Procedures. Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth Thursdays of each month in in the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland Sunshine Ordinance. Acts by the Commission shall be expressed by motion, which shall be seconded and passed by a majority vote. The Chair shall set the order of business for Commission meetings.

Rule 2.5 Parliamentary Procedure. The rules of parliamentary procedure as set forth in Robert's Rules of Order shall govern all meetings of the Commission unless otherwise provided herein.

Rule 2.6 Motions. If any Commissioner makes a motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by another Commissioner.

Rule 2.7 Speaking. Time Limits for Commissioners. No Commissioner shall speak for more than ten (10) minutes on any matter without the consent of the Chair or a majority of the sitting Commissioners in attendance.

Rule 2.8 Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

Rule 2.9 Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance may call a special meeting of the Commission, separate from the Commission's regular meetings.

Rule 2.10 Quorum. Five (5) Commissioners shall constitute a quorum. If a quorum is not established by the sitting Commissioners in attendance, the Chair may designate one or more alternate members to establish a quorum and cast votes.

Rule 2.11 Voting. Every official act of the Commission shall be adopted by majority vote. A majority vote shall mean a majority of sitting Commissioners or Commissioner

Alternates in attendance and constituting a quorum. Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting.

Rule 2.12 Rights of Commissioners Less Than Quorum. In the absence of a quorum no information may be presented and no official action shall be taken by the Commissioners present expect to order a call of the Commission, to reschedule the meeting, to recess or to adjourn.

Rule 2.13 Commission Chair. The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. Consistent with Oakland Municipal Code Chapter 2.45, the Chair may create such committees to perform such advisory functions as he or she shall determine, and may appoint and remove such members from such committees.

Rule 2.14 Commission Vice Chair. In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair.

Rule 2.15 Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any Sitting Commissioner, Alternate Commissioner, member of the public, the Executive Director of the Community Police Review Agency (CPRA), Inspector General, CPRA/Inspector General Policy Analyst or member of the Oakland Police Department, may submit suggested agenda topics for the Commission's consideration for discussion at regular or special meetings of the Commission. Items submitted by someone other than a Commissioner or Alternate Commissioner must be pre-approved by a Commissioner. Submissions must be made on the form provided by the Commission and submitted to the Commission Chair or the Executive Assistant of the Commission. Forms shall be available at each Commission meeting, on the Commission's website, or at the offices of the CPRA.

Each month, the Executive Assistant or other individual designated by the Commission Chair shall enumerate suggested agenda matters received on the Commission's forms on an "Agenda Matter Suggestions List." The Agenda Matter Suggestions List shall be submitted to Sitting Commissioners as a properly-noticed agenda item. At the first Commission meeting each month, Sitting Commissioners shall decide whether any matters suggested for future agendas shall become matters to be reviewed, researched, discussed and considered by the Commission as agenda items. The process of moving matters from the Agenda Matter Suggestions List to a "Pending Agenda Matters List," shall be by majority vote of the Commission.

The Pending Agenda Matters List shall also include the duties or deliverables which are required to be performed or provided by the Commission pursuant to Measure LL

and/or the Police Commission Enabling Ordinance. Any duty or deliverable required to be performed or provided by the Commission listed shall include the due date, or estimated due date, for each task or deliverable.

A Sitting Commissioner may move that a matter on the Pending Agenda Matters List be treated with priority and put directly on an agenda of a future specific Commission meeting. The process of a matter on the Pending Agenda Matters List being made a "Priority Item" and put directly on an agenda of a specific future Commission meeting shall be by majority vote of the Commission.

At the first Commission meeting each month, the Sitting Commissioners, with input from the CPRA/Inspector General Policy Analyst, shall work cooperatively to create Commission meeting agendas from "Priority Items" ready for presentation and discussion, other matters from the Pending Agenda Matters List or from any other matters deemed appropriate. Additional matters may arise between the time that an agenda is created and when an agenda must be finalized and disseminated. The Chair, and two other rotating Sitting Commissioners, shall finalize meeting agendas in the interest of maintaining meetings of reasonable length and efficacy, meeting and complying with external time constraints and otherwise advancing the best interests of the Commission.

For added transparency, the Executive Assistant shall maintain a running list of Pending Agenda Matters and Priority Items. The lists shall be made publicly available on the Commission's website and distributed concurrently with any Agenda Matters Suggestions List prior to any Commission discussion. The Pending Agenda Matters and Priority Items Lists shall also state the dates upon which the matters were placed on the respective lists. The Executive Assistant shall also keep notes regarding agenda items and attachments to be included in the Commission agenda packet and assist in transcribing the agenda.

Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at the meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Chair may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.16 Consent Calendar. The Consent Calendar shall include those matters that have been the subject of a public hearing conducted by a standing committee of the Commission or a matter previously considered in closed session by the Commission. There will be no separate discussion of those items unless a member of the Commission so requests, in which event the Commission shall remove that item from the Consent Calendar and consider those items separately.

Rule 2.17 Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded before the next Commission meeting to the Mayor, the members of the Oakland City Council, the Chief of Police and all sitting Commissioners and Commissioner Alternates.

Rule 2.18 Commissioner Alternates. Commissioner Alternates shall be allowed to attend meetings in open session, shall be accommodated the same seating as sitting Commissioners and shall be allowed to participate in open session discussions including the asking of questions of any presenters or Commission staff members. Commissioner Alternates do not vote unless designated by the Chair, in the Chair's sole discretion, to establish a quorum, in which case, a Commissioner Alternate may temporarily cast a vote.

Rule 2.19 Chief of Police For Cause Assessment. While Section 604(b)(10) of the City Charter and Subdivision 2.45.070(E) of the Municipal Code, authorizes the Commission to remove the Chief of Police for cause, the Commission will consider issues of performance in closed session. The Commission may, by majority vote of no less than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of "cause" as defined by 2.45.070(E) of the Municipal Code. The Chair, or his/her designee, will determine if the assessment shall be conducted formally or informally. The Chair, or his/her designee, will also decide whether the assessment will be conducted by the Chair or another individual such as an outside investigator. The Chair shall provide any report of the assessment to the Commission in closed session. As part of the assessment, the Chief of Police shall be provided an opportunity to respond to issues of concern.

In closed session, after an assessment has been received and considered, the Commission may vote to remove the Chief of Police for cause. No less than five (5) Commissioners must vote in the affirmative to remove the Chief of Police for cause.

An unsuccessful vote to initiate an assessment or to remove the Chief of Police shall not preclude a subsequent vote on the same action at a later time or otherwise preclude any other action.

Chapter 3 – Rules of Conduct

Rule 3.1 Public Comment. Members of the public are entitled to comment on any matter on the calendar prior to action being taken by the Commission on that item. Persons wishing to speak must complete a speaker card for each agenda item he/she wishes to speak on. Multiple agenda items cannot be listed on one speaker card.

Additionally, the agenda shall provide an opportunity for members of the public to address the Commission on items of interest to the public which are under the jurisdiction of the Commission and have not been the subject of public comment on

other items on the agenda. The Chair will set a reasonable time limit for each speaker, which will typically be two (2) minutes, depending on the complexity of the item, the length of the agenda and the number of persons present to speak on the item. The Chair in his/her discretion may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the time allocated or anticipated for the meeting, the number and complexity of agenda items and the number of persons wishing to address the Commission and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two (2) minutes to speak.

Rule 3.2 Addressing the Commission. Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling and/or screaming. Members of the public should address their questions or remarks to the Commission Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, should refrain from entering into any debates or discussion with speakers during public comment.

Rule 3.3 Audience Conduct. The public has the right to criticize policies, procedures, programs, services, actions or omissions of the Oakland Police Department, the Commission or the Commission's staff. However, persons should not vocally oppose statements made by anyone, including, but limited to members of the public or Oakland Police Department personnel, while they speak. Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras and tape recording devices may be brought into the Commission meeting; however, persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

Rule 3.4 Permission to Remove Disruptive Persons. The Chair shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

- A. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, or otherwise refusing to comply with the Commission Rules governing meetings;
- B. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
- C. Disobedience of any lawful order of the Chair, which shall include, but be not limited to, an order to be seated.

Rule 3.5 Commissioner Conduct. Sitting Commissioners and Alternate Commissioners are public officials and have a responsibility to conduct themselves with the highest

integrity and leadership. Commissioners are responsible to all of the people of the City of Oakland, and not to any particular segment or group. They must act in the public interest, not their private interests or any special interests. They must strictly adhere to all legal and ethical requirements and avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. In both public and private interactions, Sitting Commissioners and Alternate Commissioners must follow carefully the Commissions' Code of Conduct. Each Sitting Commissioner and Alternate Commissioner must review the Code of Conduct, sign the document acknowledging their understanding and compliance and provide the signed copy to the Secretary.

Rule 4 - Proclamations

Rule 4.1 Proclamations. Individual sitting Commissioners may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation, however, Commission approval is not required for the issuance of a Commissioner Proclamation.

OAKLAND POLICE COMMISSION

Resolution Adopting Amended Rules of Order for the Oakland Police Commission

Introduced by Oakland Police Commission Ad Hoc Committee on Amended Rules of Order (Members: Commission Vice Chair Henry Gage, Chair, Commissioner Brenda Harbin-Forte, and Commissioner Thomas Lloyd Smith)

WHEREAS, Oakland voters approved Measure LL on November 8, 2016, which authorized an amendment to the Charter of the City of Oakland to add Section 604 thereto, creating the Oakland Police Commission (“Commission”) and the Community Police Review Agency (“CPRA”); and

WHEREAS, following the approval of Measure LL, the Oakland City Council adopted Ordinance No. 13498, which added Chapters 2.45 and 2.46 to the Oakland Municipal Code in order to enable the implementation of City Charter section 604 (“Enabling Ordinance”); and

WHEREAS, the Commission seeks to conduct its public proceedings in an efficient and effective manner and provide for: (1) reasonable time for public input and comment on agenda items; (2) thorough consideration of policy proposals, (3) problem-solving opportunities among staff, Commissioners and the public; (4) and (4) predictable discussion times for debate regarding agenda items in order to avoid long waits by the public for the Commission to conclude its meetings; and

WHEREAS, in recognition of these goals, the Commission desires to establish these Amended Rules of Order for the conduct of Commission operations and meetings; and

WHEREAS, the Brown Act (Government Code Section 54950, et seq.) and section 2.45.040 of the Enabling Ordinance authorize the Commission to prescribe reasonable rules and regulations for conducting its meetings and operations; and

WHEREAS, on December 27, 2017, August 23, 2018, September 13, 2018, and May 23, 2019, the Commission properly adopted various rules of procedure, and now desires to amend some of those rules and place all rules in one comprehensive document;

NOW THEREFORE BE IT RESOLVED, that the Commission hereby adopts these Amended Rules of Order in their entirety, with the intent to establish them as Rules of Order for the conduct of Commission meetings: ·

CHAPTER 1 - DEFINITION OF TERMS

The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Oakland Police Commission to be effective.
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Oakland Police Commission.
- C. "Agenda" means the agenda of the Oakland Police Commission.
- D. "Chair" shall mean the Chairperson of the Oakland Police Commission.
- E. "Vice Chair" shall mean the Vice Chairperson of the Police Commission of the City of Oakland.
- F. "Charter" shall mean the Charter of the City of Oakland.
- G. "Commission" shall mean the Oakland Police Commission.
- H. "Committee" shall mean a sub-group of Commission members not comprised of a quorum of Commissioners; Committee of the Commission.
- I. "Ad Hoc Committee" shall have the same meaning as in Section 2.45.010 of the Enabling Ordinance: "a temporary committee formed by the Commission comprised of less than a quorum of Commission members to address a specific issue."
- J. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item.
- K. "Informational Item" shall mean an item of the agenda consisting only of an informational report that does not require or permit Commission action.
- L. "Municipal Code" shall mean the Oakland Municipal Code.
- M. "Open Meetings Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance").
- N. "Rules" shall mean the Rules of Order of the Commission;
 - O. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.
 - P. "Sunshine Ordinance" shall mean Oakland Municipal Code Chapter 2.20.
 - Q. "CPRA" shall mean the Community Police Review Agency of the City of Oakland.
 - R. "Department" shall mean the Oakland Police Department.
 - S. "Police Chief" shall mean the Chief of Police of the Oakland Police Department.
 - T. "Sitting Commissioner" shall mean one of the seven (7) regular commissioners currently serving a term on the Commission.
 - U. "Alternate Commissioner" shall mean one of the two (2) alternate commissioners currently serving on the Commission.

CHAPTER 2 - ORGANIZATION AND MEETINGS

Rule 2.1. ADOPTION OF RULES OF ORDER. The Commission's Rules of Order shall be adopted by motion carried by an affirmative vote of a majority of the Commission. When adopted, such Rules remain in effect unless suspended or amended

as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

Rule 2.2. Amendment to rules. All proposed amendments to the Rules shall be adopted by motion carried by an affirmative vote of a majority of the Commission.

Rule 2.3. Election of officers. At the first regular meeting of the Commission held in the month of February of each year, the Commissioners shall elect from among their number a Chair and Vice Chair of the Commission, each to serve for a term beginning on the date of the first regular meeting held in the month of February, and ending on the date of the first regular meeting held in the month of February of the following year, or until the election of a new Chair or Vice Chair, whichever occurs later.

Rule 2.4. Meetings and Rules of Procedures. Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth Thursdays of each month in the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland Sunshine Ordinance. Acts by the Commission shall be expressed by motion, which shall be seconded and passed by a majority vote. The Chair shall set the order of business for Commission meetings.

Rule 2.5. Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

Rule 2.6. Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance, may call a special meeting of the Commission, separate from the Commission's regular meetings. In addition, as required by 2.45.090(B), at least twice each year, the Commission shall hold one of its regularly scheduled meetings at a location outside of City Hall. These offsite meetings shall be designated special meetings, and they shall comply with all requirements of Section 2.45.090, including having an agenda item titled "Community Roundtable" or something similar.

Rule 2.7. Parliamentary Procedure and Parliamentarian. The rules of parliamentary procedure as set forth in Robert's Rules of Order Revised shall govern all meetings of the Commission unless otherwise provided herein. The Commission's Legal Counsel, or such other person as may be designated by the presiding officer upon approval of the Commission, shall serve as the official parliamentarian for

meetings of the Commission.

Rule 2.8. Motions. If any Commissioner makes a motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by another Commissioner.

Rule 2.9. Speaking Time Limits for Commissioners. The Chair shall recognize a Commissioner before the Commissioner may speak. No Commissioner shall speak for more than five (5) minutes on any matter without the consent of the Chair or a majority of the sitting Commissioners in attendance.

Rule 2.10. Number of Sitting Commissioners and Alternate Commissioners. Pursuant to Section 604(c) of the City Charter, the Commission consists of seven (7) Sitting Commissioners and two (2) Alternate Commissioners.

Rule 2.11. Quorum. Pursuant to Section 604(d)(3) of the City Charter, five (5) Commissioners shall constitute a quorum. If a quorum is not established by the Sitting Commissioners in attendance, the Chair may designate one or more Alternate Commissioners to establish a quorum and cast votes.

Rule 2.12. Voting. Every official act of the Commission shall be adopted by majority vote of the Commissioners present at the meeting and eligible to vote. The Commissioners shall vote in alphabetical order according to their surnames, with the Chair or other presiding officer of the Commission voting last. Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting.

Rule 2.13. Rights of Commissioners When Less Than Quorum. In the absence of a quorum no information may be presented to and no official action shall be taken by the Commissioners present except to order a call of the Commission, to reschedule the meeting, to recess the meeting, or to adjourn the meeting.

Rule 2.14. Commission Chair. The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. The Chair shall represent the Commission in meetings or communications with public officials and the public. Consistent with Oakland Municipal Code chapter 2.45, the Chair may create such ad hoc committees to perform such advisory functions as the Chair shall determine, and may appoint and remove such members from such committees. The Chair shall have the authority to exercise discretion to appoint a former Commissioner to an ad hoc committee as an ex officio non-voting member of the ad hoc committee, if such former commissioner has subject matter expertise or other relevant knowledge or expertise that would assist the ad hoc committee in its work. The ex officio member of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Sitting Commissioner or Alternate

Commissioner.

Rule 2.15. Commission Vice Chair. In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair.

Rule 2.16. Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and Oakland Municipal Code section 2.20.030(A). Any Sitting Commissioner, Alternate Commissioner, member of the public, the Executive Director of the Community Police Review Agency (CPRA), Inspector General, CPRA/Inspector General Policy Analyst or member of the Oakland Police Department, may submit suggested agenda topics for the Commission's consideration for discussion at regular or special meetings of the Commission. Items submitted by anyone other than a Sitting Commissioner or Alternate Commissioner must be pre-approved by a Commissioner. Submissions must be made on the form provided by the Commission and submitted to the Commission Chair or the Executive Assistant of the Commission. Forms shall be available at each Commission meeting, on the Commission's website, or at the offices of the CPRA.

Rule 2.17. Agenda Matter Suggestions List. Each month, the Executive Assistant or other individual designated by the Commission Chair shall enumerate suggested agenda matters received on the Commission's forms on an "Agenda Matter Suggestions List." The Agenda Matter Suggestions List shall be submitted to Sitting Commissioners as a properly-noticed agenda item. At the first Commission meeting each month, Sitting Commissioners shall decide whether any matters suggested for future agendas shall become matters to be reviewed, researched, discussed and considered by the Commission as agenda items. A matter shall be moved from the Agenda Matter Suggestions List to a "Pending Agenda Matters List" by majority vote of the Commission.

Rule 2.18. Pending Agenda Matters List. The Pending Agenda Matters List shall include items moved from the Agenda Matters Suggestions List, and shall also include the duties or deliverables which are required to be performed or provided by the Commission pursuant to Measure LL or the Enabling Ordinance. Any duty or deliverable required to be performed or provided by the Commission shall include the due date, or estimated due date, for each task or deliverable.

Rule 2.19. Priority Items on Pending Agenda Matters List. A Sitting Commissioner may move that a matter on the Pending Agenda Matters List be treated with priority and put directly on an agenda of a future specific Commission meeting. The matter shall be made a Priority Item by majority vote of the Commission.

Rule 2.20. Creation of Commission Meeting Agendas. At the first Commission meeting each month, the Sitting Commissioners, with input from the CPRA/Inspector General Policy Analyst, shall work cooperatively to create Commission meeting agendas from "Priority Items" ready for presentation and discussion, other matters from the Pending Agenda Matters List or from any other matters deemed appropriate. Additional matters may arise between the time that an agenda is created and when an agenda must be finalized and disseminated. The Chair, and two other rotating Sitting Commissioners, shall finalize meeting agendas in the interest of maintaining meetings of reasonable length and efficacy, meeting and complying with external time constraints and otherwise advancing the best interests of the Commission.

Rule 2.21. Public List of Pending Agenda Matters and Priority Items. For added transparency, the Commission's Executive Assistant, or other person designated by the Chair, shall maintain running lists of Pending Agenda Matters and Priority Items. The lists shall be made publicly available on the Commission's website and distributed concurrently with any Agenda Matters Suggestions List prior to any Commission discussion. The Pending Agenda Matters and Priority Items Lists shall also state the dates upon which the matters were placed on the respective lists. The Executive Assistant or other person designated by the Chair shall also keep notes regarding agenda items and attachments to be included in the Commission agenda packet and assist in transcribing the agenda.

Rule 2.22. Limitations on Action or Discussion of Items at Commission Meetings. Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at a Commission meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Chair may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.23. Commissioner Absences. If any Commissioner cannot attend a meeting, the Commissioner shall notify the Chair and City staff of their absences prior to the start of the meeting, or as soon thereafter as is practicable. Commissioners submitting adequate notice as determined by the Chair or presiding officer shall be noted as an excused absence for purposes of the meeting minutes. Commissioners who do not submit adequate notice shall be noted as an unexcused absence for the purposes of the meeting minutes.

Rule 2.24. Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded before the next Commission meeting to the Mayor, the members of the Oakland City Council, the Chief of Police and all sitting Commissioners and Commissioner Alternates.

CHAPTER 3. PROCLAMATIONS

Individual sitting Commissioners may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation. Commission approval is not required for the issuance of a Commissioner Proclamation.

CHAPTER 4. CHIEF OF POLICE FOR CAUSE ASSESSMENT.AND REMOVAL

Rule 4.1. Initiating For Cause Assessment. Section 604(b)(10) of the City Charter and Subdivision 2.45.070(E) of the Municipal Code, authorize the Commission to remove the Chief of Police for cause. In exercising its authority, the Commission will consider issues of

performance in closed session. The Commission may, by majority vote of no less than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of “cause” as defined by Section 2.45.070(E) of the Municipal Code. The Chair, or the Chair’s designee, will determine if the assessment shall be conducted formally or informally. The Chair, or the Chair’s designee, will also decide whether the assessment will be conducted by the Chair or another individual such as an outside investigator. The Chair shall provide any report of the assessment to the Commission in closed session. As part of the assessment, the Chief of Police shall be provided an opportunity to respond to issues of concern.

Rule 4.2. Vote to Remove Chief of Police. In closed session, after an assessment has been received and considered, the Commission may remove the Chief of Police for cause, on an affirmative vote of no less than five (5) Commissioners.

Rule 4.3. Failed Vote to Assess or Remove Chief of Police. A failed vote to initiate an assessment or to remove the Chief of Police for cause shall not preclude a subsequent motion on the same action at a later time.

CHAPTER 5. PROCESS FOR EDITING AND DRAFTING DEPARTMENT POLICIES

Rule 5.1 Announcement of Intent to Review, Revise, or Draft a Department Policy. No later than six (6) weeks before a policy is placed on the Commission’s agenda for review, revision, or drafting, the Chair shall direct the Executive Director of the CPRA to review the policy and submit a memorandum to the Commission analyzing the critical elements of the policy initiative and relevant research. When the Chair announces the intent to review, revise or draft a policy, the Chair shall also appoint an Ad Hoc Committee to revise or draft the policy.

Rule 5.2. Community Meeting to Discuss Proposed Revised or New Policy. No later than four (4) weeks before the date the policy will be on the Commission’s meeting agenda, the Ad Hoc Committee shall notice a public meeting to be held two (2) weeks from the date of the notice. The Commission shall generate a list of community groups that may have a particular interest in the topic of the policy, and shall invite all such community groups to the community meeting. The notice of the public meeting shall also be posted to appropriate social media accounts, and flyers and other public notices may be posted around the City of Oakland. The Chief of Police, [the Oakland Police Officers Association, and the Black Police Officers Association?] shall also be given notice of the public meeting. The notice shall invite community groups to submit questions or concerns or proposed language for the policy to the Chair of the Ad Hoc Committee no later than five (5) days before the community meeting..

Rule 5.3. Public Posting of the Proposed Policy. No later than two (2) days before the community meeting, the Commission shall post on its website the Ad Hoc Committee’s proposed policy. The proposed policy shall be translated into Spanish, Chinese, Vietnamese, ????, and ??? and all translated versions shall be posted on the Commission’s website on the same date that the English version is posted.

Rule 5.4. Ad Hoc Committee's Responsibilities After the Public Meeting. No later than five (5) days before the Commission's meeting at which the proposed policy is on the agenda, the Ad Hoc Committee shall present to the Chair and all other Commissioners its proposed final policy based upon the points, feedback, concerns, and questions generated at the community meeting, so that such draft version of the policy can be attached to the Commission's meeting agenda. The proposed final policy shall be translated into Spanish, Chinese, Vietnamese, ??? and ??? and all translated versions shall be posted on the Commission's website when the Commission's meeting agenda is published. The proposed final policy and all translations thereof shall also be disseminated to all of the community groups in attendance at the community meeting.

Rule 5.5 Commission Meeting to Discuss and Consider Adoption of Ad Hoc's Proposed Final Policy. On the date originally noticed for the Commission to review, revise, or draft the policy, as provided for in Rule 5.1, the Commission shall follow its usual meeting procedures to discuss the policy and take any appropriate action thereon, including setting a further Commission meeting to discuss concerns raised by the proposed final policy.

CHAPTER 6 RULES OF CONDUCT GOVERNING COMMISSION MEETINGS

OPTION A: Rule 6.1. Open Forum. Open Forum shall be listed at the end of the Agenda. The public shall be granted two (2) minutes to address the Commission on items of interest to the public, provided that such items are under the jurisdiction of the Commission, and the speaker has not already made the desired public comment during discussion of other items on the agenda. The Chair, in the Chair's discretion, may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting and the number of persons wishing to address the Commission in Open Forum.

OPTION B: Rule 6.1. Open Forums. An Open Forum shall be listed at both the beginning and at the end of the Agenda. The Open Forum at the beginning of the agenda will be limited to ten (10) minutes, and the public shall be granted (1) minute to address the Commission on items of interest to the public, provided that such items are under the jurisdiction of the Commission and will not be the subject of public comment during discussion of other items on the agenda. At the Open Forum at the end of the meeting, the public shall be granted two (2) minutes to address the Commission on items of interest to the public, provided that such items are under the jurisdiction of the Commission and the speaker has not already made the desired public comment at the initial Open Forum or during public comment on discussion of other items on the agenda. Priority will be given to those persons who did not have an opportunity to make public comment

during the initial Open Forum. The Chair, in the Chair's discretion, may reduce each speaker's allotted time during the end-of-meeting Public Forum to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting, and the number of persons wishing to address the Commission in Open Forum.

Rule 6.2. Public Comment on Agenda Items. Members of the public are entitled to comment on any matter on the agenda prior to action being taken by the Commission on that item, provided that the public comments are related to the subject matter of the agenda item. Public comments not related to the subject matter of the agenda item shall be made only during an Open Forum. Persons wishing to speak must complete a speaker card for each agenda item the public member wishes to address. Multiple agenda items cannot be listed on one speaker card.

Rule 6.3 Time Alloted for Public Comment on Agenda Items. The Chair will set a reasonable time limit for each speaker, which will typically be two (2) minutes. The Chair in the Chair's discretion may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the time allocated or anticipated for the entire meeting, the number and complexity of agenda items, the number of persons wishing to address the Commission, and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two (2) minutes to speak.

Rule 6.4 Addressing the Commission And Responses By Commissioners. Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling or screaming. Members of the public should address their questions or remarks to the Commission Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, should refrain from entering into any debates or discussions with speakers during public comment.

Rule 6.5. Audience Conduct. The public has the right to respectfully criticize policies, procedures, programs, services, and actions or omissions of the Oakland Police Department, the Commission or the Commission's staff. **However, persons should not vocally oppose statements made by anyone, including, but limited to members of the public or Oakland Police Department personnel, while they speak**
NOTE TO REGINA AND HENRY: What does this highlighted language mean? What are we trying to prohibit- interruptions while someone is speaking? accusations after the speaker has finished? rudeness? We need to consider rewording Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras and tape recording devices may be brought into the Commission

meeting, but persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

Rule 6.6. Power to Remove Disruptive Persons. The Chair shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

- A. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, being disrespectful toward other participants in the meeting. or otherwise refusing to comply with the Rules of Conduct Governing Commission Meetings. ;
- B. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
- C. Disobedience of any lawful order of the Chair, which shall include, but be not limited to, an order to be seated.

ORIGINAL VERSION APPROVED 12.27.17

CITY OF OAKLAND
POLICE COMMISSION

OAKLAND POLICE COMMISSION

Resolution Adopting Amended Rules of Order for the Oakland Police Commission

Introduced by Oakland Police Commission Ad Hoc Committee on Amended Rules of Order (Members: Commission Vice Chair Henry Gage, Chair, Commissioner Brenda Harbin-Forte, and Commissioner Thomas Lloyd Smith)Ginale Harris and Oakland Police Commissioner Edwin Prather

WHEREAS, Oakland voters approved Measure LL on November 8, 2016, which authorized an amendment to the Charter of the City of Oakland to add Section 604 thereto, creating the Oakland Police Commission ("Commission") and the Community Police Review Agency ("CPRA"); and

WHEREAS, following the approval of Measure LL, the Oakland City Council adopted Ordinance No. 13498, which added Chapters 2.45 and 2.46 to the Oakland Municipal Code in order to enable the implementation of City Charter section 604 ("Enabling Ordinance"); and

WHEREAS, the Police Commission of the City of Oakland hereby declares that the business before it is to be conducted in an orderly and efficient manner to facilitate sound Commission and public deliberation and decision making; and

WHEREAS, the Commission following Rules of Order seeks to conduct its public proceedings in an efficient and effective manner and provide for: (1) reasonable time for public input and comment on agenda items at Commission meetings; (2) thorough consideration of policy proposals, (3) for problem-solving opportunities among staff, Commissioners and the public; and (4) an agenda that is managed more efficiently and effectively and (4) for predictable discussion times for debate regarding agenda items in order to avoid long waits by the public for the Commission to conclude its meetings; as the Commission considers procedural, ceremonial and consent items; and

WHEREAS, in recognition of these goals, the Commission desires to establish these Amended Rules of Order for the conduct of Commission operations and meetings; and

WHEREAS, the Brown Act (Government Code Section 54950, et seq.) and section 2.45.040 of the Enabling Ordinance authorizes the Commission to prescribe reasonable rules and regulations for conducting its meetings and operations; and

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WHEREAS, on December 27, 2017, August 23, 2018, September 13, 2018, and May 23, 2019, the Commission properly adopted various rules of procedure, and now desires to amend some of those rules and place all rules in one comprehensive document;

NOW THEREFORE BE IT RESOLVED, that the Commission hereby adopts these Amended Rules of Order in their entirety, with the intent to establish them as Rules of Order for the conduct of Commission meetings; ; now therefore be it

~~RESOLVED: That the Commission hereby adopts these Rules of Order in their entirety; and be it~~

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~~FURTHER RESOLVED: That in accordance with the Oakland City Charter and the Oakland Municipal Code, the following are established as the Rules of Order for the conduct of Oakland Police Commission meetings:~~

CHAPTER 1 - DEFINITION OF TERMS

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~~Rule 1 Definition of Terms.~~ The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Oakland Police Commission ~~of the City of Oakland~~ to be effective.;
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Oakland Police Commission ~~of the City of Oakland~~;
- C. "Agenda" means the agenda of the Oakland Police Commission ~~of the City of Oakland~~;
- D. "Chair" shall mean the Chairperson of the Oakland Police Commission ~~of the City of Oakland~~;
- ~~D.E.~~ "Vice Chair" shall mean the Vice Chairperson of the Police Commission of the City of Oakland.
- E.F. "Charter" shall mean the Charter of the City of Oakland.;
- F.G. "Commission" shall mean the Oakland Police Commission ~~of the City of Oakland~~;
- H. "Committee" shall mean a sub-group of Commission members not comprised of a quorum of Commissioners; Committee of the Commission.;
- G.I. "Ad Hoc Committee" shall have the same meaning as in Section 2.45.010 of the Enabling Ordinance: "a temporary committee formed by the Commission comprised of less than a quorum of Commission members to address a specific issue."
- H.J. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item.;

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- I. K. "Informational Item" shall mean an item of the agenda consisting only of an informational report that does not require or permit Commission action.
- J. L. "Municipal Code" shall mean the Oakland Municipal Code.
- K. M. "Open Meetings Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance").
- L. N. "Rules" shall mean the Rules of Order of the Commission; and
- O. "Secretary" shall mean the individual designated as the Executive Secretary of the Commission.
- P. "Sunshine Ordinance" shall mean Oakland Municipal Code Chapter 2.20.
- Q. "CPRA" shall mean the Community Police Review Agency of the City of Oakland.
- R. "Department" shall mean the Oakland Police Department.
- S. "Police Chief" shall mean the Chief of Police of the Oakland Police Department.
- T. "Sitting Commissioner" shall mean one of the seven (7) regular commissioners currently serving a term on the Commission.
- M. U. "Alternate Commissioner" shall mean one of the two (2) alternate commissioners currently serving on the Commission.

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CHAPTER 2 - ORGANIZATION AND MEETINGS

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Rule 2.1. ADOPTION OF RULES OF ORDER. The Commission's Rules of Order shall be adopted by motion carried by an affirmative recorded-vote of a majority of the Commission.

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When adopted, such Rules remain in effect unless suspended or amended as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

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Rule 2.2. Amendment to rules. All proposed amendments to the Rules shall be adopted by motion carried by an affirmative recorded-vote of a majority of the Commission.

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Rule 2.3. Election of officers. At the first regular meeting of the Commission held in the month of February of each year, the Commissioners shall elect from among their number a Chair and Vice Chair of the Commission, each to serve for a term beginning on the date of the first regular meeting held in the month of February, and ending on the date of the first regular meeting held in the month of February of the following year, one year thereafter or until the election of a new Chair or Vice Chair, whichever occurs later.

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Rule 2.4. Meetings and Rules of Procedures. Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth WednesdaysThursdays of each month in in the City Council Chambers of City Hall, One Frank H. Ogawa Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open

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Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland Sunshine Ordinance. Acts by the Commission shall be expressed by motion, which shall be seconded and passed by a majority vote. The Chair shall set the order of business for Commission meetings.

Rule 2.5. Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

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Rule 2.6. Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance, may call a special meeting of the Commission, separate from the Commission's regular meetings. In addition, as required by 2.45.090(B), at least twice each year, the Commission shall hold one of its regularly scheduled meetings at a location outside of City Hall. These offsite meetings shall be designated special meetings, and they shall comply with all requirements of Section 2.45.090, including having an agenda item titled "Community Roundtable" or something similar.

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Rule 2.57. Parliamentary Procedure and Parliamentarian. The rules of parliamentary procedure as set forth in Robert's Rules of Order Revised shall govern all meetings of the Commission unless otherwise provided herein. The Commission's Legal Counsel, or such other person as may be designated by the presiding officer upon approval of the Commission, shall serve as the official parliamentarian for meetings of the Commission.

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Rule 2.86. Motions. If any Commissioner makes a motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by another Commissioner.

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Rule 2.97. Speaking Time Limits for Commissioners. The Chair shall recognize a Commissioner before the Commissioner may speak. No Commissioner shall speak for more than ten (10) five (5) minutes on any matter without the consent of the Chair or a majority of the sitting Commissioners in attendance.

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~~Rule 2.8 Alternative Meeting Place. In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.~~

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~~Rule 2.9 Special Meetings of the Commission. The Chair or a majority of Commissioners, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance may call a special meeting of the Commission, separate from the~~

Commission's regular meetings.

Rule 2.10. Number of Sitting Commissioners and Alternate Commissioners.

Pursuant to Section 604(c) of the City Charter, the Commission consists of seven (7) Sitting Commissioners and two (2) Alternate Commissioners.

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Rule 2.11.0 Quorum. Pursuant to Section 604(d)(3) of the City Charter, ~~five~~Five

(5) Commissioners shall constitute a quorum. If a quorum is not established by the Sitting Commissioners in attendance, the Chair may designate one or more Alternate Commissioners members to establish a quorum and cast votes.

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Rule 2.12.4 Voting. Every official act of the Commission shall be adopted by majority vote of the Commissioners present at the meeting and eligible to vote. The Commissioners shall vote in alphabetical order according to their surnames, with the Chair or other presiding officer of the Commission voting last. A majority vote shall mean a majority of sitting Commissioners or Commissioner Alternates in attendance and constituting a quorum. Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting.

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Rule 2.13.2 Rights of Commissioners When Less Than Quorum. In the absence of a quorum no information may be presented to and no official action shall be taken by the Commissioners present ~~except~~ expect to order a call of the Commission, to reschedule the meeting, to recess the meeting, or to adjourn the meeting.

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Rule 2.143. Commission Chair. The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. The Chair shall represent the Commission in meetings or communications with public officials and the public. Consistent with Oakland Municipal Code chapter 2.45, the Chair may create such ad hoc committees to perform such advisory functions as the Chair ~~he or she~~ shall determine, and may appoint and remove such members from such committees. The Chair shall have the authority to exercise discretion to appoint a former Commissioner to an ad hoc committee as an ex officio non-voting member of the ad hoc committee, if such former commissioner has subject matter expertise or other relevant knowledge or expertise that would assist the ad hoc committee in its work. The ex officio member of the ad hoc committee shall be bound by the same confidentiality requirements, conflict of interest rules, and other requirements as a Sitting Commissioner or Alternate Commissioner.

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Rule 2.15.4 Commission Vice Chair. In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair.

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~~Rule 2.15 Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any agenda item submitted to the Secretary for inclusion on the agenda of a regular or special meeting of the Commission must have been approved by a sitting Commissioner. All items must~~

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~~be submitted before the close of business on Monday of the week prior to a regular Commission meeting. The Secretary shall promptly inform the Chair and Vice Chair of all such submitted agenda items. If the Chair determines that in the interest of maintaining a meeting of reasonable length, such item should not be included on the agenda for the meeting for which the item was submitted, such item may be omitted but shall be included on the agenda of the next regular meeting or of a special meeting. Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at the meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Commission may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act and Oakland's Sunshine Ordinance.~~

Rule 2.165. Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any Sitting Commissioner, Alternate Commissioner, member of the public, the Executive Director of the Community Police Review Agency (CPRA), Inspector General, CPRA/Inspector General Policy Analyst or member of the Oakland Police Department, may submit suggested agenda topics for the Commission's consideration for discussion at regular or special meetings of the Commission. Items submitted by ~~anyonesomeone~~ other than a Sitting Commissioner or Alternate Commissioner must be pre-approved by a Commissioner. Submissions must be made on the form provided by the Commission and submitted to the Commission Chair or the Executive Assistant of the Commission. Forms shall be available at each Commission meeting, on the Commission's website, or at the offices of the CPRA.

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Rule 2.17. Agenda Matter Suggestions List. Each month, the Executive Assistant or other individual designated by the Commission Chair shall enumerate suggested agenda matters received on the Commission's forms on an "Agenda Matter Suggestions List." The Agenda Matter Suggestions List shall be submitted to Sitting Commissioners as a properly-noticed agenda item. At the first Commission meeting each month, Sitting Commissioners shall decide whether any matters suggested for future agendas shall become matters to be reviewed, researched, discussed and considered by the Commission as agenda items. A matter shall be moved. The process of moving matters from the Agenda Matter Suggestions List to a "Pending Agenda Matters List," ~~shall be~~ by majority vote of the Commission.

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Rule 2.18. The Pending Agenda Matters List. The Pending Agenda Matters List shall include items moved from the Agenda Matters Suggestions List, and shall also include the duties or deliverables which are required to be performed or provided by the Commission pursuant to Measure LL and/or the Police Commission Enabling Ordinance. Any duty or deliverable required to be performed or provided by the Commission ~~listed~~ shall include the due date, or estimated due date, for each task or deliverable.

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Rule 2.19. Priority Items on Pending Agenda Matters List. A Sitting Commissioner may move that a matter on the Pending Agenda Matters List be treated with priority and put directly on an agenda of a future specific Commission meeting. The matter shall be made a Priority Item process of a matter on the Pending Agenda Matters List being made a "Priority-

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Item” and put directly on an agenda of a specific future Commission meeting shall be by majority vote of the Commission.

Rule 2.20. Creation of Commission Meeting Agendas. At the first Commission meeting each month, the Sitting Commissioners, with input from the CPRA/Inspector General Policy Analyst, shall work cooperatively to create Commission meeting agendas from “Priority Items” ready for presentation and discussion, other matters from the Pending Agenda Matters List or from any other matters deemed appropriate. Additional matters may arise between the time that an agenda is created and when an agenda must be finalized and disseminated. The Chair, and two other rotating Sitting Commissioners, shall finalize meeting agendas in the interest of maintaining meetings of reasonable length and efficacy, meeting and complying with external time constraints and otherwise advancing the best interests of the Commission.

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Rule 2.21. Public List of Pending Agenda Matters and Priority Items. For added transparency, the Commission’s Executive Assistant, or other person designated by the Chair, shall maintain a running lists of Pending Agenda Matters and Priority Items. The lists shall be made publicly available on the Commission’s website and distributed concurrently with any Agenda Matters Suggestions List prior to any Commission discussion. The Pending Agenda Matters and Priority Items Lists shall also state the dates upon which the matters were placed on the respective lists. The Executive Assistant or other person designated by the Chair shall also keep notes regarding agenda items and attachments to be included in the Commission agenda packet and assist in transcribing the agenda.

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Rule 2.22. Limitations on Action or Discussion of Items at Commission Meetings. Except as provided by the Brown Act or the Oakland Sunshine Ordinance, the Commission shall not act upon or discuss any item at the a Commission meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Chair may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

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~~Rule 2.16 Consent Calendar. The Consent Calendar shall include those matters that have been the subject of a public hearing conducted by a standing committee of the Commission or a matter previously considered in closed session by the Commission. There will be no separate discussion of those items unless a member of the Commission so requests, in which event the Commission shall remove that item from the Consent Calendar and consider those items separately.~~

Rule 2.23. Commissioner Absences. If any Commissioner cannot attend a meeting, the Commissioner shall notify the Chair and City staff of their absences prior to the start of the meeting, or as soon thereafter as is practicable. Commissioners submitting adequate notice as determined by the Chair or presiding officer shall be noted as an excused absence for purposes of the meeting minutes. Commissioners who do not submit adequate notice shall be noted as an unexcused absence for the purposes of the meeting minutes.

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Rule 2.24. 17 Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded before the next Commission meeting to the Mayor, the members of the Oakland City Council, the Chief of Police and all sitting Commissioners and Commissioner Alternates.

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CHAPTER 3. RULE 4— PROCLAMATIONS

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Rule 4.1 Proclamations. Individual sitting Commissioners may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a "Commissioner Proclamation" and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation, ~~however,~~ Commission approval is not required for the issuance of a Commissioner Proclamation.

CHAPTER 4. RULE 2.19 CHIEF OF POLICE FOR CAUSE ASSESSMENT.AND REMOVAL

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Rule 4.1. Initiating For Cause Assessment. ~~While~~ Section 604(b)(10) of the City Charter and Subdivision 2.45.070(E) of the Municipal Code, authorizes the Commission to remove the Chief of Police for cause. In exercising its authority, the Commission will consider issues of performance in closed session. The Commission may, by majority vote of no less than four (4) individual commissioners, initiate an assessment to determine if an act or acts of the Chief of Police rise to the level of "cause" as defined by Section 2.45.070(E) of the Municipal Code. The Chair, or the Chair's his/her designee, will determine if the assessment shall be conducted formally or informally. The Chair, or the Chair's his/her designee, will also decide whether the assessment will be conducted by the Chair or another individual such as an outside investigator. The Chair shall provide any report of the assessment to the Commission in closed session. As part of the assessment, the Chief of Police shall be provided an opportunity to respond to issues of concern.

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Rule 4.2. Vote to Remove Chief of Police. In closed session, after an assessment has been received and considered, the Commission may ~~vote to~~ remove the Chief of Police for cause, on an affirmative vote of no. ~~No~~ less than five (5) Commissioners, ~~must vote in the affirmative to remove the Chief of Police for cause.~~

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Rule 4.3. Failed Vote to Assess or Remove Chief of Police. A failed ~~n-unsuccessful~~ vote to initiate an assessment or to remove the Chief of Police for cause shall not preclude a subsequent motion/vote on the same action at a later time, ~~or otherwise preclude any other action.~~

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CHAPTER 5. PROCESS FOR EDITING AND DRAFTING DEPARTMENT POLICIES

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Rule 5.1 Announcement of Intent to Review, Revise, or Draft a Department Policy. No later than six (6) weeks before a policy is placed on the Commission's agenda for review, revision, or drafting, the Chair shall direct the Executive Director of the CPRA to review the policy and submit a memorandum to the Commission analyzing the critical elements of the policy initiative and relevant research. When the Chair announces the intent to review, revise or draft a policy, the Chair shall also appoint an Ad Hoc Committee to revise or draft the policy.

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Rule 5.2. Community Meeting to Discuss Proposed Revised or New Policy. No later than four (4) weeks before the date the policy will be on the Commission’s meeting agenda, the Ad Hoc Committee shall notice a public meeting to be held two (2) weeks from the date of the notice. The Commission shall generate a list of community groups that may have a particular interest in the topic of the policy, and shall invite all such community groups to the community meeting. The notice of the public meeting shall also be posted to appropriate social media accounts, and flyers and other public notices may be posted around the City of Oakland. The Chief of Police, [the Oakland Police Officers Association, and the Black Police Officers Association?] shall also be given notice of the public meeting. The notice shall invite community groups to submit questions or concerns or proposed language for the policy to the Chair of the Ad Hoc Committee no later than five (5) days before the community meeting..

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Rule 5.3. Public Posting of the Proposed Policy. No later than two (2) days before the community meeting, the Commission shall post on its website the Ad Hoc Committee’s proposed policy. The proposed policy shall be translated into Spanish, Chinese, Vietnamese, ????, and ??? and all translated versions shall be posted on the Commission’s website on the same date that the English version is posted.

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Rule 5.4. Ad Hoc Committee’s Responsibilities After the Public Meeting. No later than five (5) days before the Commission’s meeting at which the proposed policy is on the agenda, the Ad Hoc Committee shall present to the Chair and all other Commissioners its proposed final policy based upon the points, feedback, concerns, and questions generated at the community meeting, so that such draft version of the policy can be attached to the Commission’s meeting agenda. The proposed final policy shall be translated into Spanish, Chinese, Vietnamese, ????, and ??? and all translated versions shall be posted on the Commission’s website when the Commission’s meeting agenda is published. The proposed final policy and all translations thereof shall also be disseminated to all of the community groups in attendance at the community meeting.

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Rule 5.5 Commission Meeting to Discuss and Consider Adoption of Ad Hoc’s Proposed Final Policy. On the date originally noticed for the Commission to review, revise, or draft the policy, as provided for in Rule 5.1, the Commission shall follow its usual meeting procedures to discuss the policy and take any appropriate action thereon, including setting a further Commission meeting to discuss concerns raised by the proposed final policy.

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Rule 2.16 Adopted 9.13.18

Police Commission: Process for editing or drafting policy.

- 1. **Initial announcement of intent to review or draft with 4-6 weeks notice prior to date agendized.**
 - 1. Present in a method to generate ideas, include key points, critical elements of policy initiative.

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- 2. Chair will direct the ED of CPRA to review policy and provide an analysis.
- 3. Include CPRA memo for updates on best practice, relevant research (must be presented at least two weeks prior to the Commission meeting where it is agendaized.
- 4. Make sure impacted parties are well invited and included. Commission will generate a list of community groups to outreach to as they relate to the topic (i.e. NCPC, NSC or organizations related to the topic of the policy.)
- 5. Ensure policy is able to be translated to multiple languages for community groups to have access (i.e. Google Translate button featured on website)
- 6. Include clear dates (submitted by, date of action needed, etc.)

2. Hold commission meeting where we engage feedback, generate key points, etc. from the Community and Commission.

- 1. Create list of points, feedback, concerns, questions, etc. that will be used to review the next draft against.
- 2. Be mindful of creating inclusive facilitation (i.e. using live tweets, polls from constituent groups, etc.)
- 3. Follow up with implications for the outreach committee (social media, canvassing, flyer-ing, community meetings, etc.) Commission will generate a list of community groups to outreach to as they relate to the topic.

3. Ad hoc creates policy or edits existing, drafts based on initial Commission mtg.

4. Announce second review with 3-4 weeks notice prior to date agendaized. Include:

- 1. Plan for outreach, to review draft of policy or initiative and check it against the brainstorm (make sure Commissioners have the brainstorm and new draft to check against at least 1-2 weeks before the official meeting)
- 2. Make sure impacted parties (community groups as created above) are well invited and included.
- 3. Consider before the meeting use of social media, newsletters and outreach to generate feedback in multiple ways.

CHAPTER 63 - RULES OF CONDUCT GOVERNING COMMISSION MEETINGS

OPTION A: Rule 6.1. Open Forum. Open Forum shall be listed at the end of the Agenda. The public shall be granted two (2) minutes to address the Commission on items of interest to the public, provided that such items are under the jurisdiction of the Commission, and the speaker has not already made the desired public comment during discussion of other items on the agenda. The Chair, in the Chair's discretion, may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting and the number of persons wishing to address the Commission in Open Forum.

OPTION B: Rule 6.1. Open Forums. An Open Forum shall be listed at both the beginning and at the end of the Agenda. The Open Forum at the beginning of the agenda will be limited to ten (10) minutes, and the public shall be granted (1) minute to address the Commission on items of interest to the public, provided that such items are under the jurisdiction of the Commission and will not be the

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subject of public comment during discussion of other items on the agenda. At the Open Forum at the end of the meeting, the public shall be granted two (2) minutes to address the Commission on items of interest to the public, provided that such items are under the jurisdiction of the Commission and the speaker has not already made the desired public comment at the initial Open Forum or during public comment on discussion of other items on the agenda. Priority will be given to those persons who did not have an opportunity to make public comment during the initial Open Forum. The Chair, in the Chair's discretion, may reduce each speaker's allotted time during the end-of-meeting Public Forum to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the total time allocated or anticipated for the meeting, and the number of persons wishing to address the Commission in Open Forum.

Rule 6.2. 3.1 Public Comment on Agenda Items. Public Comment. Members of the public are entitled to comment on any matter on the agenda calendar prior to action being taken by the Commission on that item, provided that the public comments are related to the subject matter of the agenda item. Public comments not related to the subject matter of the agenda item shall be made only during an Open Forum. Persons wishing to speak must complete a speaker card for each agenda item the public member/he/she wishes to address speak on. Multiple agenda items cannot be listed on one speaker card.

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Additionally, the agenda shall provide an opportunity for members of the public to address the Commission on items of interest to the public which are under the jurisdiction of the Commission and have not been the subject of public comment on other items on the agenda.

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Rule 6.3 Time Alloted for Public Comment on Agenda Items. The Chair will set a reasonable time limit for each speaker, which will typically be two (2) minutes, depending on the complexity of the item, the length of the agenda and the number of persons present to speak on the item. The Chair in the Chair's his/her discretion may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the time allocated or anticipated for the entire meeting, the number and complexity of agenda items, and the number of persons wishing to address the Commission, and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two (2) minutes to speak.

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Rule 63.42 Addressing the Commission And Responses By Commissioners. Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling and/or screaming. Members of the public should address their questions or remarks to the Commission Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to

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do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, should refrain from entering into any debates or discussions with speakers during public comment.

Rule 6.5.3.3 Audience Conduct. The public has the right to respectfully criticize policies, procedures, programs, services, and actions or omissions of the Oakland Police Department, the Commission or the Commission's staff. However, persons should not vocally oppose statements made by anyone, including, but limited to members of the public or Oakland Police Department personnel, while they speak. *NOTE TO REGINA AND HENRY: What does this highlighted language mean? What are we trying to prohibit- interruptions while someone is speaking? accusations after the speaker has finished? rudeness? We need to consider rewording.* Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras and tape recording devices may be brought into the Commission meeting, but; however, persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

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Rule 36.6.4 PowerPermission to Remove Disruptive Persons. The Chair shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

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- A. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, being disrespectful toward other participants in the meeting, or otherwise refusing to comply with the Commission Rules of Conduct Governing Commission Meetings, governing meetings;
- B. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
- C. Disobedience of any lawful order of the Chair, which shall include, but be not limited to, an order to be seated.

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