



OAKLAND POLICE COMMISSION

MEETING AGENDA

November 14, 2019

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland, CA 94612

- I. **Call to Order**
Chair Regina Jackson

- II. **Roll Call and Determination of Quorum**
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 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. **Draft Ordinance on Military Police Equipment**
The Coalition for Police Accountability will present a draft ordinance for review. OPD will also present their response to the draft ordinance. ***This is a new item and is continued from 10.10.19. (Attachment 4).***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

- V. **Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing, Recent Activities, and Executive Director's 100 Day Report**
To the extent permitted by state and local law, Executive Director John Alden will report on the Agency's pending cases, completed investigations, staffing, recent activities, and a report on his first 100 days as Executive Director. ***This is a recurring item. (Attachment 5).***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

- VI. **Vote to Approve Resolution to Enter into Contract with Raheem**
The Commission will vote to approve a Resolution authorizing the CPRA Executive Director to (1) enter into a Professional Services Agreement with Raheem to gather community feedback to inform a revised OPD use of force policy for an amount not-to-exceed \$40,000; and (2) request on behalf of the Police Commission that the City Administrator waive the competitive solicitation process. ***This was discussed on 10.10.19 and 10.24.19. (Attachment 6).***
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

- VII. Review Proposed Resolution to City Council Requesting Reallocation of Funds**
The Commission will review a proposed Resolution requesting the City Council to reallocate funds in the amount of \$250,000 that are designated for the Office of Inspector General to fund contracts previously discussed and/or approved by the Commission. ***This is a new item. (Attachment 7).***
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- VIII. Legal Counsel RFQ Process**
The Commission will discuss the process used to engage outside legal counsel. ***This was discussed on 1.24.19, 4.25.19, and 6.13.19, and is continued from 10.24.19. (Attachment 8).***
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- IX. Subpoenas Regarding OBOA Allegations of Racial Discrimination**
The Commission will discuss and possibly take action on whether or not to serve subpoenas relating to the Oakland Black Officers Association’s allegations of racial discrimination. ***This is a new item and is continued from 10.24.19.***
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- X. Report on Policing of Oakland’s Unhoused Communities**
The Commission will discuss the report which was prepared on behalf of the Coalition for Police Accountability by students at the University of California, Berkeley. ***This is a new item. (Attachment 10).***
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- XI. Vote to Submit Request to City Council to Create Standing Policy and Legislation Committee**
The Commission will vote to authorize the submission of a request to the City Council for approval of a Standing Policy and Legislation Committee. ***This is a new item. (Attachment 11).***
- a. Discussion
 - b. Public Comment
 - c. Action, if any

XII. Votes to Cancel Meeting Scheduled for November 28, 2019 (Thanksgiving) and to Approve Off-Site Meeting on December 12, 2019

The Commission will vote to cancel the second meeting of the month on November 28th as it is Thanksgiving Day. The Commission will also vote to approve holding an off-site meeting on December 12, 2019 at East Oakland Youth Development Center. ***This is a new item.***

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

XIII. Creation of an Ad Hoc Committee for Mental Health Model as an Alternative to Calling Police

The Commission will create an Ad Hoc Committee for a Mental Health Model to convene a group of local mental health providers, specifically those who work with the most impacted families in the Oakland/Bay Area, to gather key components of a model that is an alternative to calling the police. ***This is a new item. (Attachment 13).***

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

XIV. Meeting Minutes Approval

The Commission will vote to approve minutes from May 23, June 13, and June 27, 2019. ***This is a recurring item. (Attachment 14).***

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

XV. Police Officers Bill of Rights Training

CRPA Executive Director John Alden will deliver to the Commission training on the Police Officers Bill of Rights. ***This is a new item and is continued from 10.24.19. (Attachment 15).***

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

XVI. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas. ***This is a recurring item. (Attachment 16).***

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

XVII. Adjournment



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin, or Spanish interpreter, please e-mail jrus@oaklandca.gov or call 510-238-3325 or 711 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantones, Mandarín, o de lenguaje de señas (ASL) por favor envíe un correo electrónico a jrus@oaklandca.gov o llame al 510-238-3325 o 711 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 jrus@oaklandca.gov 或致電 510-238-3325 或 711。請避免塗搽香氛產品, 參加者可能對化學成分敏感。

Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.

To: Oakland Police Commission

From: Commissioner Henry Gage III

Date: 06 November 2019

RE: Police Equipment Policy

Dear Colleagues on the Oakland Police Commission and Members of the Public,

OVERVIEW & PROCESS

Attached please find a DRAFT DOCUMENT for an Ordinance to regulate the Police Department's acquisition and use of militarized equipment. This document is not final, and is presented for your debate, consideration, modification, and future endorsement.

I kindly request that you review and analyze the attached proposal. In order for the envisioned regulatory structure to become active, the Oakland City Council must adopt this proposed Ordinance. Council is unlikely to take such an action absent an endorsement from the Police Commission.

RECOMMENDATION

I am requesting that our Commission endorse this proposed Ordinance and forward an updated version to Council for further consideration.

LEGISLATIVE SUMMARY

This legislation is being offered to enhance the Police Commission's ability to regulate the means and methods by which our city is policed. The structure created by this legislation closely models the Oakland Surveillance Ordinance in terms of workflow and it models California Assembly Bill 3131, a prior attempt to establish statewide requirements for the regulation of military equipment,¹ in terms of subject matter.

The primary concepts of the proposed Ordinance are as follows:

1. Requires the Police Department to submit Military Equipment Use Policies and Military Equipment Impact Reports to the Police Commission for review and recommendation.
2. Requires the Police Commission to review submissions at a public hearing and determine whether such submissions warrant a recommendation to Council for adoption or rejection.
3. Requires the City Council to ratify or reverse the Police Commission's recommendations following the Commission's review of Military Equipment Use Policies.
4. Requires the Police Department to submit an annual report describing the use of authorized Military Equipment during the year prior.
5. Requires the Police Commission to review the annual Military Equipment report, determine whether covered equipment has complied with the standards for approval, and recommend renewal or modification of Use Policies, or the revocation of authorization for use.

¹ This bill passed the Legislature, but was vetoed by then-Governor Jerry Brown

6. Requires the City Council to ratify or reverse the Police Commission’s recommendations following the Commission’s review of the Military Equipment annual report.

ANALYSIS

The acquisition of military equipment and its deployment in our communities can adversely impact the public’s safety and welfare, including significant risks to civil rights, civil liberties, and physical and psychological well-being. Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used. The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

In his 2016 book, To Protect and Serve, former Seattle Police Chief Norm Stamper notes that:

“Although there is a time and a place for military-like tactics, weaponry, and equipment, it’s indisputable that the nation’s police have often misused and abused the ‘military approach.’ In many jurisdictions there seems to be a ‘boys with toys’ mentality; if you have these ‘toys’ on hand, you want to use them, ‘play’ with them. And where personal and organizational discipline is lacking, people get hurt, cops and citizens alike.”²

The Oakland Police Commission is the institution best suited to ensure that the Police Department’s acquisition and use of military equipment is regulated and audited. The present framework for Police Department acquisition of military equipment does not provide for sufficient ongoing oversight of how such equipment is used, and whether such equipment should continue to be used in the future. By adopting the proposed Ordinance, the City of Oakland can create a procedure to determine the necessity and use of equipment that, if misused or abused, holds the potential to cause irreparable harm.

FISCAL IMPACT

This proposal has not yet been submitted to the Finance Department for analysis. By more closely scrutinizing the acquisition and use of military equipment by the Police Department, there may be some cost savings over time. Some military equipment is funded by grants, but these grants do not necessarily cover ongoing maintenance.

PUBLIC OUTREACH

This legislation was co-authored by Commissioner Henry Gage and John Lindsay-Poland of the American Friends Service Committee. More than thirty community organizations have endorsed this effort to regulate the Police Department’s acquisition and use of military equipment, and feedback from these organizations has been incorporated into the attached draft. The organizing coalition behind this legislation held a townhall on militarized policing on October 03, 2019, and recorded testimony from individuals who have been directly affected by militarized police raids.

² Norm Stamper, To Protect and Serve: How to Fix America’s Police 83, (2016)

COORDINATION

We obtained input from an organizing committee, comprised of representatives from endorsing organizations. More than thirty community organizations have endorsed the effort to regulate the Police Department's acquisition and use of military equipment, and feedback from these organizations has been incorporated into the attached draft. Additional feedback has been solicited from members of City Council and/or their staff. These conversations are continuing, and we will request additional meetings as appropriate.

CONCLUSION

For questions regarding this report, please email Commissioner Henry Gage, at hgage@oaklandcommission.org.

Sincerely,

Henry Gage III
Oakland Police Commission

Oakland Police Commission
November 14, 2019
Item: _____

DRAFT ORDINANCE ON ACQUISITION AND USE OF MILITARIZED EQUIPMENT

WHEREAS, the City Council finds that the acquisition of military equipment and its deployment in Oakland can adversely impact the public's safety and welfare, including introducing significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurring significant financial costs; and

WHEREAS, the Law Enforcement Equipment Acquisition Working Group created by President Barack Obama in Executive Order 13688 (later rescinded by President Donald Trump) recommended requiring "local civilian government (non-police) review of and authorization for law enforcement agencies' request for or acquisition of controlled equipment," and that such review included detailed justification for the acquisition and collecting information on and reporting on its use; and

WHEREAS, the City Council finds that the public has a right to know about any funding, acquisition, or use of military equipment by the City of Oakland, as well as a right to participate in any City decision to fund, acquire, or use such equipment; and

WHEREAS, the City Council finds that decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input; and

WHEREAS, several studies indicate that police departments in the United States that acquire military-grade equipment are more likely to use violence and are no more successful in reducing crime than those that acquire less such equipment;¹ and

WHEREAS, the City Council finds that legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used; and

WHEREAS, the City Council finds that the lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service; and

WHEREAS, the City Council finds that if military equipment is acquired, reporting measures must be adopted that empower the City Council and public to verify that mandated civil rights safeguards have been strictly adhere to.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

¹ Jonathan Mummolo, "Militarization fails to enhance police safety or reduce crime but may harm police reputation," *Proceedings of the National Academy of Sciences*, September 11, 2018 (37) 9181-9186; Casey Delehanty, Jack Mewhirter, Ryan Welch and Jason Wilks, "Militarization and police violence: The case of the 1033 program," *Research and Politics*, April-June 2017, 1-7; and Edward Lawson Jr., "Police Militarization and the Use of Lethal Force," *Political Research Quarterly*, 2018, 1-13.

SECTION 1. This Ordinance shall be known as the Police Equipment and Community Safety Ordinance.

REGULATIONS ON CITY'S ACQUISITION OF MILITARY POLICE EQUIPMENT

SECTION 2. Definitions

A. "Military Equipment" means equipment that is militaristic in nature and includes, but is not limited to, all of the following:

- (1) Wheeled vehicles that are either built or modified to provide ballistic protection to their occupants, including a mine-resistant ambush protected (MRAP) vehicle or an armored personnel carrier.
- (2) Wheeled vehicles that are either built to operate both onroad and offroad in supporting military operations, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, or a five-ton truck, or built with a breaching or entry apparatus attached.
- (3) Tracked vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (4) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (5) Weaponized aircraft, vessels, or vehicles of any kind, whether manned or unmanned.
- (6) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, and equipment that is ballistic, such as a slug, or equipment that is explosive in nature.
- (7) Firearms of .50 caliber or greater.
- (8) Ammunition of .50 caliber or greater.
- (9) Specialized firearms and associated ammunition of less than .50 caliber, as defined in Sections 30510 and 30515 of the California Penal Code.
- (10) Any firearm or firearm accessory, excluding the service weapons described in paragraph (9), that is designed to launch small projectiles, including, but not limited to, a grenade launcher or a riot gun used to disperse chemical agents.
- (11) Any knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.
- (12) Explosives and pyrotechnics, including grenades referred to as flashbang grenades and explosive breaching tools.
- (13) Riot batons, riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons.
- (14) Sonic weapons, such as the Long Range Acoustic Device sound cannon.
- (15) Area denial weapons, such as the Taser Shockwave and microwave weapons.
- (16) Any other equipment as determined by the City Council.

(B) "City" means any department, agency, bureau, and/or subordinate division of the City of Oakland as provided by Chapter 2.29 of the Oakland Municipal Code.

(C) "**City Staff**" means City personnel authorized by the City Administrator or designee to seek City Council approval of the acquisition of Military Equipment in conformance with this Ordinance.

(D) "**Military Equipment Impact Statement**" means a publicly released, written document that includes, at a minimum, all of the following:

- (1) Description: A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the Military Equipment.
- (2) Purpose: The purposes and reasons for which the Oakland Police Department (hereinafter, "Police Department") proposes to use each type of Military Equipment.
- (3) Fiscal Cost: The fiscal cost of each type of Military Equipment, including the initial costs of obtaining the equipment, the costs of each proposed use, the costs of potential adverse impacts, and the annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.
- (4) Impact: An assessment specifically identifying any potential impacts that the use of Military Equipment might have on the welfare, safety, civil rights, and civil liberties of the public, and what specific affirmative measures will be implemented to safeguard the public from potential adverse impacts.
- (5) Mitigations: Specific, affirmative technical and procedural measures that will be implemented to safeguard the public from such impacts.
- (6) Alternatives: Alternative method or methods by which the Police Department can accomplish the purposes for which the Military Equipment is proposed to be used, the annual costs of alternative method or methods, and the potential impacts of alternative method or methods on the welfare, safety, civil rights, and civil liberties of the public.
- (7) Location: The location(s) it may be used, using general descriptive terms.
- (8) Third Party Dependence: Whether use or maintenance of the Military Equipment will require the engagement of third party service providers.
- (9) Track Record: A summary of the experience (if any) other entities, especially government entities have had with the proposed Military Equipment, including, if available, quantitative information about the effectiveness of the Military Equipment in achieving its stated purpose in other jurisdictions, and any known adverse information about the Military Equipment (such as unanticipated costs, failures, or civil rights and civil liberties abuses).

(E) "**Military Equipment Use Policy**" means a publicly released, legally enforceable written document governing the use of military equipment by the Oakland Police Department that addresses, at a minimum, all of the following:

- (1) Purpose: The specific purpose or purposes that each type of Military Equipment is intended to achieve.
- (2) Authorized Use: The specific uses of Military Equipment that are authorized, and rules and processes required prior to such use.
- (3) Prohibited Uses:
- (4) Training: The course of training that must be completed before any officer, agent, or employee of the Police Department is allowed to use each specific type of Military Equipment.

(5) Auditing and Oversight: The mechanisms to ensure compliance with the Military Equipment Use Policy, including which independent persons or entities have oversight authority, and what legally enforceable sanctions are put in place for violations of the policy.

(6) Transparency: The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the Police Department will ensure that each complaint, concern, or question receives a response in a timely manner.

(F) "**Police Area**" refers to each of the geographic districts assigned to a police commander and as such districts are amended from time to time.

(G) "**Exigent Circumstances**" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person requires the use of Military Equipment.

SECTION 3. Approval of Military Equipment Acquisition.

(A) (1) The Oakland Police Department shall submit to the Oakland Police Commission (hereinafter "Police Commission") a Military Equipment Impact Report and a Military Equipment Use Policy prior to engaging in any of the following:

(a) Requesting the transfer of Military Equipment pursuant to Section 2576a of Title 10 of the United States Code.

(b) Seeking funds for Military Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency, including commanding, controlling, or otherwise directing that agency or its personnel, in the deployment or other use of Military Equipment within Oakland.

(e) Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this Ordinance.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Military Equipment.

(B) (1) In seeking the review and approval of the Police Commission pursuant to Section 3, subdivision (A), the Police Department shall submit to the Police Commission a proposed Military Equipment Impact Report and a Military Equipment Use Policy.

(2) At least 15 days prior to any public hearing concerning the military equipment at issue, the Department shall publish the proposed Military Equipment Impact Report and Military Equipment Use Policy for public review. Publishing to the Department's website shall satisfy the requirements of this subsection.

(C) The Police Commission shall consider proposed Military Equipment Impact Reports and Military Equipment Use Policies as an agenda item for review at an open session of a regularly noticed meeting.

(D) (1) The Police Commission shall only approve a request to fund, acquire, or use Military Equipment pursuant to this chapter if it determines all of the following:

- (a) The Military Equipment is needed despite available alternatives.
- (b) The proposed Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (c) The use of Military Equipment will not be used based on race, national origin, religion, sexual orientation, gender, gender identity, political viewpoint, or disability, or disproportionately impact any community or group.
- (d) The use of Military Equipment is the most cost-effective option among all available alternatives.

(2) In order to facilitate public participation, any proposed or final Military Equipment Impact Report and Military Equipment Use Policy shall be made publicly available on the Department's website for as long as the military equipment is proposed or available for use.

(3) If the Military Equipment Impact Report identifies a risk of potential adverse effects on the public's welfare, safety, civil rights, or civil liberties, the approval for the funding, acquisition, or use of Military Equipment by the Police Commission pursuant to this Ordinance shall not be deemed an acquiescence to those effects, but instead an acknowledgment of the risk of those effects and the need to avoid them proactively.

(E) Police Commission Review Required for New Military Equipment Before City Council Approval.

1. The funding, acquisition, or use of Military Equipment by the Police Department shall not be permitted without the review by the Police Commission of a Military Equipment Impact Report and the approval of a Military Equipment Use Policy submitted pursuant to this Ordinance.

2. The Police Commission shall recommend that the City Council adopt, modify, or reject the proposed Military Equipment Use Policy. If the Police Commission proposes that the Military Equipment Use Policy be modified, the Police Commission shall propose such modifications to City Staff. City Staff shall present such modifications to City Council when seeking City Council approval pursuant to this Ordinance.

3. Failure by the Police Commission to make its recommendation on a proposal within ninety (90) days of submission shall enable City Staff to proceed to the City Council for approval of the proposal.

(F) (1) The Police Commission shall review any recommendation that it has adopted pursuant to this Ordinance approving the funding, acquisition, or use of Military Equipment at least annually and vote on whether to recommend renewal of the approval.

(G) (1) The Police Department shall have one year from the date of passage of this Ordinance to submit a Military Equipment Use Policy for approval, pursuant to this Ordinance, for the continued use of Military Equipment acquired prior to the passage of this Ordinance.

(2) If the Police Department seeks to continue the use of any Military Equipment that was acquired prior to the passage of this Ordinance, it shall commence the approval process in accordance with this Ordinance and present to the Police Commission a list of Military Equipment possessed and/or used by the City. The Police Department shall provide a prioritized ranking of Military Equipment possessed and/or used by the City, and the Police Commission shall consider this ranking in determining the Military Equipment that is prioritized for review. Within sixty (60) days of the Police Commission's prioritization of review, City Staff shall begin the submission of proposals, beginning with the highest-ranking items as determined by the Police Commission, and continuing until a Military Equipment Impact Report and a Military Equipment Use Policy has been submitted for each item on the list.

(H) City Council Approval Process

1. After the Police Commission Notification and Review requirements have been met, City Staff seeking City Council approval shall schedule for City Council consideration the proposed Military Equipment Impact Report and proposed Military Equipment Use Policy, and include Police Commission recommendations, at least fifteen (15) days prior to a public meeting.

2. The City Council shall only approve a proposed Military Equipment Impact Report and proposed Military Equipment Use Policy after first considering the recommendation of the Police Commission, and subsequently making a determination that the City's interest in community safety outweighs the potential adverse affects of using Military Equipment.

3. For approval of existing Military Equipment for which the Police Commission has failed to make a recommendation within ninety (90) days as provided by this Section, if the City Council has not reviewed and approved such item within four (4) City Council meetings from when the item was initially scheduled for City Council consideration, the City shall cease its use of the Military Equipment until such review and approval occurs.

(I) Use of Unapproved Military Equipment during Exigent Circumstances

(1). City Staff may temporarily use, or allow use by other entities, of Military Equipment without following the notification and review requirements of this Ordinance only when Exigent Circumstances exist.

(2). If City Staff uses, or allows use by other entities, of Military Equipment pursuant to the above-mentioned circumstances, City Staff shall:

- (a). Use the Military Equipment solely to respond to the Exigent Circumstances.
- (b). Cease using the Military Equipment when the Exigent Circumstances end.

- (c). Only keep and maintain Military Equipment that is directly relevant to an active, ongoing investigation, and discharge such Military Equipment once investigation has concluded, absent an intervening approval for retention pursuant to this section.
- (d). Following the end of the Exigent Circumstances, report the use of Military Equipment to the Police Commission at their next meeting for discussion and possible action.

SECTION 4. Reports on the Use of Military Equipment.

(A) The Oakland Police Department shall submit to the Police Commission an annual report on Military Equipment to the Police Commission within one year of approval, and annually thereafter for as long as the Military Equipment is available for use. The annual report shall be provided no later than March 15th of each year, unless the Police Commission advises the Police Department that an alternate date is preferred. The Police Department shall also make each annual report required by this section publicly available on its website for as long as the military equipment is available for use. The annual report shall, at a minimum, include the following information for the immediately preceding calendar year:

- (1) Production descriptions for Military Equipment and numbers of each product in the Police Department's possession.
- (2) A summary of how Military Equipment was used.
- (3) If applicable, a breakdown of where Military Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days Military Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
- (4) A summary of any complaints or concerns received concerning Military Equipment.
- (5) The results of any internal audits, any information about violations of Military Equipment Use Policies, and any actions taken in response.
- (6) An analysis of any discriminatory, disparate, any other adverse impacts that the use of Military Equipment may have had on the public's safety, welfare, civil rights, and civil liberties and on any community or group, including, but not limited to, those protected by the First, Fourth, and Fourteenth Amendments to the United States Constitution.
- (7) The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for Military Equipment in the calendar year following submission of the annual report.

(B) Within 60 days of the Police Department submitting and publicly releasing an annual report pursuant to this section, the Police Commission shall place the report as an agenda item for an open session of a regular meeting. After review and approval by the Police Commission, City Staff shall submit the annual report to City Council.

(C) The Police Commission shall determine, based on the annual report submitted pursuant to Section 4, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in Section 3. If the Police Commission determines that any Military Equipment identified in the annual report has not complied with the standards for

approval set forth in Section 3, the Police Commission shall either recommend revocation of the authorization for that piece of Military Equipment or modify the Military Equipment Use Policy in a manner that will resolve the lack of compliance. Recommendations for revocations pursuant to this section shall be forwarded to City Council in accordance with the approval process in Section 3.

SECTION 5. Enforcement.

(A). Violations of this Ordinance are subject to the following remedies:

- (1). Any violation of this Ordinance, or of a Military Equipment Use Policy promulgated under this Ordinance, constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in the Superior Court of the State of California to enforce this Ordinance. An action instituted under this paragraph shall be brought against the respective city department, and the City of Oakland, and, if necessary to effectuate compliance with this Ordinance or a military equipment acquisition or use policy, any other governmental agency with possession, custody, or control of Military Equipment subject to this Ordinance, to the extent permitted by law.
- (2). Any person who has been subjected to the use of military equipment in violation of this Ordinance may institute proceedings in the Superior Court of the State of California against the City of Oakland and shall be entitled to recover actual damages (but not less than liquidated damages of one thousand dollars (\$1,000.00) or one hundred dollars (\$100.00) per day for each day of violation, whichever is greater).
- (3). A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought under subpart (1) or (2) above.
- (4). Violations of this Ordinance by a city employee shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements and in accordance with any memorandums of understanding with employee bargaining units.

SECTION 6. Transparency

- (A) It shall be unlawful for the City to enter into any Military Equipment-related contract or other agreement that conflicts with the provisions of this Ordinance, and any conflicting provisions in such future contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.
- (B) To the extent permitted by law, the City shall publicly disclose all of its Military Equipment-related contracts, including any and all related non-disclosure agreements, if any, regardless of any contract terms to the contrary.

SECTION 7. Whistleblower Protections.

(A). Neither the City nor anyone acting on behalf of the City may take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment, including but not limited to discriminating with respect to compensation, terms and conditions of employment, access to information, restrictions on due process rights, or civil or criminal liability, because:

1. The employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of Military Equipment based upon a good faith belief that the disclosure evidenced a violation of this Ordinance; or
2. The employee or applicant was perceived to, about to, or assisted or participated in any proceeding or action to carry out the purposes of this Ordinance.
3. It shall be grounds for disciplinary action for a city employee or anyone else acting on behalf of the city to retaliate against another city employee or applicant who makes a good-faith complaint that there has been a failure to comply with any Military Equipment Use Policy or administrative instruction promulgated under this Ordinance.
4. Any employee or applicant who is injured by a violation of this Section may institute a proceeding for monetary damages and injunctive relief against the city in any court of competent jurisdiction.

TO: Regina Jackson
Chair, Oakland Police Commission

FROM: Anne E. Kirkpatrick
Chief of Police, Oakland Police Department

Chair Jackson,

Pursuant to an information request from the Police Commission, please find attached to this submission letter documents responsive to the following question:

OAKLAND POLICE DEPARTMENT; Response to Militarized Equipment DRAFT

The Oakland Police Department received a Militarized Equipment DRAFT Ordinance from the Oakland Police Commission with a request for a response to the DRAFT. The Department assembled a focus group of department Subject Matter Experts to assist with defining Militarized Equipment and to provide an inventory of all OPD Tactical Equipment, to determine what equipment does the department consider militarized.

Included in this report is the written response, list of department equipment, and all corresponding policies and procedures.

Respectfully submitted,


Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

The Oakland Police Department (OPD) has never requested or received any Department of Defense (DOD) 1033 equipment. OPD has never found a use for the military surplus equipment offered by this program as most equipment was made for the purpose of war and then occupying non-permissive environments after the initial violent conflict. One example is the Mine-Resistant Ambush Protected (MRAP).

The MRAP armored vehicle was part of the DOD 1033 program and offered to police agencies in America. This 18-ton vehicle was made to withstand an anti-tank mine and has machine gun mounts on top. This has no place outside of a war zone. Based on this example we have recognized three categories of equipment. They are **specific military**, **specific police**, and **military like equipment modified for police** use.

Specific military equipment such as the MRAP is offered by the DOD 1033 program as a response to potential terrorism in America. The equipment includes belt-fed machine guns (fires 100 round belt of ammunition non-stop), .50 Caliber machineguns and rifle, and attack aircraft (armed with machine guns and/or rockets). It was this specific military equipment that alarmed President Obama and several communities in America. Again, OPD does not possess, use, or own any such equipment.

Specific police equipment was created over time to improve community and officer safety. There is a large amount of **specific police** equipment that has been purchased by the military as their missions evolved to peace keeping and humanitarian aid. The military uses police equipment in semi-permissive environments to reduce the military footprint while performing police like security functions in locations not considered hostile or a war zone. These functions include crowd control, which lead to the DOD 1033 program offering riot batons and non-lethal chemical agents.

It should also be noted the military includes the state National Guard forces who are required to operate under the same military standards and supplement the active duty military forces when authorized by the President of the United States. The National Guard forces are under the control of each state governor to respond to domestic emergencies. This is important to understand because some equipment purchased by the DOD and offered under the 1033 program is **specific police** equipment needed by the National Guard to respond to these domestic emergencies.

The **specific police** equipment listed on the proposal and currently used by OPD has specific written policy guiding the use and reporting by OPD officers. OPD officers are also required to be certified by the State of California Police Officer Standards and Training (POST) prior to using this equipment.

The **military like equipment modified for police** is a category created over time as we experienced military grade weapons such as assault rifles and body armor being sold in the United States. This equipment found its way onto our city streets and were being used to commit violent crimes. One example was the 1997 North Hollywood bank robbery where the Los Angeles Police Department attempted to arrest two bank robbers and were met with assault rifles. The offenders used high caliber assault rifles to shoot at officers who were only armed with handguns. The police handguns would not penetrate the offender's military grade body

armor. The offenders rifle rounds were powerful enough to penetrate the officers armored vests and their vehicle doors. The wounded people involved could not be rescued due to the superior equipment the offenders were using on the police and community.

This resulted in designated trained tactical officers getting higher grade body armor, bullet resistant helmets, and rescue vehicles with thick enough protection to sustain against assault rifle bullets. This vehicle is known as the bearcat and has been instrumental in several OPD incidents to protect officers and the community (see printout for bearcat deployments).

It should be noted that some **military like modified for police** equipment is also purchased by the DOD in order for military police agencies, within the United States, to provide police services on military bases.

The **military like equipment modified for police** use, like the **specific police** equipment, has existing written policy guiding the use and reporting by OPD officers. OPD officers are also required to be certified by the State of California Police Officer Standards and Training (POST) prior to using this equipment.

The OPD response to the militarized weapons proposal strongly emphasizes the need to understand there is **specific military** equipment, **police specific** equipment, and **military like equipment modified for police** to meet the evolving threat created by military specific equipment being sold in America. Understanding the types of equipment will give insight to how broad the proposal is and goes far outside the scope of needed accountability, pointed out by President Obama.

This proposal is identical to California State AB3131 that was vetoed due to the broad scope of equipment potentially compromising the police ability to maintain public safety in our constantly changing environment.

OPD currently requests purchases and grant funded acquisitions of **specific police** and **military like equipment modified for police** through the open Public Safety Committee and open City Council (OPD has never requested **specific military** equipment). OPD receives guidance on policy regulating the use and reporting for all **specific police** and **military like modified for police** equipment by the open Police Commission. The proposal would remove these three councils from their part in governing the City of Oakland and the Oakland Police Department¹.

I conclude OPD does not have any specific military or any equipment from the DOD 1033 program. The equipment we currently have has been requested in a public forum at our various governing councils. OPD has written guidance through state law, POST, and our own policy for all equipment listed on the proposal as DOD 1033.

¹ Definition - Military Equipment "Military Equipment – Weapon systems that can be used directly by the Armed Forces to carry out battlefield missions. Military equipment has an expected useful life of two or more years; is not intended for sale in the ordinary course of business; does not ordinarily lose its identity or become a component part of another article; and is available for the use of the reporting entity for its intended purpose. Examples include: combat aircraft, pods, combat ships, support ships, satellites, and combat vehicles. Examples excluded are training aircraft and simulators."

#	Draft Ordinance (page 2)	OPD's Stance	OPD's current equipment in this category	OPD Policies	Exec Order 13688
	N/A	N/A	N/A	In general, DGO K-03 and K-04 cover the use and reporting of force DGO B-12 Firearms Range Program covers training DGO K-05 Tactical Operations Team assigns responsibility for the use of many of the items/tactics	N/A
1	Wheeled armored vehicles that are either built or modified to provide ballistic protection to their occupants, including a mine-resistant ambush protected (MRAP) vehicle or an armored personnel carrier.		BearCat Armored Suburban	Training Bulletin being drafted and in review process with IMT	Controlled
2	Wheeled tactical vehicles that are either built to operate both onroad and offroad in supporting military operations, such as a high mobility multipurpose wheeled vehicle (HMMWV, commonly referred to as a Humvee, a two and one half-ton truck, or a five-ton truck, or built with a breaching or entry apparatus attached.		None	None - Would be covered by new policy being drafted for armored vehicles	Controlled
3	Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.		None	None - Would be covered by new policy being drafted for armored vehicles	Prohibited
4	Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.		OFD/OPD Command Post Weed and Seed Command Post Tactical Negotiations Team truck	None	Controlled
5	Weaponized aircraft, vessels, or vehicles of any kind, whether manned or unmanned.		None	N/A - None possessed by OPD	Prohibited
6	Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, ballistic, such as a slug, or that is explosive in nature.		Hook and Key Kinetic breaching tool Ram on BearCat (accessory, not fixed) Explosive breaching equipment (owned, but hasn't been used)	TB III-P Barricaded Subject, Hostage Negotiation (mentions forced entry tools, but not much more)	Controlled
7	Firearms of .50 caliber or greater.		None	N/A - None possessed by OPD	Prohibited
8	Ammunition of .50 caliber or greater.		None	N/A - None possessed by OPD	Prohibited
9	Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Section 30515 of the California Penal Code, with the exception of other service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of the Oakland Police Department.		Patrol Rifles Entry Team Element Rifles Sniper Element Rifles	DGO C-4 Safety Equipment (covers Privately-owned Rifle AR/Bolt Gun) DGO K-6 Patrol Rifle Program (covers patrol rifles) TB III-P Barricaded Subject, Hostage Negotiation (Entry & Sniper firearms--way out of date)	Controlled
10	Any firearm or firearm accessory, excluding the service weapons described in paragraph (9), that is designed to launch small projectiles, including, but not limited to, a grenade launcher or a riot gun used to disperse chemical agents.		37mm & 40mm launchers	TB III-H Specialty Impact Munitions	Grenade launchers prohibited, but differentiated from tear gas launchers
11	Any large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.		None	N/A - None possessed by OPD	Bayonets prohibited
12	Explosives and pyrotechnics, including grenades referred to as flashbang grenades and explosive breaching tools.		Partial duplicate of #6 Hand-thrown chemical agents or pyrotechnic gas dispersal devices	TB V-F-2 Chemical Agents TB III-G Crowd Control and Crowd Management (covers Hand-thrown chemical agents or pyrotechnic gas dispersal devices)	Controlled
13	Riot batons (Batons >24"), riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons.		Riot helmets Riot shields (owned, but haven't been used)	DGO C-4 Safety Equipment (covers Riot Helmet)	Controlled
14	Sonic weapons, including microwave weapons and the Long Range Acoustic Device sound cannon.	LRAD is not a weapon and OPD does not own anything else listed. LRAD is a communication device used during evacuations, crowd control, and with barricaded suspects.	Long Range Acoustic Device (LRAD)	None	Not in Exec Order

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Outlined if not specified otherwise)	Reason	Injuries or deaths during deployment caused by OPD or subject	Nature of Injury -Fire Aid -Hospitalization -Death	Cause of Injury	Arrests	Charge and/or Crime Report related to arrested vehicles.	Incident Summary	Beat/Cat	Suburban
18-001421	LOF1802108001074	8-Jan-18	1800	559 86th St	-Attempting to arrest dangerous person in structure (house, building, tent) -Attempting to arrest dangerous person in vehicle -Attempting to arrest dangerous person in public (park or field) -Service of high risk warrant -Stakeout -Protection of public at event	None	N/A	N/A	1	245(a)(1) PC - Domestic Battery 417(a)(2) PC - Exhibited Firearm	Dispatched domestic violence call. Suspect surrendered. Shots fired and 911 calls of shots fired. Two detained. No arrests.	Yes	No (unknown)
18-001785	LOF1803110000016	11-Jan-18	0028	1312 92nd Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	246.3 (a) PC - Discharge Firearm in a Grossly Negligent Manner	Armed vehicle requested, but then cancelled prior to arrival. Report of a burglary in progress at a business where the keys had been taken during a home invasion robbery. Occupants of building exited prior to arrival of armored vehicle.	Yes	No (unknown)
18-002289	LOF1803180000982	18-Jan-18	1815	814 International	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	459 PC - Burglary	Armed vehicle requested, but then cancelled prior to arrival. Report of a burglary in progress at a business where the keys had been taken during a home invasion robbery. Occupants of building exited prior to arrival of armored vehicle.	Yes	No (unknown)
18-001684	None/unknown	20-Jan-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Women's March	No	Yes
18-006219	LOF180202000854	2-Feb-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	None	Women's March	No	Yes
18-006904	LOF1802080000048	3-Feb-18	0041	2900 Broadway	Attempting to arrest dangerous person in vehicle	Yes - One person (public)	First Aid	N/A	0	25800(a)(1) PC - Felon/Adict/Passed/Own/Etc Firearm 12091(a)(1) PC - Carry Loaded Firearm in Public 25400(a)(1) PC - Carry Concealed Weapon in Vehicle	Caller advised of driver passed out in vehicle with engine running and firearm seen. Subject arrested. Callers said the killed wife and about to kill himself. Officers heard gunshot. Victim and suspect found DOA inside. Unknown if murder/suicide occurred prior to armored vehicle being on scene.	Yes	No (unknown)
18-007952	LOF1802110000951	11-Feb-18	1016	5835 Keith Ave	Attempting to arrest dangerous person in structure	Yes - One person (public)	Death	Suicide by subject	0	187 (a) PC - Murder	Callers said he was shot at and suspect was in building. Later determined suspect had fled, but later found and arrested in a vehicle.	Yes	No (unknown)
18-008053	LOF1802140001098	14-Feb-18	0807	5800 E. 8th St	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	246.3 (a) PC - Discharge Firearm in a Grossly Negligent Manner 25500(b) PC - Carry Loaded Firearm in Public	Callers said he just killed wife and children and he is armed with AR15. 50 call and another call. Also suspect to commit suicide by cop. Determined to be false report.	Yes	No (unknown)
18-008564	LOF1803170009005	17-Feb-18	1837	1055 72nd Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	148.3(c) PC - False Report of Emergency	Shots fired and 911 calls of shots fired in a backyard. Shots heard by officers on scene. No scene and no response at house, so no entry made. No detentions or arrests.	Yes	No (unknown)
18-012419	LOF180309001158	9-Mar-18	2252	8530 G St	Attempting to arrest dangerous person in public	None	N/A	N/A	0	246.3 (a) PC - Discharge Firearm in a Grossly Negligent Manner	Subject hit victim with hatchet knocking him unconscious. Subject barricaded in tent structure. Subject arrested.	Yes	No (unknown)
18-012389	LOF180309001090	9-Mar-18	2126	2500 Embarcadero	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	246(a)(1) PC - ADW-Other Dangerous Weapon	Callers reported person pointing firearm at her house. Officers arrived and suspect fled into building. Search for suspect conducted, but he was not located.	Yes	No (unknown)
18-012416	LOF1803100000981 OP1803100001003	10-Mar-18	0237	2679 E. 27th St	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	417.6(a) PC - Exhibit Deadly Weapon-Serious Bodily Injury Inent	Callers reported unresponsive person on ground with firearm. Ended in officer involved shooting.	Yes	No (unknown)
18-012885	LOF1803110000771	11-Mar-18	1817	928 40th St	Attempting to arrest dangerous person in public	Yes - One person (public)	Death	Shot by officers	0	664/187(a) PC - Attempted Murder	Pursuit of 211 PC suspects ending in a yard search with three in custody.	Yes	No (unknown)
18-013745	LOF180317000892	17-Mar-18	2023	3843 Buchhalter Ave	Attempting to arrest dangerous person in public	None	N/A	N/A	3	211 PC - Robbery with Firearm	Callers reported person took a firearm and bullets out of trunk and now had them in a vehicle. Suspected arrested.	Yes	No (unknown)
18-019999	LOF1803190009572	19-Mar-18	1117	1 Swan Way	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	1	Unknown - Arrest by East Bay Regional Parks (Report 18-0307)	Callers reported neighbor shot out all their windows. Person fled into residence when officers arrived and barricaded himself inside. Tactical team call-out made, but no entry as weapon was a BB gun.	Yes	No (unknown)
18-016970	LOF1803250006982	24-Mar-18	1648	2406 Monticello	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	246.3 PC - Willful Discharge BB gun in Negligent Manner 25400(b) PC - Vandalism-5500	Callers reported neighbor shot out all their windows. Person fled into residence when officers arrived and barricaded himself inside. Tactical team call-out made, but no entry as weapon was a BB gun.	Yes	No (unknown)
18-016412	LOF1803260002272	24-Mar-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	March for Our Lives	No	Yes
18-013559	None/unknown	25-Mar-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Call for Training (shoot)	No	Yes
18-015278	LOF1803270004001	27-Mar-18	1020	3245 Florida St	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	148.5(c) PC - False Report of Crime	Callers in the neighborhood said he had a gun to his head and he was going to kill himself. Determined to be false report.	Yes	No (unknown)
18-015484	None/unknown	28-Mar-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	None	Michelle Obama	Yes	Yes

RO #	Incident #	Date of Incident	Time of Incident	Location of Incident (Outland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, tent, etc.) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (park or yard) - Service of high risk warrant - Sitework - Protection of public at event	Injuries or deaths during deployment caused by OPD or subject	Nature of Injury - First Aid - Hospitalization - Death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large warrant or incident. No injuries or arrests directly related to arrested vehicles.	Incident Summary	BeaCat	Suburban
18-016529	LOP18040200391	2-Apr-18	10:07	900 E. 21st St	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	1	PC245(C) X2 - Assault with a deadly weapon on a peace officer VC10851(A) - Stolen Vehicle PC096D(A) - Possession of a stolen vehicle PC094(A)(2) - Vandalism PC066 - Possession of burglary tools Warrant arrest for 187 PC - Homicide, (Modesto PD took custody)	Armed vehicle requested, but then cancelled prior to arrival. Officers observed stolen vehicle and attempted to block it in. Driver of stolen vehicle rammed police vehicle until stolen vehicle was disabled and then refused to exit the vehicle. Suspect surrendered prior to arrival of armored vehicle. Homicide suspect in vehicle and unresponsive. Subject arrested.	Yes	No (unknown)
18-017081	LOP180404000271	5-Apr-18	09:45	123 Foster Ave	Attempting to arrest dangerous person in vehicle	Yes - One person (public)	First Aid	posure to chemical ag	1	211 PC - Robbery with Firearm	Caller reported robbery in progress. Employees hid inside. Appears person fled prior to containment being set. Robbery suspect not located.	Yes	No (unknown)
18-017821	LOP180409001122	9-Apr-18	20:38	3020 9th St	Attempting to arrest dangerous person in structure	None	N/A	N/A	0		Caller reported they were repairmen at a house when the robbery became angry, retrieved a firearm, and shot it. Subject arrested	Yes	No (unknown)
18-018209	LOP180411008804	11-Apr-18	15:47	9326 Golf Links Road	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	246.3 PC - Willful Discharge Firearm in Negligent Manner	Suspect fled from officers. Not found in yards.	Yes	No (unknown)
18-015717	LOP180412006959	22-Apr-18	11:13	1000 53rd St	Attempting to arrest dangerous person in public	None	N/A	N/A	0	245(a)(2) PC - Assault with Firearm on Person	Officer on viewed vehicle with unresponsive driver with firearm in lap. Firearm later found to be a pellet gun. Subject arrested.	Yes	No (unknown)
18-018470	LOP180413000071	13-Apr-18	02:31	900 Foothill Blvd	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	1	233.52(a) VC - Driving Under the Influence 246.3 PC - Willful Discharge Firearm on Person 245(a)(2) PC - Assault with Firearm on Person 247.01 PC - EXHIBIT FIREARM 417.01 PC - EXHIBIT FIREARM PC273 - VIOLENT CRUELTY TO CHILD PC2860 (A)(1) - FELONY/ADICT/POSSESS/OWN/ETC FIREARM PC3946 (A)(1) - PROHIBITED POSSESS AMMUNITION OR RELOADED AMMUNITION PC31360 (A) - VIOLENT FELON POSSESS/OWN/PURCHASE BODY ARMOR	Officer on viewed vehicle with unresponsive driver with firearm in lap. Firearm later found to be a pellet gun. Subject arrested.	Yes	No (unknown)
18-019663	LOP180413000109	19-Apr-18	20:59	9023 A St	Attempting to arrest dangerous person in structure	None	N/A	N/A	0		Caller who had fled her home reported husband assaulted her and pointed a firearm (handgun) at her. Officers surround house, but eventually determined husband was not inside. Two firearms and body armor found inside. Armored vehicle requested, but then cancelled prior to arrival. Caller reported person in vehicle with a firearm (unknown) on lap. Vehicle gone when area checked by helicopter and then patrol vehicles.	Yes	No (unknown)
18-021752	LOP180501000332	1-May-18	09:50	1600 89th Ave	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	0	No charges related to vehicle.	Caller reported person in vehicle with a firearm (unknown) on lap. Vehicle gone when area checked by helicopter and then patrol vehicles.	Yes	No (unknown)
18-020571	None/unknown	1-May-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Citywide response for May Day activities	Yes	No (unknown)
18-020956	LOP180502000065	2-May-18	05:00	1246 Oak Haven Way, Antioch	Service of high risk warrant	Yes - One person (public)	First Aid	posure to chemical ag	1	38605 (A) PC - ILLEGALLY POSSESS ANY ASSAULT WEAPON PROGRAM 28600 (A)(2) PC - FELONY/ADICT/POSSESS/OWN/ETC 203.2(A) PC - VIOLATION OF PROBATION-FELONY	On 2 May 18, at 0500 Hrs the OPD Tactical Operations Team responded to 1246 Oak Haven Way in Antioch to serve a search warrant. Antioch PD was on scene to assist. The subjects associated with the residence were involved in several shootings in Oakland and known to have weapons. Upon serving the warrant a rifle and handgun were recovered and three adult male were arrested. According to Antioch PD, no residence called in regarding this incident. This is an open investigation and anyone with further information should contact the Criminal Investigations Division.	Yes	Yes
None	LOP180502001144	2-May-18	23:27	3500 MacArthur Blvd	Attempting to arrest dangerous person in public	None	N/A	N/A	0	None	Caller reported a person making swinging movements towards encasing vehicles. Unable to locate.	Yes	Yes
None	LOP180502001035	2-May-18	21:05	FSH MANCH RD & GRIZZLY PEAK BLVD	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	0	None	Officers responded to Grizzly Peak & Old Fish Ranch Road to assist with locating a person threatening suicide with a firearm (rifle). The BeaCat was used for the DAT on scene and the Suburban was used to canvass the neighboring area where the subject's phone was pinged. The subject was not located during the incident.	Yes	Yes

27 Sep 19

PRR list of deployments (2018)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason for Deployment	Injuries or deaths during deployment caused by OPD or subject	Neure of injury -First Aid -Hospitalization -Death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armored vehicles.	Incident Summary	BeaCat	Suburban
18-02456	LOP18051700999	17-May-18	1842	3301 Partridge Ave	Attempting to arrest dangerous person in structure (house, building, tent) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yards) - Service of high risk warrant - Stikeshow - Protection of public at event	None	N/A	N/A	0	422PC-THREAT CRIME/INT/TERRORIZE	Caller reported one neighbor went to another neighbor's house and started shooting. Suspected shooter was placed on a hold for mental evaluation (5150 W&A). Armored vehicle requested, but then cancelled prior to arrival. Outside agency pursued robbery suspects into Oakland and then the suspects fled. Suspects detained prior to arrival of armored vehicle.	Yes	No
None	LOP18052001193	22-May-18	2323	5700 Market St	Attempting to arrest dangerous person in public	None	N/A	N/A	0	None by Oakland PD	Caller reported husband has severe alcohol problems and mental health issues. Caller advised he is in room with a couple loaded guns and has been talking about suicide. He threatened to shoot her and then put gun in his mouth. Subject arrested. Two firearms (handguns) recovered. Subject arrested.	Yes	No (unknown)
18-02583	LOP180523001089	23-May-18	2039	3250 MacArthur Blvd	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	273.5(a) PC - Inflict Corporal Injury on Spouse/Cohabitant 422PC-THREAT CRIME/INT/TERRORIZE 249(a)(1) PC - Domestic Battery	Multiple callers about a man shooting a rifle in the air along with Shot-Spotter activations. Officers on scene heard gunshots. Subject arrested. Firearm (rifle) recovered.	Yes	No (unknown)
18-02619	LOP18052500157	25-May-18	0606	1065 Balla Vista Ave	Attempting to arrest dangerous person in public	None	N/A	N/A	1	P.C. 246.3 ANYONE WHO WILLFULLY DISCHARGES A FIREARM IN A GROSSLY RECKLESS MANNER P.C. 62651(D) DISCHARGE FIREARM IN SCHOOL ZONE P.C. 28500(A) CARRY LOADED FIREARM ON/IN PERSON/VEHICLE PUBLIC PLACE P.C. 249.1(1) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(2) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(3) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(4) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(5) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(6) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(7) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(8) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(9) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(10) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(11) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(12) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(13) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(14) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(15) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(16) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(17) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(18) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(19) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(20) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(21) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(22) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(23) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(24) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(25) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(26) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(27) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(28) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(29) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(30) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(31) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(32) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(33) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(34) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(35) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(36) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(37) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(38) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(39) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(40) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(41) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(42) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(43) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(44) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(45) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(46) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(47) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(48) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(49) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(50) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(51) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(52) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(53) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(54) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(55) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(56) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(57) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(58) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(59) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(60) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(61) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(62) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(63) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(64) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(65) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(66) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(67) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(68) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(69) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(70) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(71) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(72) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(73) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(74) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(75) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(76) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(77) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(78) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(79) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(80) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(81) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(82) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(83) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(84) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(85) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(86) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(87) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(88) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(89) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(90) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(91) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(92) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(93) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(94) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(95) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(96) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(97) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(98) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(99) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER P.C. 249.1(100) Misd-CARRY LOADED HANDGUN; NOT REGISTERED OWNER	Yes	No	
18-02689	None/unknown	31-May-18		Coliseum/Arena	Attempting to arrest dangerous person in public Protection of public at event	None	N/A	N/A	0	None	Multiple callers about a man shooting a rifle in the air along with Shot-Spotter activations. Officers on scene heard gunshots. Subject arrested. Firearm (rifle) recovered.	Yes	No
18-02748	LOP180603000672	3-Jun-18	1218	2000 Harrison St	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	417.6(a) PC - Exhibit Deadly Weapon; Serious Bodily Injury Inert	Caller reported subject armed with firearms (handgun and shotgun) pointed the firearms at her and threatened to shoot her. Subject located in tent and arrested. No firearms recovered.	Yes	No (unknown)
18-02732	None/unknown	3-Jun-18		Coliseum/Arena	Attempting to arrest dangerous person in structure Protection of public at event	None	N/A	N/A	0	None	NBA Finals game 1	Yes	Yes
18-02842	LOP180607000163	7-Jun-18	0554	7900 Noy Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	249E(1) PC - BATTERY; SPOUSE/EX SPOUSE/DATE/ETC 417(A)(2) PC - EXHIBIT FIREARM	Caller reported her boyfriend assaulted her and pointed a firearm (handgun) at her. Subject arrested. No firearms recovered.	Yes	No (unknown)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, bus) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yards) - Service of high risk warrant - Sideshow - Protection of public at event	Injuries or deaths during deployment caused by OPD or subject	Nature of Injury -First Aid -Hospitalization -Death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Judge event or incident. No injuries or arrests directly related to armored vehicles.	Incident Summary	BearCat	Suburban
18-028619	LOP1806800095 LOP18068000166	8-Jun-18	0616	5919 Foothill Blvd	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	*JUDGE EVENT OR INCIDENT. NO INJURIES OR ARRESTS DIRECTLY RELATED TO ARMORED VEHICLES. 246.3 PC - WILFUL DISCHARGE FIREARM IN NEGLIGENT MANNER 11999 HS - POSSESS MARIJUANA/HASHISH FOR SALE 23900 PC - ALTER/REMOVE/ETC IDENTIFICATION MARKS ON FIREARM 25800(a) PC - CARRY LOADED FIREARM ON/IN PERSON/VEHICLE PUBLIC PLACE	On Friday, 8 Jun 18, at approximately 0616 hours, Patrol officers responded to reports of gunfire in the 5900 block of Foothill Blvd. While investigating the area, officers observed a person at the door of 5919 Foothill Blvd. Additional rounds. The person retreated inside the residence and Patrol officers surrounded it. Officers tried for several hours to have the suspect exit the residence, but he remained inside. At 0640 hours, a Tactical Operations Team call-out was initiated by the watch commander. Eventually, four people exited the residence but the suspect remained inside. The Tactical Operations Team deployed light and sound diversion devices outside the residence and were able to make phone contact with the suspect who finally exited the residence and was taken into custody. No one was found that had been injured by the gunfire and no property was found that was damaged by the gunfire. Camps and a firearm were recovered.	Yes	Yes
18-028652 18-029132	LOP18068000949 None/Unknown	8-Jun-18 12-Jun-18	2120	Various Downtown	Sideshow Protection of public at event	None None	N/A N/A	N/A N/A	0 0	*None *None	Officers prevailing crowds and sideshow activity after NBA Finals in Oakland. Severe arrests made. NBA Parade	Yes Yes	Yes Yes
18-029500	LOP180613000315	13-Jun-18	0935	3500 Harrison St	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	0	25400 (A)(3) PC - MISC-CARRY CONCEALED WEAPON IN VEHICLE OCCUPANT 2800.1 (A) VC - EVADING PEACE OFFICER	Patrol enforcement on viewed a person asleep in a vehicle with a firearm (handgun) on his lap. BearCat unavailable so vehicle couldn't be blocked in. Person woke up, fled in the vehicle, and evaded pursuit.	No	Yes
18-030216	LOP180617000690	17-Jun-18	1612	330 Ashton Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	245(a)(2) PC - Assault with Firearm on Person 417(a)(3) PC - Exhibit Deadly Weapon other than Firearm 422 PC - Criminal Threats with intent to Terrorize 597(e) PC - Cruelty to Animals	Caller reported a stabbing. Caller said the suspect was also armed with a firearm (handgun) and ran into a building. Suspect not located.	Yes	No (unknown)
18-030223	LOP180617000703	17-Jun-18	1643	2580 63rd Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	422 PC - Criminal Threats	Caller reported person posted that they were going to shoot up a school and had posted a picture of a firearm (rifle). Subject detained. Replica Ah-15 firearm and BB rifle recovered from subject's room. Other firearms (shotgun and handgun) also found in home taken for safekeeping. Subject placed on hold for mental fitness (SISO WI) and not arrested pending further investigation.	Yes	No (unknown)

RD #	Incident #	Date of incident	Time of incident	Location of incident (Oakland if not specified otherwise)	Reason -Attempting to arrest dangerous person in structure (house, building, tent) -Attempting to arrest dangerous person in vehicle -Attempting to arrest dangerous person in public (street or park) -Service of high risk warrant -Sidewalk -Protection of public at event	Injuries or deaths during deployment caused by DPD or subject	Nature of injury -Fire/child -Hospitalization -Death	Cause of injury	Arrests	Charge and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armored vehicle.	Incident Summary	Best-Cat	Suburban
18-032596	LOP180705000717	19-June-18	1457	1215 10th St	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	- 29800(A)(1) PC - FELLOW/ADDICT/POSSESS/OWN/ETC FIREARM - 30505(A)(1) PC - PROHIBITED POSSESS AMMUNITION OR RELOADED AMMUNITION - 25400(A)(2) PC - CARRY CONCEALED WEAPON ON PERSON - 25400(C)(6)(A) PC - CARRY LOADED CONCEALED WEAPON ON PERSON - 25400(C)(3) PC - CARRY CONCEALED WEAPON - CRIMINAL STREET GANG - 25400(C)(4) PC - CARRY CONCEALED WEAPON - UNLAWFUL POSSESS - 25400(C)(6) PC - CARRY A LOADED CONCEALED WEAPON ON PERSON - 25950(C)(1) PC - CARRY LOADED FIREARM W/PRIOR FELONY CONVICTION - 25950(C)(3) PC - CRIMINAL STREET GANG MEMBER CARRY LOADED FIREARM - 25950(C)(6) PC - CARRY LOADED HANDGUN; NOT REG OWNER - 902(L) PC - PREPASS-OCCUPY PROPERTY W/O CONSENT - 484(A)(1) PC - OBSTRUCT/RESIST/ETC PUBLIC PEACE OTHER EMERGENCY MED TECH	Officers attempted to stop a known gang member to issue him a citation for vehicle code violation. The suspect fled from officers and dropped a backpack. Officers recovered the backpack and found a firearm (handgun) inside. Suspect located in building and arrested. Two cancelled prior to arrest. Officers heard shots and then found multiple gunshot victims nearby. Large hostile crowd present and shooter(s) possibly in the area still. Scene stabilized prior to arrival of an armored vehicle.	Yes	No (unknown)
18-032487	LOP180629001215	29-June-18	2348	1300 Franklin St	Attempting to arrest dangerous person in public	None	N/A	N/A	0	187(a) PC - Murder 245(a)(2) PC - Assault with Firearm	On Thursday, 5 Jul 18, at approximately 1540 hours, Patrol officers were in the 300 block of Ashton Ave and observed two individuals who had felony arrest warrants for assault. The officers conducted an enforcement stop and took one of the individuals into custody. The second suspect fled from officers and ran into 350 Ashton Ave. Patrol officers surrounded the location and tried for several hours to have the suspect exit the residence. At 1840 hours, a Tactical Operations Team call-out was initiated by the watch commander.	Yes	No (unknown)
18-034434	None/unknown	4-Jul-18		Citywide	Protection of public at event	None	N/A	N/A	0	None *One warrant arrest for 245(a)(1) PC, Assault with a Deadly Weapon, prior to deployment.	The Tactical Operations Team deployed with an armored vehicle and made further announcements, but received no response. Chemical Agents were deployed into the residence, but there was no response. A search of the residence revealed there were no occupants inside the location. It appears the second warrant suspect fled from the rear of the location prior to officers setting up a perimeter.	Yes	No (unknown)
18-032516	LOP180705000846	5-Jul-18	1640	350 Ashton Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	245 (A)(2) PC - Assault with Firearm 422 PC - Criminal Threats with Intent to Terrorize 417 (A)(2) PC - Exhibit Firearm 273 (A) PC - Willful County to Child	Armored vehicle requested, but then cancelled prior to arrival. Caller reported neighbor hit her with a firearm (shotgun). Named suspect had previously threatened suicide by cop. Suspect surrendered prior to arrival of armored vehicle. Firearm (rifle) recovered.	Yes	No (unknown)
18-033403	LOP180705000467	5-Jul-18	1040	2011 Myrtle	Attempting to arrest dangerous person in structure	None	N/A	N/A	1			Yes	No (unknown)

RO #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, tent) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (park or yard) - Service of high risk warrant - Sideshow - Protection of public at event	Injuries or deaths during deployment caused by CPD or subject	Reasons of injury - First Aid - Hospitalization - Death	Cause of injury	Arrests	Charges and/or Crimes Reported *Large events at incidents. No injuries or arrests directly related to armored vehicles.	Incident Summary	Beat/Cat	Suburban
18-035700	LOP18071300055	17-Jul-18	2355	1610 11th Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	2	211 PC - Robbery with Firearm	Officers observed subjects believed to be involved in a take over robbery with firearms (handguns) enter a building. Two people arrested outside the building. The building was searched and no one else located.	No	Yes
18-036134	LOP18072000030	20-Jul-18	0932	5711 Telegraph Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	66A/211 PC - Attempt Robbery 459 PC - Burglary 594B(1) PC - Vandalism \$400+ 422 PC - CRIMINAL THREATS THREATENED CRIME W/INTENT TO TERRORIZE 242 PC - BATTERY 417A(1) PC - EXHIBIT DEADLY WEAPON OTHER THAN FIREARM	Armored vehicle requested, but then cancelled prior to arrival. Caller reported being robbed. Suspects had firearms (handguns) and now were burglarizing his business. Suspects detained prior to arrival of armored vehicle.	Yes	No (unknown)
18-036827	LOP18072000024	24-Jul-18	0916	1310 76th Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	PC 245(a)(2) / Assault w/ Deadly Weapon, Firearm PC 29000(a) / Felony (w-felon in possession of Firearm) PC 269.5D (Discharge Firearm W/ 1000 Feet of School) PC 269.5D(1) (Possession of Firearm by Prohib. Person) Pds 1135C (Possession of Narcotics)	Officers flagged down about a subject brandishing a knife, assaulting her, and threatening to kill her. Suspect arrested.	Yes	No (unknown)
18-036840	LOP18080200064	2-Aug-18	1829	2515 Adeline St	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	None	Caller reported one relative shot at another. Suspect arrested. Firearm (handgun) recovered.	Yes	No (unknown)
18-036754	None/unknown	3-Aug-18		Downtown	Protection of public at event	None	N/A	N/A	0	None	First Friday	No	Yes
18-037241	None/unknown	20-Aug-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	None	Raiders vs Lions	No	Yes
18-040758	LOP18081100099	11-Aug-18	0947	3822 International Blvd	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	417A(1) PC - Exhibit Firearm	Caller reported the roommate unpublished a firearm (handgun) in his room. Suspect arrested.	Yes	No (unknown)
18-038542	None/unknown	12-Aug-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Oakland Fall Marathon	No	Yes
18-031246	LOP18081000772	15-Aug-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Oakland Triathlon	No	Yes
18-042624	LOP18082300024	24-Aug-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	*None	Raiders vs Packers	Yes	Yes
18-044210	LOP180831000919	31-Aug-18	1645	2791 Ritchie St	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	261A(2) PC - Rape 288A PC - Oral Copulation 236 PC - False Imprisonment 10851(a) VC - Vehicle Theft 242 PC - Battery 245(a)(4) PC - Assault with Deadly Force	Caller reported being raped. Suspect residence searched, but suspect not located.	Yes	No (unknown)
18-043984	LOP180903000792	3-Sep-18		Citywide	Protection of public at event	None	N/A	N/A	0	None	Rally for Health Care	No	Yes
18-045402	LOP180907000658	7-Sep-18		Downtown	Protection of public at event	None	N/A	N/A	0	None	First Friday	No	Yes
18-045921	LOP180910000437	10-Sep-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	*None	Raiders vs Rams	Yes	Yes
18-046109	LOP180911000440	11-Sep-18	1142	2718 Nishi Av	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	PC 417 (a)(1) - EXHIBIT DEADLY WEAPON OTHER THAN FIREARM PC 422 - CRIMINAL THREATS THREATENED CRIME W/INTENT TO TERRORIZE PC29000 (A)(1) - FELONY/ADDP/POSSESS/OWN/ETC PC29005 - VIOLATION PAROLE/FEIGNY	Parole agent advised he was checking on a parolee when he came out armed with a sword and is suicidal.	Yes	No (unknown)
18-046664	LOP180913001256	13-Sep-18	2359	881 58th St	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	FIREARM PC29005 (C)(2) - CARRY STOLEN LOADED FIREARM PC29005 (A)(1) - PROHIBITED POSSESS AMMUNITION OR RELOADED AMMUNITION	Shot/patrol report of three gunshots and then neighbor advised gunshots occurred in a house. Suspect arrested. Firearm (handgun) recovered.	Yes	No (unknown)
18-046678	LOP180914000390	13-Sep-18			Protection of public at event	None	N/A	N/A	0	None	Rolling Loud Festival	No	Yes
18-046678	LOP180914000390	13-Sep-18			Protection of public at event	None	N/A	N/A	0	None	Rolling Loud Festival	No	Yes
18-047718	LOP180920000184	20-Sep-18	0725	5825 International Blvd	Attempting to arrest dangerous person in public	None	N/A	N/A	1	481A PC - OBSTRUCTS/RESISTS PUBLIC OFFICER/ETC 60210 PC - TRESPASS OCCUPY PROPERTY W/O CONSENT Felony No Bail Warrant - 29889a1 PC	Caller reported person hiding in building with a firearm (rifle or shotgun). Suspect arrested. Replica firearm located.	Yes	No (unknown)
18-048262	LOP180923000052	23-Sep-18				None	N/A	N/A	0	*None	Sideshow	Yes	Yes
18-048274	LOP180923000154	23-Sep-18	0048	Citywide	Sideshow	None	N/A	N/A	0	*None	Sideshow	Yes	Yes

27 Sep 19

PRR list of deployments (2018)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, yard) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yards) - Sideshow - Protection of public at event	Injuries or deaths during deployment caused by OPD or subject	Nature of injury -First Aid -Hospitalization -Death	Cause of injury	Arrests	Charges said/or Crimes Reported related to arrested vehicles.	Incident Summary	Revised	Suburban
18-049024	LOP180927000155	27-Sep-18	0659	201 Oakland Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	PC 245(a)(2) - Assault with Firearm on Person PC 211 - Bobbery PC 664/215 - Attempt Carjacking PC 664/207 - Attempt Kidnapping	Caller received an attempted carjacking where she was hit on the head with a firearm (handgun) and her phone was stolen. Building searched. Suspect not located, but phone recovered. Officer observed person asleep in vehicle with a firearm (handgun) on the floorboard. Person detained. Two replica firearms recovered.	Yes	Yes
18-050119	LOP181009000037	3-Oct-18	0106	Coral Rd & Sarcus Rd	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	None	On Thursday, 4 Oct 18, at 0600 hours, the Oakland Police Department Tactical Operations Team assisted in serving warrants in the 3900 Block of Merrill and the 6000 Block of MacArthur Blvd. This was the culmination of an investigation conducted by the Criminal Investigations Division. Light and sound diversion devices were deployed outside. Between the two locations, five people exited and were detained. There were no injuries reported, although on scene medical personnel did examine an occupant who was exposed to CS gas. A weapon was recovered. Any further information will be provided by the Criminal Investigation Division.	Yes	No (unknown)
18-050354	LOP181004000074	4-Oct-18	0600	3739 Newell Street	Service of high risk warrant	Yes - One person (public)	First Aid	Exposure to chemical agent	1	29800(a)(1) PC - Felony/Adultery/Possess/Own/Use Firearm	On Thursday, 4 Oct 18, at 0600 hours, the Oakland Police Department Tactical Operations Team responded to a report of a person in a vehicle in the 3900 Block of Merrill and the 6000 Block of MacArthur Blvd. This was the culmination of an investigation conducted by the Criminal Investigations Division. Light and sound diversion devices were deployed outside. Between the two locations, five people exited and were detained. There were no injuries reported, although on scene medical personnel did examine an occupant who was exposed to CS gas. A weapon was recovered. Any further information will be provided by the Criminal Investigation Division.	Yes	Yes
18-050368	LOP181004000021	4-Oct-18	0730	6026 MacArthur Blvd	Service of high risk warrant	None	N/A	N/A	0	11378 HS - Possess Controlled Substance for Sale	First Friday	Yes	Yes
18-050726	None/unknown	5-Oct-18		Downtown	Protection of public at event	None	N/A	N/A	0	None	First Friday	No	Yes
18-050968	LOP181007000718	7-Oct-18	1703	1442 8th Ave	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	1	422 P.C. - Criminal Threats 417(a)(2) P.C. - Brandish Firearm 25850 (A) P.C. - Carry Loaded Firearm in Public 25400 (A) (1) P.C. - Carrying Concealed Firearm in Vehicle 11350 (A) H.S. - Possession of Controlled Substance PC25900 (A)(1) - FELLOW/ADDICT/POSSESS/OWN/USE FIREARM PC30905 (A)(1) - PROHIBITED POSSESS AMMUNITION OR RELOADED AMMUNITION PC23850 (A)(2) - CARRY LOADED FIREARM PUBLIC PLACE PC23850 (C)(4) - CARRY LOADED FIREARM UNLAWFUL PC23850 (C)(6) - MED-CARRY LOADED HANDGUN; NOT REGISTERED OWNER PC12032 - VIOLATION OF PROBATION-FELONY	Caller reported a person brandished a firearm (handgun) at him and was now in a vehicle. Suspect arrested. Firearm (handgun) recovered.	Yes	No (unknown)
18-051361	LOP181009000188	9-Oct-18	2248	2937 E. 22nd St.	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	None	Officers attempting to stop a warrant suspect (mugshot) and secure residence for a search warrant. Firearm recovered.	Yes	No (unknown)
18-051570	LOP181010000930	11-Oct-18	0104	1028 88th Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	417(A)(2)(PC - EXHIBIT FIREARM)	Caller reported relative brandished a firearm (handgun) at her and was now asleep in the house. Suspect arrested.	Yes	No (unknown)

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PRR list of deployments (2018)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Outland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, farm) - Attempting to arrest dangerous person in vehicle (car, van, truck, motorcycle) - Attempting to arrest dangerous person in public (street or park) - Services of high risk warrant - Sidehow - Protection of public at event	Injuries or deaths during deployment caused by OPD or subject	Nature of Injury - Fire Aft - Hospitalization - Death	Cause of Injury	Arrests	Charge and/or Crime Reported *Large event or incident. No injuries or arrests directly related to arrested vehicles.	Incidents Summary	BestCat	Suburban
18-050451	LOP18101000854	11-Oct-18	1650	3415 66th Ave Citywide	Service of high risk warrant	None	N/A	N/A	2	H511370 (1A) PC3252(A)	Officers arrested suspect in public and recovered a firearm (handgun). Search warrant was then served at a building and another firearm (handgun) was recovered. DC Wonder Woman Bunting Series SK and 10K (handgun) recovered. Suspect not located.	No No	Yes Yes
18-051849	LOP181012000556	13-Oct-18			Protection of public at event	None	N/A	N/A	0	664/187(a) PC - Attempted Murder	Suspect fleeing from an officers shot at the officer. Firearm (handgun) recovered. Suspect not located.	Yes	No (unknown)
18-053031	LOP181019000076	19-Oct-18	0313	2300 17th St	Attempting to arrest dangerous person in public	None	N/A	N/A	0	273.5 PC - INFLECT CORPORAL INJURY ON SPOUSE/COHABITANT	Caller reported boyfriend assaulted her. He had multiple warrants including one related to firearms. Suspect arrested. Caller reported his son was using drugs, suicidal, and had barricaded himself in the basement. Son then responded to have armed himself with a firearm (rifle). Son arrested. Pellet rifle recovered.	Yes	No (unknown)
18-054276	LOP181029000832	25-Oct-18	1637	2575 Fruitvale	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	PC 166(A)(4) - CONTEMPT OF COURT/DREBRY COURT ORDER/ETC	Officers responded to a report of a vehicle parked with an armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
18-054349	LOP181026000103	26-Oct-18	0330	11046 Apricot St	Attempting to arrest dangerous person in structure	Yes - One person (public)	Hospitalization	Impaired suicide by self	1	None	Armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
18-054670	LOP181027001141	27-Oct-18	2333	10100 MacArthur Blvd	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	0	PCS-500 (A)(1)-CARRY CONCEALED WEAPON IN VEHICLE	Armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
18-054721	LOP181028000276	28-Oct-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	None	Armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
None	None/unknown	31-Oct-18		Citywide	Sidehow	None	N/A	N/A	0	None	Armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
18-055579	LOP181102000121	2-Nov-18	0545	1420 Chestnut St	Attempting to arrest dangerous person in public	None	N/A	N/A	1	PC222 - CRIMINAL THREATS CRIME W/INTENT TO TERRORIZE	Armed vehicle requested, but then cancelled prior to arrival. Caller reported neighbor's boyfriend was bleeding the driveway and shouting that he has a gun and is going to kill everyone. Subject arrested prior to arrival of armored vehicle.	Yes	No (unknown)
18-055915	LOP181104000245 LOP181104000270	4-Nov-18	0739	1420 32nd Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	PC 247(B) SHOOT AT UNOCCUPIED DWELLING/VEHICLE/ETC VC 2800 (A)(1) - FELLOW/ADULT/POSSESS/OWN/ETC FIREARM PC 1209.2 - VIOLATION OF PROBATION-FELONY PC 25850 (A) - CARRY LOADED FIREARM ON/IN PERSON/VEHICLE PUBLIC PLACE PC 80305 (A)(1) - PROHIBITED POSSESS AMMUNITION OR RELOADED AMMUNITION X 10 PC 25850 (C)(1) - CARRY LOADED FIREARM W/PRIOR FELONY CONVICTION PC 25850 (C)(4) - CARRY LOADED FIREARM UNLAWFUL/PROHIBITED POSSESSION PC 25850 (C)(6) - CARRY LOADED HANDGUN, NOT REG OWNER PC 248 (A)(2) - Assault with Firearm on Person PC 594 (A)(2) - Vandalism: Damage Property	Shot/Scores and callers recovered firearms. Officers found a multiple strike marks on a house. Suspect vehicle was identified and also linked to a robbery. A location for the suspects was identified. One subject arrested.	Yes	No (unknown)
18-057176	LOP18111000145	11-Nov-18	0935	E. 39th St & 9th Ave	Attempting to arrest dangerous person in vehicle	None	N/A	N/A	1	None	Caller reported an occupied vehicle in the middle of the intersection with the engine running and the driver passed out behind the wheel. Upon their arrival, officers observed two unconscious occupants in the vehicle. Officers also observed a firearm (handgun) in plain view on the front passenger seat. Subjects detained. One arrested. Firearm (handgun) recovered.	Yes	No (unknown)
18-056497	LOP18107000295	11-Nov-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	None	Armed subject passed out with a firearm (handgun) in his hand. Vehicle fled and escaped as armored vehicle was approaching.	Yes	No (unknown)
18-057449	LOP181112000917	12-Nov-18	2201	363 Grand Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	PCS45 (A)(1) - FORCE/ADW-OTHER DANGEROUS WEAPON	Caller reported being stabbed by a person also armed with a firearm (handgun). Officers located tent subject weapons. Tent emptied, but subject was gone.	Yes	No (unknown)
18-057593	LOP1811130006578	13-Nov-18	1550	10038 Kirkham Ct	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	248(C)(PC - ADW ON PEACE OFFICER-OTHER DANGEROUS WEAPON	Caller reported being stabbed by a person also armed with a firearm (handgun). Officers located tent subject weapons. Tent emptied, but subject was gone.	Yes	No (unknown)
18-057866	LOP181115000144	15-Nov-18	0718	2218 24th Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	1	PC 594 (A)(2) - Vandalism: Damage Property	Caller reported boyfriend shot her vehicle while she was inside of it. Suspect arrested.	Yes	No

BD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, etc.) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yard) - Service of high risk warrant - Stashout - Protection of public at event	Injuries or deaths during deployment caused by OPD or subject	Reasons of injury - First Aid - Hospitalization - Death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armored vehicles.	Incident Summary	Beat/Cat	Suburban
18-063194	LOP181219000456 LOP181219000461 LOP181219000469	15-Dec-18	1214	1815 13th Ave	Attempting to arrest dangerous person in structure	Yes - One person (public)	First Aid	seizure to chemical	1	*Large event or incident. No injuries or arrests directly related to armored vehicles.	On Saturday, 15 Dec 18, at 1214 hours, a residential robbery involving a firearm was reported in the 1900 block of 13th Ave. Patrol officers responded, contacted the victim, and set a perimeter around the residence. Shortly after this officers took one female adult into custody as she fled from the residence. Officers attempted to make contact with other suspects, but received no response. Additionally, they developed information that a hostage might be inside the residence. At 1350 hours, the Oakland Police Department Tactical Operations Team was called out to assist with the incident. The Tactical Operations Team utilized various tools, but also received no response from the residence. The Criminal Investigations Division was also called out and obtained a warrant for the residence. Chemical agents were deployed and at approximately 2330 hour a male adult was taken into custody exiting the residence. The residence was checked, but no hostage was located.	Yes	Yes
18-063835	LOP181219000265	19-Dec-18	0909	8275 San Leandro St.	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	PC 213.5 (a) - Robbery/Inhabited Dwelling - Firearm PC 202.2 (a) - Violation of Probation	Armored vehicle requested, but then cancelled prior to arrival. Caller reported a person with a firearm (handgun) and shot fired. Subject reported to be in nearby tents. Area checked, but no victims or suspects found. Caller reported his brother had been recently incarcerated and was now at his home acting erratically. The brother was reported to be armed with a firearm (handgun). Caller reported that he had seen his brother sitting on the couch with a gun in his lap. The suspect had an outstanding warrant for domestic battery and a restraining order against him.	Yes	No (unknown)
18-063951	LOP181219001078	19-Dec-18	2151	532 Jones Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	PC 166(C)(4) - Violation of Protective Order	Caller reported a person brandished a firearm (handgun) at her and threatened to kill her. Residence checked, but suspect not located.	Yes	No (unknown)
18-064558	LOP181229000722	23-Dec-18	1943	1727 86th Ave	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	417(a)(2)PC - Exhibit Firearm 422PC - Criminal Threats with intent to Terrorize	Caller reported people screaming outside. Officers responded and found a vehicle wanted by Richmond PD Homicide Unit for a shooting. Area searched, but no one found.	Yes	Yes
18-064548	LOP181229000649	24-Dec-18		Coliseum/Arena	Protection of public at event	None	N/A	N/A	0	249(e)(1)PC - Domestic Battery *None	Caller reported people screaming outside. Officers responded and found a vehicle wanted by Richmond PD Homicide Unit for a shooting. Area searched, but no one found.	Yes	Yes
18-065157	LOP181227000514	27-Dec-18	1317	3924 Kempton	Attempting to arrest dangerous person in public	None	N/A	N/A	0	None	Caller reported domestic violence and that the subject had a firearm (unknown). Residence searched, but suspect not located.	Yes	Yes
18-065259	LOP181229000911	29-Dec-18	2036	8500 International Blvd	Attempting to arrest dangerous person in structure	None	N/A	N/A	0	PC 273.5(A) - Inflict Corporal Injury on Spouse PC 273.4(L) - Inflict Cruelty to Child PC 261.5(A) - Continuous Sexual Abuse of Child PC 268.6(A) - Lewd or Lascivious Act with Child	Caller reported people screaming outside. Officers responded and found a vehicle wanted by Richmond PD Homicide Unit for a shooting. Area searched, but no one found.	Yes	No (unknown)
18-065252	None/Unknown	31-Dec-18		Citywide	Protection of public at event	None	N/A	N/A	0	*None	Citywide response for New Year's Eve activities	Yes	Yes

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PRR list of deployments (2019)

RO #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason -Attempting to arrest dangerous person in structure (house, building, tent) -Attempting to arrest dangerous person in vehicle -Attempting to arrest dangerous person in public (street or yards) -Service of high risk warrant -Sideshow -Protection of public at event	Injuries or deaths during deployment caused by CPD or subject	Nature of injury -First Aid -Hospitalization -death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armored vehicles.	Incident Summary	Beat/Cat	Suburban
19-000120	LOP190104000927	01-Jan-19	1800	8693 Greenridge Dr Downtown	Attempting to arrest dangerous person in structure Protection of public at event	0	N/A	N/A	1	417 (b)(2) PC - Exhibit Firearm 236 PC - False Imprisonment 29000 PC - Compelled Person Possess Firearm	Person reported being held at gunpoint inside a residence. Officers surrounded residence and subject surrendered and was arrested. Two firearms (handguns) recovered. First Friday	Yes	No
19-001276	LOP190108000674	08-Jan-19	1821	1808 90th Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	None	Person reported domestic violence. Subject has multiple firearms registered to him. Two firearms (handgun and shotgun) recovered.	No	Yes
19-001536	LOP190110000117	10-Jan-19	0600	3687 Maybelle	Service of high risk warrant	0	N/A	N/A	0	Arrest and investigation conducted by ATF.	On Thursday, 10 Jan 19, at 0600 hours, the Oakland Police Department Tactical Operations Team assisted in serving warrants at 3687 Maybelle units 1 and 3. This was the culmination of a lengthy investigation conducted by the ATF. Light and sound diversion devices were deployed outside. Between the two locations, two people exited and were detained. There were no injuries reported. Any further information will be provided by the ATF.	Yes	Yes
19-001742	LOP190111000323	11-Jan-19	0954	2221 Fruitvale	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	422 PC - Criminal Threats with Intent to Terrorize	Callers reported a person was threatening to shoot up the building and a firearm (handgun) had been seen. Officers attempted to conduct a vehicle stop on a murder suspect. The suspect fled in a vehicle with another person, crashed, and then both fled on foot. Both found and arrested.	No	Yes
19-000656	LOP190128000380	18-Jan-19	1106	5000 MacArthur Blvd	Attempting to arrest dangerous person in public	2 (arrested persons)	First Aid	Injuries from accident and/or while fleeing through yards	2	187(a) PC - Murder 28002(a) VC - Evade Police Officer; Disregard Safety		Yes	Yes
19-003104	LOP190118001109	18-Jan-19	2233	1424 90th Ave Downtown	Attempting to arrest dangerous person in structure Protection of public at event	0	N/A	N/A	1	246.3 PC - ANYONE WHO WILLFULLY DISCHARGES A FIREARM IN A GROSSLY RECKLESS MANNER 273.5(b) PC - CORPORAL INJURY-HANDS, FEET, FISTS-AGGRAVATED 422 PC - CRIMINAL THREATS THREATENED CRIME W/INTENT TO TERRORIZE 23800(b)(1) PC - FELONY/ADULT/POSSESS/OWN/ETC FIREARM 88050(b)(1) PC - PROHIBITED POSSES AMMUNITION ON PERSON 1305.4 PC - AMMUNITION 1305.5 PC - PROHIBIT OF PROBATION-FELONY	Caller reported being chased by someone with a firearm. Officers surrounded residence. A person exited and was arrested for a warrant. Residence searched, but named suspect was not inside. First Friday	Yes	Yes
19-003287	LOP190120000062	19-Jan-19		Citywide	Sideshow	0	N/A	N/A	0	None		No	Yes
19-003275	LOP190119001081	20-Jan-19		Citywide	Sideshow	0	N/A	N/A	0	None		No	Yes
19-004334	LOP190124000910	25-Jan-19	1829	5500 Holway St Downtown	Attempting to arrest dangerous person in vehicle Protection of public at event	0	N/A	N/A	0	None	Officers responded to a report of drug dealing involving an individual and a firearm (handgun) Sawtooth rifle Callers reported domestic violence and that the subject was armed with a firearm (rifle). Suspect surrendered. Firearm (rifle) recovered. Callers reported male wearing a bullet proof vest with an AR-15 strapped to his body and carrying a duffel bag. Area searched, but subject not located. Callers reported vehicle involved in an accident had an unconscious person inside and a firearm (rifle). One person detained. No firearm located.	No	Yes
19-004462	LOP190126000466	27-Jan-19				0	N/A	N/A	0	None		No	Yes
19-005048	LOP190128000711	29-Jan-19	1515	7638 Crest Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	243E(1) PC - BATTERY/SPOUSE/EX SPOUSE/DATE/ETC		Yes	No
None	LOP190201000169	01-Feb-19	0714	Fruitvale Av & San Leandro	Attempting to arrest dangerous person in public	0	N/A	N/A	0	None		Yes	Yes
19-006217	LOP190205000113	05-Feb-19	0553	10704 Estepa Dr	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	0	None		Yes	Yes

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PRR list of deployments (2019)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason	Injuries or deaths during deployment caused by CPD or subject	Nature of injury -first Aid -hospitalization -death	Cause of injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to arrested vehicles.	Incident Summary	BearCat	Suburban
19-007239	LOP150210000986 LOP150210001006	10-Feb-19	2249	1911 Linden St	- Attempting to arrest dangerous person in structure (house, building, tent) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yards) - Service of high risk warrant - Sidestow - Protection of public at event	0	N/A	N/A	1	245 (A)(2) PC - ASSAULT WITH FIREARM ON PERSON 422 PC - CRIMINAL THREATS THREATENED CRIME W/INTENT TO TERRORIZE	Officers responded for a ShotSpotter call and contacted a victim of a shooting who directed officers to the suspect's residence. Officers surrounded the residence and the suspect eventually surrendered. Firearm (handgun) recovered.	Yes	No
19-007265	LOP150210001017	11-Feb-19	0650	1200 Embarcadero	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	0	None	Officer observed person asleep in a vehicle with a firearm (handgun). Person detained and firearm (handgun) recovered. Person determined to be a licensed armed security guard and released.	Yes	Yes
19-007249	LOP150212000700	12-Feb-19	1538	5425 Wadswell Pl	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	211 PC - Robbery - Firearm 25850(a)(6) PC - Carry Loaded Handgun; Not Reg Owner 25850(a) PC - Carry Loaded Firearm in Public 25900(a) PC - Carry Loaded Firearm, with intent to Commit a Felony 242 PC - Battery	Caller reported driver of other vehicle involved in an accident threatened him with a firearm. Officers responded to surround the driver's residence and detained him as he was exiting. Firearm (handgun) recovered.	Yes	Yes
19-007294 19-009403 19-008623	LOP150215000224 LOP150215000372 LOP150215000171	15-Feb-19 15-Feb-19 15-Feb-19	0728	2620 Wood St Downtown	Attempting to arrest dangerous person in structure Protection of public at event	0 0	N/A N/A	N/A N/A	1 0	187(a) PC - Murder None	Officers responded for a ShotSpotter call and a report of a shooting. Upon arrival, a shooting victim was located. Officers identified the location of the suspect and surrounded it. Suspect eventually surrendered. Firearms (handgun and shotgun) recovered.	Yes Yes NO	Yes Yes Yes
19-003267	LOP150212000283	23-Feb-19	0609	3652 77th Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	187(a) PC - MURDER-FIRST DEGREE 11720.1 H&S - POSS CONTROLLED SUBSTANCE WHILE ARMED W/LOADED FIREARM 25400(a)(2) H&S - CARRY CONCEALED WEAPON ON PERSON 25400(a)(3) H&S - CARRY CONCEALED WEAPON IN VEHICLE 25850(a)(2) H&S - CARRY STOLEN LOADED FIREARM	Officers responded to the residence of a murder suspect and surrounded the residence. The suspect called and was arrested.	Yes	Yes
19-003367 19-009403 19-008441	LOP150213000085	23-Feb-19	1145	1871 66th Ave	Service of high risk warrant	0	N/A	N/A	0	187(a) PC - MURDER-FIRST DEGREE 11720.1 H&S - POSS CONTROLLED SUBSTANCE WHILE ARMED W/LOADED FIREARM 25400(a)(2) H&S - CARRY CONCEALED WEAPON ON PERSON 25400(a)(3) H&S - CARRY CONCEALED WEAPON IN VEHICLE 25850(a)(2) H&S - CARRY STOLEN LOADED FIREARM	Oakland Police Department Tactical Operations Team assisted in serving a search warrant at 1871 66th Ave. This was related to an ongoing investigation being conducted by our Criminal Investigations Division. During the operation 10 people exited the location and were detained. There were no injuries reported.	Yes	Yes
19-009599	LOP150227000239	27-Feb-19	0757	860 Pine St	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	1	245 (a)(2) PC - Assault with Firearm on Person 1597(a) PC - Cruelty to Animal PC25400 (C)(16) - CARRY A LOADED CONCEALED WEAPON ON PERSON	Officers developed information that a shooting suspect was in an RV. Officers surrounded the RV using armored vehicles and the suspect surrendered. Firearm (handgun) recovered.	Yes	Yes
19-010853	LOP150303000287 LOP150303000378	03-Mar-19	1002	845 92nd Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	PC417 (A)(2) - EXHIBIT FIREARM PC422 - CRIMINAL THREATS THREATENED CRIME W/INTENT TO TERRORIZE	Caller reported a brandishing and pointing of a firearm at 845 92nd Avenue. Officers established a perimeter and identified the suspect. Armored vehicles were deployed and the suspect surrendered. Firearm (handgun) recovered.	Yes	Yes
19-011779	LOP150308000388	08-Mar-19	0920	2235 E. 15th St	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	PC 211 ROBBERY-FIREARM PC 245 (A)(2) ASSAULT WITH FIREARM ON PERSON - PISTOL WHIP	Caller reported being pistol-whipped and robbed while inside the suspect's residence. Residence surrounded and suspect surrendered.	Yes	Yes
19-012045	LOP150310000005	10-Mar-19	0006	4844 MacArthur Blvd	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	211 PC - ROBBERY-FIREARM	Caller reported being robbed and directed officers to the suspect's location. Suspect surrendered. Replica firearm recovered.	Yes	No
19-012128	LOP150310000624	10-Mar-19	1640	2008 88th Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	PC 41.7(a)(2) - Exhibit Firearm	Caller reported neighbor on his porch pointing a firearm (rifle) at her. Suspect not located.	Yes	No

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Obtained if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, barn) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or yard) - Service of high risk warrant - Protection of public at event	Injuries or deaths during deployment caused by DPD or subject	Nature of injury - Fire - Aid - Hospitalization - Death	Cause of injury	Arrest	Charges and/or Citations Reported * Large events or incidents. No injuries or arrests directly related to arrested vehicles.	Incident Summary	Best-Cut	Suburban
19-012485	LOP190312000364	12-Mar-19	1015	3730 Keller Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	None	Caller reported a person came out of a residence waving a firearm (handgun). Officers surrounded residence and attempted to make contact. Officers left residence without making entry as a crime could not be determined and the person inside was possibly suffering from a mental condition.	Yes	No
19-012485	LOP190316000313	15-Mar-19	1824	1919 E. 19th St	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	PC24E (A)(2) ASSAULT WITH FIREARM ON PERSON PC24E (A)(2) AT INHABITED DWELLING/VEHICLE/ETC PC24E (A)(2) SHOOT AT INHABITED DWELLING/VEHICLE/ETC PC24E (A)(2) WILLFUL DISCHARGE FIREARM IN NEGLIGENT MANNER	Officers responded to ShotSpacer calls and a caller reporting someone shot at a vehicle. Residence surrounded. Occupants exited prior to arrival of armed vehicles. Suspects not located. Firearms (handgun and rifle) recovered.	Yes	Yes
19-013471	LOP190318000005	18-Mar-19	0008	6531 Fenham	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	None by OPD. Investigation handled by Oakland Housing Authority Police Department.	Officers heard gunshots and detained one suspect and a firearm (handgun). A second suspect was believed to have entered a residence and was surrounded. Further investigation revealed there was not a second suspect.	Yes	No
19-014258	LOP190321000856	21-Mar-19	1735	1921 50th Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	207(A) PC: KIDNAPPING 243(B)(1) PC: BATTERY/SPOUSE/EX-SPOUSE/DATE/ETC	Caller reported domestic violence. Subject believed to be barricaded in a bedroom and possibly armed with a firearm as he had been arrested with a rifle and handgun earlier in the month. Residence cleared, but suspect not located.	Yes	No
19-014354	LOP190322000154	22-Mar-19	0646	500 Webster Pl	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	0	PC 245(A)(2) - ASSAULT WITH FIREARM ON PERSON - PISTOL WHIP PC 417(A)(2) - EXHIBIT FIREARM PC 422 - CRIMINAL THREATS - THREATENED CRIME W/INTENT TO TERRORIZE	Officers responded to a report from a caller of possible gunshots. Upon arrival officers learned that there had not been a shooting, but that an adult female had been assaulted by an adult male. The victim advised officers that the suspect lived in an RV parked in the 500 block of Webster Place and had additional firearms. Suspect not located.	Yes	Yes
19-014512	LOP190323000052	23-Mar-19	0114	1950 50th Ave	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	245(A)(2) PC - ASSAULT WITH FIREARM ON PERSON 246 PC - SHOOT AT INHABITED DWELLING/VEHICLE/ETC 246.3 PC - WILLFUL DISCHARGE FIREARM IN NEGLIGENT MANNER	Officers responded for a shooting and victims identified the residence where the suspect was located. The residence was surrounded and the suspect surrendered. Firearm (handgun) recovered.	Yes	Yes
19-014663	LOP190324000146	24-Mar-19		Downtown	Protection of public at event.	0	N/A	N/A	0	None	Oakland Marathon	No	Yes
19-014907	LOP190325000500	25-Mar-19	1146	5349 Walnut St	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	459 PC - Burglary	Caller reported that she was livestreaming video from the camera inside her home and was watching a male suspect who had broken into her house armed with a firearm. Residence surrounded and suspect surrendered. No firearm recovered. Further review of video revealed suspect did not have a firearm.	No	Yes
19-015180	LOP190126000174	26-Mar-19	0040	833 Polar Court	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	237 PC, FALSE IMPRISONMENT W/VIOLENCE/ETC 1203.2 PC, VIOLATION OF PROBATION-FELONY 272A(B) PC, WILLFUL CRUELTY TO CHILD 236 PC, FALSE IMPRISONMENT W/VIOLENCE/ETC 243(B)(1) PC, BATTERY/SPOUSE/EX-SPOUSE/DATE/ETC	Caller reported family member was a victim of domestic violence. Indicated that the suspect would not allow for her and her child to leave, and he had assaulted her. Officers surrounded residence. Suspect allowed victim and child to exit and then surrendered.	Yes	No

27 Sep 19

PRR list of deployments (2019)

RD #	Incident #	Date of Incident	Time of Incident	Location of Incident (Oakland if not specified otherwise)	Reason	Injuries or deaths during employment caused by OPR or subject	Nature of injury -First Aid -Hospitalization -Death	Cause of injury	Arrests	Changes and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armored vehicles.	Incident Summary	BearCat	Suburban
					-Attempting to arrest dangerous person in structure (house, building, tent) -Attempting to arrest dangerous person in vehicle -Attempting to arrest dangerous person in public (street or yards) -Service of high risk warrant -Show -Protection of public at event					*Large event or incident. No injuries or arrests directly related to armored vehicles.			
										2800.1(a) VC - Evading a police officer 246.3 PC - Willful discharge firearm in negligent manner 29800(a)(2) PC - Felony/Adm/possess/own/etc firearm 25400 PC - Carry concealed weapon in vehicle 25850(a) PC - Carry loaded firearm in public 30600(a) PC - Unauthorized mfg/sale/etc assault weapon 626.9(b) PC - Have firearm at public/etc school 32310 PC - mfg/sale/etc large capacity magazine 32315 PC - mfg/sale/etc short barreled rifle 30350 PC - Prohibited possess ammunition 30355 PC - Violation parole; felony			
19-015418	LOP19032800359 LOP19032800315	28-Mar-19	1042	4500 Fleming Ave	Attempting to arrest dangerous person in public	0	N/A	N/A	1	Officer attempted to make a traffic enforcement stop. An occupant of the vehicle fled on foot and the officer heard a gunshot. Firearm (rifle) recovered. Suspect found in yards. Armored vehicle staged nearby, but not used.	Yes	No	
19-015598	LOP19032900553	29-Mar-19	1245	1400 8th St	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	1	Officers attempting to arrest subject with a warrant for 187(b) PC, Murder.	No	Yes	
19-015683	LOP19032900131	29-Mar-19	2315	1800 Gleason Way	Attempting to arrest dangerous person in vehicle	0	N/A	N/A	0	Officers responded to reports that a person was passed out in the driver's seat of a vehicle, armed with a firearm (unlawful). Occupant detained. No firearm located.	Yes	Yes	
19-015877	LOP19033100027	31-Mar-19	0822	1801 Embarcadero	Attempting to arrest dangerous person in structure	0	N/A	N/A	0	Caller reported a named person livestreaming while holding a firearm (rifle) in public. Person was located in a motel room. A perimeter was established and the person was detained. Investigation determined the allegation was unsubstantiated.	Yes	Yes	
19-015932	LOP190331000606	31-Mar-19	1627	1506 79th Ave	Attempting to arrest dangerous person in public	0	N/A	N/A	1	Officers on a vehicle stop hearing gunshots nearby. Officers located victims of the shooting and detained the suspect exiting a residence. A perimeter was set. No additional suspects were located.	Yes	Yes	
19-015999	LOP190401000776	01-Apr-19	1500	3250 MacArthur Blvd	Service of high risk warrant	0	N/A	N/A	1	Officers responded to this location to attempt to arrest a murder warrant suspect. Officers surrounded the location and the suspect surrendered. Present (hangman) recovered.	Yes	Yes	
19-015620	LOP190406000962	06-Apr-19	1219	Citywide	Attempting to arrest dangerous person in public	0	N/A	N/A	2	Oakland police officers responded to the 3150 Lakeshore Avenue on a report of a robbery. When officers arrived on scene they were informed by a bay area news crew, they had been robbed and their car had been taken while in the area of Fruitvale Avenue and Harold Street. The victims told officers that a vehicle drove up, a masked suspect approached the crew and demanded the camera, the suspect stated he had a gun (no weapon seen). The crew complied and the suspect fled with the loss.	No	Yes	
19-015642	LOP190406001034	06-Apr-19	2130	2436 E. 27th St	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	At approximately 2:15 PM, Oakland Police Officers collaborated with the San Francisco Police Department and detained two individuals in the City of San Francisco and recovered a new camera.	No	Yes	
										PC211 - ROBBERY PC212.5(A) - ROBBERY/INHABITED DWELLING PC495(A) - RECEIVE/ETC KNOWN STOLEN PROPERTY PC273.6(D) - VIO CRT ORD DOM VIO W/PR PC1203.2 - VIOLATION OF PROBATION			

27 Sep 19

PRR list of deployments (2019)

RO #	Incident #	Date of Incident	Time of Incident	Location of Incident (Citywide if not specified otherwise)	Reason - Attempting to arrest dangerous person in structure (house, building, tent) - Attempting to arrest dangerous person in vehicle - Attempting to arrest dangerous person in public (street or park) - Sideshow - Protection of public at event	Injuries or deaths during deployment caused by CPD or subject	Nature of injury - First Aid - Hospitalization - Death	Cause of Injury	Arrests	Charges and/or Crimes Reported *Large event or incident. No injuries or arrests directly related to armed vehicles.	Incident Summary	BearCat	Suburban
19-017183	LOP150407000323	07-Apr-19	1:56	7900 San Leandro St.	Attempting to arrest dangerous person in public	0	N/A	N/A	0	Report by Amtrak PD	Amtrak PD officer on-viewed a male adult with a rifle pointing it at the BART tracks. CPD units responded a male adult suspect was detained without incident. Officers searched the area and located a BB gun that looked like a firearm (rifle).	Yes	Yes
19-017234	LOP150407000860	07-Apr-19	1:50	Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	Yes	Yes
18-663772	LOP150410000722	10-Apr-19		8500 Elaine	Attempting to arrest dangerous person in structure	0	N/A	N/A	1	187(a) PC - Murder	Officers attempted to conduct a stop on a murder suspect. The suspect fled into a building. He was found and arrested.	Yes	No
19-018462	LOP150414000242	24-Apr-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-019501	LOP150420000298	20-Apr-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow - same RD # for Sat & Sun	No	Yes
19-019501	LOP150420000298	20-Apr-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow - same RD # for Sat & Sun	No	Yes
19-019501	LOP150420000298	20-Apr-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-021128	LOP150430000749	03-May-19		Citywide	Protection of public at event	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-021268	LOP150430000749	03-May-19		Citywide	Protection of public at event	0	N/A	N/A	0	*None	May Day Events	No	Yes
19-023235	LOP150504000756	04-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Rock Nite Event	No	Yes
19-025709	LOP150515000745	25-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-026222	LOP150515000745	25-May-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-027554	LOP150602000865	02-Jun-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-027554	LOP150602000865	02-Jun-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-028257	LOP150605000558	05-Jun-19		Citywide	Protection of public at event	0	N/A	N/A	0	*None	NBA Finals	No	Yes
19-028625	LOP150607000582	07-Jun-19		Citywide	Protection of public at event	0	N/A	N/A	0	*None	NBA Finals	No	Yes
19-028659	LOP150607000640	07-Jun-19		Citywide	Protection of public at event	0	N/A	N/A	0	*None	NBA Finals	No	Yes
19-028705	LOP150608000947	08-Jun-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-028957	LOP150609000654	09-Jun-19		Citywide	Sideshow	0	N/A	N/A	3	CVC 23103 - Reckless Driving CVC 23800.2 (A) - Evade Police Officer: Disregard for safety	Sideshow	No	Yes
19-029347	LOP150613000369	13-Jun-19		Citywide	Protection of public at event	0	N/A	N/A	0	*None	NBA Finals	No	Yes
19-030137	LOP150615000331	15-Jun-19		Park	Sideshow	0	N/A	N/A	0	*None	Second Sky Music Festival - same RD # for Sat & Sun	No	Yes
19-030138	LOP150615000667	15-Jun-19		Park	Sideshow	0	N/A	N/A	0	*None	Second Sky Music Festival - same RD # for Sat & Sun	No	Yes
19-030013	LOP150615000802	16-Jun-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-030137	LOP150615000331	16-Jun-19		Park	Sideshow	0	N/A	N/A	0	*None	Second Sky Music Festival - same RD # for Sat & Sun	No	Yes
19-031528	LOP150622000455	22-Jun-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-031769	LOP150623000718	23-Jun-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes
19-032863	LOP150629000596	29-Jun-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow. Fatal accident this night, but not related to armed vehicle deployment.	No	Yes
19-032422	LOP150627000124	30-Jun-19		Citywide	Sideshow	0	N/A	N/A	0	*None	Sideshow	No	Yes

30515.

(a) Notwithstanding Section 30510, "assault weapon" also means any of the following:

(1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:

- (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
- (B) A thumbhole stock.
- (C) A folding or telescoping stock.
- (D) A grenade launcher or flare launcher.
- (E) A flash suppressor.
- (F) A forward pistol grip.

(2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that does not have a fixed magazine but has any one of the following:

- (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
- (B) A second handgrip.
- (C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.
- (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

- (A) A folding or telescoping stock.
- (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that has the ability to accept a detachable magazine.

(8) Any shotgun with a revolving cylinder.

(b) For purposes of this section, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) The Legislature finds a significant public purpose in exempting from the definition of "assault weapon" pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of "assault weapon" pursuant to this section are exempt, as provided in subdivision (d).

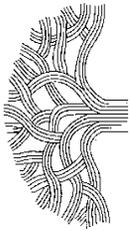
(d) "Assault weapon" does not include either of the following:

(1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision

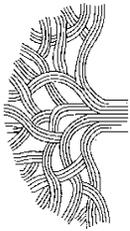
(c):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI		280 .22LR
HAMMERLI		280 .32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT



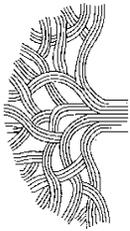
CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases Assigned to Intake
(Sorted by Assigned Staff)

Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0220	02/20/19	02/20/19	CD	08/28/19	02/19/20	1	Excessive Force
19-0399	01/11/19	04/15/19	CD	10/23/19	04/13/20	N/A	Improper Search
19-0452	05/01/19	05/01/19	CD	11/11/2019	04/29/20	2	Discrimination, Demeanor
19-0461	05/05/19	05/05/19	CD	11/11/2019	05/03/20	1	Use of Force - Taser
19-0489	05/12/19	05/12/19	CD	11/11/2019	05/10/20	1	Discrimination
19-0515	05/20/19	05/20/19	CD	11/16/2019	05/18/20	1	Use of Force
19-0534	05/28/19	05/28/19	CD	11/26/2019	05/26/20	2	Discrimination, Excessive Force
19-0539	05/27/19	05/30/19	CD	12/2/2019	05/28/20	1	Improper Search, Excessive Force
19-0545	06/01/19	06/01/19	CD	12/4/2019	05/30/20	1	Harrasment, Discrimination
19-0569	03/09/19	06/06/19	CD	12/10/2019	06/04/20	1	Care of Property
19-0571	06/09/19	06/09/19	CD	12/10/2019	06/07/20	N/A	Improper Search/Seizure/Arrest
19-0582	06/12/19	06/12/19	CD	12/14/2019	06/10/20	3	Excessive Force, False Arrest, Sexual Misconduct
19-0585	06/11/19	06/12/19	CD	12/17/2019	06/10/20	3	Demeanor, Harassment, Excessive Force, Discrimination
19-0590	06/13/19	06/13/19	CD	12/17/2019	06/11/20	1	Discrimination, Failure to Take a Report, Failure to Act
19-0593	06/17/19	06/20/19	CD	12/17/2019	06/13/20	2	Excessive Force
19-0598	06/16/19	07/02/19	CD	12/29/2019	06/30/20	1	Discrimination
19-0619	06/24/19	07/18/19	CD	1/14/2020	07/17/20	N/A	Improper Search, Excessive Force, Sexual Misconduct
19-0651	07/01/19	07/01/19	CD	1/4/2020	06/29/20	1	Improper Stop, Failure to Provide Serial Number
19-0688	07/10/19	07/10/19	CD	1/6/2020	07/08/20	1	Harassment, Improper Search/Seizure/Arrest



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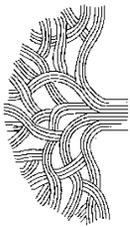
Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0827	N/A	08/10/19	CD	2/10/2020	08/08/20	N/A	Improper Arrest, Excessive Force, Discrimination, Service Complaint
19-0875	08/19/19	08/19/19	CD	2/17/2020	08/17/20	1	Profiling
19-0906	08/26/19	08/26/19	CD	2/24/2020	08/24/20	1	Excessive Force
19-0918	07/20/19	08/29/19	CD	3/1/2020	08/27/20	1	Unlawful Detention, Demeanor
19-0922	08/29/19	08/29/19	CD	3/1/2020	08/27/20	1	Excessive Force
19-0710	07/15/19	07/15/19	MB	01/11/20	07/13/20	1	Excessive Force
19-0842	08/08/19	08/09/19	MB	02/05/20	08/08/20	1	Improper Search/Seizure/Arrest
19-0885	08/21/19	08/23/19	MB	02/19/20	08/22/20	1	Performance of Duty
19-0897	08/24/19	08/25/19	MB	02/23/20	08/23/20	1	Care of Property
19-0927	08/31/19	08/31/19	MB	03/03/20	08/29/20	1	Unlawful Arrest, Excessive Force
19-0987	09/14/19	09/17/19	MB	3/15/2020	09/14/20	1	UOF
19-1005	N/A	09/17/19	MB	03/15/20	09/16/20	1	Improper Investigation
19-1012	09/20/19	09/20/19	MB	03/22/20	09/18/20	2+	Excessive Force
19-1030	09/24/19	09/24/19	MB	03/22/20	09/22/20	1	Performance of Duty
19-1044	09/25/19	09/25/19	MB	03/29/20	09/23/20	1	Discrimination, Demeanor
19-1114	10/09/19	10/10/19	MB	04/08/20	10/08/20	1	Harrasment
19-1143	10/14/19	10/16/19	MB	4/13/2020	10/12/20	1	UOF
19-1161	10/17/19	10/22/19	MB	4/19/2020	10/16/20	1	UOF
19-1190	10/25/19	10/29/19	MB	4/26/2020	10/23/20	2	UOF; POD



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
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 (Total Pending = 56)

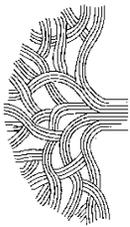
Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0597	06/12/19	06/15/19	RM	12/17/2019	06/13/20	1	Improper Search, Excessive Force
19-0654	07/01/19	07/01/19	RM	12/28/2019	06/30/20	1	Discrimination
19-0675	07/07/19	07/08/19	RM	1/8/2020	07/06/20	1	Excessive Force
19-0683	07/07/19	07/07/19	RM	1/8/2020	07/05/20	N/A	Excessive Force
19-0718	07/12/19	07/12/19	RM	1/8/2020	07/11/20	N/A	Harassment, 1st Amndmnt Assembly
19-0825	08/10/19	08/10/19	RM	2/10/2020	08/08/20	1	Discrimination
19-0839	08/08/19	08/12/19	RM	2/12/2020	08/10/20	1	Failure to Act, Discrimination
19-0849	08/14/19	08/14/19	RM	2/12/2020	08/12/20	2	Improper pointing of Firearm, Handcuffs too tight
19-0877	08/19/19	08/19/19	RM	2/17/2020	08/17/20	3	Harassment and Discrimination/Race, Unlawful arrest, Use of Force,
19-0878	06/27/19	08/20/19	RM	2/17/2020	08/18/20	N/A	False Arrest, Use of Force, Miranda Violation
19-0911	08/27/19	08/27/19	RM	2/25/2020	08/25/20	2	Excessive Force
19-0919	08/10/19	08/29/19	RM	3/1/2020	08/27/20	1	Excessive Force, Improper Arrest
19-0993	09/14/19	09/14/19	RM	3/12/2020	09/13/20	2	Failure to Investigate
19-1039	09/24/19	09/25/19	RM	3/25/2020	09/23/20	N/A	Improper Search, Care of Property
19-1093	10/05/19	10/05/19	RM	4/6/2020	10/03/20	2+	Use of Force, Improper Arrest
19-1123	10/10/19	10/11/19	RM	4/12/2020	10/09/20	2	Use of Force
19-1150	10/15/19	10/15/19	RM	4/12/2020	10/13/20	2	Demeanor, Improper Arrest, Use of Force
19-1159	10/17/19	10/17/19	RM	4/19/2020	10/15/20	3	Performance of Duty, Use of Force



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases assigned to Investigators
(Sorted by Assigned Staff)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Staff	180-day Goal	3304 Deadline	Type* (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
18-1352	12/09/18	12/27/18	12/14/18	AL	06/25/19	12/13/19	Use of Force	1	2	18	Excessive force; racial discrimination; improper search, seizure, or arrest; care of property; performance of duty
18-1364	12/06/18	12/19/18	12/19/18	AL	06/17/19	12/18/19	Other	2	3	6	Wrongful detention; performance of duty; service complaint; failure to take a complaint.
19-0114	01/28/19	02/05/19	01/28/19	AL	08/04/19	01/25/20	Use of Force	1	2	4	Excessive force; demeanor; failure to provide name or serial number.
19-0123	01/29/19	02/06/19	01/28/19	AL	08/05/19	01/27/20	Use of Force	1	5	13	Excessive force; performance of duty.
19-0206	02/16/19	02/26/19	02/16/19	AL	08/25/19	02/15/20	Use of Force	1	2	4	Excessive force; performance of duty (improper search, seizure or arrest).
19-0263	03/03/19	03/15/19	03/03/19	AL	09/11/19	03/01/20	Use of Force	1			Excessive force.
19-0753	07/26/19	08/06/19	7/26/2019	AL	02/02/20	07/24/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0134	01/29/19	02/08/19	01/29/19	AN	08/07/19	01/28/20	Use of Force	1	4	4	Excessive force.
19-0220	02/20/19	03/01/19	02/20/19	AN	08/28/19	02/19/20	Use of Force	1	1	2	Excessive force; conduct towards others (demeanor).
19-0416	04/17/19	04/19/19	04/17/19	AN	10/16/19	04/15/20	Use of Force	1	7	8	Excessive force (K-9 bite); Authority and responsibilities (Commanding officers); Authority and responsibilities (Supervisors).
18-1367	04/14/18	09/25/19	12/19/18	CS	06/17/19	12/18/19	Use of Force	1	1	2	Excessive force; performance of duty.
19-0207	02/18/19	03/01/19	02/18/19	CS	08/28/19	03/17/20	Use of Force	1	3	13	Excessive force; performance of duty (improper search, seizure or arrest); conduct towards others (demeanor).
19-0235	02/24/19	03/01/19	02/24/19	CS	08/28/19	02/23/20	Use of Force	1	7	13	Excessive force; performance of duty (improper search, seizure or arrest); care of property.
17-1009	09/03/17	10/17/17	10/11/17	ED	03/12/18	11/29/19	Use of Force	1	2	3	Excessive force.
18-0524	05/21/18	05/29/18	05/19/18	ED	07/07/19	01/07/20	Other	1	1	1	Unlawful activity.
18-1241	10/31/18	11/14/18	11/11/18	ED	05/10/19	03/14/20	Other	1	1	2	Improper dissemination of computer information; unauthorized use of electronic systems.
18-1331	12/10/18	12/17/18	12/10/18	ED	06/15/19	12/09/19	Other	2	1	1	Demeanor.

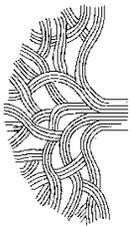
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CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases assigned to Investigators
(Sorted by Assigned Staff)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Staff	180-day Goal	3304 Deadline (604(f)(1) or Other)	Type *	Class	Subject Officers	Allegation Count	Allegation(s)
19-0051	01/10/19	01/22/19	01/11/19	ED	07/21/19	01/10/20	Use of Force	1	2	2	Excessive force.
19-0257	01/04/19	03/01/19	02/27/19	ED	08/28/19	02/26/20	Use of Force	1			Excessive force; conduct towards others (demeanor).
19-0497	05/14/19	05/15/19	05/14/19	ED	11/11/19	05/12/20	Other	1	1	1	Conduct towards others (Harassment and discrimination / Race).
19-1169	10/17/19	10/22/19	10/17/19	ED	4/19/2020	10/15/20	Use of Force	1	3	2	Excessive force.
18-0214	02/24/18	02/27/18	02/24/18	JS	N/A	02/28/20	Use of Force	1	2	4	Improper pointing of firearm; false arrest.
18-0335	04/04/18	04/12/18	04/04/18	JS	N/A	Tolled	Use of Force	1	1	1	Use of Taser; PDRD violation.
19-0083	01/17/19	01/22/19	01/17/19	JS	07/21/19	01/16/20	Use of Force	1	1	2	Excessive force; harassment; discrimination.
19-0212	02/19/19	02/01/19	02/19/19	JS	07/13/19	02/18/20	Use of Force	1	1	1	Excessive force; refusal to provide name or serial number.
19-0422	04/20/19	05/07/19	04/20/19	JS	11/03/19	04/18/20	Use of Force	1	5	10	Excessive force.
19-0558	05/30/19	06/07/19	06/07/19	JS	12/04/19	06/05/20	Other	2	3	2	Performance of duty (improper search, seizure, or arrest; refusal to adjust handcuffs when asked); service complaint.
19-0601	06/17/19	06/20/19	06/17/19	JS	12/17/19	06/15/20	Use of Force	1			Excessive force.
18-1349	04/02/18	09/25/19	12/14/18	KT	06/12/19	12/13/19	Use of Force	1	3	6	Excessive force; performance of duty.
18-1365	04/02/18	09/25/19	12/19/18	KT	06/17/19	12/18/19	Use of Force	1	1	3	Excessive force; performance of duty.
19-0027	06/21/18	09/25/19	01/07/19	KT	07/06/19	01/06/20	Use of Force	1	2	4	Excessive force; performance of duty.
19-0077	05/16/19	09/25/19	01/16/19	KT	07/15/19	01/15/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0261	06/02/18	09/20/19	02/27/19	KT	08/26/19	02/26/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0276	04/08/18	09/20/19	03/05/19	KT	09/01/19	03/03/20	Use of Force	1	2	3	Excessive force; performance of duty.

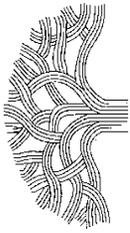
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COMMUNITY POLICE REVIEW AGENCY
Pending Cases assigned to Investigators
(Sorted by Assigned Staff)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
18-1368	04/07/18	09/25/19	12/19/18	MM	06/17/19	12/18/19	Use of Force	1	1	2	Excessive force; performance of duty.
19-0142	01/30/19	02/08/19	01/30/19	MM	08/07/19	01/29/20	Use of Force	1	1	1	Excessive force.
19-0336	02/27/19	04/11/19	03/27/19	MM	10/08/19	03/25/20	Use of Force	1	3	8	Excessive force; performance of duty; failure to accept complaint.

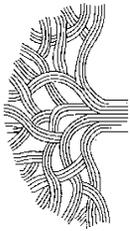
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CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases Assigned to Intake
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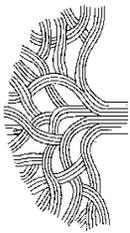
Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0220	02/20/19	02/20/19	CD	08/28/19	02/19/20	1	Excessive Force
19-0399	01/11/19	04/15/19	CD	10/23/19	04/13/20	N/A	Improper Search
19-0452	05/01/19	05/01/19	CD	11/11/2019	04/29/20	2	Discrimination, Demeanor
19-0461	05/05/19	05/05/19	CD	11/11/2019	05/03/20	1	Use of Force - Taser
19-0489	05/12/19	05/12/19	CD	11/11/2019	05/10/20	1	Discrimination
19-0515	05/20/19	05/20/19	CD	11/16/2019	05/18/20	1	Use of Force
19-0534	05/28/19	05/28/19	CD	11/26/2019	05/26/20	2	Discrimination, Excessive Force
19-0539	05/27/19	05/30/19	CD	12/2/2019	05/28/20	1	Improper Search, Excessive Force
19-0545	06/01/19	06/01/19	CD	12/4/2019	05/30/20	1	Harrasment, Discrimination
19-0569	03/09/19	06/06/19	CD	12/10/2019	06/04/20	1	Care of Property
19-0571	06/09/19	06/09/19	CD	12/10/2019	06/07/20	N/A	Improper Search/Seizure/Arrest
19-0582	06/12/19	06/12/19	CD	12/14/2019	06/10/20	3	Excessive Force, False Arrest, Sexual Misconduct
19-0585	06/11/19	06/12/19	CD	12/17/2019	06/10/20	3	Demeanor, Harassment, Excessive Force, Discrimination
19-0590	06/13/19	06/13/19	CD	12/17/2019	06/11/20	1	Discrimination, Failure to Take a Report, Failure to Act
19-0593	06/17/19	06/20/19	CD	12/17/2019	06/13/20	2	Excessive Force
19-0597	06/12/19	06/15/19	RM	12/17/2019	06/13/20	1	Improper Search, Excessive Force
19-0651	07/01/19	07/01/19	CD	1/4/2020	06/29/20	1	Improper Stop, Failure to Provide Serial Number
19-0598	06/16/19	07/02/19	CD	12/29/2019	06/30/20	1	Discrimination
19-0654	07/01/19	07/01/19	RM	12/28/2019	06/30/20	1	Discrimination



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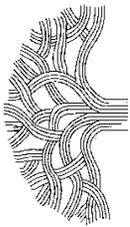
Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0683	07/07/19	07/07/19	RM	1/8/2020	07/05/20	N/A	Excessive Force
19-0675	07/07/19	07/08/19	RM	1/8/2020	07/06/20	1	Excessive Force
19-0688	07/10/19	07/10/19	CD	1/6/2020	07/08/20	1	Harassment, Improper Search/Seizure/Arrest
19-0718	07/12/19	07/12/19	RM	1/8/2020	07/11/20	N/A	Harassment, 1st Amndmnt Assembly
19-0710	07/15/19	07/15/19	MB	01/11/20	07/13/20	1	Excessive Force
19-0619	06/24/19	07/18/19	CD	1/14/2020	07/17/20	N/A	Improper Search, Excessive Force, Sexual Misconduct
19-0827	N/A	08/10/19	CD	2/10/2020	08/08/20	N/A	Improper Arrest, Excessive Force, Discrimination, Service Complaint
19-0842	08/08/19	08/09/19	MB	02/05/20	08/08/20	1	Improper Search/Seizure/Arrest
19-0825	08/10/19	08/10/19	RM	2/10/2020	08/08/20	1	Discrimination
19-0839	08/08/19	08/12/19	RM	2/12/2020	08/10/20	1	Failure to Act, Discrimination
19-0849	08/14/19	08/14/19	RM	2/12/2020	08/12/20	2	Improper pointing of Firearm, Handcuffs too tight
19-0875	08/19/19	08/19/19	CD	2/17/2020	08/17/20	1	Profiling
19-0877	08/19/19	08/19/19	RM	2/17/2020	08/17/20	3	Harassment and Discrimination/Race, Unlawful arrest, Use of Force,
19-0878	06/27/19	08/20/19	RM	2/17/2020	08/18/20	N/A	False Arrest, Use of Force, Miranda Violation
19-0885	08/21/19	08/23/19	MB	02/19/20	08/22/20	1	Performance of Duty
19-0897	08/24/19	08/25/19	MB	02/23/20	08/23/20	1	Care of Property
19-0906	08/26/19	08/26/19	CD	2/24/2020	08/24/20	1	Excessive Force
19-0911	08/27/19	08/27/19	RM	2/25/2020	08/25/20	2	Excessive Force
19-0918	07/20/19	08/29/19	CD	3/1/2020	08/27/20	1	Unlawful Detention, Demeanor



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Pending Cases Assigned to Intake
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Case #	Incident Date	Complaint Rcv'd	Assigned Staff	180-day Goal	3304 Deadline	Subject Officers	Allegation(s)
19-0922	08/29/19	08/29/19	CD	3/1/2020	08/27/20	1	Excessive Force
19-0919	08/10/19	08/29/19	RM	3/1/2020	08/27/20	1	Excessive Force, Improper Arrest
19-0927	08/31/19	08/31/19	MB	03/03/20	08/29/20	1	Unlawful Arrest, Excessive Force
19-0993	09/14/19	09/14/19	RM	3/12/2020	09/13/20	2	Failure to Investigate
19-0987	09/14/19	09/17/19	MB	3/15/2020	09/14/20	1	UOF
19-1005	N/A	09/17/19	MB	03/15/20	09/16/20	1	Improper Investigation
19-1012	09/20/19	09/20/19	MB	03/22/20	09/18/20	2+	Excessive Force
19-1030	09/24/19	09/24/19	MB	03/22/20	09/22/20	1	Performance of Duty
19-1044	09/25/19	09/25/19	MB	03/29/20	09/23/20	1	Discrimination, Demeanor
19-1039	09/24/19	09/25/19	RM	3/25/2020	09/23/20	N/A	Improper Search, Care of Property
19-1093	10/05/19	10/05/19	RM	4/6/2020	10/03/20	2+	Use of Force, Improper Arrest
19-1114	10/09/19	10/10/19	MB	04/08/20	10/08/20	1	Harrasment
19-1123	10/10/19	10/11/19	RM	4/12/2020	10/09/20	2	Use of Force
19-1143	10/14/19	10/16/19	MB	4/13/2020	10/12/20	1	UOF
19-1150	10/15/19	10/15/19	RM	4/12/2020	10/13/20	2	Demeanor, Improper Arrest, Use of Force
19-1159	10/17/19	10/17/19	RM	4/19/2020	10/15/20	3	Performance of Duty, Use of Force
19-1161	10/17/19	10/22/19	MB	4/19/2020	10/16/20	1	UOF
19-1190	10/25/19	10/29/19	MB	4/26/2020	10/23/20	2	UOF; POD

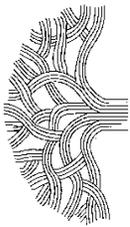


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COMMUNITY POLICE REVIEW AGENCY
Pending Cases assigned to Investigators
(Sorted by 3304)

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 (Total Pending = 37)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Staff	180-day Goal	3304 Deadline (604(f)1) or Other	Type *	Class	Subject Officers	Allegation Count	Allegation(s)
17-1009	09/03/17	10/17/17	10/11/17	ED	03/12/18	11/29/19	Use of Force	1	2	3	Excessive force.
18-1331	12/10/18	12/17/18	12/10/18	ED	06/15/19	12/09/19	Other	2	1	1	Demeanor.
18-1352	12/09/18	12/27/18	12/14/18	AL	06/25/19	12/13/19	Use of Force	1	2	18	Excessive force; racial discrimination; improper search, seizure, or arrest; care of property; performance of duty
18-1349	04/02/18	09/25/19	12/14/18	KT	06/12/19	12/13/19	Use of Force	1	3	6	Excessive force; performance of duty.
18-1364	12/06/18	12/19/18	12/19/18	AL	06/17/19	12/18/19	Other	2	3	6	Wrongful detention; performance of duty; service complaint; failure to take a complaint.
18-1367	04/14/18	09/25/19	12/19/18	CS	06/17/19	12/18/19	Use of Force	1	1	2	Excessive force; performance of duty.
18-1365	04/02/18	09/25/19	12/19/18	KT	06/17/19	12/18/19	Use of Force	1	1	3	Excessive force; performance of duty.
18-1368	04/07/18	09/25/19	12/19/18	MM	06/17/19	12/18/19	Use of Force	1	1	2	Excessive force; performance of duty.
19-0027	06/21/18	09/25/19	01/07/19	KT	07/06/19	01/06/20	Use of Force	1	2	4	Excessive force; performance of duty.
18-0524	05/21/18	05/29/18	05/19/18	ED	07/07/19	01/07/20	Other	1	1	1	Unlawful activity.
19-0051	01/10/19	01/22/19	01/11/19	ED	07/21/19	01/10/20	Use of Force	1	2	2	Excessive force.
19-0077	05/16/19	09/25/19	01/16/19	KT	07/15/19	01/15/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-0083	01/17/19	01/22/19	01/17/19	JS	07/21/19	01/16/20	Use of Force	1	1	2	Excessive force; harassment; discrimination.
19-0114	01/28/19	02/05/19	01/26/19	AL	08/04/19	01/25/20	Use of Force	1	2	4	Excessive force; demeanor; failure to provide name or serial number.
19-0123	01/29/19	02/06/19	01/28/19	AL	08/05/19	01/27/20	Use of Force	1	5	13	Excessive force; performance of duty.
19-0134	01/29/19	02/08/19	01/29/19	AN	08/07/19	01/28/20	Use of Force	1	4	4	Excessive force.
19-0142	01/30/19	02/08/19	01/30/19	MM	08/07/19	01/29/20	Use of Force	1	1	1	Excessive force.

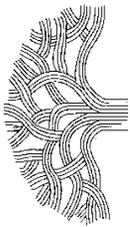
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Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Staff	180-day Goal	3304 Deadline (604(f)(1) or Other)	Type *	Class	Subject Officers	Allegation Count	Allegation(s)
19-0206	02/16/19	02/26/19	02/16/19	AL	08/25/19	02/15/20	Use of Force	1	2	4	Excessive force; performance of duty (improper search, seizure or arrest).
19-0212	02/19/19	02/01/19	02/19/19	JS	07/31/19	02/18/20	Use of Force	1	1	1	Excessive force; refusal to provide name or serial number.
19-0220	02/20/19	03/01/19	02/20/19	AN	08/28/19	02/19/20	Use of Force	1	1	2	Excessive force; conduct towards others (demeanor).
19-0235	02/24/19	03/01/19	02/24/19	CS	08/28/19	02/23/20	Use of Force	1	7	13	Excessive force; performance of duty (improper search, seizure or arrest); care of property.
19-0257	01/04/19	03/01/19	02/27/19	ED	08/28/19	02/26/20	Use of Force	1			Excessive force; conduct towards others (demeanor).
19-0261	06/02/18	09/20/19	02/27/19	KT	08/26/19	02/26/20	Use of Force	1	1	2	Excessive force; performance of duty.
18-0214	02/24/18	02/27/18	02/24/18	JS	N/A	02/28/20	Use of Force	1	2	4	Improper pointing of firearm; false arrest.
19-0263	03/03/19	03/15/19	03/03/19	AL	09/11/19	03/01/20	Use of Force	1			Excessive force.
19-0276	04/08/18	09/20/19	03/05/19	KT	09/01/19	03/03/20	Use of Force	1	2	3	Excessive force; performance of duty.
18-1241	10/31/18	11/14/18	11/11/18	ED	05/10/19	03/14/20	Other	1	1	2	Improper dissemination of computer information; unauthorized use of electronic systems.
19-0207	02/18/19	03/01/19	02/18/19	CS	08/28/19	03/17/20	Use of Force	1	3	13	Excessive force; performance of duty (improper search, seizure or arrest); conduct towards others (demeanor).
19-0336	02/27/19	04/11/19	03/27/19	MM	10/08/19	03/25/20	Use of Force	1	3	8	Excessive force; performance of duty; failure to accept complaint.
19-0416	04/17/19	04/19/19	04/17/19	AN	10/16/19	04/15/20	Use of Force	1	7	8	Excessive force (K-9 bite); Authority and responsibilities (Commanding officers); Authority and responsibilities (Supervisors).
19-0422	04/20/19	05/07/19	04/20/19	JS	11/03/19	04/18/20	Use of Force	1	5	10	Excessive force.
19-0497	05/14/19	05/15/19	05/14/19	ED	11/11/19	05/12/20	Other	1	1	1	Conduct towards others (Harassment and discrimination / Race).
19-0558	05/30/19	06/07/19	06/07/19	JS	12/04/19	06/05/20	Other	2	3	2	Performance of duty (improper search, seizure, or arrest; refusal to adjust handcuffs when asked); service complaint.
19-0601	06/17/19	06/20/19	06/17/19	JS	12/17/19	06/15/20	Use of Force	1			Excessive force.

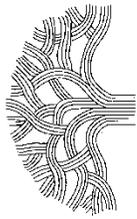
* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly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



COMMUNITY POLICE REVIEW AGENCY
Pending Cases assigned to Investigators
(Sorted by 3304)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Assigned Staff	180-day Goal	3304 Deadline	Type * (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
19-0753	07/26/19	08/06/19	7/26/2019	AL	02/02/20	07/24/20	Use of Force	1	1	2	Excessive force; performance of duty.
19-1169	10/17/19	10/22/19	10/17/19	ED	4/19/2020	10/15/20	Use of Force	1	3	2	Excessive force.
18-0335	04/04/18	04/12/18	04/04/18	JS	N/A	Tolled	Use of Force	1	1	1	Use of Taser; PDRD violation.

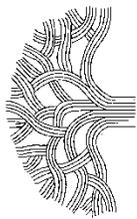
* The Type (604(f) or Other) column addresses whether the investigation contains allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). The allegation types listed in this column are: DUI, Profiling, Use of Force, In Custody Death, 1st Amendment Assembly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



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

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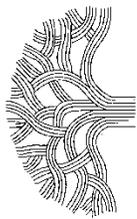
Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
ED	19-0541	9/23/18	9/16/19	Subject Officer 1	1. Failure to Accept or Refer a Complaint	<i>Sustained</i>
				Subject Officer 2	1. Failure to Accept or Refer a Complaint	<i>Sustained</i>
				Training Recommendation(s)	CPRA recommends retraining on complaints associated with vehicle tows and reflecting such complaints in Preliminary Investigation Memos	
AL	18-1156	10/16/18	10/1/19	Subject Officer 1	1. Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest 2. Conduct Towards Others – Harassment and Discrimination 3. Use of Physical Force (Level 3)	<i>Exonerated</i> <i>Unfounded</i> <i>Sustained</i>
				Training Recommendation(s)	CPRA recommends retraining regarding OPD Training Bulletin (TB) III-B.6 <i>Contact and Cover</i> "Felon Car Stops" For tactical reasons and safety it would be better practice for Officers to wait for cover officers before contacting difficult subjects.	
JS	18-1143	10/10/18	10/14/19	Subject Officer 1	1. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest 2. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest 3. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest 4. Conduct Towards Others – Harassment and Discrimination 5. Conduct Towards Others – Harassment and Discrimination	<i>Exonerated</i> <i>Exonerated</i> <i>Sustained</i> <i>Unfounded</i> <i>Unfounded</i>



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY

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

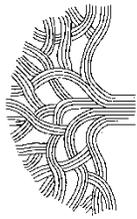
Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
				Subject Officer 2	1. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest	Sustained
					2. Conduct Towards Others – Demeanor	Sustained
					3. Refusal to Accept or Refer Complaint	Sustained
					4. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest	Exonerated
					5. Conduct Towards Others – Harassment and Discrimination	Unfounded
				Subject Officer 3	1. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest	Exonerated
					2. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest	Exonerated
					3. Refusal to Accept or Refer Complaint	Sustained
					4. Conduct Towards Others – Harassment and Discrimination	Unfounded
				Subject Officer 4	1. Refusal to Accept or Refer Complaint	Sustained
					2. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest	Exonerated
					3. Conduct Towards Others – Harassment and Discrimination	Unfounded
				Subject Officer 5	1. Refusal to Accept or Refer Complaint	Sustained



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY

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

Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
					2. Conduct Towards Others – Harassment and Discrimination	<i>Unfounded</i>
				Subject Officer 6	1. Refusal to Accept or Refer Complaint 2. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest 3. Conduct Towards Others – Harassment and Discrimination	<i>Sustained</i> <i>Exonerated</i> <i>Unfounded</i>
				Subject Officer 7	1. Refusal to Accept or Refer Complaint 2. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest 3. Conduct Toward Others – Harassment and Discrimination	<i>Sustained</i> <i>Exonerated</i> <i>Unfounded</i>
				Subject Officer 8	1. Refusal to Accept or Refer Complaint 2. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest 3. Conduct Towards Others – Harassment and Discrimination 4. Performance of Duty	<i>Sustained</i> <i>Exonerated</i> <i>Unfounded</i> Sustained
				Subject Officer 9	1. Refusal to Accept or Refer Complaint 2. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest	<i>Not Sustained</i> <i>Exonerated</i>

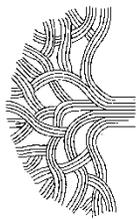


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY

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

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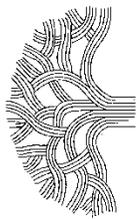
Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
ED	18-1016	9/14/18	10/21/19	Subject Officer 1	<p>3. Conduct Towards Others – Harassment and Discrimination</p> <p>It is vital a report written by an undercover officer sets forth what the undercover officer saw, who he saw do it, and what he told the arrest team to do. Secondhand information by another officer is not sufficient, especially should an arrest or criminal prosecution arise. It is recommended that an OPD rule clearly make this a requirement.</p> <p>CPRA recommends retraining as to what reasonable suspicion is; what probable cause is; when a person may have a full body search; what a Terry stop is; when a vehicle may be searched; and when an entire vehicle may be searched, versus just a particular item in the vehicle where suspected drugs may be located.</p>	<i>Unfounded</i>
				Policy Recommendation(s)		
				Training Recommendation(s)		
				Subject Officer 1	<ol style="list-style-type: none"> 1. Use of Physical Force 2. Custody of Prisoners 3. Conduct Toward Others – Demeanor 4. Performance of Duty – General 5. Performance of Duty – Miranda Violation 6. Conduct Toward Others – Harassment and Discrimination 7. Performance of Duty – Care of Property 	<p><i>Unfounded</i></p> <p><i>Sustained</i></p> <p><i>Sustained</i></p> <p><i>Unfounded</i></p> <p><i>Exonerated</i></p> <p><i>Unfounded</i></p> <p><i>Exonerated</i></p>
				Subject Officer 2	<ol style="list-style-type: none"> 1. Use of Physical Force 	<i>Unfounded</i>



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

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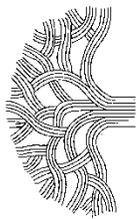
Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
					2. Performance of Duty – Unintentional/Improper Search, Seizure, or Arrest	<i>Exonerated</i>
				Subject Officer 3	1. Performance of Duty – Care of Property 2. Performance of Duty – Care of Property	<i>Not Sustained</i> <i>Not Sustained</i>
				Subject Officer 4	1. Custody of Prisoners 2. Use of Physical Force	<i>Unfounded</i> <i>Unfounded</i>
				Subject Officer 5	1. Conduct Toward Others – Unprofessional Conduct in Violation of AI 71 2. Conduct Toward Others – Demeanor	<i>Sustained</i> <i>Sustained</i>
				Subject Officer 6	1. Use of Physical Force	<i>Unfounded</i>
					CPRA recommends retraining radioing starting and ending mileage when transporting civilians in a police vehicle. CPRA recommends retraining on completing stop data for all self-initiated encounters involving persons subject to detentions, arrests, requests to search, and searches. CPRA recommends retraining on searching cars incident to arrest in order to prevent the arrestee or others from concealing or destroying evidence. CPRA recommends retraining on conducting a thorough inventory search of a vehicle that is being towed, and documenting property on Stored/Towed Vehicle Reports.	
				Training Recommendation(s)		



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY

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

Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
JS	18-1260	11/8/2018	10/22/19	Subject Officer 1	<p>CPRA recommends additional training on determining whether to activate their PDRDs during a hospital guard.</p> <p><i>CPRA recommends that an Officer receive a positive SNF acknowledging his accommodation of Complainant during the complaint process.</i></p>	Exonerated
					<p>1. Performance of Duty – Unintentional/Improper Search, Seizure or Arrest</p> <p>2. Conduct Towards Others – Demeanor</p>	Sustained
					<p>CPRA recommends that information about confidential informants not be placed on an officer's personal cell phones or with any identifiers indicating informant status in unsecured devices and digital records.</p>	
ED	18-1282	10/16/18	10/25/19	Subject Officer 1	<p>1. Conduct Toward Others – Harassment and Discrimination</p> <p>2. Conduct Toward Others – Demeanor</p> <p>3. Failure to Accept or Refer a Complaint (Unintentional)</p> <p>4. Performance of Duty – General</p>	<p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p>
				Subject Officer 2	<p>1. Conduct Toward Others – Harassment and Discrimination</p> <p>2. Conduct Toward Others – Demeanor</p> <p>3. Failure to Accept or Refer a Complaint (Unintentional)</p>	<p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p>

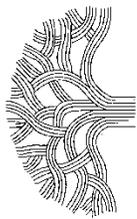


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY

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

Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
					4. Refusal to Provide Name or Serial Number	<i>Not Sustained</i>
					5. Refusal to Provide Name or Serial Number	<i>Not Sustained</i>
					6. Performance of Duty – General	<i>Exonerated</i>

				Training Recommendation(s)	CPRA recommends retraining on PDRD activation policy	
ED	18-0302	3/26/18	10/28/2019	Subject Officer 1	1. Prohibited Activity on Duty – Sexual Activity	<i>Sustained</i>
					2. Obedience to Laws – Felony/Serious Misdemeanor	<i>Not Sustained</i>
					3. General Conduct	<i>Sustained</i>
					4. Prohibited Activity on Duty	<i>Sustained</i>
					5. Conduct Toward Others – Relationships	<i>Sustained</i>
					6. Notification – Criminal	<i>Sustained</i>
					7. Compromising Criminal Cases	<i>Sustained</i>
					8. Obstructing the Internal Affairs Process	<i>Sustained</i>
					9. Refusal to Testify	<i>Sustained</i>



CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY

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

Assigned Inv.	Case #	Incident Date	Completion Date	Officer	Allegation	Finding
AL	18-1305	12/1/18	11/5/19	Subject Officer 1	10. Insubordination – Failure or Refusal to Obey a Lawful Order	<i>Sustained</i>
				Subject Officer 1	1. Performance of Duty – General	<i>Not Sustained</i>
				Subject Officer 2	1. Performance of Duty – General	<i>Not Sustained</i>
					2. Conduct Towards Others – Demeanor	<i>Not Sustained</i>
				Training	CPRA recommends retraining on PDRD activation policy	
				Recommendation(s)	CPRA recommends retraining on report writing	



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Vote to Approve Resolution to Enter into Contract with Raheem
Date:	November 8, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	John Alden, CPRA Executive Director

Action Requested:

That the Police Commission adopt a resolution authorizing the CPRA Executive Director to (1) enter into a Professional Services Agreement with Raheem to gather community feedback to inform a revised OPD use of force policy for an amount not-to-exceed \$40,000; and (2) request on behalf of the Police Commission that the City Administrator waive the competitive solicitation process.

Executive Summary:

Per Municipal Code Section 2.04.022, the CPRA Executive Director has the authority, on behalf of the City of Oakland, to enter into Professional Services Agreements approved by the Police Commission via Resolution. By adopting the proposed Resolution, the Police Commission grants and directs the CPRA Executive Director to enter contract negotiations and finalize a scope of work with Raheem to gather community feedback to inform a revised OPD Use of Force Policy.

Staff anticipates the total contract amount to not exceed \$40,000, which qualifies this contract award under the informal bidding requirements of the City's Purchasing System. Given the unique nature of work in developing a use of force policy, staff is seeking authorization from the Commission to request an informal competitive solicitation process waiver from the City Administrator. Per the City's purchasing requirements, only the City Administrator can waive the competitive process for contract amounts less than \$50,000. A waiver in this case means staff does not have to solicit bids to at least three qualified firms.

Per the City's requirements, four (4) affirmative votes are required to adopt the proposed Resolution.

Background:

Staff compiled the following timeline of events related to Raheem.

- Raheem, an Oakland-based nonprofit, is an independent service for reporting police conduct in the United States, giving people who have been directly

impacted by police a platform to influence the policies that govern use-of-force and other harmful police behavior in their community.

- On October 10, 2019, at the request of Commissioner Anderson Raheem presented a proposal to the Police Commission regarding their unique qualifications in gathering community feedback necessary to adequately inform a revision to OPD's Use of Force policy.
- On October 24, 2019, the Commission voted to direct the CPRA Executive Director to contract with Raheem to gather community feedback needed to inform a revised OPD Use of Force Policy, for a contract amount not to exceed \$40,000.

As part of the process to engage the services of Raheem to gather community feedback to inform a revised Oakland Police Department Use of Force Policy, adoption of the proposed Resolution is required.

Enclosures:

Resolution 19-02

OAKLAND POLICE COMMISSION

RESOLUTION NO. 19-02

RESOLUTION AUTHORIZING THE COMMUNITY POLICE REVIEW AGENCY (CPRA) EXECUTIVE DIRECTOR TO (1) ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH RAHEEM TO GATHER COMMUNITY FEEDBACK TO INFORM A REVISED OAKLAND POLICE DEPARTMENT (OPD) USE OF FORCE POLICY FOR AN AMOUNT NOT-TO-EXCEED \$40,000 AND (2) REQUEST ON BEHALF OF THE POLICE COMMISSION THAT THE CITY ADMINISTRATOR WAIVE THE COMPETITIVE SOLICITATION PROCESS.

WHEREAS, the voters of the City of Oakland voted yes for Measure LL on November 8, 2016, which established the Oakland Police Commission; and

WHEREAS, Measure LL amended the Oakland City Charter to add section 604, entitled "Police Commission;" and

WHEREAS, the Oakland City Council adopted Ordinance No. 13547 C.M.S. on July 9, 2019, amending Oakland Municipal Code Chapter 2.04 *Purchasing System*, to add section 2.04.022 to authorize the Police Commission to enter Professional Services Agreements necessary to fulfill its duties as defined in Measure LL, codified in section 604 of the Oakland City Charter; and

WHEREAS, all Police Commission contract approvals require an affirmative vote of four (4) or more members of the Commission who are designated to vote at the time the action is taken to approve a contract; and

WHEREAS, the Community Police Review Agency (CPRA) Executive Director is authorized on behalf of the City of Oakland to enter into Professional Services Agreements properly approved by the Commission and shall be the contract administrator; and

WHEREAS, all contracts approved by the Police Commission are subject to the competitive and other processes and procedures required under Oakland Municipal Code Chapter 2.04 *Purchasing System*; and

WHEREAS, the City Administrator is authorized on behalf of the City of Oakland to waive the competitive solicitation process for agreements under \$50,000 given that the proposed agreement meets certain requirements; and

WHEREAS, on October 10, 2019, Raheem presented a proposal to the Police Commission regarding their unique qualifications in gathering community feedback necessary to adequately inform a revision to OPD's Use of Force policy; and

WHEREAS, on October 24, 2019, the Police Commission voted to direct the CPRA Executive Director to contract with Raheem to gather community feedback needed to inform a revised OPD Use of Force Policy; and

WHEREAS, Raheem, an Oakland-based nonprofit, is an independent service for reporting police conduct in the United States, giving people who have been directly impacted by police a platform to influence the policies that govern use-of-force and other harmful police behavior in their community; now, therefore be it

RESOLVED, that the Oakland Police Commission authorize the CPRA Executive Director to enter into a Professional Services Agreement with Raheem to gather community feedback to inform a revised OPD Use of Force policy; and be it

FURTHER RESOLVED, the total amount of the Agreement shall be for a not-to exceed amount of \$40,000; and be it

FURTHER RESOLVED, that the said Agreement with Raheem shall be executed contingent upon available funding; and be it

FURTHER RESOLVED, that the CPRA Executive Director has identified available funding in the amount of \$40,000 in General Purpose Fund (1010), Police Commission Organization (66111), Administrative Project (1003737), Program (IP06); and be it

FURTHER RESOLVED, that the CPRA Executive Director is authorized to negotiate and finalize a scope of services with Raheem to gather community feedback to inform a revised OPD Use of Force policy; and be it

FURTHER RESOLVED, that the CPRA Executive Director is authorized to submit, on behalf of the Police Commission, a request to the City Administrator to waive the competitive solicitation process related to said Agreement with Raheem.

IN POLICE COMMISSION MEETING, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES –

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

JAN RUS, IV
Policy Analyst, Community Police Review Agency
City of Oakland, California

DRAFT

City Attorney's Office

OAKLAND CITY COUNCIL**RESOLUTION NO. _____ C.M.S.**

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO REALLOCATE \$250,000 IN SALARY SAVINGS IN THE POLICE COMMISSION'S CIVILIAN OFFICE OF THE INSPECTOR GENERAL DURING FISCAL YEAR 2019-20 TO FUND PROFESSIONAL SERVICES AGREEMENTS FOR AN INVESTIGATION OF COMMUNITY POLICE REVIEW AGENCY (CPRA) CASES 07-0538, 13-1062, AND 16-0147 WITH KNOX & ROSS LAW GROUP, ENGAGE THE COMMUNITY ON A REVISED OAKLAND POLICE DEPARTMENT USE OF FORCE POLICY WITH RAHEEM, FACILITATION OF A POLICE COMMISSION RETREAT WITH WALKER AND ASSOCIATES AND AN AUDIT OF CURRENT AND PREVIOUSLY ISSUED CPRA CASES WITH MASON INVESTIGATIVE GROUP.

WHEREAS, the voters of the City of Oakland voted yes for Measure LL on November 8, 2016, which established the Oakland Police Commission; and

WHEREAS, Measure LL amended the Oakland City Charter to add section 604, entitled "Police Commission;" and

WHEREAS, the Oakland City Council adopted Ordinance No. 13498 C.M.S. adding Municipal Code Section 2.45.100 that established a civilian Office of Inspector General (OIG) with powers, functions, and duties assigned or authorized by the Commission, and shall include conducting any audit or review of the Department necessary to assess the Oakland Police Department's performance and adherence to constitutional policing practices, and shall also include conducting any audit or review of the Oakland Police Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Commission to fulfill its duties under City Charter section 604(b)(4), (5) and (6); and

WHEREAS, the Oakland City Council adopted Ordinance No. 13547 C.M.S. on July 9, 2019, amending Oakland Municipal Code Chapter 2.04 Purchasing System, to add section 2.04.022 to authorize the Police Commission to enter Professional Service Agreements necessary to fulfill its duties as defined in Measure LL, codified in section 604 of the Oakland City Charter; and

WHEREAS, all Police Commission contract approvals require an affirmative vote of four (4) or more members of the Commission who are designated to vote at the time the action is taken to approve a contract; and

WHEREAS, the Community Police Review Agency (CPRA) Executive Director is authorized on behalf of the City of Oakland to enter into Professional Services Agreements properly approved by the Commission and shall be the contract administrator; and

WHEREAS, all contracts approved by the Police Commission are subject to the competitive and other processes and procedures required under Oakland Municipal Code Chapter 2.04 Purchasing System; and

WHEREAS, on June 27, 2019, the Police Commission approved a motion to engage the Mason Investigative Group in a contract to perform an audit of CPRA cases for an amount not-to-exceed \$49,999; and

WHEREAS, on June 27, 2019, the Police Commission approved a motion to accept a proposal from Walker and Associates to conduct a half-day retreat for the Police Commission, the cost of which would not exceed \$15,000, which includes the cost of a venue rental; and

WHEREAS, on October 24, 2019, the Police Commission approved Resolution 19-01 authorizing the CPRA Executive Director to enter into a Professional Services Agreement with Knox & Ross Law Group for investigation and review of CPRA cases 07-0538, 13-1062, and 16-0147 for an amount not-to-exceed \$49,999; and

WHEREAS, on October 24, 2019, the Police Commission approved a motion to seek City Council approval to redirect all funding for vacant Inspector General positions towards the above contract expenses, \$75,000 for training of Commissioners and CPRA staff, \$28,000 for community outreach, and remaining discretionary expenses as needed in this fiscal year;

WHEREAS, on November 14, 2019, the Police Commission approved Resolution 19-02 authorizing the CPRA Executive Director to (1) enter into a Professional Services Agreement with Raheem to gather community feedback to inform a revised Oakland Police Department Use of Force policy for an amount not-to-exceed \$40,000 and (2) request on behalf of the Police Commission that the City Administrator waive the competitive solicitation process; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to reallocate one-time salary savings in an amount of \$450,000 from vacant Office of the Inspector General positions to fund Professional Services Agreements for an investigation of CPRA cases 07-0538, 13-1062, and 16-0147 with Knox & Ross Law Group, engage the community on a revised Oakland Police Department Use of Force policy with Raheem, facilitation of a Police Commission retreat with Walker and Associates, an audit of current and previously issued CPRA cases with Mason Investigative Group, and further contract services as identified by the Commission in the remainder of the fiscal year; and be it

FURTHER RESOLVED: That the Police Commission is authorized to enter into professional service agreements with said vendors consistent with the provisions of Municipal Code Section 2.04.022, that the funds reallocated from the vacant Inspector General positions in the prior paragraph serve as the Commission's budget for contracts

as described in Oakland Municipal Code section 2.04.022(d), and that any unspent funds can be utilized by the Police Commission to fulfill its duties under City Charter section 604(b)(4), (5) and (6); and be it

FURTHER RESOLVED: That the services provided pursuant to the contracts authorized hereunder are for a professional, scientific, or technical nature and will not result in the loss of employment or loss of salary by any person having permanent employment status in the competitive service; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to reallocate the remaining one-time salary savings in the amount of \$199,204 from vacant Office of the Inspector General positions to fund \$75,000 in training expenses, \$28,000 in outreach expenses, and other discretionary expenses as identified by the Commission in the remainder of the fiscal year;

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to take any other action necessary consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

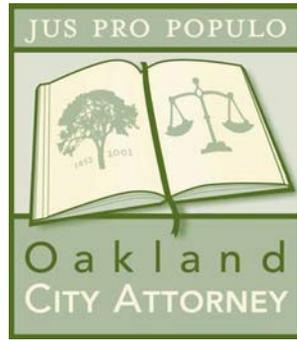
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

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



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

REQUEST FOR QUALIFICATIONS
FOR THE LEGAL SERVICES:

Outside Counsel for Oakland Police Commission

Please respond by June 15, 2019

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Issued: May 2, 2019

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INTRODUCTION

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

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

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

The City Attorney wishes to retain outside counsel to the City Attorney to advise the Commission and provide periodic training on Brown Act compliance, parliamentary procedure, and other matters as assigned. Outside counsel must be available to sit at the dais during the Commission’s regular and special meetings. Regular meetings are held the second and fourth Thursdays of each month at 6:30 p.m. in Oakland City Hall. The City Attorney requests detailed information regarding the qualifications of attorneys or law firms interested in providing legal services to the Commission to make this appointment and to establish a list of qualified attorneys or law firms from which future outside counsel may be selected.

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

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

All firms that we retain must enter into Oakland’s standard Professional Services Agreement (PSA), and complete and provide the following schedules and documentation.

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

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

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

REQUESTED INFORMATION (FIRM DATA & INFORMATION)

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

1. Describe your professional experience in the areas of public meetings / hearings and parliamentary procedure.
2. Describe your professional experience in the areas of oversight and policy development for a peace-officer department or agency.
3. Describe your professional experience in the area of public-employee misconduct and discipline.
4. Have you ever represented a client in a claim or lawsuit against a peace-officer department or agency? If so, please describe the timing and nature of the representation(s).
5. Have you ever represented a peace-officer department or agency in a law suit? If so, please describe the timing and nature of the representation(s).

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

In addition, Respondents should include the following information:

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

FEE STRUCTURE

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

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

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

REVIEW OF SUBMISSIONS

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

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

RESPONDENT'S PERSONNEL

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

CONFIDENTIALITY OF PROPOSAL INFORMATION WAIVER

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

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

CITY'S RESERVATION OF RIGHTS

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

STATEMENT OF INTEREST AND QUALIFICATIONS (SOQ)

Submit Proposal to:

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

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

Confidential Documents / Attn: Mark Forte

For questions concerning this SOQ contact mforte@oaklandcityattorney.org

CITY OF OAKLAND OUTSIDE COUNSEL POLICY

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

SELECTION OF COUNSEL

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

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

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

GENERAL EXPECTATIONS

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

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

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

CONFLICTS OF INTEREST

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

ASSIGNMENT OF ATTORNEY

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

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

STRATEGY AND BUDGET

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

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

LITIGATION

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

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

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

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

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

RATE STRUCTURE

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

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

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

BILLING/INVOICING

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

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

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

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

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

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

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

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

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

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

COMMUNICATION

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

Justice for All: The Policing of Oakland's Unhoused Communities



A Research Report For:
The Coalition for Police Accountability

Prepared By:
Emnet Almedom
Olivia Lenson
Robyn Levinson



Berkeley
UNIVERSITY OF CALIFORNIA

Acknowledgements

This report was made possible by the support and commitment from the Coalition for Police Accountability (CPA). In particular, we thank Anne Janks, Rashidah Grinage, and Richard Speiglmán for their time, guidance and dedication to making Oakland a safer place for all residents. It was a pleasure working with you and learning from your experiences and efforts.

We also want to thank the interviewees, who were willing to invest in this process by sharing personal experiences and recommendations on how to improve policing of Oakland's unhoused communities.

Thank you to Meredith Sadin, our Introduction to Policy Analysis advisor, who helped craft and refine this project. Your feedback and patience were instrumental in the completion of this report. We are grateful to the professors, city officials, and advocates who also lent their expertise, which helped inform our project scope and policy recommendations. We want to thank our cohort and fellow GSPP students, including Julie Lo and William Wilcox, who provided instrumental feedback, assistance, and positive reinforcement.

Lastly, we dedicate this report to the unhoused residents of Oakland, who are a part of Oakland's history, culture, and community.

Note: Cover photo by Tian Chenwei for Oakland North. February 7, 2017. Accessed here: <https://oaklandnorth.net/2017/02/07/city-of-oakland-approaches-deadline-to-find-housing-for-homeless-living-in-encampment/>

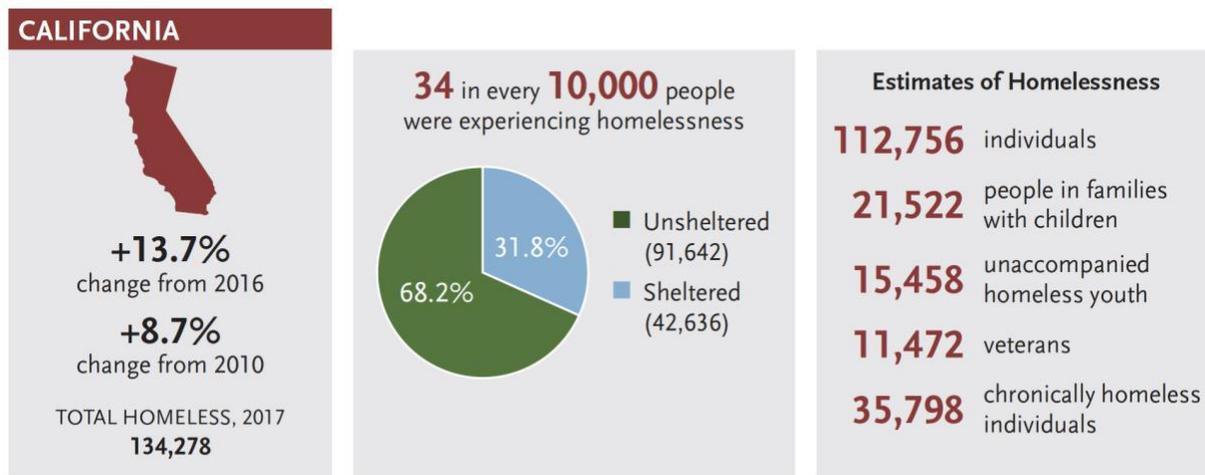
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Executive Summary

Homelessness in the City of Oakland is increasing at an alarming rate. In 2017, the annual Alameda County Point-in-Time Count estimated that there were 2,761 homeless residents in Oakland, 35% of which were experiencing homelessness for the first time.¹ The increase in homelessness has generated public health and safety concerns, as outbreaks of Hepatitis A have ballooned and more unhoused residents battle substance abuse and drug addiction.

Figure 1: Homelessness in California: Key Facts



Source: Police Executive Research Forum, (June 2018). Critical Issues in Policing Series: The Police Response to Homelessness. Police Executive Research Forum, Washington, D.C.

As Oakland's housing affordability crisis continues, more residents are vulnerable to losing their homes. The City has a vested interest in ensuring that unhoused residents are connected to permanent shelter and mental health services. While only 4% of U.S. adults have a severe mental illness, approximately 26% of unhoused individuals staying in shelters suffer from one.² Currently, the Oakland Police Department (OPD) serves as the primary responders to any concerns regarding unhoused residents, though law enforcement is not required to receive crisis intervention training and has limited mental health and de-escalation trainings. OPD is often called to assist with encampment closures at the request of the Department of Public Works, further ensuring contact between unhoused residents and law enforcement. During encampment closures and other interactions with law enforcement, homeless individuals face the threat of property seizure, as belongings are often confiscated during these encounters.

Many negative interactions between police and unhoused residents result from property seizure and mental health crises. Police are often unaware of best practices from the mental health field and therefore, fail to implement them when engaging with unhoused residents in mental health

¹ City of Oakland Homeless Census & Survey Jurisdictional Report, 2017, accessed May 10, 2019, <http://everyonehome.org/wp-content/uploads/2017/11/2017HIRDReport-Oakland.2-2-3.pdf>.

² "Mental Health By The Numbers," National Alliance on Mental Illness, 2019, accessed May 10, 2019, <https://www.nami.org/learn-more/mental-health-by-the-numbers>.

crisis. Furthermore, while OPD has explicit guidelines on how to notify individuals of encampment evictions, and on how to protect confiscated personal possessions, implementation of this guidance often falls short, resulting in lost property. These two situations often lead to unhoused residents harboring mistrust and fear of police.

To decrease tensions between unhoused residents and police, our team recommends that the Coalition of Police Accountability and the Police Commission consider the following policy options in the coming months and years:

- Define the Oakland Police Department's role in eviction and property seizure
- Ensure homeless residents and advocates are involved in the eviction decision and implementation process
- Improve tracking and reporting processes for property seized by City
- Reduce encampment evictions overall and prioritize housing-first policies
- Improve and emphasize crisis intervention training (CIT) for police officers
- Increase funding for mobile mental health response teams to accompany officers
- Reroute mental health crisis calls from the police department to mental health providers

This report outlines City of Oakland and OPD procedures around mental health de-escalation techniques and property seizure in Oakland using information from news sources, public records, advocacy reports and interviews with local unhoused residents. After establishing the status quo, the remaining sections provide potential policy alternatives, evaluations of these alternatives based on the criteria of effectiveness, efficiency, and political feasibility, and case studies to demonstrate what an alternative could look like once implemented.

Definitions and Acronyms

Homeless: In this paper, we adopt the US Department of Health and Human Services' definition for homeless from Section 330(h)(5)(A): "an individual without permanent housing who may live on the streets; stay in a shelter, mission, single room occupancy facilities, abandoned building or vehicle; or in any other unstable or non-permanent situation."³

That being said, we recognize that some people who live without permanent housing prefer to be identified as *unhoused* rather than homeless. Many who live without permanent housing consider the geographic region they live in and/or their unstable/non-permanent situation as their home. With this in mind, we use the term *unhoused* interchangeably with *homeless* to describe those without permanent housing.

Eviction: We recognize that there are multiple terms for the act of requiring that unhoused people leave their current premises, particularly structured encampments. Throughout this paper, we use the term *eviction* to describe this process so that we acknowledge those that consider such

³ "What Is the Official Definition of Homelessness?", accessed May 10, 2019, <https://www.nhchc.org/faq/official-definition-homelessness/>.

premises their home. We recognize that law enforcement and court systems may also use terms such as *encampment closures* or *homeless sweeps*.⁴

Oakland Coalition for Police Accountability (CPA): The CPA is a registered 501 c-4 nonprofit made up of organizations and individual members. The mission of CPA is “to advocate for accountability of the Oakland Police Department to the community so that the Oakland Police Department operates with equitable, just, constitutional, transparent policies and practices that reflect the values and engender the trust of the community.”⁵

Oakland Police Department (OPD): Responsible for policing the City of Oakland.

Background & Impetus for Project

The policing of homeless communities has recently come to the forefront of policy discussions at national and local levels. In 2018, approximately 553,000 people experienced homelessness on any given night in the United States, a 0.3% increase from the previous year.⁶ Many laws exist to criminalize this population, which creates a revolving door between the criminal justice system and homelessness.⁷ It is estimated that in 2018, 15% of incarcerated individuals report having been previously homeless.⁸

Some California counties report that as many as one in five parolees is homeless, often for civil crimes such as loitering, illegal dumping, or drug possession.⁹ In addition to being on parole, the very nature of being homeless also increases exposure to law enforcement contact. The City of Oakland Code of Ordinances prohibits the following actions that directly impact unhoused residents: sleeping in public, sitting or lying in streets, public loitering, loitering outside of establishments, and blighted property.¹⁰ This exposure further criminalizes the population and increases interactions among police officers and unhoused residents.

The policing of homeless residents is not an issue specific to Oakland. In 2017, the National Point-in-Time Homeless count found an increase in homelessness for the first time in the last decade, and 72% of member agencies at the 2017 Police Executive Research Forum (PERF) reported that homelessness had increased in their jurisdiction.¹¹ However, Oakland and California’s homeless crisis has increased at a speed unrivaled by any other part of the country. In California, homelessness has increased by 14% since 2016, and the State accounts for 25% of the national homeless population. The City of Oakland reports that the unsheltered population has increased by 26% from 2015-2017. It is estimated that there are 2,716 homeless residents and

⁴ "Homeless Sweeps – Important Case Law and Frequently Asked Questions," ACLU of Washington, April 17, 2017, accessed May 10, 2019, <https://www.aclu-wa.org/docs/homeless-sweeps---important-case-law-and-frequently-asked-questions>.

⁵ "Who We Are," Coalition for Police Accountability, accessed May 10, 2019, <https://www.coalitionforpoliceaccountability.com/about>.

⁶ Sarah Ruiz-Grossman, "Homelessness Rises For Second Year In A Row In U.S. After Years Of Decline," HuffPost, January 22, 2019, accessed May 10, 2019, https://www.huffpost.com/entry/homelessness-statistics-united-states-2018_n_5c1970a9e4b02d2cae8e322e?gucounter=2.

⁷ "Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness," June 2012, accessed May 10, 2019, https://www.usich.gov/resources/uploads/asset_library/Searching_Out_Solutions_2012.pdf.

⁸ "Reduce Criminal Justice Involvement," August 15, 2018, accessed May 10, 2019, <https://www.usich.gov/solutions/criminal-justice/>.

⁹ Gillian Flaccus, "Homeless Parolees Weigh on California Counties," The San Diego Union-Tribune, July 4, 2014, accessed May 10, 2019, <https://www.sandiegouniontribune.com/sdut-homeless-parolees-weigh-on-california-counties-2014jul04-story.html>.

¹⁰ Tristia Bauman et al., No Safe Place: The Criminalization of Homelessness in U.S. Cities, National Law Center on Homelessness & Poverty, 2014, accessed May 10, 2019, https://nlchp.org/wp-content/uploads/2019/02/No_Safe_Place.pdf.

¹¹ The Police Response to Homelessness, Police Executive Research Forum, Critical Issues in Policing Series, June 2018, accessed May 10, 2019, <https://www.policeforum.org/assets/PoliceResponseToHomelessness.pdf>.

only around 350 shelter beds.¹²

In Oakland, local news has highlighted the impacts of over-policing on this vulnerable population, largely focusing on homeless encampment evictions. In the fall of 2018, encampment residents filed suit against the city, stating that evictions were equivalent to cruel and unusual punishment, and therefore unconstitutional. This case rested on a recent judicial ruling, *Martin v. Boise*, which found criminal penalties for homeless individuals who sleep, sit, or lie outside on public property unconstitutional under the 8th amendment, specifically for those who cannot access shelter. In practical terms, this means that a city cannot criminalize homeless individuals for sleeping outside when it does not provide enough shelter beds. A district judge ruled that this decision did not apply in Oakland as there were enough shelter beds for the plaintiffs who pressed charges.¹³

The City continues to push forward with encampment closures. Most recently, the City shut down an encampment located at East 12th Street and 23rd Avenue in East Oakland, requiring that 39 people move to a community cabin site.¹⁴ Encampments have also been removed around Lake Merritt.¹⁵ The Public Works Department and City Administrator's office, in coordination with the Police Department, assembles a schedule for evictions and releases it publicly in an effort to notify residents of removal proceedings and give them sufficient time to clear out.¹⁶ The Oakland Police Department does not have direct authority over which encampments are subject to removal. Their involvement and presence at encampment closures is at the request of the Department of Public Works.¹⁷

In Oakland, both Waste Management and the Department of Public Works refuse to interface with homeless residents without police presence.¹⁸ Therefore, homeless residents are subjected to further law enforcement contact, even outside of public safety concerns. Additionally, the City Administrator and Department of Public Works decide which homeless encampments are subject to removal, but request police presence at each removal process.¹⁹ This results in police presence without responsibility or input on the eviction process and ensures they interface with homeless residents during an extremely tense situation, when residents are subject to property and vehicle forfeiture.

¹² "The Crisis," City of Oakland, accessed May 10, 2019, <https://www.oaklandhomelessresponse.com/the-problem>.

¹³ Darwin BondGraham, "Federal Judge Says Oakland Can Close Homeless Camp on City-Owned Property," East Bay Express, November 28, 2018, accessed May 10, 2019, <https://www.eastbayexpress.com/SevenDays/archives/2018/11/28/federal-judge-says-oakland-can-close-homeless-camp-on-city-owned-property>.

¹⁴ "City Clears Out Homeless Camp in East Oakland," CBS San Francisco, February 01, 2019, accessed May 10, 2019, <https://sanfrancisco.cbslocal.com/2019/02/01/city-clears-homeless-camp-oakland/>.

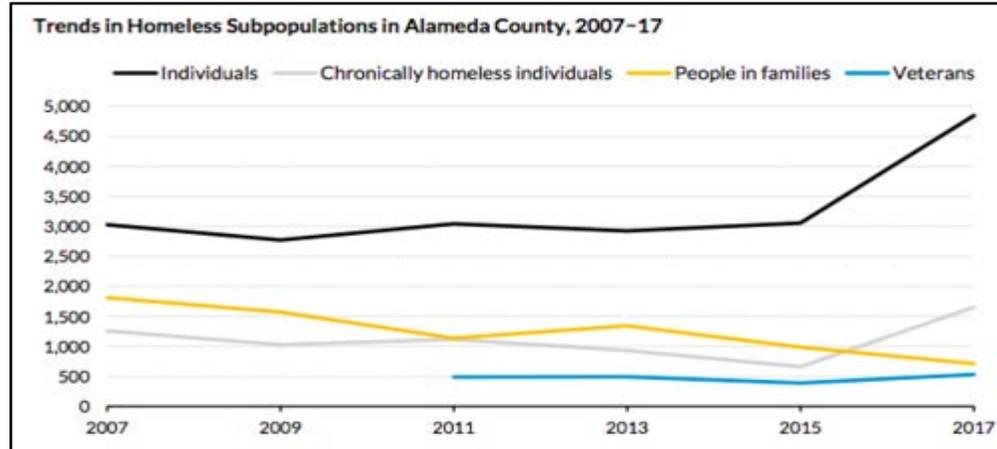
¹⁵ Susie Steimle, "City Of Oakland Clears Homeless From Lake Merritt," CBS San Francisco, February 14, 2019, accessed May 10, 2019, <https://sanfrancisco.cbslocal.com/2019/02/14/oakland-homeless-camps-cleared-lake-merritt/>.

¹⁶ "Homeless Encampment Clean Up Schedule," City of Oakland, November 16, 2018, accessed May 10, 2019, <https://www.oaklandca.gov/documents/homeless-encampment-clean-up-schedule>.

¹⁷ Almedom, E., Lenson, O., & Levinson, R. "Interview with Dan Lindheim," April 16, 2019.

¹⁸ "Who We Are," Homeless Action Center, accessed May 10, 2019, <http://homelessactioncenter.org/>.

¹⁹ "Homelessness in Oakland," Oakland Homeless Response, accessed May 10, 2019, <https://www.oaklandhomelessresponse.com/>.

Figure 2: Trends in Homelessness in Alameda County

Source: Applied Survey Research. Alameda County 2017 Homeless Census and Survey: Comprehensive Report. 2017.

In looking at national and local press coverage, several key themes emerged for further exploration. Firstly, it is important to **investigate how Oakland Police Department policy leads to the criminalization of local homeless individuals**. Secondly, the theme of **encampment closures seems particularly prevalent in this locality** – as such, it is also key to investigate the process behind evictions and property seizures and identify opportunities for improvement. Additionally, **much research has been compiled nationally on best practices on serving and protecting homeless residents**. These should be studied to determine whether they can be replicated in Oakland.

Methodology

We began our process by performing a literature review to establish the current state of policing within the homeless community, both nationally and locally. After completing this initial research, our team conducted 35 interviews with homeless individuals residing in Oakland. All 35 interviews were conducted during a public Town Hall hosted by the Police Commission on February 16, 2019. There were four interviewers: three Goldman MPP students and one CPA volunteer. All interview participants were given a \$20 stipend upon completion of the interview. Respondents were asked an initial screening question to gauge if they were currently homeless (see Appendix for the full interview script).

The table below and the Appendix depicts the demographic makeup of our interview respondents. In comparison to the Alameda County Point-in-Time (PIT) count, male and multi-racial respondents were slightly overrepresented (+10%) and (+7%). Our sample was underrepresented for black or African American respondents (-30%), Latino respondents (-6%), and White respondents (-6%). Our sample ranged from 25 years old to 69 years old. This was similar to the PIT count, which estimated that 71% of the homeless population in Alameda County is 25 years old and over.

Table 1: Demographics of Interview Sample

Age	Count	% of Total
25-29	2	6%
30-34	1	3%
35-39	5	15%
40-44	2	6%
45-49	5	15%
50-54	5	15%
55-59	7	21%
60-64	6	18%
65-69	1	3%
Gender	Count	% of Total
Male	26	74%
Female	9	26%
Race/Ethnicity	Count	% of Total
Black or African American	20	57%
Multiracial	7	20%
White	3	9%
Asian	2	6%
Latino	1	3%
Native American	1	3%
Other	1	3%
Length of Homelessness	Count	% of Total
0-3 months	4	12%
3-6 months	1	3%
6-9 months	1	3%
9-12 months	28	82%

In addition to conducting these interviews, our team met with or received resources from the following groups to gain multiple perspectives on how policing affects the homeless community:

- Criminal justice faculty members and academics at UC Berkeley
- Homeless advocates and other staff from St. Mary's Center
- San Francisco Police Department's Healthy Streets Operation Center
- Staff at the Homeless Action Center
- Staff at Justice Teams Network

Research Findings & Current State Assessment

As a result of our interviews and literature review, we identified two key areas that are in need of policy evaluation and reform.

Key Finding #1: Oakland police officers have too much discretion in handling unhoused residents' property

Oakland's homeless residents experience too many negative interactions with police regarding their property.²⁰ A significant concern around property seizure emerged from survey respondents as well as in our review of local press and national court cases. Interviewees shared that police took vehicles, clothes, tents, bikes and other items as a result of evictions, tickets, or police stops. They identified two main reasons police confiscate property: through encampment closures and police stops.²¹

Evidence

Property Loss due to Eviction

A majority of respondents stated that their most memorable negative police interaction involved an encampment eviction.²² Overall, respondents reported that property was seized unnecessarily as a result of eviction. For example, one respondent described how the police threw away her recyclables, personal belongings, and shelter in the process of eviction.²³ Other respondents highlighted that residents' property was destroyed during evictions at Lake Merritt on February 14th, 2019, even though they had been told by city officials that it would be stored for pick up.²⁴

Property Loss due to Tickets or Police Stops

Respondents also reported property seizure as a result of minor infractions. Respondents shared that vehicles were taken as payment for late tickets, resulting in the loss of their most valuable property, and often sources of shelter. For example, one respondent mentioned that her RV was taken, which did have some tickets, when she would not turn over local drug dealers to the police.²⁵ Another stated that several cars, which had been serving as her home, were taken from her, as a result of not having proper registration.²⁶

These policies can lead to monetary issues both for the affected homeless individuals and for the police department itself. Lost property can lead to monetary loss for homeless individuals who have few resources and often use items perceived as trash (e.g. cans) for income. Receiving tickets also places an undue burden on this population that does not have resources to cover fines.

While public information is not available for Oakland specifically, we can use figures from other cities as examples to understand the cost of sweeps and imposing fines on unhoused individuals. In Los Angeles, the city's 2019 budget included \$30 million in allocated funding for encampment sweeps and cleanups. This increased from \$13 million in 2018. Homeless advocates wish to reallocate this funding for services such as improved sanitation and trash cleanup.²⁷ In 2017,

²⁰ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," February 16, 2019.

²¹ Ibid.

²² Ibid.

²³ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview RL6, February 16, 2019.

²⁴ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview RL3, February 16, 2019.

²⁵ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview OL1, February 16, 2019.

²⁶ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview OL21, February 16, 2019.

²⁷ Matt Tinoco, "LA Will Spend \$30M This Year On Homeless Sweeps. Do They Even Work?" LAist, April 10, 2019, accessed May 06, 2019, https://laist.com/2019/04/10/homeless_sweeps_losanjeles_public_health.php.

Seattle spent \$10 million on homeless sweeps; this number includes outreach to the local homeless community, labor, police costs, and garbage cleanup.²⁸ San Francisco incurred approximately \$20.6 million for sanctioning homeless individuals in 2015, 90% within the police department.²⁹ Additionally, one survey of San Francisco unhoused residents found that only 7% of all fines issued were paid in full.³⁰

Diagnosing the Problem

The process of eviction is not transparent, leaving many homeless individuals at risk of losing their property and being caught by surprise. Police work with other departments to create eviction schedules. However, since these are closed door meetings, it is unknown how they make these decisions.³¹ As a result of this closed door policy, the process for choosing which encampments to evict often seems arbitrary, especially to encampment residents.³²

At least two weeks prior to an eviction, the City is required to post notice of the upcoming event at the site.³³ As seen on Oakland's Homeless Action Working Group's website, this practice should ensure that individuals have time to clear out their belongings, and that they know to contact Public Works to pick up any personal property seized.³⁴ While notice is required by law, in practice, it is often not adequately communicated. As noted in the City of Oakland's website, the schedule is "subject to change at any time without further notice."³⁵ As a result, residents do not know to clear out of the encampment and eviction can come as a surprise.³⁶ If residents are present during the encampment closure process, their property is often subject to confiscation and destruction. For example, one interviewee cited the destruction of his tent, which was bulldozed during an eviction, stating that the police had not made clear where he could relocate his belongings to avoid destruction.³⁷

The Department of Public Works (DPW) is required to hold residents' belongings and communicate to them where they can pick them up. However, interviewees report that DPW sometimes does not tell residents where they store the items, or chooses to destroy them rather than take them to the specified pick-up location. One individual witnessed DPW breaking with the protocol of bagging and tagging belongings and storing them for the specified length of time. She cited an example of an encampment clearing where inhabitants were not allowed to remove personal belongings, and those clearing the encampment disposed of them.³⁸ Another interviewee

²⁸ Chris Daniels, "Seattle Spent \$10 Million on Homeless Sweeps in 2017," K5 News, May 18, 2018, accessed May 06, 2019, <https://www.king5.com/article/news/local/homeless/seattle-spent-10-million-on-homeless-sweeps-in-2017/281-554503199>.

²⁹ City and County of San Francisco Budget and Legislative Analyst's Office, "Homelessness and the Cost of Quality of Life Laws," May 2016, <https://sfbos.org/sites/default/files/FileCenter/Documents/56045-Budget%20and%20Legislative%20Analyst%20Report.Homelessness%20and%20Cost%20of%20Quality%20of%20Life%20Laws.Final.pdf>.

³⁰ "California's New Vagrancy Laws: The Growing Enactment and Enforcement of Anti-Homeless Laws in the Golden State," Berkeley Law Policy Advocacy Clinic (University of California, Berkeley Law School, June 2016), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Californias-New-Vagrancy-Laws.pdf>.

³¹ Call with St. Mary's Center staff, March 12th, 2019.

³² Ibid.

³³ "Homeless Encampment Clean Up Schedule," City of Oakland, November 16, 2018, accessed May 10, 2019, <https://www.oaklandca.gov/documents/homeless-encampment-clean-up-schedule>.

³⁴ Oakland Homeless Action Working Group Homeless Encampment Clean-up Schedule 2019. Accessed here: <https://www.shelteroak.org/cleanupschedules.html>.

³⁵ City of Oakland Homeless Encampment Clean-Up Schedule. <https://www.oaklandca.gov/documents/homeless-encampment-clean-up-schedule>.

³⁶ Call with St. Mary's Center staff, March 12th, 2019.

³⁷ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview EA9, February 16, 2019.

³⁸ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview RL3, February 16, 2019.

stated that he watched his and other encampment members' belongings get thrown into a garbage compactor, even though prior notice had specified that they would be stored.³⁹

As stated previously, loss of property extends beyond evictions. One interviewee cited losing property during a practice called "trash duty," where police dispose of belongings that extend beyond an assigned property line.⁴⁰ Others had cars they lived in taken from them, resulting in them becoming unsheltered – a disproportionate consequence for a minor offense such as unpaid parking tickets. Still other respondents lost their property when they were arrested, or as payment for outstanding tickets. The practices of DPW and OPD can lead to a deprivation of shelter or belongings, further harming homeless residents by confiscating where they live, sources of income, and other goods.⁴¹

Justifying Intervention

As previously stated, this process leaves unhoused individuals with little protection for their personal belongings, leading to property loss with few options for recourse. Moreover, from reports by unhoused individuals suggest the eviction and seizure process do not operate as intended by law. This practice puts unhoused residents as well as City agencies at risk. For example, Caltrans commonly destroys property in their "homeless sweeps" and has faced several lawsuits as a result of this practice.⁴² If the City of Oakland is found to have similar practices, it is likely that the City could eventually face similar consequences.

As such, there is an opportunity to improve protections for homeless individuals' personal belongings. Furthermore, investigating monetary impacts would be worthwhile to determine whether improvements in the current policy could result in savings for the City.

The current approach to handling property leads to worsening relationships between City agency representatives and the unhoused community. As most unhoused individuals voiced that an encampment eviction was their most negative interaction with OPD, this is an especially salient opportunity to improve interactions among law enforcement officers and unhoused residents. Changing these practices could lead to improved relationships and trust between these disparate groups.

Policy Options and Criteria to Address Property Seizure and Evictions

In response to our findings in the previous section, we have collected insights on Oakland's current policies (referred to as the existing policy within the "status quo") and will present a set of

³⁹ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview RL9, February 16, 2019.

⁴⁰ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview OL7, February 16, 2019.

⁴¹ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," February 16, 2019.

⁴² "Civil Rights Groups Sue Caltrans to Stop Illegal Raids Against California's Homeless," ACLU of Northern CA, December 13, 2016, accessed May 10, 2019, <https://www.aclunc.org/news/civil-rights-groups-sue-caltrans-stop-illegal-raids-against-california-s-homeless>.

potential alternative policy options for consideration. Each will be assessed against three criteria, outlined below.

Effectiveness

Will this policy effectively address the goal of reducing police involvement in encampment evictions? This will be measured by bringing in examples of successes in other jurisdictions.

Efficiency

Is this a cost-effective policy for the City of Oakland? Will this policy generate benefits that exceed the costs associated? We do not conduct a formal cost-benefit analysis to make this assessment. Instead, we identify the potential costs of the policy or, alternatively, the costs of maintaining today's status quo. As data to understand today's status quo, we note that the Oakland Police Department currently makes up nearly 45% of the City's General Fund.⁴³ As of 2018, Oakland had the highest percentage of police department expenditures when compared to large metropolitan cities, such as Atlanta (29.7% on police) and Orlando (32.3% on police).⁴⁴ Our assumption when assessing policy options is that this outsized expenditure on OPD can and must change. As an example, we point to recent changes in Alameda County. The Alameda County operating budget allocates the largest share of its funds to the Behavioral Health Care Services Department (BHCS). In 2019, BHCS received \$482.94 million (equating to 14.14% of the operating budget), compared to the Sheriff's Office, which received 424.27 million (12.42% of the operating budget).⁴⁵ This small, but promising, shift can be used as inspiration as the Police Commission considers the policy options brought forward in this report.

Political Feasibility

Will this policy survive the political process? In particular, how might this policy perform given the City's past decisions regarding police involvement in encampment evictions? We consider the past actions of the City Council, the Mayor, the City Administrator's office, and other relevant City departments.

Status Quo: Evictions

Existing Policy

Many interviewees indicated that police are only present at encampment evictions at the request of City officials or housed residents. As stated previously, the City Administrator's office has an inter-departmental Encampment Management Team in which OPD and other departments work

⁴³ "Open Budget: Oakland," Open Budget: Oakland, accessed May 10, 2019, <https://openbudgetoakland.org/>.

⁴⁴ Freedom to Thrive: Reimagining Safety & Security in Our Communities, Center for Popular Democracy, Center for Popular Democracy, 2018, accessed May 10, 2019, <https://static1.squarespace.com/static/5500a55ae4b05a69b3350e23/t/595cf69b1b631b031e0542a5/1499264677929/Freedom%20to%20Thrive%20Web.pdf>.

⁴⁵ "Alameda County Operation Budget," Alameda County, accessed May 10, 2019, <http://budget.acgov.org/#!/year/2019/operating/0/department?vis=barChart>.

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together to create eviction schedules.^{46 47} However, most evictions in Oakland are initiated by Caltrans (the California Department of Transportation), the City of Oakland's Public Works Department, the City Administrator, or the Mayor.⁴⁸ In 2017, Caltrans received more than 5,600 complaints about roadside camps. Statewide, the department clears as many as 40 camps every day along highways and underpasses, aiming to "keep roads free of hazards and to clean up sites that can collect trash and hazardous waste."⁴⁹

Oakland's sworn police force is divided between patrol officers and Community Resource Officers (CROs). Patrol Officers are responsible for traditional beats, and the latter "engage[s] in problem solving projects, [and] attend[s] Neighborhood Crime Prevention Council (or Neighborhood Council) meetings."⁵⁰ They serve as liaisons with City service teams, lead enforcement projects and coordinate with other OPD patrol and professional staff. There are 57 community policing beats, and each has a Neighborhood Crime Prevention Council (NCPC) with a corresponding Community Resource Officer. Oftentimes, in neighborhoods where there are homeless encampments, the NCPC is responsible for addressing the concerns, needs, and/or complaints related to the homeless encampments.⁵¹

Current Outcomes of Existing Policy

Caltrans has tripled its spending on contracts to clear homeless camps since 2013, dedicating \$12 million to the issue in the 2017-18 budget year. We have not been able to secure data on OPD's expenditures related to supporting the clearing of encampments. However, according to records from 2015, calls for service regarding homeless encampments have been rising steadily.

Below are data provided by the Oakland Police Department on encampment-related police calls and police activity. The query includes a search for all calls for service (calls placed to dispatchers and calls generated by officers or employees in the field), field contacts (officers encountering homeless persons or encampments regardless of whether or not the encounter was generated by a call for service), and incident reports (crime reports or supplemental crime reports regarding camps). The results returned are based on a search of all records that contain the keywords "homeless" OR "transient" AND "encampment" OR "camp." Since 2005, there have been 1,270 of such records, 50% of which occurred in 2013 and 2014.⁵²

Given past trends of court cases against city officials, the current approach leaves the police department susceptible to lawsuits, negative local and international press, and other ramifications due to their potential complicity in violating the constitutional rights of unhoused individuals.

⁴⁶ Call with St. Mary's Center staff, March 12th, 2019.

⁴⁷ "Emergency Interventions," Oakland Homeless Response, accessed May 10, 2019, <https://www.oaklandhomelessresponse.com/emergencyinterventions>.

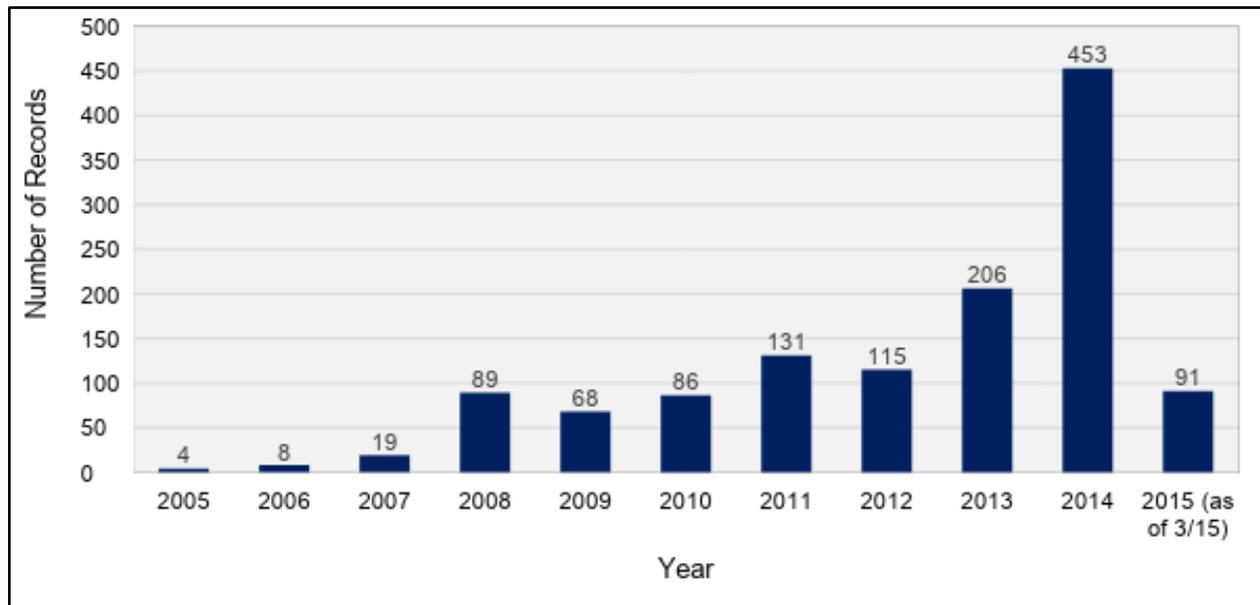
⁴⁸ Almedom, E., Lenson, O., & Levinson, R. Interview with Dan Lindheim, former Oakland City Administrator. April 16, 2019.

⁴⁹ Erin Tracy and Adam Ashton, "'You Don't Bulldoze People.' California Highway Homeless Camps Grow Dangerous," The Sacramento Bee, December 01, 2018, accessed May 10, 2019, <https://www.sacbee.com/news/politics-government/the-state-worker/article222344385.html>.

⁵⁰ "Community Resource Officers," City of Oakland, accessed May 10, 2019, <https://www.oaklandca.gov/topics/community-resource-officers>.

⁵¹ "Community Resource Officers," City of Oakland, accessed May 10, 2019, <https://www.oaklandca.gov/topics/community-resource-officers>.

⁵² OPD Calls for Service with the words "Homeless" OR "Transient" AND "Encampment" OR "Camp." Graph from A Place to Be: Alternatives to Unsanctioned Homeless Encampments, Goldman School of Public Policy, 2015.

Figure 3: OPD Calls for Service with the words “Homeless” OR “Transient” AND “Encampment” OR “Camp.”

Source: [A Place to Be: Alternatives to Unsanctioned Homeless Encampments](#), Goldman School of Public Policy, 2015.

Policy Alternative: Citizen or oversight body engagement in evictions

Potential Policy

While encampment evictions are not directly under OPD's purview, police resources are used to carry out the City's homelessness response. As a crucial and large line-item in Oakland's annual general budget, the deployment and efficiency of officer time could be one of many reasons to reconsider Oakland's current encampment management procedures. Per recommendations from the United Nations and the 9th Circuit Court, the City of Oakland could cease all encampment evictions when there is no alternative housing available for homeless individuals.⁵³ This would certainly be a large and long-term task, so instead, we can consider how to at least improve current eviction processes.

As noted, the City does post a schedule for encampment clean-ups and evictions (i.e. closures).⁵⁴ The schedule is released publicly for two-week increments and describes the date and location of the City's "intervention."⁵⁵ One alternative could be to build off of this practice, but with the inclusion of citizen or oversight body support. Community groups, such as the East Oakland

⁵³ "Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in This Context," A/73/310/rev.1 - E - A/73/310/rev.1, September 19, 2018, accessed May 10, 2019, <https://www.undocs.org/A/73/310/rev.1>.

⁵⁴ "Homeless Encampment Clean Up Schedule," City of Oakland, November 16, 2018, accessed May 10, 2019, <https://www.oaklandca.gov/documents/homeless-encampment-clean-up-schedule>.

⁵⁵ Ibid.

Collective (EOC) and the Homeless Action Working Group, are already routinely engaged in evictions as witnesses or volunteers dismantling or packing up belongings. The City Administrator's office could meet with a coalition of community groups, City agencies engaged in evictions (OPD, Public Works, etc.), and oversight bodies (Police Commission) to develop key guidelines for behavior during evictions. In this way, all parties can be aware of permitted and banned behavior during the process and citizens/oversight bodies can be better equipped to hold City representatives accountable.

Projected Outcomes of Potential Policy Alternative

Effectiveness

A City policy of inviting citizen or oversight body members to encampment evictions may not directly meet the goal of reducing police involvement in encampment evictions. However, by meeting together to determine guidelines during evictions, there is an opportunity for those most affected (i.e. unhoused residents and community) to voice their concerns about police involvement and for City officials (i.e. City Administrator's Office) to adapt procedures accordingly.

Efficiency

From our literature review, we find that encampment evictions are met with negative local and national media coverage and, at times, legal pushback. For instance, Caltrans has been approached with numerous lawsuits regarding their treatment of unhoused people's belongings. In 2016, there was a class-action lawsuit in Alameda County, where attorneys for unhoused people argued that Caltrans violated the Fourth Amendment by seizing private property at homeless camps.⁷ The amendment prohibits "unreasonable searches and seizures." As displacement and homelessness continue to rise in Oakland, it is worth considering the eventual costs associated with lawsuits against the City, particularly OPD, for potentially unlawful seizure of unhoused people's property. Given this risk and assumption, we anticipate that the benefits of including community oversight in the eviction process will outweigh the potential long-term costs, such as negative media attention and legal costs.

Political Feasibility

As evidenced by the December 2018 eviction of The Village, encampment evictions are the norm in homelessness response in Oakland, despite the court warnings.⁵⁶ Political motivations are strong both for and against encampment evictions. However, given the potential for negative press and costly court proceedings, we assume that City officials would at least be receptive to an initial meeting to discuss eviction guidelines.

⁵⁶ Sandhya Dirks, "After 11th-Hour Reprieve, Crews Return and Evict Oakland Homeless Encampment," KQED News, December 06, 2018, accessed May 10, 2019, <https://www.kqed.org/news/11710285/oakland-gives-female-led-homeless-encampment-last-minute-reprieve-from-eviction>.

Case Study: More Humane Evictions in Charleston, South Carolina

In early 2016, Charleston cleared out an encampment of more than 100 homeless individuals. We have provided this case study not to condone the eviction of homeless encampments, but because we recognize their continued prevalence in homelessness response. If eviction procedures do continue in Oakland, we want to highlight how they can be done in a more humane fashion by avoiding criminalization, protecting individual property, and partnering with social services organizations to ensure the implementation of a Housing First policy. This section concludes by highlighting examples of police involvement to show potential positive ways that police can be involved when an eviction does happen.

No arrests or property destruction resulted from the evictions in Charleston.⁵⁷ The encampment was located underneath a local highway and had existed for close to a year. The growth of the encampment was due to several key factors: a large number of individuals relocated there from other areas, volunteer support was available at the encampment, and a new policy criminalizing panhandling in Charleston's tourist areas was instated, resulting in those previously able to afford hotels or other forms of housing being forced onto the streets. In February 2016, city leaders decided to clear the encampment due to concerns around its inhabitants' quality of life. Several fires and violent incidents took place, catching the city's attention. Charleston city officials wished to provide these individuals with alternative housing.⁵⁸ The closure came at a time when the city's homeless population had more than doubled in the previous five years.⁵⁹

Prior to the eviction, the city implemented a 10-point plan (see Appendix), which included a timeline for removal and information about which shelters had openings. This plan aimed to center legal and safety concerns, property protection, and the health and safety of encampment residents.⁶⁰

This eviction is considered to be a model due to specific successes resulting from the 10-point plan. Firstly, the eviction included a specific timeline with firm beginning and end dates. Secondly, local leaders brought together diverse community stakeholders to coordinate eviction logistics and next steps to ensure service delivery to inhabitants. The plan also took into consideration the needs of the landowner, who was the South Carolina Department of Transportation (SCDOT). Their needs consisted of maintaining the roads and ensuring safety for individuals driving on local roadways. Due to the specific interests involved, SCDOT, the city, and the police coordinated the eviction.⁶¹

Accommodations were secured for inhabitants prior to the eviction; the mayor established relationships with local shelters to determine where there were available shelter beds. The city also provided additional housing options to those evicted; advocates, community outreach groups, and government agencies partnered with those needing housing to identify other options as

⁵⁷ "Tent City, USA: The Growth of America's Homeless Encampments and How Communities Are Responding," 2017, accessed May 5, 2019, http://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

⁵⁸ Ibid.

⁵⁹ Dustin Waters, "Charleston Officials Launch Plan to Clean up Tent City, Curb Homelessness," Charleston City Paper, November 20, 2017, accessed May 06, 2019, <https://www.charlestoncitypaper.com/TheBattery/archives/2016/02/05/charleston-officials-launch-plan-to-clean-up-tent-city-curb-homelessness>.

⁶⁰ "Tent City, USA: The Growth of America's Homeless Encampments and How Communities Are Responding," 2017, accessed May 5, 2019, http://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

⁶¹ Ibid.

needed. Private funding was also collected as an emergency fund for those who faced housing insecurity.⁶²

One key to this plan's success was the implementation of a housing first model at partner shelters. This model prioritizes housing ahead of considerations such as finding jobs, curing substance abuse issues, and completing other service programs. Studies from other locations have shown that Housing First models decrease the burden on shelters, hospitals, jails, and treatment facilities, sometimes offsetting program costs. Housing First programs may offer support services to participants, but do not require participation to keep housing.⁶³ In Charleston, some shelters with which the city partnered had previously adopted rules that served as barriers to short-term emergency shelter, including imposing curfews, requiring sobriety, having a clean criminal background, and having a minimum income. However, these requirements were relaxed with the Housing First model to ensure that all evicted individuals could get shelter.^{64 65}

Charleston officials found that a Housing First model allowed for easier placements into permanent housing as well. In an effort to prevent future encampments, the city created a commission to find long-term solutions to homelessness in the community. These efforts resulted in partnerships with landlords throughout the region to provide access to permanent affordable housing. More than half of those evicted found permanent housing.⁶⁶

It is important to call out the roles that the police played to highlight how a department can contribute positively. The Chief of Police became involved in the eviction planning process early, attending discussions with key stakeholders. During these discussions, the mayor prioritized enforcement only as a means to bring services to those in need, and the group committed to avoid criminalization of homeless residents during the eviction. The Police Department partnered with SCDOT and the city to ensure that road maintenance and repairs were completed on the adjacent highway, and to plan the eviction process. Police specifically did not issue citations during the eviction and did not arrest residents. Instead, officers partnered with social service workers to help transition residents to housing. Patrol officers were also tasked with documenting and protecting seized property.⁶⁷

Key Finding #2: Oakland police officers have too little training and knowledge on de-escalation methods in mental health crisis

Evidence

⁶² "Tent City, USA: The Growth of America's Homeless Encampments and How Communities Are Responding," 2017, accessed May 5, 2019, http://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

⁶³ "Housing First," National Alliance to End Homelessness, April 20, 2016, accessed May 06, 2019, <https://endhomelessness.org/resource/housing-first/>.

⁶⁴ "Tent City, USA: The Growth of America's Homeless Encampments and How Communities Are Responding," 2017, accessed May 5, 2019, http://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

⁶⁵ Dustin Waters, "Charleston Officials Launch Plan to Clean up Tent City, Curb Homelessness," Charleston City Paper, November 20, 2017, accessed May 06, 2019, <https://www.charlestoncitypaper.com/TheBattery/archives/2016/02/05/charleston-officials-launch-plan-to-clean-up-tent-city-curb-homelessness>.

⁶⁶ "Tent City, USA: The Growth of America's Homeless Encampments and How Communities Are Responding," 2017, accessed May 5, 2019, http://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

⁶⁷ *Ibid.*

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Through the Commission on Peace Officers Standards and Training (POST), California requires that police officers be trained on de-escalation techniques for two hours every two years. Officers are also required to take racial profiling/diversity training once every five years. Comparatively, OPD officers complete training on shooting every six months.⁶⁸ From 2015-2017, there were ten 40-hour POST-certified Crisis Intervention Trainings (CIT) provided for OPD officers.⁶⁹ However, CIT is a voluntary training and is not mandatory for ancillary assignment. Trained CIT-certified officers are not eligible for premium pay and are only distinguished from non-trained officers by a pin on their uniforms.⁷⁰ OPD houses the Homeless Outreach Unit in the Special Operations Section, and it is made up of two personnel, one sergeant and one officer.⁷¹ The City reports that there are only three OPD officers dedicated to managing encampments.⁷² As of January 1, 2019, the Department currently employed 732 sworn Full-Time Equivalent (FTE) officers.⁷³

Through partnership with Alameda County Behavioral Health Care Services (ACBHCS), OPD operates a Mobile Evaluation and Crisis Response Team. The Mobile Evaluation Team (MET) pilot program was created in 2016 to provide crisis intervention and referrals to avoid psychiatric holds.⁷⁴ The program was then extended beyond the pilot phase; in 2017, the MET program operated Monday through Thursday from 8:30am-5:00pm.⁷⁵ The MET served the OPD Eastmont Substation specifically, but noted that they would travel throughout the City upon request. ACBHCS reports that today, the Crisis Response Team serves Oakland Monday through Friday from 10:00am-8:00pm.⁷⁶ Though the Crisis Response Team exists, significant clinical staff shortages have been reported. Additionally, there is no procedure in place to ensure that a CIT-certified officer or MET representative will be on staff when a mental health crisis is called into 911 dispatch.⁷⁷ Public Safety Dispatchers receive a 24-hour training every two years that has a minor behavioral health component.⁷⁸ As demonstrated in Figure 4, in 2016 there were over 10,000 mental health calls for service received by 911 dispatchers.

Alameda County has one of the highest 5150 hold rates in California, and there are more Oakland Police officers that have requested training on 5150 and mental health crisis response than have

⁶⁸ State of California Commission, "Section D - Training Procedures Commission Procedure D-2," Commission on Peace Officer Standards Training, accessed May 10, 2019, <https://post.ca.gov/commission-procedure-d-2-continuing-professional-training-and-perishable-skills>.

⁶⁹ "California POST Course Catalog," California POST Course Catalog, accessed May 10, 2019, <https://catalog.post.ca.gov/SearchMap.aspx?mapLocation=&latLong=&radius=10&mapTitle=Dispatcher/Crisis%20Intervention&mapFromDate=07/01/2015&mapToDate=06/14/2017&mapPresenter=&pageId=1&searchForPSRequirements=False#ListSectionBookMark>.

⁷⁰ "Quarterly Progress Report," Oakland.net, July-August 2017, accessed May 10, 2019,

<http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak067719.pdf>.

⁷¹ "Oakland Police Department Telephone Directory and Organizational Chart," Oakland Police Department, February 2018, accessed May 10, 2019, <http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak069225.pdf>

⁷² "Homelessness & the Affordability Crisis," City of Oakland, accessed May 10, 2019, <https://www.oaklandca.gov/topics/homelessness-and-the-regional-cost-of-living-crisis>.

⁷³ "City of Oakland Sworn Staffing: Actual vs. Authorize (2010-2020) Report," Power BI, accessed May 10, 2019,

<https://app.powerbigov.us/view?r=eyJrIjoibmNTYyZGZlMzQzNi00YTE1LTkyMTEtMWUxZjk4OGQ2ODk2IiwidCI6Ijk4OWEYMTgwLTZmYmMtdmMS04MDMvLTFhOWVlOTY5YzU4ZCJ9>.

⁷⁴ "Quarterly Progress Report," Oakland.net, July-August 2017, accessed May 10, 2019,

<http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak067719.pdf>.

⁷⁵ Brian Case and Travis Parker, Sequential Intercept Model Mapping Report for Alameda County, CA, Policy Research Associates, Inc., Alameda County Behavioral Health, September 14-15, 2017, accessed May 10, 2019, http://www.acbhcs.org/Providers/news/2018/SIM_Summit_AC_report.pdf.

⁷⁶ "Program: Crisis Response Program - North County Mobile Crisis Team," Alameda County Behavioral Health Care Services Programs, accessed May 10, 2019, <https://www.icarol.info/ResourceView2.aspx?org=2376&agencynum=38906746&SiteResourceAgencyNum=38902715>.

⁷⁷ Brian Case and Travis Parker, Sequential Intercept Model Mapping Report for Alameda County, CA, Policy Research Associates, Inc., Alameda County Behavioral Health, September 14-15, 2017, accessed May 10, 2019, http://www.acbhcs.org/Providers/news/2018/SIM_Summit_AC_report.pdf.

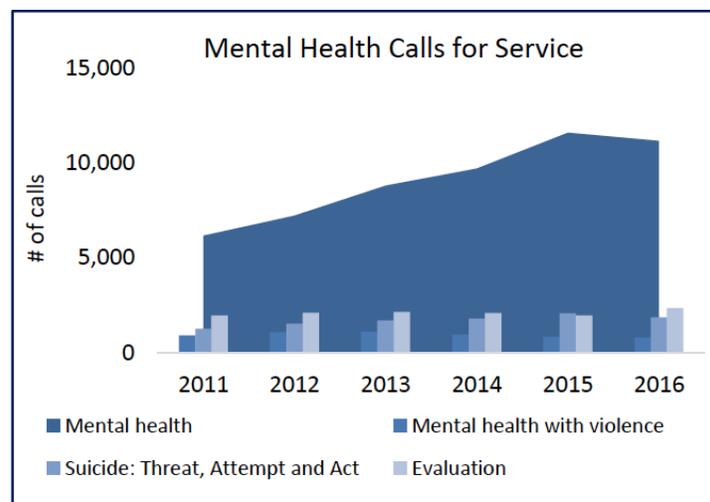
⁷⁸ "Quarterly Progress Report," Oakland.net, July-August 2017, accessed May 10, 2019,

<http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak067719.pdf>.

received it.⁷⁹ Because there is little training and few mental health response alternatives for law enforcement, they rely on 5150 holds too often.⁸⁰

This shortage of officers trained on trauma-informed, mental health crisis response often results in homeless residents interacting with law enforcement not trained on how to effectively support this population. Recognizing that police are not traditionally equipped with the appropriate background and skillset to handle mental health crises, the Department has identified certain officers to undergo more extensive crisis response training.⁸¹ However, these crisis team officers are still uniformed police officers, limiting their ability to make unhoused residents feel safe. Having an armed officer approach can escalate the interaction and lessen the possibility of a trauma-informed, humane interaction. Homeless advocates mentioned that having armed police officers unfamiliar with the community can further hinder trust between both parties.

Figure 4: Mental Health Calls to OPD, 2011-2016



Source: Courtesy of Oakland Police Department, Office of Inspector General, Quarterly Progress Report (July – September, 2017).

Diagnosing the Problem

Twenty-two out of the thirty-five unhoused residents interviewed highlighted the need for officers to treat unhoused people with more respect. When asked what would improve interactions between unhoused residents and Oakland Police officers, respondents pointed to the need for better communication skills to handle difficult situations involving homeless residents.

Respondents emphasized how those who are unhoused are still part of the community, and that officers need to learn how to interact with them and their property with more compassion.⁸² There

⁷⁹ "Coalition for Police Accountability," Coalition for Police Accountability, accessed May 10, 2019, <https://www.coalitionforpoliceaccountability.com/>.

⁸⁰ Brian Case and Travis Parker, Sequential Intercept Model Mapping Report for Alameda County, CA, Policy Research Associates, Inc., Alameda County Behavioral Health, September 14-15, 2017, accessed May 10, 2019, http://www.acbhcs.org/Providers/news/2018/SIM_Summit_AC_report.pdf.

⁸¹ The Police Response to Homelessness, Police Executive Research Forum, Critical Issues in Policing Series, June 2018, accessed May 10, 2019, <https://www.policeforum.org/assets/PoliceResponseToHomelessness.pdf>.

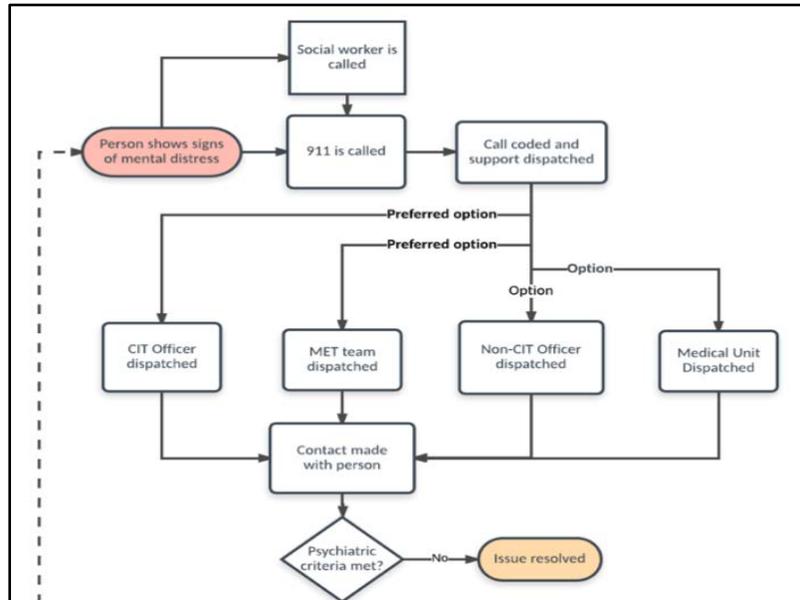
⁸² Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," February 16, 2019.

was also an emphasis on the need to train officers in de-escalation techniques, and for mental health providers to be the primary contacts for homeless residents battling mental illness.⁸³

As stated by Ventura County Police Chief Ken Corney, law enforcement officers feel that “homelessness is a community-wide problem that is often punted to the policing profession to solve.”⁸⁴ Officers often serve as the primary point of contact for city residents to complain of any issue connected to homeless residents. When requesting assistance, residents can contact the city in two ways: either by calling 311 for general non-emergency city services or by calling law enforcement. When a resident decides to call law enforcement for a complaint concerning homeless residents, the officers ordered to respond are not equipped with alternatives to handle problems other than through arrest. Furthermore, law enforcement officers themselves view arrest as an inadequate response to addressing homelessness.⁸⁵ It is often the case that police officers do not want to interface with homeless residents either; they do not want to clear encampments or respond to mental health crises. Furthermore, when deciding to clear encampments, law enforcement’s response is community complaint-driven, not based on a needs assessment or other metric.⁸⁶

Though OPD is the default response agency, they are unprepared to assist unhoused residents in mental health crises. The following snapshot of an OPD decision tree outlines the complicated process that ensues when 911 is called for a mental health crisis (full chart in Appendix), demonstrating that the resources given to OPD dispatch and officers are complex and convoluted.

Figure 5: Oakland’s Mental Health Crisis Response Process



Source: Oakland Police Department. Office of the Inspector General Quarterly Progress Report. July-September 2017.

⁸³ Almedom, E., Lenson, O., & Levinson, R “Interview with Justice Teams Action Network,” March 20, 2019

⁸⁴ The Police Response to Homelessness, Police Executive Research Forum, Critical Issues in Policing Series, June 2018, accessed May 10, 2019, <https://www.policeforum.org/assets/PoliceResponseToHomelessness.pdf>.

⁸⁵ The Police Response to Homelessness, Police Executive Research Forum, Critical Issues in Policing Series, June 2018, accessed May 10, 2019, <https://www.policeforum.org/assets/PoliceResponseToHomelessness.pdf>.

⁸⁶ “Coalition on Homelessness,” Coalition on Homelessness, accessed May 10, 2019, <http://www.cohsf.org/>.

While this chart only represents half of the decision-tree, it is clear that officers and dispatchers could have a hard time navigating this process quickly. Furthermore, there is no procedure to ensure that a CIT officer is on duty, and the MET remains unstaffed. This can lead to officers relying on the use of psychiatric holds, one of the only methods they are trained on to address mental health crises. The complexity of serving mentally ill unhoused residents is not addressed by current OPD policy, further exacerbating the issue of how unhoused residents are treated by officers.

Unhoused residents also expressed concern that officers do not take their own public safety complaints seriously, and that they have lost hope that police will protect them. One resident shared that when she reported an assault to an officer, he ticketed her RV and did not take a police report.⁸⁷ This distrust undermines law enforcement's efforts to serve and protect homeless residents in a humane, respectful and effective way. Furthermore, many interviewees shared that they do not feel safe working with police out of fear of retaliation from gang members or other homeless residents.⁸⁸ Police can interpret this as uncooperative behavior, further harming the relationship between officers and unhoused residents.

Justifying Intervention

With only 350 shelter beds available and limited to homeless residents without criminal convictions, outstanding warrants, pets, or a history of drug use, there is no place for many unhoused residents other than encampments.⁸⁹ As homelessness increases and encampments are shut down, more unhoused residents have nowhere to go. The City must take significant action to develop an effective response for this population.

In Oakland and other cities throughout the nation, cases of Hepatitis A have ballooned, putting many at risk of a dangerous, but preventable life-threatening disease.⁹⁰ Additionally, unhoused residents are more likely to have a disability, rely on public assistance, or battle substance abuse or drug addiction than the general public.⁹¹ While only 4% of U.S. adults have a severe mental illness, approximately 26% of unhoused individuals staying in shelters suffer from one.⁹² These public health vulnerabilities further import the need for a public health response to this population that law enforcement cannot provide. For those in mental health crises, contact with a police officer has a substantially different impact than contact with a social worker or mental health provider. If homelessness is indeed considered a public health issue, it should be handled by public health professionals. However, responsibility currently lies with law enforcement, whether they want it or not. With limited training and resources on best practices to serve those battling mental illness, law enforcement may resort to violence, as was the case with the fatal shooting of Joshua Pawlik.

⁸⁷ "Coalition on Homelessness," Coalition on Homelessness, accessed May 10, 2019, <http://www.cohsf.org/>.

⁸⁸ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," February 16, 2019.

⁸⁹ "Who We Are," Homeless Action Center, accessed May 10, 2019, <http://homelessactioncenter.org/>.

⁹⁰ Drew Costley, "Healthcare Workers Act to Prevent Hepatitis A Outbreak in Oakland," Oakland North, November 9, 2017, accessed May 10, 2019, <https://oaklandnorth.net/2017/11/09/healthcare-workers-act-to-prevent-hepatitis-a-outbreak-in-oakland/>.

⁹¹ "Health and Homelessness," National Alliance to End Homelessness, accessed May 10, 2019, <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/health/>.

⁹² "Mental Health By The Numbers," National Alliance on Mental Illness, 2019, accessed May 10, 2019, <https://www.nami.org/learn-more/mental-health-by-the-numbers>.

Many interviewees requested that officers treat them with more respect and acknowledge their humanity and existence as Oakland residents, also deserving of public safety.⁹³ Alternatively, police officers express frustration from feeling ill-equipped to provide help to unhoused residents. Officers are not informed on what resources exist to serve homeless residents, particularly those who suffer from mental illness. Additionally, the resources that do exist are very minimal.⁹⁴ The lack of training and information provided to law enforcement results in poor communication and interaction between unhoused residents and officers. OPD does not want to serve as the point of contact for mental health crises and homeless response, but no other public agency has the budget, personnel, or capacity to serve as first responders for this population. As localities face the mounting challenge of growing homeless populations, there is a need for a clear division of authority.

Policy Options and Criteria for Mental Health Crisis

In response to our findings in the previous section, we have collected insights on Oakland's current policies (referred to as the existing policy within the "status quo") and will present a set of potential alternative policy options for consideration. Each will be assessed against three criteria, outlined below.

Effectiveness

Will this policy effectively address the goal of reducing police involvement in mental health crisis? This will be measured by bringing in examples of successes in other jurisdictions.

Efficiency

Is this a cost-effective policy for the City of Oakland? Will this policy generate benefits that exceed the costs associated? We do not conduct a formal cost-benefit analysis to make this assessment. Instead, we identify the potential costs of the policy or, alternatively, the costs of maintaining today's status quo. As data to understand today's status quo, we note that the Oakland Police Department currently makes up nearly 45% of the City's General Fund.⁹⁵ As of 2018, Oakland had the highest percentage of police department expenditures when compared to other large metropolitan cities, such as Atlanta (29.7% on police) and Orlando (32.3% on police).⁹⁶ Our assumption when assessing policy options is that this outsized expenditure on OPD can and must change. As an example, we point to recent changes in Alameda County. The Alameda County operating budget allocates the largest share of its funds to the Behavioral Health Care Services Department (BHCS). In 2019, BHCS received \$482.94 million (equating to 14.14% of the operating budget), compared to the Sheriff's Office, which received \$424.27

⁹³ Almedom, E., Lenson, O., & Levinson, R. "Public Hearing Interviews on Homelessness and the Police," Interview EA9, February 16, 2019.

⁹⁴ "Justice Teams Network," accessed May 10, 2019, <https://justiceteams.org/>.

⁹⁵ "Open Budget: Oakland," Open Budget: Oakland, accessed May 10, 2019, <https://openbudgetoakland.org/>.

⁹⁶ Freedom to Thrive: Reimagining Safety & Security in Our Communities, Center for Popular Democracy, Center for Popular Democracy, 2018, accessed May 10, 2019, <https://static1.squarespace.com/static/5500a55ae4b05a69b3350e23/t/595cf69b1b631b031e0542a5/1499264677929/Freedom%20to%20Thrive%20Web.pdf>.

million (12.42% of the operating budget).⁹⁷ This small, but promising, shift can be used as inspiration as the Police Commission considers the policy options brought forward in this report.

Political Feasibility

Will this policy survive the political process? In particular, how might this policy perform given the City's past decisions regarding police involvement in mental health crisis? We consider the past actions of the City Council, the Mayor, the City Administrator's office, and other relevant City departments.

Policy Options to Address Mental Health Crisis

Status Quo: Lack of Training

Existing Policy

The Oakland Police Department's current mental health response can be illustrated through its Crisis Intervention Team and its Mental Health Disposition Codes.

Since 2014, the Oakland Police Department has had a Crisis Intervention Team (CIT) whose officers are "trained to respond to incidents and attempt to provide evaluation, de-escalation and referral services in dealing with incidents involving individuals who are either known or suspected to be in acute mental health or emotional crisis and who may pose a risk to themselves or others or are determined to be gravely disabled."⁹⁸ A Patrol officer may request CIT officer support in cases such as: "when personnel reasonably believe that a subject, family, or caregiver may benefit from a CIT consult/intervention; a disturbance call where an individual may be suffering from a mental health related behaviors; or on-scene field personnel determine a need and request a CIT officer to respond."⁹⁸

The police department's mental health disposition codes, under Special Order No. 9098, demonstrate how officers will code an incident after it has occurred. They have three choices: Mental Health (MH), Mental Health Hold (MHH), and Crisis Intervention Team Officer on Scene (CIT).⁹⁹ Additionally, the Downtown Oakland Mobile Crisis Team of the Mental Health Association of Alameda County responds to requests from the Oakland Police Department, other agencies and individuals for assistance with mental health evaluations of adults in the community.¹⁰⁰

Current Outcomes of Existing Policy

⁹⁷ "Alameda County Operation Budget," Alameda County, accessed May 10, 2019, <http://budget.acgov.org/#!/year/2019/operating/0/department?vis=barChart>.

⁹⁸ "New DGO 0-1.1 Crisis Intervention Program," Office of Chief of Police Oakland Police Department, October 3, 2014, accessed May 10, 2019, <http://www2.oaklandnet.com/oakcal/groups/police/documents/webcontent/oak051676.pdf>.

⁹⁹ "Special Order No. 9098," Office of Chief of Police Oakland Police Department, March 25, 2013, accessed May 10, 2019, <http://www2.oaklandnet.com/oakcal/groups/police/documents/webcontent/oak051674.pdf>.

¹⁰⁰ "MHAAC - Need Help Now?" Mental Health Association of Alameda County, accessed May 10, 2019, <http://mhaac.org/need-help-now.html>.

As demonstrated in the Mental Health Disposition Codes, CIT officers have only one action-oriented tool to address mental health concerns: voluntary and involuntary psychiatric holds.¹⁰¹ Alameda County Behavioral Health Care Services found that Oakland has the highest rates of 5150 holds (i.e. psychiatric holds) in the county and that 75-78% of those transported for a psychiatric hold did not meet medical necessity criteria for inpatient acute psychiatric services.¹⁰²

In addition, Mobile Crisis Team services are only available from 8:30am to 5pm on Monday through Friday, which many advocates indicate is a severe limitation to the effectiveness of the program. Thus, we conclude that the current mental health response is inadequate and insufficient to meet the unique demands faced by Oakland law enforcement.

According to a study conducted by the Treatment Advocacy Center in 2015, individuals with untreated severe mental illness make up fewer than 1 in 50 U.S. adults, but are involved in at least 1 in 4 and as many as half of all fatal police shootings. Because of this prevalence, they claim that “reducing encounters between on-duty law enforcement and individuals with the most severe psychiatric diseases may represent the single most immediate, practical strategy for reducing fatal police shootings in the United States.”¹⁰³ Changes to today’s status quo should be considered in tandem with ongoing changes to the use-of-force status quo, at the state and local levels. This is particularly relevant in the aftermath of the case of Joshua Pawlik, an unhoused, mentally ill man who was shot and killed by four OPD officers while unconscious in March 2018.¹⁰⁴

The current approach is clearly politically feasible, though the City could potentially expect more political pressure to change their approach as the homelessness crisis grows, and other West Coast cities explore alternative approaches.

Policy Alternative: Integrating emergency mental health services in crisis intervention

Potential Policy

As evidenced in previous sections, Oakland has limited options for non-police response to mental health crisis and for responses outside of psychiatric holds. As an alternative, Oakland could consider integrating emergency mental health services into their response, either as an alternative to police or as a partner with police.

¹⁰¹ “Special Order No. 9098,” Office of Chief of Police Oakland Police Department, March 25, 2013, accessed May 10, 2019, <http://www2.oaklandnet.com/oakcal/groups/police/documents/webcontent/oak051674.pdf>.

¹⁰² “Adopt the Alameda County Behavioral Health Care Services Mental Health Services Act AB 114 Plan For Fiscal Years 2017-2018 Through 2019-2020 and the Mental Health Services Act Innovation Plan for Fiscal Years 2018-19 Through 2022-23,” Alameda County Health Care Services Agency, July 24, 2018, accessed May 10, 2019, http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_07_24_18/HEALTH CARE SERVICES/Regular Calendar/BHCS_268020.pdf.

¹⁰³ Heather Carroll, “Overlooked in the Undercounted,” Treatment Advocacy Center, December 2015, accessed May 10, 2019, <https://www.treatmentadvocacycenter.org/overlooked-in-the-undercounted>.

¹⁰⁴ Angela Ruggiero and George Kelly, “‘He Never Got a Chance to Live,’ Civil Rights Attorney Says of Man Shot by Oakland Police,” East Bay Times, February 06, 2019, accessed May 10, 2019, <https://www.eastbaytimes.com/2019/02/06/he-never-got-a-chance-to-live-civil-rights-attorney-says-of-man-shot-by-oakland-police/>.

Table 2: Two Potential Models for A New Mental Health Response

Level of Police Involvement	Examples in the Field
Side-by-Side with Mental Health Responders in All Responses	Tandem police-emergency mental health response in Berkeley, California
Not Required, Only When Requested by Mental Health Responders	Cahoots program in Eugene, Oregon

In our interviews, unhoused residents and advocacy organizations expressed a preference for no police presence during a mental health crisis, citing various incidents where police presence escalated a situation.

Projected Outcomes of Potential Policy Alternative

Effectiveness

In Oregon's Cahoots program for mental health response without police presence (see Case Study for more detail), 17% of the city's 96,115 calls are being routed to unarmed crisis counselors instead of police officers.¹⁰⁵ This demonstrates that such a policy can be effective at reducing police presence in mental health response. While a direct comparison study between police response and non-police response to residents experiencing mental health crisis has not been conducted, it is clear that a response from *unarmed* mental health professionals will reduce the risk for fatal police shootings of individuals in crisis. Future research should consider the risk that unarmed crisis respondents are subjected to, though we did not find such research. Also, it should be noted that we spoke with numerous practitioners providing case management, legal advocacy, and mental health treatment to unhoused residents who did not feel they were at heightened risk by working with those experiencing mental health crisis.¹⁰⁶

Additionally, the Police Commission could consider researching whether non-police response has any impact, positive or negative, on the likelihood of an individual being placed under an involuntary hold. An involuntary hold requires use of government resources for transportation, officer or respondent time, and placement in a government psychiatric facility.

Efficiency

The Cahoots program in Oregon has 39 employees and costs the city around \$800,000 a year plus vehicles, which is "a fraction of the Eugene police department's \$58 million annual budget."²⁹ They are also paid to handle calls for neighboring Springfield, which means that this program brings revenue into the city. This cost savings bodes well for the implementation of such a program in Oakland, where 45% of the annual budget goes to Police.¹⁰⁷

¹⁰⁵ Zusha Elinson, "When Mental-Health Experts, Not Police, Are the First Responders," Wall Street Journal, November 24, 2018, accessed May 10, 2019, <https://www.wsj.com/articles/when-mental-health-experts-not-police-are-the-first-responders-1543071600>.

¹⁰⁶ Almedom, E. Lenson, O., and Levinson R. Interview with Homeless Action Center, April 4, 2019

¹⁰⁷ "Open Budget: Oakland," Open Budget: Oakland, accessed May 10, 2019, <https://openbudgetoakland.org/>.

Political Feasibility

Unlike other Bay Area cities, Oakland does not have its own health services department. An integrated mental health response policy adopted by OPD would require the political capital to secure contracts between Oakland's Police Department and Alameda County Behavioral Health Care Services (BHCS) or with the independent not-for-profit Mental Health Association of Alameda County. BHCS has partnered with many departments and, specifically, police departments across Alameda County, including for the delivery of OPD's Crisis Intervention Training (CIT).¹⁰⁸ However, we did not find any specific partnerships regarding mental health response with Oakland's unhoused community.

BHCS' Mental Health Services Act for Fiscal Year 2018-19 to Fiscal Year 2022-23 notes a *planned* expansion of the aforementioned Mobile Crisis Team.¹⁰⁹ The pilot program will provide services from 7:00 am until midnight seven days per week, as this is when the majority of 5150s are placed in Alameda County. The program will aim to divert law enforcement from unwarranted 5150 holds and instead provide one clinician and one EMT to assess the situation and, when possible, direct individuals to "a sobering/detox center, crisis residential, crisis stabilization unit, or peer respite."¹¹⁰ After 18 months of testing in San Leandro and Hayward, the pilot program would be rolled out to Oakland (pending support from the City). However, the program still plans to have police officers arrive on the scene first to assess safety. The Police Commission can build off of this promising plan by a) advocating for Oakland to support BHCS' pilot expansion and b) investigating the need for police officers as first responders to 911 calls for mental health crisis.

Case Study: Mental Health Experts at the Forefront in Eugene, Oregon

In cases of mental health crisis, police are generally first responders, which raises the risk of a violent encounter between cops and mentally unstable individuals. Oregon's third largest city takes a new approach through their nonprofit program called Cahoots, which stands for Crisis Assistance Helping Out On The Street. This team calms tense situations, offers medical aid, and points people toward shelters. Launched by social activists in 1989, Cahoots handled 17% of the 96,115 calls for service made to Eugene police in 2017. Each Cahoots van has two Cahoots workers – a mental health specialist/crisis worker and an EMT or paramedic.¹¹¹ The vans carry

¹⁰⁸ *Mental Health Services Act FY 2014-15, 2015-16, 2016-17 Plan Update*, Alameda County Behavioral Health Care Services, Alameda County Behavioral Health Care Services, July 2015, accessed May 10, 2019, http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_3_9_15/HEALTH_CARE_SERVICES/Regular_Calendar/MHSA_FY14_15_Plan_Update.pdf.

¹⁰⁹ "Adopt the Alameda County Behavioral Health Care Services Mental Health Services Act AB 114 Plan For Fiscal Years 2017-2018 Through 2019-2020 and the Mental Health Services Act Innovation Plan for Fiscal Years 2018-19 Through 2022-23," Alameda County Health Care Services Agency, July 24, 2018, accessed May 10, 2019, http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_07_24_18/HEALTH_CARE_SERVICES/Regular_Calendar/BHCS_268020.pdf.

¹¹⁰ *Unwarranted* refers to the Alameda County Behavioral Healthcare Services' assessment that "75-78% of those transported for a psychiatric hold did not meet medical necessity criteria."

¹¹¹ Zusha Elinson, "When Mental-Health Experts, Not Police, Are the First Responders," Wall Street Journal, November 24, 2018, accessed May 10, 2019, <https://www.wsj.com/articles/when-mental-health-experts-not-police-are-the-first-responders-1543071600>.

warm clothing, blankets, food and water. Cahoots teams do not carry weapons and cannot arrest or detain individuals.

In 2017, police officers spent 21% of their time responding to or transporting people with mental illness, according to preliminary data from a survey of 355 U.S. law enforcement agencies.¹¹² More police departments across the country train their officers in techniques to deal with the mentally ill. Los Angeles, Houston and Salt Lake City pair officers with mental-health workers to respond to certain calls. Still, the survey findings showed that, in 45% of the agencies polled, the majority of officers have not received crisis-intervention training. The Cahoots program is exclusively focused on mental health response and has become a model for other cities, including New York City, where law enforcement spending is under scrutiny. The Cahoots program helps reduce law enforcement transit costs and ensures that those responding to mentally ill residents are equipped with best practices to ensure safety and conflict mediation for all parties.

Recommendations & Next Steps

Our objective is to provide a high-level set of considerations, background, and policy options for CPA and the Police Commission. Instead of prescribing policy changes, we will use this section to introduce short- and long-term recommendations, which CPA and the Police Commission can use to defend or promote future policy recommendations that they make.

We recognize that at the time of writing this report (May 2019) the Police Commission is below the level of resourcing originally expected when it was formed. We will note where, from our perspective, the Commission could address a recommendation under current levels of resourcing versus when additional resourcing is likely. We also recognize the political constraints under which the Commission operates and will note where we believe additional political buy-in would be necessary to address a recommendation.

Short-Term (3-6 months)

Coordinate with mental health response teams to learn operational realities

Our initial scan of existing mental health response models and research literature revealed benefits gained by other cities. The realities of how to launch and sustain these programs will require more in-depth discussion and partnership. We recommend starting by speaking with Cahoots because of its clear success, sustainability, and proximity to Oakland.

Below are initial details to discuss with Cahoots, or other successful mental health response teams:

- Making the case to City officials (law enforcement, finance, City Council, Mayor, etc.)

¹¹² Michael C. Biasotti, *The Impact of Mental Illness on Law Enforcement Resources*, Treatment Advocacy Center, Treatment Advocacy Center, December 2011, accessed May 10, 2019, https://www.treatmentadvocacycenter.org/storage/documents/The_Impact_of_Mental_Illness_on_Law_Enforcement_Resources__TAC.pdf.

- Working across government agencies and jurisdictions
- Recruiting qualified crisis responders (required skills, application pools)
- Determining rules of engagement with police officers - for instance, are there cases where Cahoots responders call the police?
- Understanding confidential privilege of mental health respondents, i.e. what are the reporting requirements for non-officer respondents who may witness law violations?

It is worth noting that Eugene and Oakland have some demographic differences. Oakland is 34.5% White and 28% Black, while Eugene is 84% White and 1.9% Black.¹¹³ The cities share similar population sizes, with Oakland at 425,204 residents and Eugene at 374,748 residents. These demographics can be further explored in DataUsa's comparison tool, cited in the footnotes.¹¹⁴ Furthermore, per the 2017 Alameda County Point-in-Time Count, 68% of unhoused individuals in Oakland identified as Black or African American.¹¹⁵ These demographic realities must be considered alongside the operational realities of running a mental health response model similar to Eugene's.

We believe this recommendation can be accomplished with the Commission's current level of resourcing.

Medium-Term (7-11 months)

Determine necessary structural changes to the Commission

As the Commission has only been in place for roughly a year, we recommend consulting with other independent police oversight bodies to understand best practices in the field.

From our interviews and research, topics to discuss with peer-level agencies could include:

- Core competencies – *can build off of the National Association for Civilian Oversight of Law Enforcement (NACOLE) competencies*¹¹⁶
- Best sources of leverage and coordination with City officials
- Best practices in overseeing police misconduct investigations

Long-Term (12+ months)

Conduct in-depth investigation of police policy regarding property seizure

To build off of the anecdotal data and comparison data from our research, we recommend that the Commission leverage its oversight position to gain access to more detailed data from the City Administrator, as well as from OPD and the Public Works departments. We believe such investigation would require legal expertise, particularly of the Commission's future Inspector

¹¹³ "U.S. Census Bureau QuickFacts: Oakland City, California; Eugene City, Oregon," Census Bureau QuickFacts, accessed May 10, 2019, <https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia.eugeneoregon/PST045218>.

¹¹⁴ "Data USA: Oakland, CA and Eugene, OR," Data USA, accessed May 10, 2019, <https://datausa.io/profile/geo/oakland-ca/?compare=eugene-springfield-or-metro-area>.

¹¹⁵ City of Oakland Homeless Census & Survey Jurisdictional Report, 2017, accessed May 10, 2019, <http://everyonehome.org/wp-content/uploads/2017/11/2017HIRDReport-Oakland.2-2-3.pdf>.

¹¹⁶ "Core Competencies for Civilian Oversight Practitioners," National Association for Civilian Oversight of Law Enforcement, accessed May 10, 2019, https://www.nacole.org/core_competencies_for_civilian_oversight_practitioners.

General and/or legal counsel. We recommend partnering with groups like the San Francisco Financial Justice Project and the East Bay Community Law Center (EBCLC) to contextualize OPD's policies in the larger Bay Area conversation on the impact of outsized and unconstitutional asset seizure.

Conclusion

As the homelessness crisis in Oakland continues, the City is allocating increased resources and energy to combating the issue. As the unsheltered, sheltered, and first-time homeless populations grow, more departments are called upon to serve these groups. When housing is inaccessible and individuals are managing life outdoors, mental health and others health crises are more likely to unfold in public, which can then increase one's likelihood of encountering police. On the surface, neither of these are policing issues, but due to failures across the continuum of care, police departments find themselves at the frontlines of social issues. However, because homeless people are 25% more likely to suffer from mental illness, this poses a significant concern about who to contact to serve the mentally ill.

Current police practices are not effective in protecting homeless residents, and often put them at even greater risk of police-initiated violence. As demonstrated by the fatal shooting of Joshua Pawlik, Oakland's unhoused residents are in excessive and violent contact with police, and the City can expect more violence against homeless residents as the population grows.

The Police Commission occupies the unique space as a voice for community advocacy and police oversight. Through the recent success of new parolee search restrictions implemented by the Commission, it is clear that this group is capable of reforming police practice through policy recommendations. We hope that the Commission is incentivized by this recent success to continue to demand policy reform in other areas, including the policing of homeless residents.

In our report, we outlined how both the Cahoots mental health response model and Charleston's handling of encampment evictions should be considered as illustrative solutions to address the interconnected issues of homelessness and mental illness. In order to maintain safety for *all* residents and be better stewards of financial resources, police departments have an opportunity to learn from the creativity in places like Eugene, Oregon and Charleston, South Carolina.

Oakland is a city with an unfortunate history of police misconduct. We hope that the lessons learned from the past and the recent fatal shooting of Joshua Pawlik will motivate the Commission and Department to work together to create policies that protect all Oakland residents, including the mentally ill and unhoused.

Appendix

Analytical Limitations

This report is the culmination of qualitative and ethnographic research, informed by practitioners, academics, and homeless residents of Oakland. We believe that this analysis will provide the Police Commission with evidence of the over-policing of homeless residents, and with policy reforms that can help OPD protect the public safety of all Oakland residents. That being said, we recognize that our analysis was informed by certain assumptions and limitations, detailed below.

Our policy recommendations only address police practices, not all City agencies that interact with Oakland's unhoused residents. The City Administrator serves as the coordinating body of the City's homeless response, including eviction clearance and closure. Additionally, the Department of Public Works is in charge of trash pick-up and debris removal services. Any recommendations made for OPD will not necessarily impact the decisions or processes of those two departments, who are the main two agents orchestrating evictions. Furthermore, these agencies often request police presence when interacting with the unhoused community, ensuring continued contact between OPD and homeless residents.

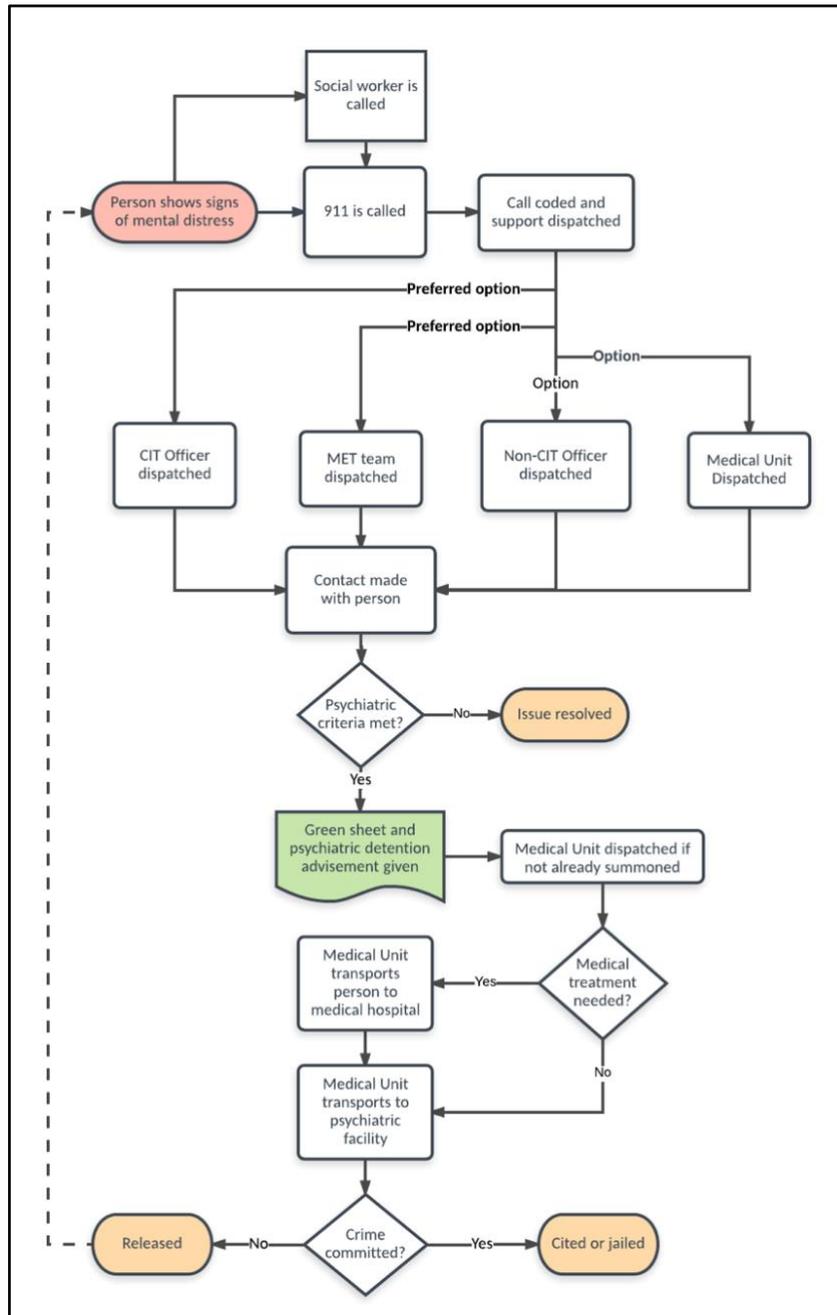
Secondly, the City of Oakland has not dedicated enough money to combat the issues of homelessness and housing affordability as a whole. Much of the funding for serving unhoused residents relies on shifting existing funding streams, and changing budget allocations within the General Fund. Our recommendations require significant financial investment, which may yield resistance from other City agencies. However, we assume that investing in preventative measures, such as training and re-routing mental health crises calls, can save the City money in the long run, from reduced overtime paid to police officers and a smaller number of unhoused residents interacting with the criminal justice system.

Lastly, due to the time constraints for this project, our findings were informed by who we spoke to and what we read. We understand that our findings may have been different had we spoken to more unhoused residents, law enforcement officers, practitioners and academics. In this analysis, we utilized the qualitative data from interviews to extrapolate sentiments and experiences of the unhoused community. Therefore, we believe the information generated in this report is both thorough and beneficial. However, we cannot claim that these interviews were representative of the community as a whole.

Law Enforcement Mental Health Crisis Process

The following chart outlines the complicated process that ensues when 911 is called for a mental health crisis in Oakland.

Figure 6: Oakland's Mental Health Crisis Response Process



Source: Oakland Police Department. Office of the Inspector General Quarterly Progress Report. July-September 2017.

Survey Questions

The following questions comprised the script used for interviews conducted during the public hearings on homelessness and the police on February 16, 2019:

PART 1: Intake

1. Introduction - Thank you for volunteering to share your story. Today we want to learn about what your experience is like being homeless and contact you have had with the police during that time. This conversation is completely confidential. None of your identifying information will be used. You will be reimbursed with \$20 if you qualify for and complete the interview. Are you comfortable with me taking notes? Our conversation will not be recorded.
2. In the last 12 months, have you experienced homelessness? This could mean sleeping outdoors; in a shelter; in a car or other vehicle; in a garage, backyard, porch shed, or driveway; or in bus/train/BART station; a public or abandoned building or anyplace not meant for human shelter. **(If not homeless in the last 12 months, end interview here)**
3. What city or cities did you live in when you were homeless? **(If none were in Oakland, end interview here; otherwise list all localities)**
4. What is your gender identity?
 - a. Female
 - b. Male
 - c. Non-binary/ third gender
 - d. Transgender
 - e. Prefer to self-describe _____
 - f. Prefer not to say
5. What is your age?
6. Are you Latino or Hispanic?
7. What is your race? Tell me all that apply.
 - a. White
 - b. Black or African Descent
 - c. American Indian or Alaska Native
 - d. Asian
 - e. Pacific Islander
 - f. Some other race: please specify
8. What languages do you speak with family or close friends?

PART 2: Questions - *for those who go through intake and identify as having been homeless and having lived in Oakland in past 12 months:*

9. In the past 12 months, about how long were you homeless (i.e. living on the street, in a car, in a shelter, or other place not meant for human shelter)?
 - a. Less than one week
 - b. What 1-2 weeks
 - c. 3-4 weeks
 - d. Over 4 weeks - two months
 - e. 3 months or longer

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10. If you had to guess, how many times in the last 12 months did you interact with the Oakland police while you were homeless?
11. What types of police contact did you experience most frequently while homeless in Oakland?
Interviewer to note whether it was: Called to where you live, Disturbance or dispute, Suspect of a crime, A traffic stop, Loitering
12. When was your most recent interaction with the Oakland police while you were homeless?
 - a. *Interviewer to note whether it was: 12 months ago or less, 13 - 24 months ago, over 2 years ago but less than 3 years ago, or more than 3 years ago*
13. What was your most memorable interaction with the Oakland police while you were homeless within the last 5 years?
 - a. What year did it take place?
 - b. Why was it memorable?
14. How did it start? Who initiated the police contact? *Interviewer to note whether it was initiated by: self, police, family member, someone else*
15. What was the nature of the contact? *Interviewer to note whether it was: Called to where you live, Disturbance or dispute, Suspect of a crime, A traffic stop, Loitering*
 - a. What happened during the interaction? *(examples if need prompting: physical/psychological harm, given ticket, detained, arrested and booked into jail, etc.)*
 - b. What was the result of this interaction? *(examples if need prompting: family break-up, loss of work, medical/mental health costs, loss of possessions [get more detail], disqualification for certain programs, criminal record, etc.)*
16. If you could make one change, what do you think could help relationships between the police and unhoused persons in Oakland?
17. Is there anything else you'd like to share about your experiences with Oakland police?

If time permits:

- What types of police contact did you experience at times you were not homeless?

That wraps up my questions. Thank you so much for your time today.

If interviewee noted an interest in filing a complaint, direct them to CRPA representative.

Survey Respondent Demographics

Table 1: Demographics of Interview Sample

Age	Count	% of Total
25-29	2	6%
30-34	1	3%
35-39	5	15%
40-44	2	6%
45-49	5	15%
50-54	5	15%
55-59	7	21%
60-64	6	18%
65-69	1	3%
Gender	Count	% of Total
Male	26	74%
Female	9	26%
Race/Ethnicity	Count	% of Total
Black or African American	20	57%
Multiracial	7	20%
White	3	9%
Asian	2	6%
Latino	1	3%
Native American	1	3%
Other	1	3%
Length of Homelessness	Count	% of Total
0-3 months	4	12%
3-6 months	1	3%
6-9 months	1	3%
9-12 months	28	82%

Encampment Principles and Practices

The following table outlines best practices for interacting with homeless encampments and individuals. This section should not be read to imply that evictions are a best practice, but instead that they can be improved upon with the implementation of best practices. These guidelines were taken directly from the National Law Center on Homelessness and Poverty.

Table 3: Encampment Principles and Practices

Principle	Description
All people need safe, accessible, legal place to be, both at night and during the day, and a place to securely store belongings— until permanent housing is found.	<ol style="list-style-type: none"> 1. Determine the community’s full need for housing and services, and then create a binding plan to ensure full access to supportive services and housing. affordable for all community members so encampments are not a permanent feature of the community. 2. Repeal or stop enforcing counterproductive municipal ordinances and state laws that criminalize sleeping, camping, and storage of belongings. 3. Provide safe, accessible, and legal places to sleep and shelter, both day and night. Provide clear guidance on how to access these locations. 4. Create storage facilities for persons experiencing homelessness, ensuring they are accessible—close to other services and transportation, do not require ID, and open beyond business hours.
Delivery of services must respect the experience, human dignity, and human rights of those receiving them.	<ol style="list-style-type: none"> 1. Be guided by frequent and meaningful consultation with the people living in encampments. Homeless people are the experts of their own condition. 2. Respect autonomy and self-governance for encampment residents. 3. Offer services in a way that is sensitive and appropriate with regard to race, ethnicity, culture, disability, gender identity, sexual orientation, and other characteristics. Use a trauma-informed approach.
Any move or removal of an encampment must follow clear procedures that protect residents.	<p>Create clear procedures for ending homelessness for people living in pre-existing encampments, including:</p> <ol style="list-style-type: none"> 1. Make a commitment that encampments will not be removed unless all residents are first consulted and provided access to adequate alternative housing or—in emergency situations—another adequate place to stay. 2. If there are pilot periods or required rotations of sanctioned encampments, ensure that residents have a clear legal place to go and assistance with the transition. Pilot periods or requiring rotation of legal encampments/parking areas on a periodic basis (e.g., annually or semi-annually) can help reduce local “not-in-my-back-yard” opposition, but shorter time periods hinder success. 3. Provide sufficient notice to residents and healthcare/social service workers to be able to determine housing needs and meet them (recommended minimum 30 days, but longer if needed). 4. Assist with moving and storage to enable residents to retain their possessions as they transfer either to housing, shelter, or alternative encampments.

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Principle	Description
Where new temporary legalized encampments are used as part of a continuum of shelter and housing, ensure they are as close to possible to fully adequate housing.	<ol style="list-style-type: none"> 1. Establish clear end dates by which point adequate low-barrier housing or appropriate shelter will be available for all living in the legal encampments. 2. Protect public health by providing access to water, personal hygiene (including bathrooms with hand washing capability), sanitation, and cooking services or access to SNAP's hot meals benefits. 3. Provide easy access to convenient 24-hour transportation, particularly if services are not co-located. 4. Statutes and ordinances facilitating partnerships with local businesses, religious organizations, or non-profits to sponsor, support or host encampments or safe overnight parking lots for persons living in their vehicles can help engage new resources and improve the success of encampments. 5. Do not require other unsheltered people experiencing homelessness to reside in the encampments if the facilities do not meet their needs.
Adequate alternative housing must be a decent alternative.	<ol style="list-style-type: none"> 1. Ensure that emergency shelters are low-barrier, temporary respites for a few nights while homeless individuals are matched with appropriate permanent housing; they are not long-term alternatives to affordable housing and not appropriate in the short term for everyone. Low-barrier shelter includes the "3 P's"—pets, possessions, and partners, as well as accessible to persons with disabilities or substance abuse problems. 2. Adequate housing must be: <ol style="list-style-type: none"> a. Safe, stable, and secure: a safe and private place to sleep and store belongings without fear of harassment or unplanned eviction b. Habitable: with services (electricity, hygiene, sanitation), protection from the elements and environmental hazards, and not overcrowded c. Affordable: housing costs should not force people to choose between paying rent and paying for other basic needs (food, health, etc.) d. Accessible: physically (appropriate for residents' physical and mental disabilities, close to/transport to services and other opportunities) and practically (no discriminatory barriers, no compelling participation in or subjection to religion).
Law enforcement should serve and protect all members of the community.	<ol style="list-style-type: none"> 1. Law and policies criminalizing homelessness, including those criminalizing public sleeping, camping, sheltering, storing belongings, sitting, lying, vehicle dwelling, and panhandling should be repealed or stop being enforced. 2. Law enforcement should serve and protect encampment residents at their request. <ol style="list-style-type: none"> e. Law enforcement officers—including dispatchers, police, sheriffs, park rangers, and private business improvement district security—should receive crisis intervention training and ideally be paired with fully-trained multi-disciplinary social service teams when interacting with homeless populations.

Taken from: National Law Center on Homelessness and Poverty. *Tent City, USA: The Growth of America's Homeless Encampments and How Communities are Responding*. July-September 2017.

Charleston's 10-Point Plan for Evictions

The following steps comprise Charleston's aforementioned 10-point plan for evictions. These steps were taken directly from the City's press release on the eviction:

1. Beginning Friday, February 5th, the property's principal owner, the South Carolina Department of Transportation will begin to clean up the site, removing trash and debris that has accumulated near the main encampment.
2. On Monday and Tuesday, February 8th-9th, the area around Lee and Meeting streets, including the large white tent, will be cleared. Those currently living in that location will be offered immediate shelter by One80 Place.
3. In the same timeframe, the areas on the East side of Meeting St. will also be cleared, with shelter again offered by One80 Place.
4. The City will partner with SCDOT to establish clear legal jurisdiction over the area through a new lease agreement, which will be presented to Charleston City Council.
5. Collaborate directly with churches and other charitable organizations to coordinate any further distribution of donated items and to keep the encampment clean.
6. Support the work of the Lowcountry Homeless Coalition and other non-profit and faith-based organizations to provide information and housing assistance services to homeless individuals, including the development of individualized housing plans.
7. Continue current efforts with county officials and nonprofit partners to identify additional shelter space to house those who have been living in the encampment until more permanent housing options are available.
8. Work with area residents, local elected officials and neighborhood association leaders to ensure that the needs of neighborhood residents are protected throughout the process.
9. Establish a city-affiliated website, which will allow private citizens to get involved by making donations and volunteering their time. The associated fund will be opened with \$50,000 - \$35,000 from the City of Charleston and \$15,000 from the 2016 Charleston Inaugural Committee.
10. Appointment of a citizens' "blue ribbon" commission to begin bringing people together around long-term solutions to the problem of homelessness in our community, so that this situation does not repeat itself in the future.

Taken from: National Law Center on Homelessness and Poverty. *Tent City, USA: The Growth of America's Homeless Encampments and How Communities are Responding*. July-September 2017.

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To: Oakland Police Commission
From: Commissioner Henry Gage III
Date: 06 November 2019
RE: Policy & Legislation Standing Committee

Dear Colleagues on the Oakland Police Commission and Members of the Public,

OVERVIEW & PROCESS

Chapter 2.45.150 of the Oakland Municipal Code outlines the procedure for the creation of a standing committee of the Police Commission. 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.

Rule 2.13 of the Oakland Police Commission Rules of Order states that the Chair may, consistent with the abovementioned chapter of the Oakland Municipal Code, create standing committees to perform advisory functions.

RECOMMENDATION

I am requesting that Chair Regina Jackson direct staff to prepare and forward a request to Council, in accordance with the requirements of O.M.C 2.45.150, to create a standing Policy & Legislation Committee of the Oakland Police Commission. I additionally request that Chair Jackson appoint me to Chair this Committee.

SUMMARY OF PROPOSAL

The creation of a standing Policy & Legislation Committee is a necessary step to help streamline the administrative operation of the Police Commission as a whole. A standing committee will provide an appropriate forum for policy development, and the review and analysis of legislative developments that affect the work of the Commission.

ANALYSIS

Policy and legislative development is time-intensive and research-driven, and it requires a sustained attention to detail. It is difficult to draft, debate, and consider policy proposals as a full Commission. The Commission has limited meeting time, and the first-impression review and analysis of draft proposals by the full Commission is not an efficient use of time.

Instead, the Commission should use a standing committee to conduct the initial review and modification of policy and legislative proposals. Prior review by a standing committee will improve the quality of proposals brought to the attention of the full Commission, and ensure that proposals are provided with an initial level of review before they occupy the time of the full body.

The creation of a forum to engage in this process is a critical need. In the past, policy proposals from the Commission have been created by ad hoc committees. This process has allowed for

substantial flexibility for Commissioners to meet and discuss their work, but the process of reporting out the work underway, and the ability of the public to provide meaningful input during development of policy is limited by the lack of notice of, and the ability to participate in, ad hoc meetings. This process has resulted in members of the public attempting to contribute by speaking to the full Commission, in an effort to communicate their concerns before a policy is finalized. This is an inefficient system, and it can be improved upon. Previous suggestions, such as the creation of a policy review calendar, can provide greater transparency of action, and help to ensure that members of the public and subject matter experts are afforded an opportunity to organize, comment, and provide feedback on matters under discussion.

FISCAL IMPACT

This proposal has not yet been submitted to the Finance Department for analysis. The likely fiscal effect of creating a standing Policy & Legislation Committee is the cost of recording meetings via KTOP.

PUBLIC OUTREACH

The creation of a standing committee does not require public outreach.

COORDINATION

Members of the public and subject matter experts have expressed a desire to conduct policy discussions in a designated forum.

CONCLUSION

For questions regarding this report, please email Commissioner Henry Gage, at hgage@oaklandcommission.org.

Sincerely,

Henry Gage III
Oakland Police Commission

Oakland Police Commission
November 14, 2019
Item: _____



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Creation of an Ad Hoc Committee for Mental Health Model as an Alternative to Calling Police
Date:	November 8, 2019
Requested by:	Vice Chair Harris
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	John Alden, CPRA Executive Director

Action Requested:

That the Police Commission create an Ad Hoc Committee for a Mental Health Model to convene a group of local mental health providers, specifically those who work with the most impacted families in the Oakland/Bay Area, to gather key components of a model that is an alternative to calling the police.

Background:

This item was added to the Agenda by Vice Chair Ginale Harris. In preparation of this report, staff compiled the following information related to establishing a mental health model as an alternative to calling the police.

On May 23, 2019, the Commission received a presentation from Crisis Assistance Helping Out on the Streets (CAHOOTS) of Eugene, OR. CAHOOTS seeks to remedy the skill mismatch and wasted expense when police officers and EMS personnel respond to non-emergency mental health and health related crisis calls. The Commission voted to send a letter to the City Council stating that the Commission endorses efforts within the Council to fund exploration of whether Oakland can and should implement a similar program.

In the City's FY 2019-21 Budget, the City Council included a one-time allocation of \$40,000 to the Human Services Department to study providing alternative mental health response like the CAHOOTS model. Human Services staff is initiating work with OPD to investigate a range of models of street-based mental response.

Should the Commission create an Ad Hoc Committee, there may be opportunities to collaborate with staff on this effort, dependent on the direction the Commission is seeking to take.

Enclosures:

None



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

May 23, 2019

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland, CA 94612

I. Call to Order

Chair Regina Jackson

The meeting started at 6:36 p.m.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Mubarak Ahmad, José Dorado, Ginale Harris, Regina Jackson, Edwin Prather, and Thomas Smith. Quorum was met.

Alternate Commissioners Present: Chris Brown

Commissioners Excused: Tara Anderson

Counsel for this meeting: Sergio Rudin

III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Bruce Schmiechen
Henry Gage, III
Saleem Bey
Mary Vail
Maureen Benson
Lorelei Bosserman

IV. Pawlik Investigation Update

The Commission discussed CPRA's recently completed Pawlik investigation.

Comments were provided by the following public speakers:

Saleem Bey
Rashidah Grinage
Henry Gage, III
Bruce Schmiechen
Oscar Fuentes
Mary Vail
Maureen Benson

A motion was made by Edwin Prather, seconded by Ginale Harris, to accept the CPRA report on the Pawlik investigation. The motion failed by the following vote:

Aye: Jackson and Prather
 No: Dorado and Harris
 Abstained: Ahmad and Smith

V. Review of CPRA and Commission Budgets

The Commission reviewed the budgets for CPRA and the Police Commission and discussed the recent meeting with the Finance Department staff.

Comments were provided by the following public speakers:

Rashidah Grinage
 Mary Vail
 Henry Gage, III
 Bruce Schmiechen
 Saleem Bey

A motion was made by Edwin Prather, seconded by Regina Jackson, to submit a budget proposal of \$2,000,000 to the City Council. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, and Prather
 No: 0
 Abstained: Smith

VI. Submission of Candidate for CPRA Interim Executive Director

The Commission voted to approve submission of Mike Nisperos to the City Administrator for consideration to serve as Interim Executive Director of the Community Police Review Agency (CPRA).

Comments were provided by the following public speakers:

Henry Gage, III
 Saleem Bey

A motion was made by José Dorado, seconded by Ginale Harris, to approve the submission of Mike Nisperos to serve as Interim Executive Director of CPRA. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith
 No: 0

IX. Crisis Assistance Helping Out on the Streets (CAHOOTS) of Oregon Presentation (*this item was taken out of order*)

The Commission discussed exploring whether CAHOOTS, which is praised by the community, police, fire, and city administration as an effective, compassionate, and money saving program, would be beneficial in Oakland.

Comments were provided by the following public speakers:

Elise Bernstein
 Rashidah Grinage
 Reisa Jaffe
 Saleem Bey
 Bruce Schmiechen

A motion was made by Edwin Prather, seconded by Regina Jackson, to draft and send a letter to the City Council stating that the Commission endorses efforts within the Council to fund a study on how Oakland might implement and benefit from a program based on Eugene's (OR) CAHOOTS program. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith

No: 0

VII. Public Hearing on OPD Budget

OPD staff presented the Department's budget for the Commission to review. The Commission also conducted a public hearing on the budget per City Charter Section 604(b)(7).

Comments were provided by the following public speakers:

Reisa Jaffe
 Mary Vail
 Bruce Schmiechen
 Lorelei Bosserman
 Rashidah Grinage
 Maureen Benson
 Henry Gage, III
 Oscar Fuentes
 Cathy Leonard

A motion was made by José Dorado, seconded by Regina Jackson, to extend the meeting for 30 minutes. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, and Prather

No: Smith

No motion was made on this item.

VIII. Rules of Order Addition – Rule 2.19

The Commission discussed a potential amendment to the Rules of Order. New Rule 2.19 would create a procedure around the Commission's Chief of Police For Cause Assessment.

Comments were provided by the following public speakers:

Rashidah Grinage
 Saleem Bey

A motion was made by Edwin Prather, seconded by José Dorado, to adopt Rule 2.19 Chief of Police For Cause Assessment as drafted in Agenda attachment eight. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith
No: 0

X. Report from Ad Hoc Committee on CPRA Appellate Process

The Ad Hoc Committee on CPRA Appellate Process presented its on-going analysis on a potential appellate process for closed CPRA and/or CPRB cases.

Commissioner Smith stepped out and during that time Chair Regina Jackson designated Alternate Commissioner Chris Brown as a voting member. Shortly thereafter, Commissioner Smith returned.

Comments were provided by the following public speakers:
Saleem Bey
Henry Gage, III

No motion was made on this item.

A motion was made by Edwin Prather, seconded by Regina Jackson, to table items XII, XIII, XIV, XV, and XVI to the next agenda. The motion carried by the following vote:

**Aye: Dorado, Harris, Jackson, Prather, and Smith
No: 0**

- XI. Recess (*this item did not occur*)**
- XII. Pro Bono Legal Services Agreement (*this item was tabled to the next agenda*)**
No public comments were provided on this item.
- XIII. Commission Letter to City Council Regarding OPD Contract with Michael Palmertree (*this item was tabled to the next agenda*)**
No public comments were provided on this item.
- XIV. Committee/Liaison/Other Commissioner Reports (*this item was tabled to the next agenda*)**
No public comments were provided on this item.
- XV. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference (*this item was tabled to the next agenda*)**
No public comments were provided on this item.
- XVI. Agenda Setting and Prioritization of Upcoming Agenda Items (*this item was tabled to the next agenda*)**
No public comments were provided on this item.

XVII. Adjournment

A motion was made by Regina Jackson, seconded by Thomas Smith, to adjourn the meeting at 11:43 p.m. The motion carried by the following vote:

Aye: Dorado, Harris, Jackson, Prather, and Smith

No: 0



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

June 13, 2019

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland, CA 94612

I. Call to Order

Chair Regina Jackson

The meeting started at 6:32 p.m.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Tara Anderson, José Dorado, Ginale Harris, Regina Jackson, and Edwin Prather. Alternate Commissioner Chris Brown was designated as a voting member and quorum was met.

Alternate Commissioners Present: Chris Brown

Commissioners Absent: Mubarak Ahmad and Thomas Smith

Commissioners Excused: Edwin Prather

Counsel for this meeting: Sergio Rudin

III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Rashidah Grinage
Bruce Schmiechen
Henry Gage, III
Saleem Bey
John Bey
Assata Olugbala
Lorelei Bosserman

IV. Pawlik Investigation Update

The Commission discussed CPRA's recently completed Pawlik investigation and the process for closing the case.

Comments were provided by the following public speakers:

John Bey
Rashidah Grinage
Michael Tigges

Saleem Bey
Assata Olugbala

A motion was made by Regina Jackson, seconded by Ginale Harris, to close the Pawlik investigation, recognizing that by closing this investigation the Commission is not approving the already rejected CPRA report. In so doing, it is a decision of the Commission that the last recommendation from the Police Department, which is in this instance the findings and disciplinary determination of the Compliance Director, will stand. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson
No: 0

A motion was made by Regina Jackson, seconded by José Dorado, to designate the following agenda items to be tabled for the next meeting: V, VI, VII, VIII, XIII, and XV.

V. Commission Subpoenas Related to CPRA/Pawlik Investigation Communications (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

Michael Tigges
Rashidah Grinage
John Bey

VI. OPD Budget Update (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

Rashidah Grinage
Saleem Bey
Assata Olugbala
Oscar Fuentes

VII. OPD's Policy on the Deployment of the BearCat and Other Militarized Weapons (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

John Bey
Cathy Leonard
Assata Olugbala
Oscar Fuentes
John Lindsay-Poland
Rashidah Grinage
Bruce Schmiechen
Saleem Bey
Nino Parker

XI. Recess

The commission took a recess starting at 7:55 pm and resumed the meeting at 8:02 pm.

VIII. OPD Towing Policy Regarding Victims of Crime (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

John Bey

Rashidah Grinage

Nino Parker

Saleem Bey

XIII. Outside Counsel RFQ Update (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

Michael Tigges

XV. Commission Letter to City Council Regarding OPD Contract with Michael Palmertree (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

Assata Olugbala

A vote was taken on the motion to table items V, VI, VII, VIII, XIII, and XV. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0

At this time the previously heard motion on item IV was repeated as follows:

A motion was made by Regina Jackson, seconded by José Dorado, to close the Pawlik investigation, recognizing that by closing this investigation the Commission is not approving the already rejected CPRA report. In so doing, it is a decision of the Commission that the last recommendation from the Police Department, which is in this instance the findings and disciplinary determination of the Compliance Director, will stand. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0

IX. Report from Ad Hoc Committee on CPRA Appellate Process (*this item was tabled to the next agenda*)

Comments were provided by the following public speakers:

Michael Tigges

A motion was made by Regina Jackson, seconded by José Dorado, to delay this item. A friendly amendment was made by Ginale Harris to remove the item from the agenda and put it on a prioritized list until the Commission obtains proper legal counsel. The amendment was accepted by Regina Jackson and José Dorado. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0

X. Bey Case Review

The Commission discussed engaging an investigator to review and consider the Bey case.

Comments were provided by the following public speakers:

Saleem Bey

John Bey

Henry Gage, III

Nino Parker

A motion was made by Ginale Harris, seconded by José Dorado, to follow the process of solicitation of services on Henry Gage, III, Amy Oppenheimer, and Michael Thompson and invite them to the next meeting on June 27th to present their scope of work, qualifications, and compensation. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0

XII. Audit of CPRA Investigations

The Commission discussed the procedure for conducting an audit of the CPRA, including the breadth and scope of any such audit and whether the audit should be conducted by an independent third-party.

Comments were provided by the following public speakers:

Rashidah Grinage

Saleem Bey

Assata Olugbala

John Bey

A motion was made by Ginale Harris to hire an investigative body to audit the CPRA investigations and files. A friendly amendment was made by Tara Anderson to add that the investigations should focus on racial profiling and use of force. Both the initial motion and the amendment were seconded by José Dorado. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson

No: 0

Abstained: Brown

XIV. Pro Bono Legal Services Agreement

The Commission discussed and reviewed an agreement from Henry Gage, III for pro bono legal services that was approved by the Personnel Committee.

Comments were provided by the following public speakers:

Henry Gage, III

A motion was made by Regina Jackson, seconded by José Dorado, that the Pro Bono Legal Services Agreement item goes back on the pending list. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson
No: 0

XVI. Commission Letter to City Council Regarding CAHOOTS

The Commission reviewed a letter to the City Council to support efforts within the City Council to fund exploration of whether Oakland can and should implement a similar program to CAHOOTS. CAHOOTS is praised by the community, police, fire, and city administration as an effective, compassionate, and money saving program, and may be beneficial in Oakland.

Comments were provided by the following public speakers:

Rashidah Grinage
John Lindsay-Poland
Anne Janks
Nino Parker
John Bey

A motion was made by Regina Jackson, seconded by José Dorado, to accept the letter with the edits that were made on paper by Commissioner Anderson and Alternate Commissioner Brown and handed to the Chair, and to authorize the Chair to send it. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson
No: 0

XVII. Committee/Liaison/Other Commissioner Reports

José Dorado presented a brief report on his activities on outreach and community policing. Regina Jackson spoke on behalf of the Personnel Committee that is meeting on June 26th to conduct interviews for the CPRA Executive Director position.

Comments were provided by the following public speakers:

Rashidah Grinage

No action was taken on this item.

XVIII. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference

The Commission discussed participation at the National Conference in Detroit September 22-26, 2019.

Comments were provided by the following public speakers:

Nino Parker

No action was taken on this item

XIX. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session and discussed agenda items for the upcoming Commission meeting: Commission letter to City Council regarding the Palmtree contract; Commission retreat: and budget projections to be included on a future agenda.

Comments were provided by the following public speakers:

There were no public speakers on this item

XX. Adjournment

A motion was made by José Dorado, seconded by Tara Anderson, to adjourn the meeting at 9:40 p.m. The motion carried by the following vote:

Aye: Anderson, Brown, Dorado, Harris, and Jackson

No: 0



OAKLAND POLICE COMMISSION

MEETING MINUTES - DRAFT

June 27, 2019

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland, CA 94612

I. Call to Order

Chair Regina Jackson

The meeting started at 6:36 p.m.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: Mubarak Ahmad, José Dorado, Ginale Harris, Regina Jackson, and Thomas Smith. Quorum was met.

Alternate Commissioners Present: Chris Brown

Commissioners Excused: Edwin Prather

Counsel for this meeting: Sergio Rudin

III. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Oscar Fuentes
Michelle Lanzanea
Saleem Bey
Maureen Benson
Nino Parker

IV. Bey Case Review

The Commission presented and discussed bids received from Henry Gage, III and the Law Offices of Amy Oppenheimer for investigative services. The Commission voted to select the Law Offices of Amy Oppenheimer.

Comments were provided by the following public speakers:

Saleem Bey
Nino Parker

A motion was made by Ginale Harris, seconded by José Dorado, to hire an independent investigator for the scope of work that entails potential new evidence of OPD Department General Order [DGO] violations that have been exposed by civil complaint Discovery, produced by the City of Oakland in Bey v. Oakland currently in San Francisco Northern

California District Federal Court [14-cv-01626-jsc] relating to OPD IAD and City Administration CPRB complaints 07-0538, 13-1062, and 16-0147 for violations related to complaints of racial and religious profiling. The motion carried by the following vote:

Aye: Ahmad, Anderson, Dorado, Harris, and Jackson

No: 0

Abstained: Smith

A second motion was made by Ginale Harris, seconded by José Dorado, to enter into a contract with the Law Offices of Amy Oppenheimer, in an amount not to exceed \$50,000, to do an investigation on the Bey cases 07-0538, 13-1062, and 16-0147, with Ms. Seidel as the investigator. The motion carried by the following vote:

Aye: Ahmad, Anderson, Dorado, Harris, and Jackson

No: 0

Abstained: Smith

V. Oakland City Charter Revisions

The Commission discussed the effort currently being undertaken by the Coalition for Police Accountability, in collaboration with City Council President Rebecca Kaplan, to submit a ballot measure for revisions to Measure LL.

Comments were provided by the following public speakers:

Mary Vail

Rashidah Grinage

Reisa Jaffe

Maureen Benson

Saleem Bey

No action was taken on this item.

VI. CPRA Independent Audit Commissioned by the Oakland Police Commission

The Commission discussed the scope of services from the Mason Investigative Group and voted to approve the revised scope.

Comments were provided by the following public speakers:

Saleem Bey

Mary Vail

A motion was made by Ginale Harris, seconded by José Dorado, to contract the services of Mason Investigative Group to do the independent audit of the CPRA, not to exceed \$50,000. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson

No: 0

Abstained: Ahmad and Smith

VII. Pawlik Investigation Update

Regina Jackson, in her role as Chair, called for the convening of a Discipline Committee comprised of Commissioners Dorado, Jackson, and Prather, to begin meeting starting July 1st in order to make recommendations that do not allow the 3304 deadline to expire.

Comments were provided by the following public speakers:

Rashidah Grinage

Saleem Bey

Jim Chanin

No action was taken on this item.

VIII. Commission Subpoenas Related to CPRA

The Commission discussed the subpoenas that were previously issued and how to work with attorney-client privileged information in procuring the materials received by CPRA Interim Executive Director.

Comments were provided by the following public speakers:

Oscar Fuentes

Jim Chanin

Mary Vail

Saleem Bey

No action was taken on this item.

IX. CPRA Executive Director Candidates

CPRA Executive Director finalists recommended by the Personnel Committee, John Alden and Sokhom Mao, offered brief biographical statements. The Commission voted to approve submission of the candidates to the City Administrator.

Comments were provided by the following public speakers:

Jack Bryson

Jim Chanin

Bruce Schmiechen

A motion was made by José Dorado, seconded by Thomas Smith, to move both candidates forward to the City Administrator for consideration. The motion carried by the following vote:

Aye: Ahmad, Anderson, Dorado, Harris, Jackson, and Smith

No: 0

X. OPD Budget Update

OPD Personnel Manager Kiona Suttle provided an update on the top five hiring priorities for the Department.

Comments were provided by the following public speakers:

Jim Chanin
Nino Parker

No action was taken on this item.

XI. Review of CPRA Pending Cases and Completed Investigations

Interim Executive Director Mike Nisperos reported on the Agency's pending cases and completed investigations.

Comments were provided by the following public speakers:

Rashidah Grinage

No action was taken on this item.

Mubarak Ahmad left the meeting.

XII. OPD's Policy on the Deployment of the BearCat and Other Militarized Weapons

Captain Wingate answered questions from the Commission on OPD's use of the BearCat.

Comments were provided by the following public speakers:

Nino Parker
Oscar Fuentes
Bruce Schmiechen
John Lindsay-Poland
Reisa Jaffe

A motion was made by Regina Jackson, seconded by José Dorado, to deny OPD's request of a second BearCat. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith
No: 0

A motion was made by Regina Jackson, seconded by José Dorado, to extend the meeting to 11:00 p.m. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson
No: Smith

A second motion was made by Regina Jackson, seconded by José Dorado, to direct the Police Chief to provide a comprehensive list of grants for which the Department hopes to apply, with specific focus on any militarized equipment, that the Commission can review and/or approve prior to grant preparation. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith
No: 0

XIII. Commission Letter to City Council Regarding OPD Contract with Michael Palmertree

The Commission discussed a letter that was sent to the City Council regarding OPD's contract with Michael Palmertree.

Comments were provided by the following public speakers:
There were no speakers on this item

No action was taken on this item.

XIV. Police Commission Retreat

The Commission discussed holding a retreat sometime in the coming months and reviewed a proposal from Walker and Associates.

Comments were provided by the following public speakers:
There were no speakers on this item

A motion was made by Regina Jackson, seconded by José Dorado, to approve the proposal from Walker and Associates, for a total of \$11,000, for a half-day retreat with a date and location to be determined. The motion was carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith
No: 0

XV. Commission Letter to City Council Regarding CAHOOTS (Crisis Assistance Helping Out On The Streets)

The Commission discussed the letter that was sent to the Oakland City Council providing support for efforts within the City Council to fund exploration of whether Oakland can and should implement a similar program.

Comments were provided by the following public speakers:
Riesa Jaffe
Rashidah Grinage
Anne Janks

No action was taken on this item.

A motion was made by Regina Jackson, seconded by José Dorado, to extend the meeting to 11:10 p.m. The motion carried by the following vote:

**Aye: Anderson, Dorado, Harris, and Jackson
No: Smith**

XVI. Committee/Liaison/Other Commissioner Reports

José Dorado presented an update on the Community Policing Task Force. Ginale Harris presented an update on her work looking into resources for young people who get out of jail or are on parole or probation. Thomas Smith discussed setting up a meeting with the

Oakland Black Officers Association, his work with the NAACP, and other community outreach. Tara Anderson discussed her work with Campaign Zero regarding use of force, and the work of the Ad Hoc Committee on the OPD K-4 Use of Force Reporting Special Order.

Comments were provided by the following public speakers:
There were no public speakers on this item

No action was taken on this item.

A motion was made by Ginale Harris, seconded by Regina Jackson, to clarify the motion on item VI to direct Mr. Nisperos to hire the independent auditor contractually, not to exceed \$50,000 for the CPRA audit. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith
No: 0

XVII. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session and discussed items for the upcoming Commission meeting: Oakland City Charter revisions; Commission subpoenas related to CPRA; review of CPRA pending cases and completed investigations; Bey case review; Commission retreat; stop data and racial impact report; Pawlik update; and hiring CPRA investigators.

Comments were provided by the following public speakers:
There were no speakers on this item

No action was taken on this item.

A motion to supersede the first motion on item IV was made by Ginale Harris, seconded by José Dorado, to direct Mr. Nisperos to enter into a contract not to exceed \$50,000 with the Law Offices of Amy Oppenheimer for the Bey case review. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson
No: 0
Abstained: Smith

XVIII. Adjournment

A motion was made by Ginale Harris, seconded by Thomas Smith, to adjourn the meeting at 11:24 p.m. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Smith
No: 0



POBRA and Related Laws

Two Main Sets of Laws

1. Penal Code – Sections 830.1 through 832.8 describe some basic rules about employing police officers, including taking complaints from the public about their performance.
2. Government Code – Sections 3300-3313 are called the “Public Safety Officers’ Procedural Bill of Rights.” Also known as POBR, POBAR, or POBRA. These rules control our investigations and discipline process in Oakland.

Obligation to Investigate

Penal Code § 832.5

Requires agencies who employ peace officers to investigate public complaints of alleged police misconduct.

These are considered administrative, not criminal, investigations. But they can look at materials gathered in criminal investigations.

Complaints and related reports or findings are retained for at least five years and are considered personnel records.

CPRA's Duty to Investigate

Oakland Charter

CPRA receives, reviews, and prioritizes **all** public complaints concerning alleged police misconduct.

Mandatory to investigate:

- Use of force
- In-custody deaths
- Profiling based on any protected category
- First Amendment assemblies
- Other possible misconduct, as directed by the Commission

CPRA retains some discretion regarding “other possible misconduct.”
E.g. – investigation of officer DUI

Confidentiality vs Public Disclosure of Investigation Findings

Confidentiality

Many investigation findings remain confidential under Penal Code §832.7.

- Records related to the investigations, or information obtained from those records, are confidential unless they fall within newly-adopted exceptions.
- Although the investigation findings are generally confidential, we can publish statistical data regarding the complaints, and we disclose whether allegations were sustained, not sustained, exonerated, or unfounded, without identifying any individuals who were involved.

Confidentiality vs Public Disclosure of Investigation Findings

Notice of Findings to Complainants

Penal Code § 832.7 requires written notification to complainant of the investigation's disposition within 30 days of the disposition.

There are no laws that say what the complainant can or cannot do with this information.

Confidentiality vs Public Disclosure of Investigation Findings

New Public Disclosure Rules

SB 1421: New public disclosure rules became effective on January 1, 2019, and added four categories of incidents now subject to public disclosure (amendments to Penal Code §§ 832.7 and 832.8).

Confidentiality vs Public Disclosure of Investigation Findings

New Public Disclosure Rules

Two categories may be subject to disclosure regardless of whether or not there are sustained findings:

- Any ***discharge of a firearm*** at a person by a police officer, whether or not there is sustained misconduct.
- Any ***use of force against a person that results in death or “great bodily injury”*** (GBI), whether or not there is sustained misconduct.

Confidentiality vs Public Disclosure of Investigation Findings

New Public Disclosure Rules

Two categories become public records only if there are sustained findings of misconduct, and only after the sustained findings become final – after all appeal processes have been completed or waived.

(Penal Code § 832.8)

- Any sustained finding of the “**sexual assault**” of a member of the public by a police officer
- Any sustained finding of “**dishonesty**” by a police officer “directly relating to” 1) the reporting, investigation, or prosecution of a crime; or 2) the reporting or investigation of misconduct by “another officer.”

POBRA – The Statute Governing Administrative Investigations of Police Officers

Government Code § 3300, et seq. is known as the Public Safety Officers Procedural Bill of Rights Act (POBR, POBAR, or POBRA) and provides rights and responsibilities as to administrative investigations into alleged misconduct.

- Covers all employees defined as “peace officers” under the Penal Code. That includes Oakland Police Officers, but not professional non-sworn staff of the Oakland Police Department.
- Does not apply to officers under criminal investigation. But those officers are usually the subject of a separate administrative investigation, which is then subject to POBRA.

Interrogation Rights and Procedures

When Do Rights Apply?

For CPRA purposes, the key provision is that these rights apply because CPRA interrogations can lead to punitive action.

And the Oakland Charter provides that all officers are afforded their “due process and statutory rights,” which includes their POBRA rights.

Interrogation Rights and Procedures

Notice About Nature of the Investigation

The Rule

Officer must be advised of the “nature of the investigation,” reasonably in advance of the interrogation.

Officer is not entitled to a copy of the complaint or to evidence gathered by the investigator the first time they are interviewed.

Interrogation Rights and Procedures

Rights of Subject Officer If Interviewed More Than One Time

Officer is entitled to “notes and recordings,” including any transcribed copies of a prior interview.

Santa Ana ruling in 2017 held that officers are additionally entitled to “any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential.”

CPRA has challenged this ruling and litigation is in process.

Interrogation Rights and Procedures

Timing of the Interrogation

Interrogation should occur during on-duty hours if possible.

Interrogation must be of reasonable length, and officer must be allowed to attend to physical necessities.

Interrogation Rights and Procedures

Right to Representation

Officers have the right to the representative of their choice.

The representative cannot be a person subject to the same investigation.

CPRA cannot question the representative about any information received from the officer.

Officers cannot unreasonably delay the interrogation based on unavailability of a chosen representative.

Representative is more than a “mere observer” and is allowed to speak for the officer.

Interrogation Rights and Procedures

Information That Must Be Provided in Advance of Interrogation

Name and job title of the investigator in charge of the interrogation

Name and job title of any other interrogating investigator

- There cannot be more than two questioners

Names of all other parties in attendance

Other Interrogation Rules

No offensive language.

No threats of punitive action other than threats of disciplinary action for non-cooperation.

Interrogation Rights and Procedures

Right Against Self-Incrimination – Fifth Amendment Right to Remain Silent & “Lybarger” Admonitions

What Triggers the Admonitions?

For the 5th Amendment warning, if, prior to or during an interrogation it is contemplated that an officer may be charged with a criminal offense, the officer must be immediately informed of their Constitutional rights.

For *Lybarger* the admonition is given if an investigation may result in a criminal charge based on misconduct; **or** whenever an officer refuses to answer on grounds the answer may be self-incriminating.

Interrogation Rights and Procedures

Right Against Self-Incrimination – Fifth Amendment Right to Remain Silent & “Lybarger” Admonitions

5th Amendment & Lybarger Warning Elements:

Officer has the right not to incriminate themselves; **but**

Silence may be deemed insubordination and result in discipline in the administrative case, not the criminal case; **and**

Any statement given in administrative interview – “coerced” by the threat of discipline – cannot be used in the prosecution case in chief in subsequent criminal proceedings. (*Lybarger*)

Rights Related to Discipline Decisions

Once the City of Oakland makes its decision to impose discipline, the department must notify the officer in writing within 30 days of that decision.

The first step in that process is known as a *Skelly* hearing.

After the *Skelly* hearing, the discipline is imposed, assuming the City prevails. If the officer prevails, there is no appeal for the City.

Officers subjected to punitive action after the *Skelly* must be given an opportunity for administrative appeal. In Oakland, the POA MOU dictates that this appeal is an arbitration hearing.

Other Rights

Privacy Rights

Officer has absolute right to decline a polygraph.

Qualified right to privacy in financial records.

No disclosure of home address, phone, or photo to the media.

No search of locker or other assigned storage area, except in the officer's presence, with consent; or pursuant to a valid search warrant.

Personnel Files

Officers have the right to inspect and respond to adverse comments in personnel files.

Right to Go To Court

POBRA gives officers the right to go to court to challenge alleged denial of any of the rights afforded in POBRA *before* the administrative case is concluded.

This is unusual in that most other public employees have to wait for the discipline process to conclude. Police Officers can go to court in the middle of that process.

POBRA affords attorney's fees to any party that prevails in that litigation.

3304 Limit– One Year Plus Tolling

Discipline has to be noticed to the officer within one year of the discovery of wrongdoing by someone with authority to initiate an investigation.

That year can be extended, or “tolled,” by any one of eight conditions listed in 3304(d)(2). TOLLING IS OPTIONAL.

The one-year deadline is met by service of a notice of discipline on the officer. 3304(d)(1).

The ultimate discipline can be imposed more than a year later.

The Eight Tolling Provisions – 3304(d)2

- (A) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution.
- (B) Written waiver by the officer.
- (C) Multijurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.
- (D) The investigation involves more than one employee and requires a reasonable extension.
- (E) The employee is incapacitated or otherwise unavailable.
- (F) Civil litigation where the officer is named as a party defendant.
- (G) Criminal litigation where the complainant is a criminal defendant.
- (H) An allegation of workers' compensation fraud on the part of the public safety officer.

Reopening An Investigation After 3304 Has Passed - 3304(g)

Can reopen after one-year limitations has passed, **only** if both of the following exists:

1. Significant new evidence comes to light that would likely affect the outcome of the investigation;

AND

2. This evidence could not have been discovered during the one-year timeframe; **OR** new evidence came to light during the *Skelly* process.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Pending Agenda Matters List
Date:	November 8, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	John Alden, CPRA Executive Director

Action Requested:

Review Pending Agenda Matters List and decide on which, if any, to include in upcoming agendas.

Background:

The following exhaustive list was begun in early 2018 and includes items submitted for consideration on future agendas. Community members may suggest agenda items by completing and submitting the Agenda Matter Submission Form found on the Commission's webpage.

Discussion:

The following trainings must be delivered in open session and should be scheduled soon:

Subject Matter	Provider	Dates Offered or Scheduled (if known)
<i>Mandated by City Charter section 604 (c)(9) and Enabling Ordinance section</i>		
California's Meyers Milius Brown Act (MMBA) and Public Employment Relations Board's Administration MMBA (OMC 2.45.190(G)) <i>must be done in open session</i>	HR	Planning for 3.12.20
Civil Service Board and Other Relevant City Personnel Policies and Procedures (OMC 2.45.190(G)) <i>must be done in open session</i>	HR	Planning for 2.27.20
Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (OMC 2.45.190(G)) <i>must be done in open session</i>	HR	Planning for 3.26.20
Police Officers Bill of Rights (OPC 2.45.190(H)) <i>must be done in open session</i>	John Alden	11.14.19

Attachments:

Pending Agenda Matters List

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Commissioner Trainings	1/1/2018	<p>Complete trainings mandated by City Charter section 604 (c)(9) and Enabling Ordinance section 2.45.190</p> <p>Some trainings have deadlines for when they should be completed (within 3 months, 6 months, etc.)</p> <p>Several trainings were delivered in open session and have been recorded for future use</p>	<p>The following trainings must be done in Open Session:</p> <ol style="list-style-type: none"> 1. California's Meyers Miliias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA 2. Civil Service Board and Other Relevant City Personnel Policies and Procedures 3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees 4. Police Officers Bill of Rights (scheduled for 11.14.19) 	High	Ongoing	11/14/2019	
Military Police Equipment Policy	9/10/2019		Discussion of an ordinance drafted by the Coalition for Police Accountability for OPD equipment use and acquisition.	High		11/14/2019	

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
Notification of OPD Chief Regarding Requirements of Annual Report	1/1/2018	Commission must notify the Chief regarding what information will be required in the Chief's annual report	<p>The Chief's report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. The number of complaints submitted to the Department's Internal Affairs Division (IAD) together with a brief description of the nature of the complaints; 2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated; 3. The number of investigations completed by IAD, and the results of the investigations; 4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions; 5. Revisions made to Department policies; 6. The number and location of Department sworn employee-involved shootings; 7. The number of Executive Force Review Board or Force Review Board hearings and the results; 8. A summary of the Department's monthly Use of Force Reports; 9. The number of Department sworn employees disciplined and the level of discipline imposed; and 10. The number of closed investigations which did not result in discipline of the Subject Officer. <p>The Chief's annual report shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code section 832.7</p>	High	June 14, 2018 and June 14 of each subsequent year	12/12/2019	Dorado

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	High		1/9/2020	
Create Ad Hoc Committee To Determine if Commission Can Open or Re-Open an Investigation	10/2/2018		The Commission has heard from community members regarding concerns about what the Commission's power actually is regarding opening and re-opening investigations.	High		1/9/2020	
Finalize Bylaws and Rules	1/24/2019			High		1/9/2020	Gage
Measure LL Revisions	10/1/2019	The Commission will discuss and provide feedback on the draft revision of Measure LL provided by the Coalition for Police Accountability to the Commission and City Council President Kaplan		High		1/9/2020	Gage
Social Media Communication Responsibilities and Coordination and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	High		1/9/2020	
Determine Outstanding Issues in Meet and Confer and the Status of M&C on Disciplinary Reports	10/6/2018		Need report from police chief and city attorney. Also need status report about collective bargaining process that is expected to begin soon.	High		1/9/2020	

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Discipline: Second Swanson Report Recommendations – Have These Been Implemented?	10/6/2018		Supervisor discipline Process for recommending improvements to policies, procedures and training, and to track and implement recommendations Tracking officer training and the content of training Comparable discipline imposed – database of discipline imposed, demonstrate following guidelines IAD civilian oversight for continuity in IAD Improved discovery processes Permanent arbitration panel implemented from MOU OPD internal counsel Two attorneys in OCA that support OPD disciplines and arbitration Reports on how OCA is supporting OPD in discipline matters and reports on arbitration Public report on police discipline from Mayor's office OIG audit includes key metrics on standards of discipline	High		1/23/2020	
Public Hearing on Use of Force	4/22/2019		Work with community on presenting a public hearing on use of force.	High		1/23/2020	Harris
Receive a Report from the Ad Hoc Committee on CPRA Appellate Process	6/13/2019	Once the Commission has an outside counsel, work with them on determining an appellate process	When a draft process is determined, bring to the Commission for a vote.	High		1/23/2020	Brown, Gage, Prather
Reports from OPD	10/6/2018	Commission to decide on what reports are needed prior to receiving them.	Receive reports from OPD on issues such as: response times; murder case closure rates; hiring and discipline status report (general number for public hearing); any comp stat data they are using; privacy issues; human trafficking work; use of force stats; homelessness issues; towing cars of people who sleep in their vehicles	High	Ongoing as appropriate	1/23/2020	
Review Commission's Agenda Setting Policy	4/25/2019			High		1/23/2020	

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Recommendations for Increasing Communication Between CPRA and IAD	10/6/2018		Review of existing communication practices and information sharing protocols between departments, need recommendations from stakeholders about whether a policy is needed. Ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing.	High		2/13/2020	
Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	<p>Oakland Municipal Code 2.45.070(l). Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of:</p> <ol style="list-style-type: none"> 1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration; 2. Arbitration decisions or other related results; 3. The ways in which it has supported the police discipline process; and 4. Significant recent developments in police discipline. <p>The City Attorney's semi-annual reports shall not disclose any information in violation of State and local law regarding the confidentiality of personnel records, including but not limited to California Penal Code 832.7</p>	High	semi-annual	2/13/2020	Smith
Feedback from Youth on CPRA App	10/10/2018		Get some feedback from youth as to what ideas, concerns, questions they have about its usability.	High		2/27/2020	

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/D deadline	Scheduled	Lead Commissioner(s), if any
Confirming the Process to Hire Staff for the Office of Inspector General	5/17/2019	Per the Enabling Ordinance: The City shall allocate a sufficient budget for the OIG to perform its functions and duties as set forth in section 2.45.120, including budgeting one (1) full-time staff position comparable to the position of Police Program and Audit Supervisor. Within thirty (30) days after the first Inspector General is hired, the Policy Analyst position and funding then budgeted to the Agency shall be reallocated to the OIG. All OIG staff, including the Inspector General, shall be civil service employees in accordance with Article IX of the City Charter.	This will require information presented from the City Administrator's Office.	High			
Desk Audit of CPRA Staff by Human Resources	5/17/2019	The Commission would like to request that Human Resources do a desk audit for every job position in the CPRA.	This will enable the Police Commission to engage in a reorganization of the CPRA.	High			John Alden
Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	Pending Measure LL revisions to be included in the November 2020 ballot. Recruitment and job posting in process.	High			Personnel Committee

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Performance Reviews of CPRA Director and OPD Chief	1/1/2018	Conduct performance reviews of the Agency Director and the Chief	The Commission must determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Agency Director's or the Chiefs job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary.	High	Annually; Criteria for evaluation due 1 year prior to review		
Proposal For Staff Positions for Commission and CPRA	1/1/2018	Provide the City Administrator with its proposal for staff positions needed for Commission and Agency to fulfill its functions and duties		High	Ongoing as appropriate		
OPD Update on New Karibbean City Night Club Issue	10/29/2019	OPD to provide an update on the status of an issue that was raised on 10.10.19	The owner of the night club spoke during Open Forum at the meeting on 10.10.19 about an issue with OPD.	Medium		1/9/2020	
Creation of an Ad Hoc Committee for Mental Health Model	10/24/2019	Convene a group of local mental health providers, specifically those who work with the most impacted families in the Oakland/Bay Area, to gather key components of a model that is an alternative to calling the police.	This a follow up to the presentation from CAHOOTS. The City Council has allocated 40k in Fund 1010, Human Services for a CAHOOTS model feasibility analysis study.	Medium		11/14/2019	Harris

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
City Auditor's Office to Present Performance and Financial Audit of Commission		City Auditor to conduct a performance audit and a financial audit of the Commission and the Agency	No later than two (2) years after the City Council has confirmed the first set of Commissioners and alternates, the City Auditor shall conduct a performance audit and a financial audit of the Commission and the Agency. Nothing herein shall limit the City Auditor's authority to conduct future performance and financial audits of the Commission and the Agency.	Medium	December, 2019	1/9/2020	
Creation of a Policy Committee	9/30/2019	The Commission will discuss, and take action, to determine whether to forward a request to City Council to authorize the creation of a standing Policy Committee.		Medium		1/9/2020	Gage
Review Budget and Resources of IAD	10/10/2018		In Discipline Training it was noted that many "lower level" investigations are outsourced to direct supervisors and sergeants. Leaders in IAD have agreed that it would be helpful to double investigators and stop outsourcing to Supervisors/Sgts. Commissioners have also wondered about an increase civilian investigators. Does the Commission have jurisdiction over this?	Medium		1/9/2020	
Community Policing Task Force/Summit	1/24/2019			Medium		1/23/2020	Dorado
Receive Report from Urban Strategies on their Safe Oakland Summit of 6.5.19	8/22/2019		Commissioner Dorado will invite David Harris of Urban Strategies to give a report on the Safe Oakland Summit which was held on 6.5.19	Medium		1/23/2020	Dorado
Report from OPD Regarding Found/Confiscated Items	7/12/2019	OPD Chief Kirkpatrick will report on the Department's policy for disposition of found/confiscated items.	This came about through a question from Nino Parker. The Chief offered to present a report at a future meeting.	Medium		1/23/2020	

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Revise Contracts with CPRA and Commission Legal Counsels	10/10/2018		The contract posted on the Commission's website does not comport with the specifications of the Ordinance. As it stands, the Commission counsel reports directly to the City Attorney's Office, not the Commission. The Commission has yet to see the CPRA attorney's contract, but it, too, may be problematic.	Medium		1/23/2020	
OPD Supervision Policies	10/2/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for supervisory accountability. Draft policy changes as needed. In addition, IG should conduct study of supervisor discipline practices. In other words, how often are supervisors held accountable for the misconduct of their subordinates.	Medium		1/23/2020	
Modify Code of Conduct from Public Ethics Commission for Police Commission	10/2/2018		On code of conduct for Commissioners there is currently a code that was developed by the Public Ethics Commission.	Medium		2/27/2020	
CPAB Report			Oakland Municipal Code §2.45.070 (O): Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.	Medium			

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Follow up on Najiri Smith Case	10/10/2018		Community members representing Najiri claim the officer lied re. the time of interaction, which makes the citation (loud music after 10pm) invalid. They claimed he was engaged by OPD around 9.10pm.	Medium			
Offsite Meetings	1/1/2018	Meet in locations other than City Hall	The offsite meetings must include an agenda item titled "Community Roundtable" or something similar, and the Commission must consider inviting individuals and groups familiar with the issues involved in building and maintaining trust between the community and the Department. (OMC § 2.45.090(B).)	Medium	Annually; at least twice each year		Dorado, Harris, Jackson
Report Regarding OPD Chief's Report	1/1/2018	Submit a report to the Mayor, City Council and the public regarding the Chief's report in addition to other matters relevant to the functions and duties of the Commission	The Chief's report needs to be completed first.	Medium	Annually; once per year		
Review Commission's Code of Conduct Policy	4/25/2019			Medium		3/12/2020	Prather
Review Commission's Outreach Policy	4/25/2019			Medium		3/12/2020	Dorado
Taser Policy (incorporate into Use of Force)	10/10/2018		This is part of Use of Force Policy; Review use of tasers in light of what happened to Marcellus Toney - In the report the Commission was given, it mentioned that officers have choice as to where to deploy a taser.	Medium			
De-Escalation Policy (incorporate into Use of Force)	1/1/2018		This should be part of Use of Force Policy; review existing policy (if any) and take testimony/evidence from experts and community about best practices for de-escalation.	Low		1/9/2020	
Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	4/17/2020	1/23/2020	Prather, Smith

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Discipline: Based on Review of MOU	10/6/2018		How often is Civil Service used v. arbitration? How long does each process take? What are the contributing factors for the length of the process? How often are timelines not met at every level? How often is conflict resolution process used? How long is it taking to get through it? Is there a permanent arbitration list? What is contemplated if there's no permanent list? How often are settlement discussions held at step 5? How many cases settle? Is there a panel for Immediate dispute resolution? How many Caloca appeals? How many are granted? What happened to the recommendations in the Second Swanson report?	Low		1/23/2020	
Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low		2/27/2020	
Public Hearings on OPD Policies, Rules, Practices, Customs, General Orders	1/1/2018	Conduct public hearings on Department policies, rules, practices, customs, and General Orders; CPRA suggests reviewing Body Camera Policy		Low	Annually; at least once per year	2/27/2020	Dorado
Revisit Standing and Ad Hoc Committee Assignments	10/29/2019			Low		2/27/2020	
Public Hearing on OPD Budget	1/1/2018	Conduct at least one public hearing on the Police Department's budget	Tentative release date of Mayor's proposed budget is May 1st of each year.	Low	Spring, 2021		

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Amendment of DGO C-1 (Grooming & Appearance Policy)	10/10/2018		DGO C-1 is an OPD policy that outlines standards for personal appearance. This policy should be amended to use more inclusive language, and to avoid promoting appearance requirements that are merely aesthetic concerns, rather than defensible business needs of the police department.	Low			
Assessing Responsiveness Capabilities	10/6/2018		Review OPD policies or training regarding how to assess if an individual whom police encounter may have a disability that impairs the ability to respond to their commands.	Low			
Creation of Form Regarding Inspector General's Job Performance	1/1/2018	Create a form for Commissioners to use in providing annual comments, observations and assessments to the City Administrator regarding the Inspector General's job performance. Each Commissioner shall complete the form individually and submit his or her completed form to the City Administrator confidentially.	To be done once Inspector General position is filled.	Low			
OPD Data and Reporting			Oakland Municipal Code §2.45.070(P): Review and comment on the Department's police and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments to the Chief, and request the Chief to consider its recommendations and respond to the comments in writing.	Low			
Overtime Usage by OPD - Cost and Impact on Personal Health; Moonlighting for AC Transit	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			

Police Commission Pending Agenda Matters List

Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
Process to Review Allegations of Misconduct by a Commissioner	10/2/2018		Maureen Benson named concerns/allegations about a sitting Commissioner early in 2018, but no process exists which allows for transparency or a way to have those concerns reviewed. It was suggested to hold a hearing where anyone making allegations presents evidence, the person named has an opportunity to respond and then the commission decides if there's sanctions or not. *Suggestion from Regina Jackson: we should design a form...check box for the allegation...provide narrative to explain..hearing within 4 weeks?	Low			Jackson
Proposed Budget re: OPD Training and Education for Sworn Employees on Management of Job-Related Stress	1/1/2018	Prepare for submission to the Mayor a proposed budget regarding training and education for Department sworn employees regarding management of job-related stress. (See Trauma Informed Policing Plan)	Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of posttraumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing consistent with section 604(b)(6) of the Oakland City Charter. Prepare and deliver to the Mayor, the City Administrator and the Chief by April 15 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.	Low	4/15/2020		