



OAKLAND POLICE COMMISSION

MEETING AGENDA

July 25, 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

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

III. **Closed Session**
PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Review of administratively-closed CPRA cases.
Gov't Code § 54957(b)
a. Action – Report out of Closed Session
b. Public Comment

IV. **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.

V. **Police Commission and CPRA Audits Update**
The City Auditor's office will provide a verbal update on the status of the Police Commission and CPRA audits which are required by City Charter section 604(a)(4). ***This was discussed on 5.9.19.***
a. Discussion
b. Public Comment
c. Action, if any

VI. **OPD Supervised Release Search Policy R-02**
The City Council recently approved the Police Commission's version of the policy, which is the first of its kind in California. OPD will discuss the plan for trainings on the newly adopted policy. ***This was discussed on 1.24.19, 3.14.19, 3.28.19, 4.11.19, and 5.9.19.***
a. Discussion
b. Public Comment
c. Action, if any

VII. SB1421 Compliance Update

Commissioner Thomas Lloyd Smith has requested several updates: from OPD as to what has already been disclosed and what the plan is for future disclosures, and from CPRA on what their process is for reporting to the Commission on what is being publicly released.

This is a new item. (Attachment 7)

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

VIII. OPD Chief's Annual Report

The Commission will discuss what information will be required in the OPD Chief's annual report and may vote on items for inclusion. ***This is a new item. (Attachment 8)***

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

IX. Pawlik Investigation Update

The Commission will discuss CPRA's recently completed Pawlik investigation and the next steps. ***This was discussed on 5.9.19, 5.23.19, 6.13.19, 6.27.19, and 7.11.19. (Attachment 9).***

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

X. Commission Subpoenas Related to CPRA

The Commission will receive responses to subpoenas previously issued. ***This is a new item, and is continued from 6.13.19, 6.27.19, and 7.11.19.***

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

XI. Bey Case Review

The Commission will discuss the bid received from Henry Gage, III and may vote on further actions. ***This was discussed on 9.13.18, 10.11.18, 3.14.19, 4.11.19, 4.25.19, 5.9.19, 6.13.19, and 6.27.19. (Attachment 11)***

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

XII. OPD's Use of Force Policy

The Commission will discuss the next steps in addressing OPD's Use of Force policy. The Commission may discuss scheduling a public hearing on Use of Force. ***This is a new item.***

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

XIII. Meeting Minutes Approval

The Commission will vote to approve meeting minutes from closed sessions on February 4 and April 25, 2019. ***This is a recurring item.*** ([Attachments 13a, 13b](#))

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

XIV. Police Commission Retreat

The Commission will discuss holding the retreat on September 14, 2019 and will confirm Commissioners' attendance. The Commission may vote on where to hold the retreat. ***This was discussed on 6.28.18, 7.12.18, 8.9.18, 8.23.18, 9.13.18, 4.25.19, 6.27.19, and 7.11.19.***

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

XV. August and September Meetings

The Commission will discuss, and may vote on, cancelling meetings in August for recess, and the September 26th meeting due to the NACOLE conference. ***This is a new 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 mnisperos@oaklandca.gov or call 510-238-7401 or TDD/TTY 510-238-2007 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantonés, Mandarín, o de lenguaje de señas (ASL) por favor envíe un correo electrónico a mnisperos@oaklandca.gov o llame al 510-238-7401 o 510-238-2007 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 mnisperos@oaklandca.gov 或致電 510-238-7401 或 510-238-2007 TDD/TTY。請避免塗搽香氛產品 · 參加者可能對化學成分敏感。

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



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	SB1421 Compliance Update
Date:	July 22, 2019
Requested by:	Commissioner Thomas Lloyd Smith
Prepared by:	Chrissie Love, Administrative Analyst, II
Reviewed by:	Richard Luna, Assistant to the City Administrator

Action Requested:

This item is informational only.

Background:

On July 11, 2019 Commissioner Thomas Lloyd Smith requested an update regarding Senate Bill (SB) 1421 Compliance.

The Oakland Police Department (OPD) maintains an SB1421 specific webpage on Next Request, the City's public records request online interface and database. Documents are uploaded to that webpage as they become available.

The Community Police Review Agency (CPRA) does not release any documents as that is handled by OPD.

The Commission can request a confidential meeting or memo with the City Attorney's Office should Commissioners have any further questions regarding SB1421 related public records requests.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	OPD Chief's Annual Report
Date:	July 22, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst, II
Reviewed by:	Richard Luna, Assistant to the City Administrator

Action Requested:

The Commission will discuss what information will be required in the OPD Chief's annual report and may vote on items for inclusion.

Background:

The Enabling Ordinance section 2.45.070(F) states that within 240 days of the City Council's confirmation of the first group of Commissioners and alternates, and on the anniversary of that date thereafter, that the Police Commission will notify the Chief of Police regarding what information will be required in the Chief's annual report to the Commission, which shall include, at a minimum, the following:

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.

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.



CITY OF OAKLAND

CITY HALL · 1 FRANK H. OGAWA PLAZA · OAKLAND, CALIFORNIA 94612

Police Commission

TO: Lieutenant Angelica Mendoza, Office of Inspector General, Oakland Police Department

FROM: Oakland Police Commission Chair Regina Jackson, Commissioner Jose Dorado, Commissioner Edwin Prather

DATE: July 9, 2019

RE: Officer Involved Shooting of Joshua Ryan Pawlik, IAD and CPRA Case No. 18-0249

[1] BACKGROUND AND PROCEDURAL HISTORY

On April 22, 2019, the Oakland Police Commission (the "Commission") received a report from the Citizens Police Review Agency ("CPRA") containing CPRA's findings and recommended level of discipline to be imposed on individual Oakland Police Department ("OPD") Officers in regards to the Joshua Pawlik matter. The CPRA report made the following conclusions:

	Allegations	CPRA's Findings and Recommended Discipline
1	OPD Officer Brandon Hraiz improperly used lethal force when he shot and killed Mr. Joshua Pawlik	Exonerated
2	OPD Officer Craig Tanaka improperly used lethal force when he shot and killed Mr. Joshua Pawlik	Exonerated
3	OPD Sergeant Francisco Negrete improperly used lethal force when he shot and killed Mr. Joshua Pawlik	Exonerated
4	OPD Officer William Berger improperly used lethal force	Exonerated

	when he shot and killed Mr. Joshua Pawlik	
5	OPD Officer Josef Phillips improperly used force when he used less lethal force on Mr. Joshua Pawlik	Exonerated
6	OPD Sergeant Francisco Negrete failed to properly perform his duties as the DAT Supervisor	Sustained Class 2 Violation – Demotion
7	OPD Lt. Alan Yu failed to properly perform his duties as the Incident Commander	Sustained Class 2 Violation – Demotion
8	OPD Officer Craig Tanaka failed to advise Communications of his rifle deployment	Not Sustained

Thereafter, in relation to OPD IAD and CPRA Case No. 18-0249, the Commission also received Compliance Director Chief Robert Warshaw's February 19, 2019 Addendum to the OPD's Executive Force Review Board Report, his June 12, 2019 Memorandum Re Discipline, and his June 27, 2019 supplemental document to his February 19, 2019 and June 12, 2019 Memoranda. Through those three documents, Chief Warshaw's report made the following conclusions standing in the place of the OPD:

	Allegations	Chief Warshaw's Findings and Recommended Discipline
1	OPD Officer Brandon Hraiz improperly used lethal force when he shot and killed Joshua Pawlik	Sustained Level 1 Violation - Termination
2	OPD Officer Craig Tanaka improperly used lethal force when he shot and killed Joshua Pawlik	Sustained Level 1 Violation - Termination
3	OPD Sergeant Francisco Negrete improperly used lethal force when he shot and killed Joshua Pawlik	Sustained Level 1 Violation - Termination
4	OPD Officer William Berger improperly used lethal force when he shot and killed Joshua Pawlik	Sustained Level 1 Violation - Termination

5	OPD Officer Josef Phillips improperly used force when he used less lethal force on Mr. Joshua Pawlik	Sustained Level 2 Violation - Termination
6	OPD Sergeant Francisco Negrete failed to properly perform his duties as the DAT Supervisor	Sustained Level 2 Violation - Termination
7	OPD Lt. Alan Yu failed to properly perform his duties as the Incident Commander	Sustained Level 2 Violation - 5-Day Suspension
8	OPD Officer Craig Tanaka failed to advise Communications of his rifle deployment	Not Sustained

Section 2.45.130 of the Oakland Municipal Code provides in pertinent part that “A separate Discipline Committee will be established for each Department sworn employee discipline or termination case. The Chairperson of the Commission shall appoint three (3) Commission members to serve on a Discipline Committee, and shall designate one of these three (3) Commission members as the Chairperson. The Discipline Committee shall decide any dispute between the Agency and the Chief regarding the proposed or final findings or proposed or final level of discipline to be imposed on a Subject Officer.”

In accordance with the above-listed conflicting findings and proposed discipline by CPRA and Chief Warshaw, on June 13, 2019, the Commission established a Discipline Committee (the “Committee”) consisting of Commission Chair Regina Jackson, Commissioner Jose Dorado and Commissioner Edwin Prather. Chair Jackson was designated the Chair of the Committee.

The Committee conducted meetings on July 1, 2, 5, 7 and 9, 2019 to consider all of the issues at hand regarding the charge of the Committee as discussed below.

[2] THE CHARGE OF THE DISCIPLINE COMMITTEE

Based on the findings and proposed discipline from CPRA and Chief Warshaw, the Committee identified the following issues before it:

	Allegations	Status
1	OPD Officer Brandon Hraiz improperly used lethal force when he shot and killed Joshua Pawlik	Both the violation and discipline, if any, is to be determined by the Committee

2	OPD Officer Craig Tanaka improperly used lethal force when he shot and killed Joshua Pawlik	Both the violation and discipline, if any, is to be determined by the Committee
3	OPD Sergeant Francisco Negrete improperly used lethal force when he shot and killed Joshua Pawlik	Both the violation and discipline, if any, is to be determined by the Committee
4	OPD Officer William Berger improperly used lethal force when he shot and killed Joshua Pawlik	Both the violation and discipline, if any, is to be determined by the Committee
5	OPD Officer Josef Phillips improperly used force when he used less lethal force on Mr. Joshua Pawlik	Both the violation and discipline, if any, is to be determined by the Committee
6	OPD Sergeant Francisco Negrete failed to properly perform his duties as the DAT Supervisor	The Committee need only consider proposed discipline
7	OPD Lt. Alan Yu failed to properly perform his duties as the Incident Commander	The Committee need only consider proposed discipline
8	OPD Officer Craig Tanaka failed to advise Communications of his rifle deployment	The Committee need not consider

[3] UNIVERSE OF MATERIALS AVAILABLE TO THE COMMITTEE

In order to conduct its review, the Committee received and reviewed: the CPRA Investigative File; the CID Investigative File; the Internal Affairs Division Investigative File, including all video evidence and witness interviews; the Executive Force Review Board (EFRB) Report; the Supplemental IAD report based on the direction of the EFRB; the Imaging Forensics Report; OPD Chief Anne E. Kirkpatrick's Addendum to the EFRB Report; Chief Warshaw's Addendum to the EFRB Report; and the Chief Warshaw's Discipline Determination Memorandum.

The Committee also requested additional clarification and information from CPRA, specifically, Karen Tom, the CPRA Interim Director at the time the Pawlik report was filed. It should be noted that Ms. Tom refused to speak directly to the Committee and would only answer questions through the current Interim Director, Mike Nisperos.

his hand. Upon their arrival at the scene, OPD officers observed Mr. Pawlik and believed him to be sleeping or unconscious and under the influence of alcohol, while grasping a handgun. A Designated Arrest Team (DAT) was established to arrest Mr. Pawlik. The DAT set up a perimeter to clear the area of any citizens and a Bearcat armored vehicle was called to the scene.

Sergeant Negrete created a plan for Mr. Pawlik. Officers would challenge Mr. Pawlik if he woke up prior to the Bearcat's arrival and order Mr. Pawlik to drop the firearm. If the Bearcat was available to Officers, Sergeant Negrete planned that sirens and announcements would be made to Mr. Pawlik. If Mr. Pawlik was not responsive to sirens or announcements, Officers would deploy bean bags to Mr. Pawlik's shins and then potentially tazers to get Mr. Pawlik to surrender or wake up.

Once the Bearcat arrived at 7:04 p.m., the vehicle was parked at an angle next to the sidewalk in front of Mr. Pawlik. Several officers took positions on the Bearcat, using the Bearcat as cover, with their weapons drawn. From this position, Officers engaged with Mr. Pawlik. They attempted to rouse him with loud verbal commands. No sirens or loud noises were used. Instead, Officers yelled to Mr. Pawlik several times to "get your hand off the gun" and "don't move." In coming to consciousness, Mr. Pawlik lifted his head a couple of times and attempted to sit up by using his right elbow. At that point, at approximately 7:06 p.m., Sergeant Negrete and Officers Hraiz, Tanaka, Berger and Phillips fired upon Mr. Pawlik killing him.

The Committee finds that the most essential piece of evidence in its review and analysis to be the video from the Portable Digital Recording Device (PDRD) of OPD Sergeant Webber.¹ The Committee also finds that the PDRD video speaks for itself. From their vantage point on top of the Bearcat, Officers engaged with Mr. Pawlik in an attempt to wake him. Officers shined a bright light on Mr. Pawlik in an apparent attempt to view Mr. Pawlik more clearly, but also to blind and confuse Mr. Pawlik. The PDRD video confirms that Mr. Pawlik's response to Officers attempting to rouse him was to act consistently as a man who was sleeping, unconscious or drunk and being startled and awoken from his slumber. In coming to consciousness, Mr. Pawlik lifted his head more than one time but was unsuccessful in other movements. Mr. Pawlik eventually attempted to sit up by using his right elbow. The PDRD video also confirms that at no time did Mr. Pawlik raise the handgun towards the officers or otherwise in a threatening manner towards Officers. Mr. Pawlik attempted to raise his head and sit up by using his right elbow for leverage. It was this movement that apparently caused Sergeant Negrete and Officers Hraiz, Tanaka, Berger and Phillips to fire upon Mr. Pawlik killing him.

The Committee does not find persuasive Officer testimony that Mr. Pawlik lifted moved or pointed the handgun in a threatening manner towards Officers. The PDRD

¹ The Committee recognizes the foresight of Sgt. Webber who very smartly and appropriately placed his PDRD on top of the OPD's Bearcat armored vehicle prior to the unfolding of the OIS.

video clearly shows that Mr. Pawlik did not lift, move or point the handgun in a threatening manner towards the Officers.

The Committee also finds instructive the PDRD's recording of Officer Berger's statement to Officer Phillips: "If that gun moves... bag him". This statement shows, at minimum, Officer Berger's desire to fire a bean bag at Mr. Pawlik based on any movement, not just threatening movement, or at worst, Officer Berger's desire to shoot a rifle round at Mr. Pawlik killing him. This line of thinking was inconsistent with Sergeant Negrete's plan to deploy bean bags to Mr. Pawlik's shins should Mr. Pawlik continue to be unresponsive.

The PDRD video also clearly shows that Officers provided conflicting statements to Mr. Pawlik such as "don't move" and "move your hand away from the gun". However, the conflicting statements were not controlling as it appears that Mr. Pawlik was not able to comprehend what was being told him after having been awoken from his sleep or unconsciousness.

[5] THE COMMITTEE'S FINDINGS

OPD Officer Brandon Hraiz (Star 9285)

The Committee finds that Officer Hraiz discharged his rifle resulting in the death of Mr. Pawlik. This use of force was out of compliance with OPD policy and the allegation that Officer Hraiz violated MOR 370.27 – 1f Use of Physical Force – Level 1 is SUSTAINED.

The Committee concludes that TERMINATION is the appropriate discipline.

OPD Officer Craig Tanaka (Star 9484)

The Committee finds that Officer Tanaka discharged his rifle resulting in the death of Mr. Pawlik. This use of force was out of compliance with OPD policy and the allegation that Officer Tanaka violated MOR 370.27 – 1f Use of Physical Force – Level 1 is SUSTAINED.

The Committee concludes that TERMINATION is the appropriate discipline.

OPD Sergeant Francisco Negrete (Star 8956)

The Committee finds that Sergeant Negrete discharged his rifle resulting in the death of Mr. Pawlik. This use of force was out of compliance with OPD policy and the allegation that Officer Berger violated MOR 370.27-1f Use of Physical Force – Level 1 is SUSTAINED.

The Committee also finds that Sergeant Negrete failed in his supervision of other officers in violation of MOR 285.00-1 Supervisors-Authority and Responsibilities, Class I. The allegation against Sergeant Negrete in that regard is sustained.

The Committee concludes that TERMINATION is the appropriate discipline.

OPD Officer William Berger (Star 9264)

The Committee finds that Officer Berger discharged his rifle resulting in the death of Mr. Pawlik. This use of force was out of compliance with OPD policy and the allegation that Officer Berger violated MOR 370.27 – 1f Use of Physical Force – Level 1 is SUSTAINED.

The Committee concludes that TERMINATION is the appropriate discipline.

OPD Officer Josef Phillips (Star 9446)

The Committee finds that Officer Phillips discharged his bean bag gun resulting in a use of force against Mr. Pawlik. This use of force was not in compliance with OPD policy and the allegation that Officer Phillips violated MOR 370.27-1h Use of Physical Force – Level 2 is SUSTAINED.

The Committee concludes that TERMINATION is the appropriate discipline.

OPD Lieutenant Alan Yu (Star 8605)

Both CPRA and Chief Warshaw found that the allegation that Lieutenant Yu failed to properly perform his duties as the Incident Commander in violation of MOR 234.00-2 Command Officers – Authority and Responsibilities, Class II as SUSTAINED.

The Committee concludes that a DEMOTION is the appropriate discipline.

To: Vice Chair Ginale Harris, Oakland Police Commission

From: Henry Gage III, Esq.

DATE: June 21, 2019

RE: Statement of Interest and Qualifications – Bey Investigation

Overview

As noted during the Commission’s June 13, 2019 meeting, the Oakland Police Commission has voted to authorize an independent investigation of complaints filed by John Bey and Saleem Bey. Please accept the following as my response to the abovementioned RFQ. I look forward to the opportunity to discuss my credentials, and how I can contribute to the Commission’s future success.

Statement of Interest

My prior work has involved the investigation and litigation of civil employment matters. I have investigated and litigated hundreds of claims, the majority of which have involved public safety officers whose matters necessitated special handling due to specific legal requirements that have been codified in both the California Labor Code, and the California Evidence Code. During my investigations, I maintain complete responsibility for discovery-related investigatory activities. I have routinely filed discovery motions to obtain documentary evidence. I have routinely noticed and taken depositions from investigatory subjects and witnesses, and when necessary I have engaged and supervised the work of additional staff to both obtain and authenticate evidence such as sub rosa video evidence, surveillance photography, and narrative surveillance reports. Throughout these processes, I regularly update clients with the progress of my investigations and connected litigation, and I provide evolving recommendations for the disposition of claims based on the available body of evidence.

In addition to my experience as a line litigator and investigator, I have further experience with the supervision and management of civil investigations as a director-level manager. I have recently completed a three-year term as a member of the Board of Trustees for Santa Clara University, and my assignment to the Student Life & Athletics Committee routinely involved the oversight of sensitive investigations of misconduct by students, faculty, and staff. This work has provided me with additional investigatory experience concerning Title IX complaints, sexual harassment complaints, and sensitive employment matters.

Staffing & Fee Request

Staffing for this matter shall be limited to the lead investigator.

Henry Gage III – Requested Fee: \$75/hr

Planned billable expenses are anticipated to include: fact-finding and background research, review of prior complaint materials, review of litigation file materials, legal research, witness interviews, and report drafting and presentation.

Return Address

Please direct responses to this SOQ to:

Henry Gage III

[REDACTED]

Oakland, CA 94612

or via email @ [REDACTED]

Thank you for your attention to this matter.

To: Vice Chair Ginale Harris, Oakland Police Commission

From: Henry Gage III

DATE: June 21, 2019

RE: Bey Case Review – Modified Scope of Work

Overview

Thank you for contacting me about this matter. Under separate cover I have prepared a brief statement of interest and qualifications. After review of the original scope of work, I propose the following modifications.

Proposed Scope of Work

Review, investigate, and report on the prior handling and present status of Oakland Police Department and Community Police Review Agency complaints (including complaint 07-0538, 13-1062, and 16-0147) filed by John Bey and/or Saleem Bey. Review, investigate, and report on the prior handling and present status of litigation between the Bey Brothers and the City of Oakland. Reporting shall include recommendations for further action, if any, as well as a summary of significant events to date.

Investigator Responsibilities

The lead investigator shall report to an Ad Hoc committee of the Oakland Police Commission, with primary reporting to the Commission’s Vice Chair. The investigator shall produce a written report of their findings. This report shall include recommendations for further action by the Commission, if any, and an explanation of the methods used to arrive at the investigator’s conclusions.

EDUCATION:

Santa Clara University School of Law, Santa Clara, CA (Graduated – May 2015, CA Bar #306106)

Juris Doctor, with certified studies in High Tech Law, and Corporate Law

Witkin Award for Academic Excellence in Securities Regulation

President (2014-2015) Secretary (2013-2014) and Class Representative (2012-2013), Student Bar Association

Associate, *Santa Clara Law Review: Vol. 54*

Alumni Relations Chair (2014-2015), Black Law Students Association

Edwin A. Heafey Scholarship Recipient

Law Faculty Scholarship Recipient

Santa Clara University, Santa Clara, CA (Graduated – June 2011)

Bachelor of Arts, English, with an emphasis in Creative Writing

Related Coursework: Conflict Resolution, Technology & Communications, Argumentation, Public Speaking, and Business Ethics

Continuing Education:

Continuing legal education has included coursework in a wide variety of subjects, including:

- Employment Investigations & Interviewing
- Gender Identity, Sexual Orientation & The Creation of Inclusive Workplaces
- Advanced Litigation Skills
- Ethics for Criminal Law Attorneys
- Admission of Evidence & Evidentiary Foundations
- Prosecutorial Misconduct
- Social Media & Legal Ethics

EXPERIENCE:

Richard, Thorson, Graves & Royer LLP, Oakland, CA (November 2015 – Present)

Associate Attorney & Of Counsel

Manager, Summer Associate Program

Represents public agency clients in litigation set before Workers' Compensation Appeals Boards throughout California, with specific experience in the investigation and litigation of claims filed by public safety officers. Duties involve overlapping work in the areas of Civil Subrogation, Disability & Employment Law, and Business & Government Tort Claims. Case file litigation experience includes a variety of litigation-related investigatory duties, such as taking and defending depositions, supervision of investigative staff, review and analysis of investigative reporting, and aggregate file reviews with client supervisors that are conducted to audit and analyze the effectiveness of internal controls and multi-matter litigation strategies. These reviews are often supplemented with statistical analysis regarding the effectiveness of comparative litigation strategies to help ensure that litigation reserves are used efficiently and effectively. Litigation experience includes extensive appearances before administrative law judges for oral arguments, motion practice, and trial. Supervisory and management experience has included involvement with Firm hiring and recruitment for associate attorneys, responsibility for the oversight of non-attorney staff, and the planning, creation, and supervision of the Firm's Summer Associate Program.

Coalition for Police Accountability, Oakland, CA (January 2016 – Present)

Member, Steering Committee

Chair, Policy Committee

The Coalition for Police Accountability is a community-driven, volunteer-based, non-profit advocacy group formed to address the persistent policy and political challenges of the Oakland Police Department. The Coalition advocates for progressive public safety policies and works in support of the Oakland City Council, the Council Public Safety Committee, the Community Police Advisory Board (CPAB), the Police Commission, and other related agencies. Members of the Coalition's Steering Committee provide executive direction for the work of the Coalition, and have been intimately involved in the creation of the Police Commission, the CPAB, and legacy oversight authorities. Steering Committee members regularly appear before policymakers to provide subject matter expertise and independent legal analysis of pressing public safety issues. I serve as Chair of the Coalition's Policy Committee, and possess a detailed understanding of related provisions of the Oakland City Charter, related City Ordinances, OPD Strategic Plans, OPD Department General Orders, OPD Training Bulletins, and OPD Organizational Structures.

Santa Clara University Board of Trustees, Santa Clara, CA (June 2016 – Present)

Young Alumnus Trustee

Member, Student Life & Athletics Committee

In accordance with the University Charter, granted by the State of California in 1855, the Board of Trustees holds full legal power and responsibility for the operation of the University, including the supervision of the ~2,000 members of the University's faculty and staff. The Student Life & Athletics Committee (SLAC) holds primary responsibility for the oversight of the Office of Student Life, which includes administrative units such as Campus Safety & Emergency Medical Services, Health & Counseling Services, and the Office for Multicultural Learning, among others. The investigation and adjudication of discipline, including oversight of

the University's Title IX Coordinator, falls under SLAC jurisdiction. Additional responsibilities include oversight and strategic management of University capital improvement projects, real estate purchases and remodels, and director-level litigation management.

United States Attorney's Office, Civil Division, San Jose, CA (September 2014 – November 2014)

Law Clerk (Limited-Term Appointment)

Provided litigation support for three Assistant United States Attorneys by drafting briefs, motions, and memoranda for cases argued in the Northern District of California, and the Ninth Circuit Court of Appeals. Worked closely with supervising attorneys to assist in preparation for hearings and conferences.

Juniper Networks Inc., Sunnyvale, CA (May 2014-August 2014)

Legal Intern (Limited-Term Appointment)

Worked alongside attorneys reporting to the IP, Corporate, Compliance, Finance, and Operations business units on assignments that touched nearly every aspect of the business. Assignments included review and audit of vendor and supplier contracts, trade compliance agreements, and conflict minerals reporting, as well as various litigation and transactional projects.

Cypress Semiconductor Corporation, San Jose, CA (Jan 2014 – May 2014)

Legal Intern (Limited-Term Appointment)

Provided litigation support to the Patent Litigation Group by conducting antitrust law research in preparation for pending action, drafting motions and memoranda for the in-house litigation team, and conducting statistical analysis of the active docket as part of a targeted IP litigation strategy.

Altera Corporation, San Jose, CA (May 2013 – August 2013)

Legal Intern (Limited-Term Appointment)

Worked alongside attorneys from the Corporate and Patent litigation groups on a wide range of assignments, including contract review and audit, contract negotiation, internal strategic planning, and patent litigation management. Projects included assisting business units with conflict minerals reporting compliance and audits, training foreign distributors about FCPA liability, and research on international patent exhaustion issues affecting foreign product lines.

Katherine & George Alexander Community Law Center, Santa Clara, CA (August 2012 – December 2012)

Presenter/Facilitator (Limited Term Appointment)

Conducted free public trainings on landlord-tenant and consumer rights law. Traveled to a variety of community meetings to present information and answer questions from drop-in attendees on issues of tenants rights, rent control protections, consumer credit applications, consumer debt service and litigation, and debt collections.

Fragomen, Del Rey, Bernsen & Loewy, Santa Clara, CA (February 2012 – August 2012)

Project Assistant

Tasked with ensuring that clients followed Department of Labor guidelines concerning employment eligibility, and worked with supervisors to create protocols for the hiring and vetting of foreign nationals. Responsible for organizing and managing a large-scale document review project designed to digitize, categorize, and proofread client documents.

ADDITIONAL EXPERIENCE & CREDENTIALS:

National Association for the Civilian Oversight of Law Enforcement

Associate Member

NACOLE is a non-profit organization that works to enhance accountability and transparency in policing, and build community trust through civilian oversight of police agencies. NACOLE members are afforded access to a variety of training materials, such as guidebooks for the implementation of new or revitalized police oversight, core competency analyses, recommended trainings, and webinars that address topics such as Predictive Policing, Crisis Intervention Programs, and Community Engagement Through Data, among others.

Oakland Police Department Community Police Academy

Graduate

The Community Police Academy is an intensive 14-week program that provides community members with a detailed overview of OPD functions, organizations, and capacity. The program provides attendees with the opportunity to learn from and engage with members of the department at all levels, from Patrol, to Specialized Units, to Academy staff and Command Officers. Attendees additionally participate in a ride-along, and graduates associated with the Community Police Academy Alumni Association meet regularly to assist with subsequent classes, and volunteer on behalf of the department.

California State Bar – Specialization Examination (Completed Prerequisite)

The State Bar certifies attorneys as specialists who have gone beyond the standard requirements for licensing as an attorney. A key prerequisite before an application for certification can be submitted requires candidates to sit for and pass a written examination in the legal specialty area. I sat for and passed the Legal Specialization Examination for Workers' Compensation Specialists in October 2017.



OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

February 4, 2019

6:00 PM

Building Bridges Conference Room, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland California

I. Call to Order

Thomas Lloyd Smith

The meeting started at 6:00 pm.

II. Roll Call and Determination of Quorum

Thomas Lloyd Smith

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

Commissioner Excused: Edwin Prather

Counsel: Emily Prescott

III. Welcome and Purpose

Thomas Lloyd Smith welcomed and called public speakers. There were no public speakers present.

IV. Closed Session

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Govt. Code § 54957(b)

V. Oral Report of Disclosable Final Decisions Made During Closed Session

There were no disclosable final decisions. There were no public speakers present.

VI. Adjournment

The meeting was adjourned at 8:30 pm.



OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

April 25, 2019

9:00 PM

Building Bridges Conference Room, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland California

I. Call to Order

Regina Jackson

The meeting started at 9:02 pm.

II. Roll Call and Determination of Quorum

Regina Jackson

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

Commissioner Absent: Thomas Lloyd Smith

III. Welcome and Purpose

Regina Jackson welcomed and called public speakers. There were no public speakers present.

IV. Closed Session

ANTICIPATED LITIGATION: 1 CASE

Govt. Code § 54956.9(d)(4)

V. Oral Report of Disclosable Final Decisions Made During Closed Session

There were no disclosable final decisions.

Comments were provided by the following public speakers:

Oscar Fuentes

VI. Adjournment

The meeting was adjourned at 9:31 pm.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	August and September Meetings
Date:	July 22, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst, II
Reviewed by:	Richard Luna, Assistant to the City Administrator

Action Requested:

The Commission will discuss, and may vote on, cancelling meetings in August for recess, and the September 26th meeting due to the NACOLE conference.

Background:

At the meeting of July 11, 2019, some Police Commissioners expressed interest in cancelling the meetings scheduled for August 8th and 22nd. Vice Chair Harris has also noted that the September 26th meeting falls during the NACOLE conference and the Commission may not be able to obtain a quorum for the meeting.

Measure LL and the Enabling Ordinance both contain sections on Commission meetings:

- Measure LL 604(d)(1):
 - The Commission shall meet at least twice each month unless it determines that one meeting is sufficient in a particular month. The Commission shall notify the public of the time and place of the meeting and provide time for public comment at each meeting. The Commission shall meet at least twice each year in locations other than City Hall.

- Enabling Ordinance 2.45.090(A)
 - Consistent with City Charter section 604(d)(1), the Commission shall meet at least twice each month at an established time and place suitable to its purpose. Such meetings shall be designated regular meetings and shall be held at City Hall. If the Commission determines, by a majority vote of those present at a regular meeting, that a second regular meeting in that month is not necessary, it shall provide public notice of the meeting cancellation as required by all applicable State and local laws. Video recordings of all open sessions of Commission meetings shall be aired on KTOP-TV10.



OAKLAND POLICE COMMISSION

Agenda Report

Subject:	Pending Agenda Matters List
Date:	July 22, 2019
Requested by:	Police Commission
Prepared by:	Chrissie Love, Administrative Analyst II
Reviewed by:	Richard Luna, Assistant to the City Administrator

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.

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 Training, Part 1	1/1/2018	Complete the training described in section 2.45.190(A) through (H)	The training described in subsections (G) and (H) must be done in open session. The 1 year deadline only applies to the first group of Commissioners and alternates; all other Commissions must complete this training within six months of appointment.	High	10/17/2018		Ahmad, Dorado
Commissioner Training, Part 2	1/1/2018	Complete the training described in section 2.45.190(I) through (M)	The 18 month deadline only applies to first group of Commissioners and alternates; all other Commissioners must complete this training within 12 months of appointment.	High	4/17/2019		Ahmad, Dorado
Confirming the Process to Hire Staff for the Inspector General's Office	5/17/2019	When the Inspector General (IG) is hired, there is to be a Policy Analyst in of the office of the IG. This is to confirm the process of hiring for that position.	This will require information presented from the City Administrator's Office.	High			

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
Hire Inspector General (IG)	1/14/2019	Hire IG once the job is officially posted	<p>HR staff is completing a compensation study for the position. Since this position is new to the City's Salary Ordinance, this step is required so the IG can be properly funded. Concurrently, HR staff has been conforming the IG job description approved by the Police Commission to fit a class specification for the position. HR staff anticipates this work to be completed in the coming weeks. The next two immediate steps are: 1) The Civil Service Board will need to approve the class specification, which staff anticipates will happen in February; and 2) The salary ordinance will then need to be approved by the City Council. The IG position will become open after these two steps are completed.</p>	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
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	The Chief's report shall include, at a minimum, the following: 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 ;	High	June 14, 2018 and June 14 of each subsequent year	7/25/2019	Dorado
OPD's Towing of the Vehicles of Crime Victims	5/16/2019		This was mentioned at the Public Safety meeting on May 14, and the City Council may want to work with the Commission on this.	High			

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		
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		8/8/2019	
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		

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
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.	Medium	Biennial, per budget cycle	Fall, 2019	
Ad-Hoc Discipline Committees for Each Discipline or Termination Case	1/1/2018	Discipline Committees may not decide disputes until the following training is completed: * Department operations, policies and procedures, including but not limited to discipline procedures for Misconduct, and * Training described in section 2.45.190(A) through (F) of the enabling ordinance	Establish on an as-needed basis	Medium			
Brian Hoefler case: review video	10/11/2018		Response to allegation was officer was Just and Honorable, when allegations were the officer was untrue. All of the issues, despite what the officer said, was a deportation matter. Chief stated that people were charged with crimes, when they were not.	Medium			
Community Policing Task Force/Summit	1/24/2019			Medium			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
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			
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	This will enable the Police Commission to engage in a reorganization of the CPRA.	Medium			
Finalize Bylaws and Rules	1/24/2019			Medium			Prather
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			

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
Need for an easy to read process to determine if Commission can open or re-open an investigation	10/2/2018		We've been hearing a lot from community members about concerns about what the commission's power actually is. We've passed a few motions to ask for legal advice on whether we have the authority to open an investigation, but an easy to read flow chart or checklist format might be easier to digest by the community. We are suggesting a flow chart for what our parameters are and resources for where we can send people if we can't help them.	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		Ahmad, Dorado, Jackson
OPD Social Media Protocol/Policy	7/1/2019		This is as a follow up to a request made by the family of a missing person.	Medium			
Pro Bono Legal Services	6/13/2019	Henry Gage, III has submitted an agreement to provide pro bono legal services should the Commission choose to avail	After the Commission obtains outside legal counsel, determine if this is necessary	Medium			
Public Hearing on Use of Excessive Force	4/22/2019		Work with Coalition on Police Accountability on presenting a public hearing on use of excessive force.	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
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	Medium			Prather
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	The Chief's report needs to be completed first.	Medium	Annually; once per year		
Reports from OPD on such issues as response times, murder case closure rates, hiring and discipline status report (general number for public hearing), any comp stat data they are using, privacy issues, human trafficking work, use of force stats, homelessness issues, towing cars of people who sleep in their vehicles	10/6/2018			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
Review budget and resources of IAD	10/10/2018		In our discipline training we learned that many "lower level" investigations are outsourced to direct supervisors and sergeants. We spoke with leaders in IAD ad they agreed that it would be helpful to double investigators and stop outsourcing to supervisors/sgts. Commissioners have also wondered about an increase civilian investigators. Do we have jurisdiction over this?	Medium			
Review Commission's Agenda Setting Policy	4/25/2019			Medium			
Review Commission's Code of Conduct Policy	4/25/2019			Medium			Prather
Review Commission's Outreach Policy	4/25/2019			Medium			
Review taser policy per outcome of Marcellus Toney	10/10/2018		In the report we were given, we were told that officers have choice as to where to deploy a taser. Commission to review these policies and make recommendations and/or find if there is connection to NSA.	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
Revise employment contracts with CPRA and Commission legal counsels	10/10/2018		The employment contract posted on the Commisison'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			
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			
What are the outstanding issues in meet and confer and what is the status of the M&C on the	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.	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
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			
Annual Report	1/1/2018	Submit Commission's first annual report to the Mayor, City		Low	4/17/2020		Prather, Smith
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			
Consider creating a list of ways to be engaged with OPD so that Commission can clearly state what issues should be addressed.	2/6/2019			Low			
CPRA report on app usage	10/10/2018		Report from staff on usage of app.	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
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			
De-escalation Policy	1/1/2018		Review existing policy (if any) and take testimony/evidence from experts and community about best practices for de-escalation. Draft policy changes as needed.	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
Discipline: based on review of MOU	10/6/2018		<p>How often is Civil Service used v. arbitration?</p> <p>How long does each process take?</p> <p>What are the contributing factors for the length of the process?</p> <p>How often are timelines not met at every level?</p> <p>How often is conflict resolution process used?</p> <p>How long is it taking to get through it?</p> <p>Is there a permanent arbitration list?</p> <p>What is contemplated if there's no permanent list?</p> <p>How often are settlement discussions held at step 5?</p> <p>How many cases settle?</p> <p>Is there a panel for Immediate dispute resolution?</p> <p>How many Caloca appeals? How many are granted?</p> <p>What happened to the recommendations in the Second Swanson report?</p>	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
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 (why not use CPRA attorney who knows the detailed investigation and is already paid for?) Reports on how OCA is supporting OPD in discipline matters and reports on arbitration Public report on police discipline from mayor’s office (Why not from CPRA? The history is that it was included in the annual CPRB report provided to	Low			
Do Not Call list issues – cops whose untruthfulness prevents them from	10/6/2018		This is impacted by SB1421 and will require legal analysis.	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
Feedback from Youth on CPRA app	10/10/2018		We want to get some feedback from youth as to what ideas, concerns, questions they have about its usability. We've already cleared a process with CPRA, just wanted to get this on the list of items to calendar in the future (ideally early 2019)	Low			
Modify Code of Conduct from Ethics Commission for Police Commission	10/2/2018		On code of conduct for commissioners there is currently a code that was developed by the Ethics Commission. It is pretty solid, so perhaps we should use portions of it and add a process for engagement with city staff and community.	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			
Outreach Committee: work with Mayor's Office and City Admin to publicize app	10/10/2018			Low			
Outreach Plan Discussion, including use of social media	10/6/2018			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
Overtime Usage by OPD (cost and impact on personnel health + moonlighting for AC Transit)	1/1/2018		Request Office of Inspector General conduct study of overtime usage and "moonlighting" practices.	Low			
Policy on Tasers			Policy on the discretion of tasers, review with Cunningham	Low			
Process to review allegations of misconduct by a commissioner	10/2/2018		Maureen Benson has named concerns/allegations about a sitting commissioner since 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
Promotions of officers who have committed	10/6/2018			Low			
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		Low	Ongoing as appropriate		

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
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		
Protocol on how OPC handles serious	10/6/2018			Low			
Protocol on how to handle issues that are	10/6/2018			Low			
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	Coalition for Police Accountability is helping with this.	Low	Annually; at least once per year		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
Recommendations for increasing communication between CPRA and IAD (ensure prompt forwarding of complaints from IAD to CPRA and prompt data sharing)	10/6/2018		Review of existing communication practices and information sharing protocols between departments, need recommendations from stakeholders about whether a policy is needed.	Low			
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>	Low	Semi-annually		Smith