



OAKLAND POLICE COMMISSION SPECIAL MEETING AGENDA

February 13, 2020

5:30 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. Public Comment on Closed Session Items

THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION IN CITY HALL BUILDING BRIDGES ROOM, 3RD FLOOR AND WILL REPORT ON ANY FINAL DECISIONS DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.

IV. Closed Session

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE - Gov't Code § 54957(b)

V. Determinations of Closed Session

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

VI. 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.

VII. Election of Oakland Police Commission Chairperson

The Commission will nominate and vote on the appointment of a Chairperson to serve from February 2020 until the next election in February 2021. ***This is a recurring item.***

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

VIII. Election of Oakland Police Commission Vice Chairperson

The Commission will nominate and vote on the appointment of a Vice Chairperson to serve from February 2020 until the next election in February 2021. ***This is a recurring item.***

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

IX. Report from National Institute for Criminal Justice Reform (NICJR) on Next Steps with Pilot Juvenile Diversion Program

NICJR Executive Director David Muhammed will discuss next steps in the Pilot Juvenile Diversion Program as they relate to the District Attorney, County Probation Department, and OPD. OPD will also present an updated letter of support for the National Institute for Criminal Justice Reform’s Proposed Pilot Juvenile Diversion Program. ***This is a new item.*** ([Attachment 9](#)).

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

X. Public Engagement with Use of Force Ad Hoc Committee

Discussion on a variety of opportunities for thought leadership on policy development. ***This is a new item.***

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

XI. OPD Report Regarding 65th Independent Monitor’s Report

OPD will give a report regarding which recommendations from the Independent Monitor’s Report have been adopted and implemented. ***This is a new item.***

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

XII. Draft Ordinance on Military Police Equipment

The Ad Hoc Committee for Military Police Equipment will present a revised version of a draft ordinance for review. ***This item was discussed on 11.14.19 and is continued from 12.12.19.*** ([Attachment 12](#)).

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

XIII. Outreach Services for CPRA

The Commission will discuss seeking a provider of outreach services for CPRA. Executive Director John Alden and Alternate Commissioner David Jordan will provide details on a proposed scope of services and estimated cost. The Commission may vote to issue an RFP or to select a sole-source provider. ***This was discussed on 1.23.20.*** ([Attachment 13](#)).

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

XIV. Creation of Ad Hoc Committee to Develop a Process for Drafting Policy

The Commission will discuss and may establish an Ad Hoc Committee to develop a process to create or rewrite a policy. ***This is a new item.***

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

XV. Meeting Minutes Approval

The Commission will vote to approve minutes from January 9 and 23, 2020. ***This is a recurring item. (Attachment 15).***

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

XVI. Committee/Liaison/Other Commissioner Reports

This time is set aside to allow Commissioners to present a brief report on their own activities, including service on committees or as liaisons to other public bodies. No action may be taken as a result of a report under this section other than to place a matter for consideration at a future meeting. ***This is a recurring item.***

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

XVII. 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 17).***

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

XVIII. Adjournment



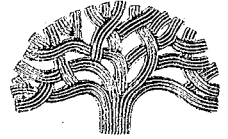
This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin, or Spanish interpreter, please e-mail jrus@oaklandca.gov or call 510-238-3325 or 711 at least five working days before the meeting. Please refrain from wearing scented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

CITY OF OAKLAND



POLICE ADMINISTRATION BUILDING • 455 - 7TH STREET • OAKLAND, CALIFORNIA 94607-3985

Police Department

Telephone Device for the Deaf (510) 238-3227

January 24, 2020

To whom it may concern:

It is my pleasure to write this letter on behalf of the Oakland Police Department's (OPD) continued support for the youth diversion initiative, Neighborhood Opportunity and Accountability Board (NOAB).

As stated in the letter sent in 2018, the NOAB is a diversion from formal processing occurring within the juvenile justice system. Instead of being referred for detention and prosecution, certain youth suspected of delinquent behavior will be sent to neighborhood councils. This involves a group of community leaders, business owners, youth, and family members who will work with the young person, their family and any victim to develop a restorative plan to effectively address the delinquent act and improve the community.

The Oakland Police Department believes the National Institute for Criminal Justice Reform (NICJR), is a successful organization which is a cross-section of community leaders and service providers, who have been designing and planning this initiative for many years in Oakland. The Oakland Police Department has been at the table with these community members and continues to serve on the steering committee. The Oakland Police Department continues to believe in NOAB's responsible diversion and will support the organization's success.

When implemented effectively, the Neighborhood Opportunity and Accountability Board can improve youth outcomes, develop communities, and increase public safety. OPD agrees to partner with NOAB, including the training of Officers and having our juvenile intake division refer youth to the initiative. OPD looks forward to working with NOAB, and we highly recommend and encourage funding to support this strategy's success.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne E. Kirkpatrick".

Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Cc: Chair Jackson, Police Commission
Cc: Vice Chair Harris, Police Commission

DRAFT ORDINANCE ON ACQUISITION AND USE OF MILITARIZED EQUIPMENT

WHEREAS, the City Council finds that the acquisition of military and militaristic 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 or militaristic 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 or militaristic 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 or militaristic 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 or militaristic 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 or militaristic 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.

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.

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

SECTION 1. Name of Ordinance.

(A) This Ordinance shall be known as the Police Equipment and Community Safety Ordinance.

SECTION 2. Definitions.

(A) **“Controlled Equipment”** means equipment that is military or militaristic in nature, or is likely to be perceived as military or militaristic in nature, and includes, but is not limited to, all of the following:

- (1) Special-purpose wheeled vehicles that are built or modified to provide ballistic protection to their occupants, such as mine-resistant ambush protected (MRAP) vehicles or armored personnel carriers.
 - (a) Standard patrol vehicles, such as Crown Victorias and Chargers are specifically excluded from this section.
- (2) Multi-purpose wheeled vehicles that are built to operate both on-road and off-road, 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 vehicles built or modified to use a breaching or entry apparatus as an attachment.
 - (a) Unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this section.
- (3) Tracked vehicles that are built or modified to 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.~~
- (4) Weapon-bearing aircraft, vessels, or vehicles of any kind, whether manned or unmanned.
- (5) 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, equipment that is ballistic, such as a slug, or equipment that is explosive in nature.
- (6) Firearms of .50 caliber or greater.
- (7) Ammunition of .50 caliber or greater.
- (8) Specialized firearms and associated ammunition of less than .50 caliber, as defined in Sections 30510 and 30515 of the California Penal Code.
- (9) Projectile launch platforms, such as 40mm projectile launchers, “bean bag” or specialty impact munition weapons, and “riot guns” used to disperse chemical agents.
- (10) 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, pyrotechnics, and chemical weapons such as “flashbang” grenades explosive breaching tools, and “teargas”.
- ~~(13) Riot batons, riot helmets, and riot shields, but excluding service issued telescopic or fixed length straight batons.~~
- ~~(13) Sonic weapons, such as the Long Range Acoustic Device sound cannon.~~

- (15) Active area denial weapons, such as the Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
- (a) Only LRAD use in crowd control situations shall trigger the reporting requirements of this ordinance.
- (16) Any other equipment as determined by the City Council to require additional oversight.
- (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 Controlled Equipment in conformance with this Ordinance.
- (D) "**Controlled 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 Controlled Equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the Controlled Equipment.
 - (2) Purpose: The purposes and reasons for which the Oakland Police Department (hereinafter, "Police Department") proposes to use each type of Controlled Equipment.
 - (3) Fiscal Cost: The fiscal cost of each type of Controlled Equipment, including the initial costs of obtaining the equipment, the estimated or anticipated costs of each proposed use, the estimated or anticipated costs of potential adverse impacts, and the estimated or anticipated 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 Controlled 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 Controlled 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 Controlled 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 Controlled Equipment, including, if available, quantitative information about the effectiveness of the Controlled Equipment in achieving its stated purpose in other jurisdictions, and any known

adverse information about the Controlled Equipment (such as unanticipated costs, failures, or civil rights and civil liberties abuses).

- (E) **“Controlled Equipment Use Policy”** means a publicly released, legally enforceable written document governing the use of Controlled 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 Controlled Equipment is intended to achieve.
 - (2) Authorized Use: The specific uses of Controlled Equipment that are authorized, and rules and processes required prior to such use.
 - (3) Prohibited Uses: A non-exclusive list of uses that are not authorized.
 - (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 Controlled Equipment.
 - (5) Auditing and Oversight: The mechanisms to ensure compliance with the Controlled 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 Controlled 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 unapproved Controlled Equipment.

SECTION 3. Acquisition and Use of Controlled Equipment.

- (A) Restrictions Prior to Submission and Approval
- (1) The Oakland Police Department shall submit to the Oakland Police Commission (hereinafter “Police Commission”) a Controlled Equipment Impact Report and a Controlled Equipment Use Policy prior to engaging in any of the following:
 - (a) Requesting the transfer of Controlled Equipment pursuant to Section 2576a of Title 10 of the United States Code.
 - (b) Seeking funds for Controlled 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 Controlled Equipment either permanently or temporarily, including by borrowing or leasing.
 - (d) Collaborating with another law enforcement agency, such as commanding, controlling, or otherwise directing that agency or its personnel, in the deployment or other use of Controlled Equipment within Oakland.

- (e) Using any new or existing Controlled 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, Controlled Equipment.

(B) Submission to Police Commission

- (1) When seeking the review and recommendation of the Police Commission, the Police Department shall submit to the Police Commission a Controlled Equipment Impact Report and a Controlled Equipment Use Policy.
- (2) At least 15 days prior to any public hearing concerning the Controlled Equipment at issue, the Department shall publish the Controlled Equipment Impact Report and Controlled Equipment Use Policy for public review. Publishing to the Department's website shall satisfy the requirements of this subsection.
- (3) In order to facilitate public participation, Controlled Equipment Impact Reports and Controlled Equipment Use Policies shall be made publicly available on the Department's website for as long as the Controlled Equipment is proposed or approved for use.
- (4) ~~The Police Commission shall consider Controlled Equipment Impact Reports and Controlled Equipment Use Policies as an agenda item for review at an open session of a regularly noticed meeting.~~

(C) Criteria for Police Commission Recommendations

- (1) The Police Commission shall only recommend approval of a request to fund, acquire, or use Controlled Equipment pursuant to this chapter if it determines all of the following:
 - (a) The Controlled Equipment is needed despite available alternatives.
 - (b) The Controlled Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
 - (c) The use of Controlled 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 Controlled Equipment is the most cost-effective option among all available alternatives.
- (2) If the submitted Controlled Equipment Impact Report identifies a risk of potential adverse effects on the public's welfare, safety, civil rights, or civil liberties, a recommendation for approval for the funding, acquisition, or use of Controlled 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 Before City Council Consideration of Approval.

- (1) The funding, acquisition, or use of Controlled Equipment by the Police Department shall not be permitted without the review and recommendation, by the Police Commission, and approval, by City Council, of a Controlled Equipment Impact Report and a Controlled Equipment Use Policy submitted pursuant to this Ordinance.
 - (a) The Chair of the Police Commission, in consultation with the Vice Chair, may provide limited approval, in writing, for the Department to solicit funding for Controlled Equipment prior to the submission of a Controlled Equipment Impact Report and a Controlled Equipment Use Policy.
 - (b) Controlled Equipment purchased under the exception provided by this subsection shall not be used unless a Controlled Equipment Impact Report and Controlled Equipment Use Policy is subsequently submitted to the Police Commission for review and subsequently approved by City Council, pursuant to the general requirements of this section.
 - (2) The Police Commission shall recommend that the City Council adopt, modify, or reject the proposed Controlled Equipment Use Policy.
 - (a) If the Police Commission proposes that the Controlled Equipment Use Policy be modified, the Police Commission shall propose such modifications to City Staff. City Staff shall present such modifications or notice of rejection to City Council when subsequently seeking City Council approval pursuant to this Ordinance.
 - (b) 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) Police Commission Review of Prior Recommendations
- (1) The Police Commission shall review any recommendation that it has adopted pursuant to this Ordinance approving the funding, acquisition, or use of Controlled Equipment at least annually and vote on whether to recommend renewal of the approval.
 - (2) A Police Commission recommendation to City Council that a prior approval be revoked shall be presented to Council for immediate consideration. If City Council has not reviewed and taken action on a Police Commission recommendation that a prior approval be revoked 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 Controlled Equipment.
- (G) Review Process for Previously-Acquired Equipment
- (1) The Police Department shall have three years from the date of passage of this Ordinance to submit Controlled Equipment Use Policies and Controlled Equipment Impact Statements for approval pursuant to this Ordinance if the Department wishes to continue the use of Controlled Equipment acquired prior to the passage of this Ordinance. The Department shall cease the use of Controlled Equipment acquired prior to the date of passage of this ordinance if, after three years, no approval, pursuant to the requirements of this Ordinance, has been granted.
 - (2) In order to ensure that the review of previously-acquired Controlled Equipment is appropriately prioritized, the Police Department shall provide a prioritized ranking of

Controlled Equipment possessed and/or used by the City, and the Police Commission shall consider this ranking in determining order in which previously-acquired Controlled Equipment is agendized for review. Upon receipt of this ranked list from the Police Commission, City Staff shall begin the submission of proposals, beginning with the highest-ranking items and continuing until a Controlled Equipment Impact Report and a Controlled Equipment Use Policy has been submitted for each item on the list.

(H) City Council Review 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 an package containing the Controlled Equipment Impact Report, Controlled Equipment Use Policy, and Police Commission recommendations, at least fifteen (15) days prior to a public meeting.
- (2) The City Council shall only approve a proposed Controlled Equipment Impact Report and proposed Controlled 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 Controlled Equipment.
- (3) For approval of existing Controlled 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 Controlled Equipment until such review and approval occurs.

(I) Use of Unapproved Controlled Equipment during Exigent Circumstances

- (1) City Staff may temporarily use, or allow use by other entities, of Controlled 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 Controlled Equipment pursuant to the above-mentioned circumstances, City Staff shall:
 - (a) Use the Controlled Equipment solely to respond to the Exigent Circumstances.
 - (b) Cease using the Controlled Equipment when the Exigent Circumstances end.
 - (c) Only keep and maintain Controlled Equipment that is directly relevant to an active, ongoing investigation, and discharge such Controlled 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 Controlled Equipment to the Police Commission at their next meeting for discussion and possible action.

SECTION 4. Reports on the Use of Controlled Equipment.

(A) Annual Report on Controlled Equipment

- (1) The Oakland Police Department shall submit to the Police Commission an annual report on Controlled Equipment to the Police Commission within one year of approval, and annually thereafter for as long as the Controlled 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 Controlled Equipment is available for use. The annual report shall, at a minimum, include the following information for the immediately preceding calendar year:
- (a) Production descriptions and specifications for Controlled Equipment and inventory numbers of each type of Controlled Equipment in the Police Department's possession.
 - (b) A summary of how Controlled Equipment was used.
 - (c) If applicable, a breakdown of where Controlled Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
 - (d) A summary of any complaints or concerns received concerning Controlled Equipment.
 - (e) The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.
 - ~~(6) An analysis of any discriminatory, disparate, any other adverse impacts that the use of Controlled 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.~~
 - (f) The total annual cost for each type of Controlled Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for Controlled Equipment in the calendar year following submission of the annual report.
- (2) 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) Compliance & Revocation of Approval

- (1) The Police Commission shall determine, based on the annual report submitted pursuant to Section 4, whether each type of Controlled Equipment identified in that report has complied with the standards for approval set forth in Section 3. If the Police Commission determines that any Controlled 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 Controlled Equipment or modify the Controlled 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) Remedies for Violations of this Ordinance

- (1) Any violation of this Ordinance, or of a Controlled 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 Controlled Equipment acquisition or Use Policy, any other governmental agency with possession, custody, or control of Controlled Equipment subject to this Ordinance, to the extent permitted by law.
- (2) Any person who has been subjected to the use of Controlled 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 may result in consequences that may include retraining, suspension, or termination, subject to due process requirements.

SECTION 6. Transparency.

(A) Disclosure Requirements

- (1) It shall be unlawful for the City to enter into any Controlled 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.
- (2) To the extent permitted by law, the City shall publicly disclose all of its Controlled 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) Protections Against Retaliation

- (1) 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:
 - (a) The employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of

Controlled Equipment based upon a good faith belief that the disclosure evidenced a violation of this Ordinance; or

- (b) 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.
- (c) 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 Controlled Equipment Use Policy or administrative instruction promulgated under this Ordinance.
- (d) 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.

DRAFT

SCOPE OF WORK

Enhancing Reach and Accessibility for The Oakland Community Police Review Agency 2020

Submitted by: Gianina Irlando

Project Name: CPRA Stakeholder Outreach and Engagement

Project Manager/Proposer: Gianina Irlando

Project Duration: March 1, 2020 through June 30, 2020, not to exceed a period of 6 months

Date: February 5, 2020

Project Background and Description

The need for greater public accessibility to the Community Police Review Agency's (CPRA) complaint, investigation and discipline processes are rooted in the need for greater public safety and greater public trust of the Oakland Police Department (OPD). Procedural justice research clearly demonstrates that when the public does not trust law enforcement, they do not report crime or cooperate with criminal investigations. Most issues related to lack of trust in law enforcement are approachable with extensive public education and the accessibility and support of a strong complaint, investigation and discipline process for law enforcement misconduct issues. Enhanced outreach and engagement to the public by the CPRA will result in greater credibility of discipline findings, perceptions related to Oakland police conduct, and accountability and trust by the public for Oakland's public safety leadership.

The individual strategies listed below are examples of outreach and engagement measures which can increase accessibility and reach for the CPRA. They include data and information gathering, educational programming, research, material development and community, law enforcement and legislative engagement, that have been tested and are productive at increasing the awareness of independent oversight existence, services and effectiveness across the country.

Strategies

Each strategy identified below is listed for the purpose of discussion and evaluation between the proposer and the CPRA. Many strategies below will necessitate funding beyond the scope of this proposal and therefore will need to be prioritized by CPRA based on resources.

Strategies in bold below are addressed and included in this proposal. Strategies #7, #8 and #9 are examples of work that can be done later should resources become available.

- 1. Branding of CPRA Public Materials:**
 - A. Development of a New Logo**
 - B. Design of Brochure for Public Dissemination**
- 2. Social Media Development and Short-Term Maintenance**
 - A. Creation of Educational Facebook Page**
 - B. Development of Mailchimp or Other Contact Management Service**
- 3. Media and Communication Plan**
 - A. Earned Media**
 - B. Monthly or Quarterly Public Communications**
 - C. Advertising**
- 4. Community Leader and Partner Organization Outreach and Events**
- 5. Elected and Appointed Official Outreach**
- 6. Oakland Police Department Outreach and Partnership Opportunities**
7. 2020 Visibility Survey
8. Storefront Opportunities/Community Feedback and Complaints in the Community
9. Broad Reaching Outreach Projects

Branding/Rebranding of CPRA Public Materials

Current CPRA materials and accessibility of the complaint process are limited for those without access to technology or the ability to visit the CPRA office. There is no separate CPRA logo or branding and this could be a deterrent to complainants who are not inclined to trust a government entity under the same umbrella as the Oakland Police Department. Many oversight agencies nationally use their own branding in order to express their independence and make a statement about transparency and lack of influence from city administrations. A distinguishing logo is also necessary for any sort of social media outreach that differentiates the oversight agency from the larger government entity.

Proposer will research, oversee options for a new logo and evaluate and rework public materials used for outreach to reflect not only the new logo but also current and best practice regarding the complaint process and accessibility. This proposal covers the design and updating of the CPRA brochure and other public materials. The Executive Director of the Community Police Review Agency will closely oversee this work.

Social Media Development and Short-Term Maintenance

This proposal covers the development of social media platforms, specifically a Facebook page with full descriptions, logos and contact information. The development of a Twitter account is not included and is not recommended at this time due to the need for CPRA personnel to respond quickly and allocate resources to the maintenance of this platform.

Included in the development of the Facebook page is the non-paid initial reach, defined as “likes” and “followers,” as well as monthly analysis of analytics once the page has reached the necessary metrics and analytics are available. A proposed goal is to collect 100 initial followers within thirty days of launch, and a minimum of 10% per month thereafter. Also included would be a minimum of five posts per week of appropriate articles, education regarding law enforcement oversight best practices, and CPRA work and progress. Ideally, this would grow to two posts per day and analytics would drive the popularity of much of the content after the first quarter of page operation. Additional resources would allow for videos, live interviews and some public meeting coverage not currently covered in this proposal.

Mailchimp or another contact management or marketing service is vital to connecting with all targeted engagement groups including community members and advocacy organizations, law enforcement, and government partners. Proposer would use existing CPRA contacts to initiate this list and develop the list monthly with CPRA and appropriate partners. Goal would be to increase the list by a minimum of 10% monthly.

Media and Communication Plan

The development of a media and communication plan is essential to a concentrated effort to reach all aspects of diverse Oakland communities, especially those most impacted by police contact. Proposal includes the development of a media and communication plan with initial focus on non-monetary media opportunities including earned media and monthly or quarterly email communications with contacts. Proposal also includes building a media contact list for the all Bay Area media outlets interested in CPRA services, law enforcement, police accountability and crime. Press releases will be disseminated through this list and media drafts are included in this proposal for the term of this contract. The Executive Director will guide and approve all content of email blasts to contacts. Current proposal will not cover paid media or advertising related to communications production, but discussion of impact and planning is important for long term communications plan.

Community Leader and Partner Organization Outreach and Events

During the initial phase of the proposal, community leaders and organizations will be identified, contact information will be gathered and communications will begin with an introduction to CPRA, a complete guide to CPRA services and invitations to review CPRA reports and progress. Follow up phases will include invitations to CPRA events, public meetings and select one-on-one meetings with CPRA staff and proposer if appropriate to discuss partnership opportunities. This information gathering, sharing and select scheduling is included in proposal and will be decided by the Executive Director of the CRPA and staff based on available resources and schedules.

Elected and Appointed Official Outreach

Elected and appointed officials regularly communicate with their constituencies and provide a free or low-cost mechanism for mass outreach through their constituent communications.

Proposal includes identifying municipal and state elected and appointed officials, contacting their offices and staff and developing a database of possible communication corridors for CPRA announcements and brief communications to be disseminated. Proposal does not include ongoing development of announcements and communications without discussion with the Executive Director of the CPRA regarding priority and availability. Proposal does include initial blast to gauge effectiveness of this strategy.

2020 Outreach Survey (Not included in this proposal.)

There is a clear need to survey the public in 2020 and to receive feedback on the existence of the CPRA, the understanding of respondent knowledge of CPRA's independence from the Oakland Police Department and its reach to those most likely to need CPRA's services. This survey should be repeated yearly in order to be used as a metric for effective community outreach. While proposer does not claim to have expertise in this area, they are able to research, make recommendations and help the CPRA to contract for this work. If there is another mechanism within the City of Oakland to include the CPRA in a public survey and the correct targeted audience are participants, proposer will work with CPRA staff to craft questions and analyze data gathered.

Storefront/Community Feedback and Complaints in the Community (Not included in this proposal.)

The mandate by the Oakland Police Commission is clear with respect to the need for Oakland residents to be able to walk into the CPRA office and file a complaint in a non-threatening, trusting and community friendly environment. While this proposal does not cover the cost or research for a permanent location for the CRPA office, other community accessibility options are possible in 2020. Pop up office hours in community owned locations are an intermediate option that can be developed and used until the "Storefront" issue can be resolved and adequate resources allotted to the CPRA. Proposal includes a plan and map of possible locations and outreach events for individual communities within Oakland.

Broad Reaching Outreach Projects (Not included in this proposal.)

Proposer has developed, received federal grant funding and had an outside evaluation resulting in an evidence-based program to improve relationships between youth and law enforcement. While this strategy is not being proposed in this document, it is an effective approach to engage community proactively and increase officer awareness of community impact and difficult community trust issues.

There are many other strategies that an independent oversight agency can utilize to reach community leaders and partners in positive ways that build relationships proactively, but all include upfront resources ranging from an increased food and educational budget to art and cultural projects. Proactive relationship building enhances the opportunities for authentic

discussions around police accountability in advance of sometimes reactive responses to critical incidents.

This proposal does not include a plan for this in-depth community-building work, as submitted. Should resources become available for additional outreach strategies, proposer would be pleased to discuss researching and developing appropriate proactive outreach and engagement efforts for the CPRA to reach more of the Oakland community. Earned media and greater visibility for the CPRA would be the goals of enhanced outreach as described above.

Proposer/CPRA Responsibilities

Proposer will be available to the Executive Director for the Community Police Review Agency as needed for discussion of priorities and timing of initializing above strategies. It is estimated that proposer would need to be in the CPRA office for in-person meetings a minimum of four times during the period of this contract to include a minimum of three days each in March, April, May and June of 2020. The cost of this travel would be billed to CPRA. It is the responsibility of proposer and CPRA to select the dates for these in-person meetings and set the priorities for external meetings, research and strategy sessions to execute the plans agreed upon in this proposal.

Weekly or bi-weekly check-ins are also necessary via phone to meet objectives and discuss progress. Proposer will submit monthly updates in the form of progress reports. CPRA is responsible for feedback and direction regarding progress and challenges presented in reports, and it will be important that this is done in a timely and effective written manner in order to complete this contract by the end date of June 30, 2020.

Proposed Financial Agreement

Proposal for above named services will be billed monthly at \$6500, not to exceed 4 months or \$26,000. The monthly retainer is based on 60 to 70 hours of work per month for CPRA. Proposer does not intend to bill by the hour to allow maximum time for the work in lieu of billing and administration. Total of agreement not to exceed \$30,000, including expenses, estimated at approximately \$4000.

Prioritization and focus of work will be decided at the beginning of contract and billing will be itemized per above strategy areas. Detailed progress reports will accompany monthly billing as will any travel expenses. Correspondence, payment and communications can be sent to:

Gianina Irlando
1 South Osceola Street
Denver, CO 80219
(303) 502-7742
gmirlando@gmail.com

Project Approval and Signature

By signing below, I verify that I am a representative of the below identified entity and that I have the authority to bind such entity.

Project Name: CPRA Outreach and Engagement

Project Manager/Proposer Gianina Irlando

Contracting Entity Representative: John Alden, Executive Director
Community Police Review Agency

I have reviewed the information contained in the Project Scope and agree to the terms and cost:

Gianina Irlando

John Alden
Executive Director
Community Police Review Agency

Signature

Date

Signature

Date



OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

January 9, 2020

5:30 PM

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

I. Call to Order

Vice Chair Ginale Harris

The meeting started at 5:37 pm.

II. Roll Call and Determination of Quorum

Vice Chair Ginale Harris

Commissioners Present: Tara Anderson, José Dorado, Henry Gage, III, Ginale Harris, and Edwin Prather.

Alternate Commissioners Present: David Jordan

Commissioners Excused: Regina Jackson and Thomas Lloyd Smith

Alternate Commissioners Absent: Chris Brown (*arrived during item VI*)

Counsel for this meeting: Conor Kennedy

III. Public Comment on Closed Session Items

No public comments were provided on this item.

The Commission adjourned to closed session in City Hall Building Bridges room. The open session section of the meeting commenced at 6:52 pm.

IV. Closed Session

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE - Gov't Code § 54957(b)

V. Determinations of Closed Session

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE - Gov't Code § 54957(b)

There were no reportable actions on this item.

VI. Welcome, Purpose, and Open Forum

Comments were provided by the following public speakers:

Michele Lazaneo
Paula Hawthorne
Saleem Bey
John Bey
Assata Olugbala

The Commission took a five minute recess during Open Forum. The meeting resumed at 7:40 pm.

VII. Vote to Approve Release of RFP for Closed Captioning Services

The Commission reviewed a draft Request for Proposals (RFP) for closed captioning services.

Comments were provided by the following public speakers:

Elise Bernstein

Assata Olugbala

A motion was made by José Dorado, seconded by Tara Anderson, to table this item and conduct more research on the issue. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

VIII. OPD Update on Oakland Black Officers Association (OBOA) Internal Affairs (IA) Investigation

Deputy Chief LeRonne Armstrong provided an update on the status of the IA investigation into the claims of the OBOA.

Comments were provided by the following public speakers:

Saleem Bey

John Bey

Lorelei Bosserman

Assata Olugbala

No action was taken on this item.

IX. Vote to Approve Release of RFP for an Investigator for the OBOA Case

The Commission discussed issuing an RFP for investigation services regarding the OBOA allegations and voted to release an RFP.

No public comments were provided on this item.

A motion was made by José Dorado, seconded by Henry Gage, III, to approve the release of an RFP. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

X. Use of Force Working Group

The Use of Force Working Group presented its revised draft report and a draft of the Oakland Police Department Use of Force Policy, Department General Order (DGO) K-03. The Commission voted to approve the revised DGO K-03 policy.

Comments were provided by the following public speakers:

Rashidah Grinage
 Cat Brooks
 Pamela Price
 Saleem Bey
 John Bey
 Assata Olugbala

A motion was made by Henry Gage, III, seconded by José Dorado, to insert the following sentence between the second and third sentences of section I(A): “Members shall attempt to control an incident through sound tactics, including the use of time, distance, communications, tactical repositioning, and available resources, in an effort to reduce or avoid the need to use force whenever it is safe, feasible, and reasonable to do so.” The insertion of this sentence between the second and third sentences of section I(A) would require striking out the current section III. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather
 No: 0

A second motion was made by Henry Gage, III, seconded by José Dorado, to approve DGO K-03 with the amendment listed in the prior motion. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather
 No: 0

XI. Presentation by National Institute for Criminal Justice Reform (NICJR) of Proposed Pilot Juvenile Diversion Program

David Muhammad of NICJR delivered a presentation on the Neighborhood Opportunity and Accountability Board (NOAB) which will be a community based, restorative, youth diversion initiative in Oakland.

Comments were provided by the following public speakers:

Oscar Fuentes
 John Bey
 Saleem Bey
 Lorelei Bosserman
 Assata Olugbala
 Elise Bernstein

A motion was made by Edwin Prather, seconded by Henry Gage, III, to write a letter on behalf of the Commission in support of the NOAB program. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

XII. Edits to Resolution 19-01

On October 24, 2019 the Commission approved Resolution 19-01 to engage the services of Knox & Ross Law Group to investigate if there is enough evidence to reopen the CPRA cases 07-0538, 13-1062, and 16-0147, for an amount not-to-exceed \$49,999, with all work to be conducted by licensed investigators. Knox & Ross Law Group requested edits to the resolution. The Commission reviewed the suggested edits and voted to approve the inclusion of those edits in an amended resolution.

No public comments were provided on this item.

A motion was made by Edwin Prather, seconded by José Dorado, to adopt resolution 19-01 as drafted by Mr. Alden. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

XIII. Meeting Minutes Approval

The Commission voted to approve minutes from July 25, August 22, and September 12, 2019.

A motion was made by Edwin Prather, seconded by Henry Gage, III to approve the minutes of July 25, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

A second motion was made by José Dorado, seconded by Henry Gage, III to approve the minutes of August 22, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0

A third motion was made by Edwin Prather, seconded by Henry Gage, III to approve the minutes of September 12, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, and Prather

No: 0

Abstain: Harris

XIV. Committee/Liaison/Other Commissioner Reports

José Dorado noted that he is working on securing United for Success as a location for a community meeting in the Spring. Ginale Harris reported that in her role as the

Commission's liaison for the Jonathan Bandabaila case she participated in recent outreach efforts.

No public comments were provided on this item.

No action was taken on this item.

XV. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session to discuss and determine agenda items for the upcoming Commission meeting: a closed session; strategic plan update from off-site retreat; an update on the City Auditor's report; the Independent Monitor's 65th report; CPRA outreach options; and a letter of support for the NOAB program..

No public comments were provided on this item.

No action was taken on this item.

XVI. Adjournment

A motion was made by Edwin Prather, seconded by Henry Gage, III, to adjourn the meeting at 10:47pm. The motion carried by the following vote:

Aye: Anderson, Dorado, Gage, Harris, and Prather

No: 0



OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

January 23, 2020

5:30 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 5:34 pm.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

Commissioners Present: José Dorado, Henry Gage, III, Ginale Harris, Regina Jackson, and Thomas Lloyd Smith. Quorum was met.

Commissioners Excused: Edwin Prather

Commissioners Absent: Tara Anderson (*arrived during item IV*)

Alternate Commissioners Absent: Chris Brown and David Jordan (*both arrived during item IV*)

Counsel for this meeting: Conor Kennedy

III. Public Comment on Closed Session Items

No public comments were provided on this item.

The Commission adjourned to closed session in City Hall Building Bridges room. The open session section of the meeting commenced at 7:03 pm.

IV. Closed Session

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE - Gov't Code § 54957(b)

V. Determinations of Closed Session

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE - Gov't Code § 54957(b)

There were no reportable actions on this item.

Chair Regina Jackson took another Roll Call

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

Commissioners Excused: Henry Gage, III (*left during item IV*) and Edwin Prather

Alternate Commissioners Present: Chris Brown and David Jordan

Counsel for this meeting: Conor Kennedy**VI. Welcome, Purpose, and Open Forum**

Comments were provided by the following public speakers:

Gene Hazard
Mary Vail
Saleem Bey
Michele Lazaneo
Assata Olugbala
Johnnisha Perry

VII. Jonathan Bandabaila Investigation Update and OPD Social Media Policy

OPD Bureau of Investigations Acting Deputy Chief Drennon Lindsey provided a status report on the investigation into the disappearance of Jonathan Bandabaila in May of 2019. OPD Deputy Chief LeRonne Armstrong discussed the status of creating a department-specific social media policy.

Comments were provided by the following public speakers:

Gene Hazard
Saleem Bey
Rashidah Grinage
Michele Lazaneo
Assata Olugbala
Johnnisha Perry

No action was taken on this item.

VIII. Update on City Auditor's Report

Chair Regina Jackson noted that the City Auditor will have draft reports of the Police Commission and CPRA audits in mid-to-late February.

Comments were provided by the following public speakers:

Assata Olugbala

No action was taken on this item.

IX. Letter of Support from Commission for National Institute for Criminal Justice Reform's Proposed Pilot Juvenile Diversion Program

The Commission discussed a letter of support which was prepared by Commissioner Prather.

Comments were provided by the following public speakers:

Jane Kramer
Rashidah Grinage
Assata Olugbala

Maureen Benson

No action was taken on this item.

X. 65th Independent Monitor's Report dated December 19, 2019

The Commission discussed the 65th Independent Monitor's Report dated December 19, 2019.

Comments were provided by the following public speakers:

Saleem Bey

Mary Vail

Bruce Schmiechen

Lorelei Bosserman

Anne Janks

Oscar Fuentes

Rashidah Grinage

Gene Hazard

Assata Olugbala

Jane Kramer

Maureen Benson

No action was taken on this item.

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

Executive Director John Alden reported on the Agency's pending cases, completed investigations, staffing, and recent activities.

Comments were provided by the following public speakers:

Gene Hazard

Assata Olugbala

No action was taken on this item.

XII. Outreach Services for CPRA

The Commission discussed seeking a provider of outreach services for CPRA.

Comments were provided by the following public speakers:

Lorelei Bosserman

No action was taken on this item.

XIII. Discussion and Vote to Authorize CPRA Director to Enter into Contracts for Services for Outreach Meetings, and Set Budget for Same

The Commission discussed and voted to authorize the CPRA Director to enter into contracts secure Audio/Visual (A/V) services, room rentals, and the like for outreach meetings for the Use of Force revision process.

Comments were provided by the following public speakers:

Jane Kramer

A motion was made by Regina Jackson, seconded by José Dorado, to approve a budget of \$20,000 and to authorize the CPRA Director to enter into contracts, secure A/V services, room rentals, and the like for outreach meetings for the Use of Force revision process, and for a second Commission Retreat. The motion carried by the following vote:

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

No: 0

A motion was made by José Dorado, seconded by Regina Jackson, to extend the meeting by 15 minutes. The motion carried by the following vote:

Aye: Anderson, Dorado, Jackson, and Smith

No: Harris

XIV. Strategic Plan Update from Off-Site Retreat

The Commission discussed the Strategic Plan which was prepared based on the work that was done at the off-site retreat on September 12, 2019.

No public comments were provided on this item.

No action was taken on this item.

XV. Meeting Minutes Approval

The Commission voted to approve minutes from October 10, October 24, November 14, and December 12, 2019.

No public comments were provided on this item.

A motion was made by José Dorado, seconded by Regina Jackson, to approve the minutes of October 10, 2019. The motion carried by the following vote:

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

No: 0

A second motion was made by José Dorado, seconded by Regina Jackson, to approve the minutes of October 24, 2019. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, and Jackson

No: 0
Abstain: Smith

A third motion was made by José Dorado, seconded by Regina Jackson, to approve the minutes of November 14, 2019. The motion carried by the following vote:

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

A fourth motion was made by José Dorado, seconded by Regina Jackson, to approve the minutes of December 12, 2019. The motion carried by the following vote:

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

XVI. Committee/Liaison/Other Commissioner Reports

José Dorado noted that there will be a community policing task force summit soon. He also mentioned that he is working through the Oakland Unified School District system on securing United for Success as a location for a community meeting in the Spring. David Jordan will be working with José Dorado on outreach items. The Commission formed an Ad Hoc Committee to work on an OPD policy on missing persons. Ginale Harris, Regina Jackson, and David Jordan will be on that Ad Hoc Committee.

No public comments were provided on this item.

No action was taken on this item.

XVII. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session to discuss and determine agenda items for the upcoming Commission meeting: Chair and Vice Chair elections; and a draft ordinance on military police equipment.

No public comments were provided on this item.

No action was taken on this item.

XVIII. Adjournment

A motion was made by Ginale Harris, seconded by Tara Anderson, to adjourn the meeting at 10:50pm. The motion carried by the following vote:

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



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Pending Agenda Matters List
Date:	February 7, 2020
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 Miliias 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

Attachments:

Pending Agenda Matters List

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
2	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 Miliars Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (planning for 3.12.20) 2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (planning for 2.27.20) 3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (planning for 3.26.20) 4. Police Officers Bill of Rights (done 12.12.19) 	High	Ongoing	2/27/2020	
3	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		2/13/2020	
4	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		Dorado

Police Commission Pending Agenda Matters List

	A	B	C	D	E	F	G	H
1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
5	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	High			
6	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			
7	Finalize Bylaws and Rules	1/24/2019			High			Gage
8	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			Gage
9	Social Media Communication Responsibilities, Coordination, and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	High			
10	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			
11	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			
12	Public Hearing on Use of Force	4/22/2019		Work with community on presenting a public hearing on use of force.	High			Harris
13	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			Brown, Gage, Prather
14	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		
15	Review Commission's Agenda Setting Policy	4/25/2019			High			

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1	Pending Agenda Matter	Date Placed on List	Duties/Deliverables	Additional Information/Details	Priority Level	Timeline/Deadline	Scheduled	Lead Commissioner(s), if any
16	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			
17	Request City Attorney Reports	1/1/2018	Request the City Attorney submit semi-annual reports to the Commission and the City Council	Request the City Attorney submit semi-annual reports to the Commission and City Council which shall include a listing and summary of: 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. 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	High	Semi-annually		Smith
18	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			
19	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			
20	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			Personnel Committee
21	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

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22	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		
23	Develop Plan for Quarterly Reports in Relation to Annual Report that is Due April 17th of Each Year	12/6/2019		The Commission is required to submit an annual report each year to the Mayor, City Council and the public. Preparing quarterly reports will help with the coordination and preparation of an annual report.	High			
24	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		
25	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			
26	Free Gun Trace Service	1/27/2020		This service was mentioned at a meeting in 2019.	Medium			Dorado
27	City Auditor's Office to Present Performance and Financial Audit of Commission and Agency		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	February, 2020		
28	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			
29	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado
30	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			Dorado

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31	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			
32	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			
33	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			
34	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			
35	CPAB Report			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			
36	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			
37	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.	Medium	Annually; at least twice each year		Dorado, Harris, Jackson
38	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		
39	Review Commission's Code of Conduct Policy	4/25/2019			Medium		3/12/2020	Prather

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40	Review Commission's Outreach Policy	4/25/2019			Medium		3/12/2020	Dorado
41	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			
42	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			
43	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	4/17/2020		Prather, Smith
44	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			
45	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low			
46	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		Dorado
47	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019			Low		2/27/2020	
48	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		
49	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			
50	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			

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51	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			
52	OPD Data and Reporting			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			
53	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			
54	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
55	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		