



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING AGENDA

August 12, 2021

5:30 PM

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.

**Pursuant to the Governor's Executive Order N-29-20, members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will participate via phone/video conference, and no physical teleconference locations are required.**



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### PUBLIC PARTICIPATION

The Oakland Police Commission encourages public participation in the online board meetings. The public may observe and/or participate in this meeting in several ways.

#### OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/81933740394> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592  
Webinar ID: 819 3374 0394

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting By Phone.”

**PROVIDE PUBLIC COMMENT:** There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Comment in advance. To send your comment directly to the Commission and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to [azisser@oaklandca.gov](mailto:azisser@oaklandca.gov). Please note that e-Comment **submissions close at 4:30 pm**. All submitted public comment will be provided to the Commissioners prior to the meeting.
- By Video Conference. To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled “Raise Hand In Webinar.”
- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing STAR-NINE (“\*9”) to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. Once it is your turn, you will be unmuted and allowed to make your comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail [azisser@oaklandca.gov](mailto:azisser@oaklandca.gov).



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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.

### I. **Call to Order, Welcome, Roll Call and Determination of Quorum**

Chair Regina Jackson

Roll Call: Vice Chair José Dorado; Commissioner Henry Gage, III; Commissioner Sergio Garcia; Commissioner Brenda Harbin-Forte; Chair Regina Jackson; Commissioner David Jordan; Commissioner Tyfahra Milele; Alternate Commissioner Jesse Hsieh; Alternate Commissioner Marsha Peterson

### II. **Closed Session Item**

The Police Commission will take Public Comment on the Closed Session item.

CONFERENCE WITH LABOR NEGOTIATOR  
(Government Code Section 54957.6)  
District's Negotiator: Ian Appleyard  
Employee Organization: Oakland Police Officers' Association

**THE OAKLAND POLICE COMMISSION WILL ADJOURN TO CLOSED SESSION AND WILL REPORT ON ANY FINAL DECISIONS DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.**

### III. **Call to Order and Re-Determination of Quorum**

Chair Regina Jackson

### IV. **Report out of Closed Session**

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

### V. **Open Forum Part 1 (2 minutes per speaker, 15 minutes total)**

Anticipated to begin at 6:30 p.m. After ascertaining how many members of the public wish to speak, Chair Regina Jackson will invite the public to speak on any items not on the agenda but may be of interest to the public, and that are within the subject matter jurisdiction of the Commission. Comments on specific agenda items will not be heard during Open Forum but must be reserved until the agenda item is called. The Chair has the right to reduce speaking time to 1 minute if the number of speakers would cause this Open Forum to extend beyond 15 minutes. Any speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2, at the end of the agenda.

**VI. Update from Police Chief**

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; an update on the Negotiated Settlement Agreement; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item.*** ([Attachment 6](#)).

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

**VII. Introduction of Rania Adwan, Chief of Staff to the Police Commission**

The Commission will welcome and introduce Ms. Adwan, the newly hired Chief of Staff to the Police Commission. ***This is a new item.***

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

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

To the extent permitted by state and local law, Executive Director John Alden will report on the Agency's pending cases, completed investigations, staffing, and recent activities. ***This is a recurring item.*** ([Attachment 8](#)).

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

**IX. CPRA and Police Commissioner Attendance at Annual Conference of National Association of Civilian Oversight in Law Enforcement (NACOLE)**

The Commission will discuss and may provide direction regarding whether CPRA staff, and members of the Commission, may attend the in-person annual NACOLE conference in Tucson, Arizona, on Dec. 12-16, 2021, given the City Council's policy urging Departments to avoid travel to Arizona. ***This is a new item.*** ([Attachment 9](#)).

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

**X. Request for Qualifications (RFQ) for Commission Counsel**

The Commission will review a draft Request For Qualifications (RFQ) to retain outside counsel to the Commission, and may take action to modify the RFQ, issue the RFQ, and/or provide additional direction to staff. ***This item was discussed on 6.24.21.*** ([Attachment 10](#)).

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

**XI. CPRA Presentation on Racial Profiling Policy and Cases**

CPRA will provide a presentation to the Commission regarding OPD's policy on racial profiling and other bias-based policing and CPRA's investigation of allegations of racial profiling and other bias-based policing. ***This is a new item.*** ([Attachment 11](#)).

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

**XII. Committee Reports**

Representatives from Standing and Ad Hoc Committees will provide updates on their work. ***This is a recurring item.*** ([Attachment 12](#)).

**Rules of Procedure Ad Hoc  
(Commissioners Gage, Garcia, Harbin-Forte)**

The Rules of Procedure Ad Hoc Committee has been formed to examine the organization and operation of the Commission, make recommendations designed to strengthen the Commission, improve the Commission's relationships with governmental partners, and better enable the Commission to fulfill its Charter-mandated oversight duties.

**Missing Persons Ad Hoc  
(Commissioners Jackson, Jordan)**

The Missing Persons Ad Hoc Committee is tasked with reviewing and updating the OPDs missing persons policy, to ensure that it is in line with the standards of constitutional policing and evolving community values. The resulting policy will be presented for review and approval to the full Police Commission, with the intent that it be formally adopted as the guiding policy for the investigations of missing persons by the OPD.

**Community Policing Ad Hoc  
(Commissioners Dorado, Harbin-Forte, Hsieh)**

The mission of the OPC Community Policing Ad Hoc Committee is to refine OPD Draft Policy 15-01 to assure the full implementation of Resolution 79235 and provide for specific procedures to address Beat level challenges. This mission also includes the development of Beat and block leaders into viable Citywide networks, expanded public access to information and resources as well as increased community involvement in OPD and staff training, especially that of Community Resource Officers.

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

**XIII. Open Forum Part 2 (2 minutes per speaker)**

Chair Regina Jackson will invite public speakers to speak on items that were not on the agenda, and that are within the subject matter jurisdiction of the Commission, with priority given to speakers who were unable to address the Commission during Open Forum at the beginning of the meeting. Speakers who made comments during Open Forum Part 1 will not be permitted to make comments during this Open Forum. Comments previously made during public comment on agenda items may not be repeated during this Open Forum. The Chair has the right to reduce speaking time to 1 minute for reasons the Chair will state on the record. ***This is a recurring item.***

**XIV. 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 14](#))

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

**XV. Adjournment**

**NOTICE:** In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Discipline Committee meeting, or to otherwise participate at Commission meetings, please contact the CPRA Chief of Staff, Aaron Zisser, at [azisser@oaklandca.gov](mailto:azisser@oaklandca.gov) for assistance. Notification at least 48 hours before the meeting will enable the Police Commission to make reasonable arrangements to ensure accessibility to the meeting and to provide any required accommodations, auxiliary aids or services.



# Weekly Crime Report — Citywide

## 02 Aug. – 08 Aug., 2021

<b>Part 1 Crimes</b> <i>All totals include attempts except homicides.</i>	<b>Weekly Total</b>	<b>YTD 2019</b>	<b>YTD 2020</b>	<b>YTD 2021</b>	<b>YTD % Change</b> 2020 vs. 2021	<b>3-Year YTD Average</b>	<b>YTD 2021 vs. 3-Year YTD Average</b>
<b>Violent Crime Index</b> (homicide, aggravated assault, rape, robbery)	91	3,461	3,518	3,952	12%	3,644	8%
<b>Homicide – 187(a)PC</b>	3	46	49	74	51%	56	31%
<b>Homicide – All Other *</b>	-	3	5	4	-20%	4	0%
<b>Aggravated Assault</b>	52	1,669	1,891	2,159	14%	1,906	13%
Assault with a firearm – 245(a)(2)PC	8	185	251	377	50%	271	39%
<b>Subtotal - Homicides + Firearm Assault</b>	11	234	305	455	49%	331	37%
Shooting occupied home or vehicle – 246PC	7	150	209	350	67%	236	48%
Shooting unoccupied home or vehicle – 247(b)PC	5	81	112	169	51%	121	40%
Non-firearm aggravated assaults	32	1,253	1,319	1,263	-4%	1,278	-1%
<b>Rape</b>	-	126	139	77	-45%	114	-32%
<b>Robbery</b>	36	1,620	1,439	1,642	14%	1,567	5%
Firearm	16	578	444	665	50%	562	18%
Knife	2	84	110	74	-33%	89	-17%
Strong-arm	10	712	633	502	-21%	616	-18%
Other dangerous weapon	1	56	43	44	2%	48	-8%
Residential robbery – 212.5(a)PC	1	61	54	51	-6%	55	-8%
Carjacking – 215(a) PC	6	129	155	306	97%	197	56%
<b>Burglary</b>	87	7,965	6,295	5,124	-19%	6,461	-21%
Auto	72	6,395	4,609	4,031	-13%	5,012	-20%
Residential	7	1,080	806	604	-25%	830	-27%
Commercial	3	390	720	329	-54%	480	-31%
Other (Includes boats, aircraft, and so on)	-	85	120	101	-16%	102	-1%
Unknown	5	15	40	59	48%	38	55%
<b>Motor Vehicle Theft</b>	78	3,935	5,531	5,273	-5%	4,913	7%
<b>Larceny</b>	53	4,247	4,071	3,189	-22%	3,836	-17%
<b>Arson</b>	4	84	111	112	1%	102	9%
<b>Total</b>	<b>313</b>	<b>19,695</b>	<b>19,531</b>	<b>17,654</b>	<b>-10%</b>	<b>18,960</b>	<b>-7%</b>

**THIS REPORT IS HIERARCHY BASED. CRIME TOTALS REFLECT ONE OFFENSE (THE MOST SEVERE) PER INCIDENT.**

These statistics are drawn from the Oakland Police Dept. database. They are unaudited and not used to figure the crime numbers reported to the FBI's Uniform Crime Reporting (UCR) program. This report is run by the date the crimes occurred. Statistics can be affected by late reporting, the geocoding process, or the reclassification or unfounding of crimes. Because crime reporting and data entry can run behind, all crimes may not be recorded.

\* Justified, accidental, foetal, or manslaughter by negligence. Traffic collision fatalities are not included in this report.  
PNC = Percentage not calculated — [Percentage cannot be calculated.](#)  
All data extracted via Coplink Analytics.



**2021 Year-to-Date Recovered Guns**

Recoveries through 08 Aug., 2021

<b>Grand Total</b>	<b>727</b>
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<b>Crime Recoveries</b>	
Felony	383
Felony - Violent	136
Homicide	20
Infraction	0
Misdemeanor	22
<b>Total</b>	<b>561</b>

<b>Crime Gun Types</b>	<b>Felony</b>	<b>Felony - Violent</b>	<b>Homicide</b>	<b>Infraction</b>	<b>Misdemeanor</b>	<b>Total</b>
Machine Gun		3				3
Other	1					1
Pistol	305	113	15		19	452
Revolver	9	4	2		1	16
Rifle	41	12	1		2	56
Sawed Off	5					5
Shotgun	14		1			15
Sub-Machinegun						0
Unknown/Unstated	8	4	1			13
<b>Total</b>	<b>383</b>	<b>136</b>	<b>20</b>	<b>0</b>	<b>22</b>	<b>561</b>

<b>Non-Criminal Recoveries</b>	
Death Investigation	15
Found Property	72
SafeKeeping	79
<b>Total</b>	<b>166</b>

<b>Non-Criminal Gun Types</b>	<b>Death Investigation</b>	<b>Found Property</b>	<b>SafeKeeping</b>	<b>Total</b>
Machine Gun		1		1
Other				0
Pistol	8	24	42	74
Revolver	6	22	16	44
Rifle		8	16	24
Sawed Off		1		1
Shotgun	1	10	5	16
Sub-Machinegun				0
Unknown/Unstated		6		6
<b>Total</b>	<b>15</b>	<b>72</b>	<b>79</b>	<b>166</b>



# OAKLAND POLICE DEPARTMENT

455 7TH ST., OAKLAND, CA 94607 | OPDCRIMEANALYSIS@OAKLANDNET.COM

## CRIME ANALYSIS

Week: 02 Aug. to 08 Aug., 2021

**Weekly Total 19**

Crime Recoveries	This Week	Last Week	+/- Change	% Change
Felony	10	14	-4	-29%
Felony - Violent	3	4	-1	-25%
Homicide	0	0	0	PNC
Infraction	0	0	0	PNC
Misdemeanor	0	0	0	PNC
<b>Total</b>	<b>13</b>	<b>18</b>	<b>-5</b>	<b>-28%</b>

Other Recoveries	This Week	Last Week	+/- Change	% Change
Death Investigation	0	0	0	PNC
Found Property	2	4	-2	-50%
Safekeeping	4	1	3	300%
<b>Total</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>20%</b>

PNC = Percentage not calculated  
[\*Percentage cannot be calculated.\*](#)



### 2021 vs. 2020 — Year-to-Date Recovered Guns

Recoveries through 08 Aug.

Gun Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
<b>Grand Total</b>	<b>735</b>	<b>727</b>	<b>-8</b>	<b>-1%</b>

Crime Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Felony	357	383	26	7%
Felony - Violent	136	136	0	0%
Homicide	38	20	-18	-47%
Infraction	0	0	0	PNC
Misdemeanor	32	22	-10	-31%
<b>Total</b>	<b>563</b>	<b>561</b>	<b>-2</b>	<b>0%</b>

Non-Criminal Recoveries	2020	2021	Difference	YTD % Change 2019 vs. 2020
Death Investigation	13	15	2	15%
Found Property	57	72	15	26%
SafeKeeping	102	79	-23	-23%
<b>Total</b>	<b>172</b>	<b>166</b>	<b>-6</b>	<b>-3%</b>

PNC = Percentage not calculated  
[Percentage cannot be calculated.](#)





# Homicide Investigation in the 1500 block of 35th Avenue

Date Posted: **August 9th, 2021 @ 10:28 AM**

Last Updated: **August 9th, 2021 @ 10:35 AM**



The Oakland Police Department is investigating a homicide that occurred on August 7th, 2021, just after 6:30 AM, in the 1500 block of 35<sup>th</sup> Avenue. Officers were dispatched to investigate a report of a male in the street bleeding.

Officers arrived on the scene and located a male adult (Oakland resident) suffering from an apparent gunshot wound(s). Oakland Fire Department personnel responded to the scene and provided medical treatment. The victim was transported to an area hospital where, unfortunately, he died.

Oakland Police Homicide Investigators responded to take over the investigation into the circumstances surrounding the death. The victim is a male adult, but his identity is currently unknown. Anyone with information can contact the Homicide Section at (510) 238-3821 or the TIP

# Homicide Investigation in the 1800 block of East 17th Street

Attachment 6

Date Posted: **August 5th, 2021 @ 8:51 AM**

Last Updated: **August 5th, 2021 @ 9:01 AM**



The Oakland Police Department is investigating a homicide that occurred on August 5th, 2021, just after 12:30 AM, in the 1800 block of East 17th Street. Officers were dispatched to investigate a report of a shooting victim. Once on scene, officers located an adult male victim suffering from gunshot wound(s).

Oakland Fire Department personnel responded to the scene and provided medical treatment. Unfortunately, the victim died at the scene.

Oakland Police Homicide Investigators responded to take over the investigation into the circumstances surrounding the death. The victim is a male adult, but his identity is currently unknown. Anyone with information can contact the Homicide Section at (510) 238-3821 or the TIP LINE at (510) 238-7950.

# Homicide Investigation in the 8400 block of San Leandro Street

Attachment 6

Date Posted: **August 9th, 2021 @ 10:00 AM**

Last Updated: **August 9th, 2021 @ 10:54 AM**



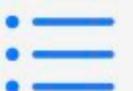
The Oakland Police Department is investigating a homicide that occurred on August 7th, 2021, just before 3:30 AM, in the 8400 block of San Leandro Street. Officers were dispatched to investigate a report of a shooting.

Officers arrived on the scene and located a male adult (Oakland resident) suffering from an apparent gunshot wound(s). Officers provided aid until Oakland Fire Department personnel responded to the scene to provide additional medical treatment. The victim was transported to an area hospital where, unfortunately, he died.

Oakland Police Homicide Investigators responded to take over the investigation into the circumstances surrounding the death. The victim is a male adult, but his identity is currently unknown. Anyone with information can contact the Homicide Section at (510) 238-3821 or the TIP LINE at (510) 238-7950.

Done

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Done

4 of 5









# AGENDA REPORT

**TO:** Police Commission

**FROM:** John Alden  
CPRA Executive Director

**SUBJECT:** Report on and Review of CPRA  
Pending Cases, Completed  
Investigations, Staffing, and Recent  
Activities

**DATE:** August 9, 2021

## **EXECUTIVE SUMMARY**

This month's CPRA Report on Pending Cases, Completed Investigations, Staffing, and Recent Activities includes the following items:

1. CPRA Pending Case List;
2. CPRA Completed Investigations List;
3. CPRA Staff Demographics, as previously requested by the Commission.

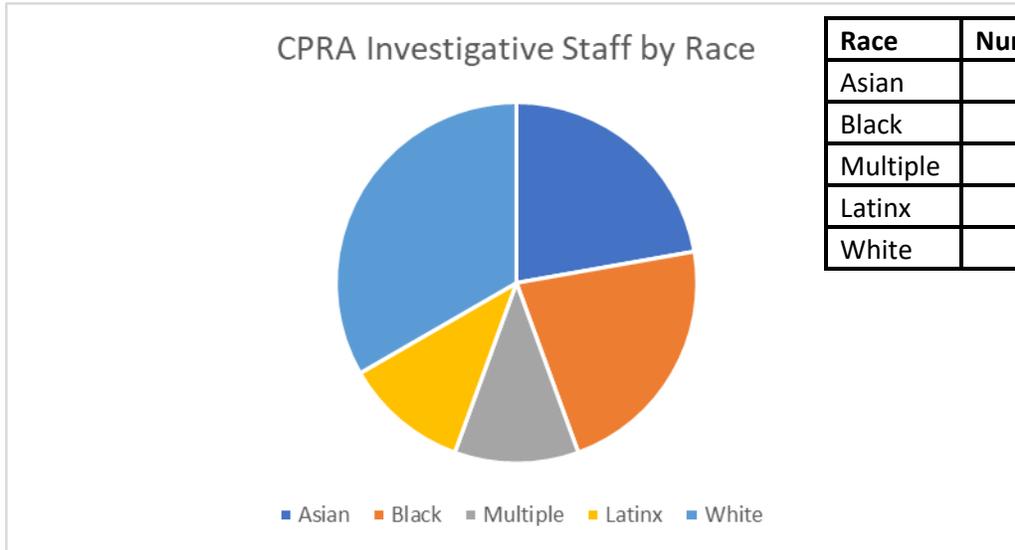
The first two items, CPRA's usual monthly statistical reports, are attached and are self-explanatory. As discussed at the previous Commission meeting, these two reports cover the pending cases as of the end of July, and the closed cases throughout the month of July. By switching these reports to cover a calendar month moving forward, we hope these reports are clearer to the public.

The remainder of this memo therefore addresses CPRA Staff Demographics, including the current staff demographics, retention and recruiting challenges and strategies, and the involvement of the Race and Equity Team in the hiring process.

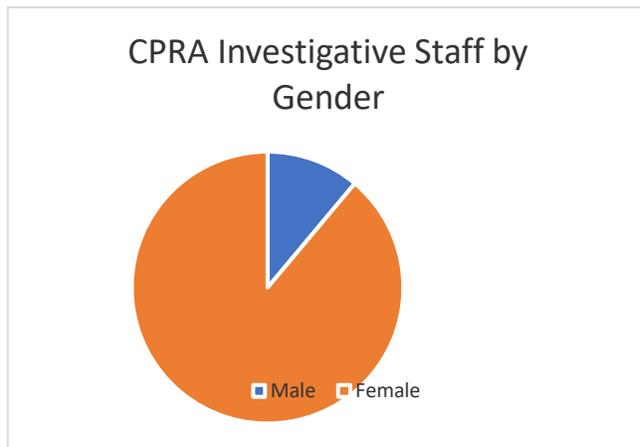
## **CPRA Staff Demographics**

### A. Current Staff Demographics

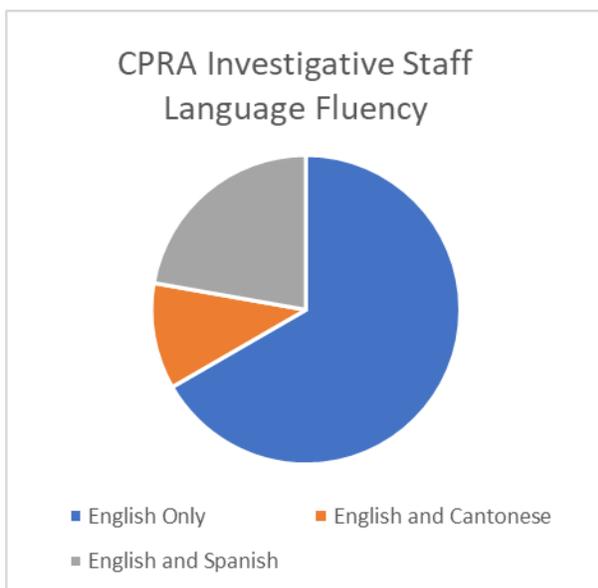
At previous Commission meetings, Commissioners asked about the demographics of the CPRA Investigative Staff. Anonymized demographics of the nine CPRA investigative staff as a group are disclosable to the Commission and the public, but not the demographics of each individual staff member. The following charts and graphs describe those current permanent CPRA staff by race, gender, and language ability. These statistics have remained very stable in the last two years.



Race	Number	Percentage
Asian	2	22.22%
Black	2	22.22%
Multiple	1	11.11%
Latinx	1	11.11%
White	3	33.33%



Gender	Number	Percentage
Male	1	11.11%
Female	8	88.89%



Language	Number	Percentage
English Only	6	66.67%
English and Cantonese	1	11.11%
English and Spanish	2	22.22%

Police Commission

Subject: Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing, and Recent Activities

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## B. Retention and Recruiting Challenges and Strategies

As the Commissioners are aware, state and federal law prohibit considering race or gender in hiring decisions. That said, public agencies often find that having employees from a wide variety of life experiences enables them to better serve the public, and police accountability is without question one such field. So at CPRA, we strive to have a wide variety of employees from many different backgrounds. Nonetheless, we do suffer from some recruiting challenges that make this goal difficult.

One of those challenges is unequal access to investigative experience. Historically, our Complaint Investigator classifications have all required at least three years of prior experience as an investigator. Historically, there was not an entry-level investigation position. One unfortunate consequence of this structure is that investigative experience is not equitably available in our society. Practicing law, for example, is one route to gaining such experience, but the practice of law has long been disproportionately accessible to whites, males, and the wealthy, and less available to BIPOC communities, women, and those of lower income. Likewise, serving in law enforcement is one such route, but historically that profession has been unwelcoming to women and BIPOC communities. As a result, CPRA (like CPRB before it) has been hiring from a pool of people – those with investigative experience – that tends to be less diverse than the community we serve simply because the professional avenues to gain that experience have been impeded by historical, structural racism, sexism, and classism.

A linked challenge is that these other investigative professions tend to be well paid and of high status. Attorneys, for example, often make at least twice, if not three times, the salary of a CPRA Complaint Investigator. For any attorney, and perhaps especially for a BIPOC and/or female attorney, to overcome the many barriers to becoming an attorney, and then take a significant pay cut to become a complaint investigator, is challenging. Likewise, investigators working in criminal law such as Public Defender Investigators or District Attorney Investigators usually have significantly better pay and benefits than CPRA Complaint Investigators. Moreover, the pay scale for our investigative positions is somewhat lower than those at other agencies in the country with similar cost of living. San Francisco, San Jose, and both the County and the City of Los Angeles pay more for similar work. Recruiting, and also retaining, mid-career public sector investigators like these from other agencies is thus challenging financially.

To help with recruiting, CPRA is working with City of Oakland staff to create a Complaint Investigator I position. This would be an entry-level position suitable for applicants with demonstrated interest and aptitude, but not yet experience, in investigative work. As CPRA continues to grow, we hope this position will create a small but novel pipeline into investigations that will serve to diversify CPRA staff and the investigative profession generally. It will also provide an opportunity for other CPRA (or City of Oakland) staff to

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have a promotional pathway up into the Complaint Investigator classifications at level I, and then progress in their career to level II and III.

In addition, CPRA has in the past, and continues in the future, to reach out to a wide variety of professional organizations when recruiting for these positions. Promoting openings with groups like NACOLE, the National Association for the Civilian Oversight of Law Enforcement, is one such recruiting opportunity. But so are bar associations (especially those focused on civil rights issues, criminal justice, and/or BIPOC attorneys), public interest groups, local government associations, and investigative groups such as associations of public defender investigators.

Retaining a diverse pool of employees is equally important, yet is confronted by the same challenges. Hiring staff who deeply care about accountability is a core part of our retention strategy – those who feel a calling to the work are more likely to stay. In addition, the increased role of CPRA under Measures LL and S1 have helped our team feel that their work really matters. Knowing that under LL their reports are not merely advisory, but are foundational to setting the discipline of officers, makes their work more meaningful and satisfying to them. Likewise, improved access to records under S1 lets them see how their work is used to set discipline levels. In addition, finding opportunities for policy work with Commission Ad Hoc allows them to feel more connected to long term improvements in policing.

In addition, CPRA's Race and Equity Team continues to work on improving our hiring practices to ensure we are hiring personnel with sensitivity to how race and equity effect Oaklanders' experience of policing. That team, made up of a diverse set of CPRA employees, has recently improved our new candidate interview process. We're looking forward to what other ideas the Race and Equity team can bring forward to improve our hiring practices. This team is also a key form of employee retention, in that it allows our team to work proactively on equity issues, which adds to their feeling that their work matters. And it is also an internal mechanism for ensuring we continue to be a welcoming and attractive place to work for employees of many different backgrounds.

### C. Language Proficiency

Language proficiency, on the other hand, may be directly used in the hiring process **if** the employer can show a connection between that language proficiency and job duties. Here, CPRA does receive complaints from people who have limited English proficiency such that they would benefit from language translation. Others feel that their use of a language other than English might have been a reason they were treated inappropriately by police officers, and thus are more likely to feel heard, and fully share their complaints, if CPRA staff can communicate with them in that other language. At CPRA, we find that significant numbers of complainants speak Spanish, and some

Police Commission  
Subject: Report on and Review of CPRA Pending Cases, Completed Investigations, Staffing,  
and Recent Activities  
Date: August 9, 2021

Cantonese, such that having staff with these fluencies is a significant addition to the service we provide.

Furthermore, the City of Oakland specifically requires certain language skills in some public-facing offices, like CPRA. Pursuant to that policy, from time to time CPRA may be required to hire staff with specific language proficiencies. In the last few years, CPRA has exceeded those language requirements, and we plan to continue to do so.

#### D. Conclusion

CPRA's current staff come from a diverse set of racial, cultural, and language backgrounds. Recruiting and retaining a diverse staff has been, and will continue to be, a high priority for the agency. While we do continue to see some inequities in access to the investigative experience that we have required of new hires in the past, we also see ways to create more entry level positions that should help us break free from the historical inequities that have impaired access to our profession.

Respectfully submitted,

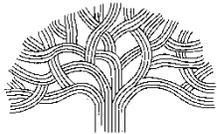


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JOHN ALDEN  
Executive Director, CPRA

#### Attachments (2):

1. CPRA Pending Case List;
2. CPRA Completed Investigations List.

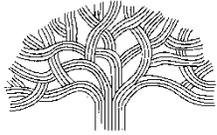


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in July 2021*  
*(Allegations in bold were discovered by CPRA investigators)*

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
MB	21-0337	5/3/13	7/1/21	3/27/22	Subject Officer 1	Use of Force	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
JS	20-0880	7/11/20	7/2/21	7/10/21	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Sustained</i>
ED	20-0971	7/30/20	7/27/21	7/28/21	Unidentified	Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
					Subject Officer 1	Use of Force (Level 2)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Exonerated</i>
						Use of Force (Level 2)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Exonerated</i>
						Use of Force (Level 2)	<i>Exonerated</i>

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- ICR:** Resolved through the Informal Complaint Resolution process pursuant to DGO M-3.1.

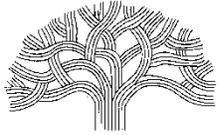


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in July 2021*  
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
					Subject Officer 2	Use of Force (Level 2)	<i>Unfounded</i>
						Use of Force (Level 4)	<i>Unfounded</i>
					Subject Officer 3	<b>Conduct Toward Others – Demeanor</b>	<i>Sustained</i>
						Performance of Duty – General	<i>Sustained</i>
					Subject Officer 4	Use of Force (Level 2)	<i>Unfounded</i>
					Subject Officer 5	Use of Force (Level 2)	<i>Unfounded</i>
					Subject Officer 6	Use of Force (Level 2)	<i>Unfounded</i>
AL	20-1000	8/4/20	7/9/21	8/3/21	Subject Officer 1	Performance of Duty – General	<i>Sustained</i>
						Custody of Prisoners – Treatment	<i>Unfounded</i>

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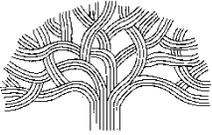
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in July 2021*  
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Use of Force (Level 3)	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – General	<i>Sustained</i>
						Custody of Prisoners – Treatment	<i>Unfounded</i>
						Use of Force (Level 3)	<i>Exonerated</i>
						Performance of Duty – General	<i>Exonerated</i>
ED	20-1085	8/20/20	7/15/21	8/19/21	Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>

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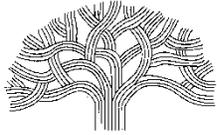


CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in July 2021*  
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
JS	20-1417	11/1/20	7/9/21	10/31/21	Subject Officer 1	Department Property and Equipment – Preventable Collision	<i>Sustained</i>
JS	20-1441	11/10/20	7/1/21	11/9/21	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
					Subject Officer 2	Conduct Toward Others – Harassment and Discrimination	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>
FC	21-0433	4/21/21	7/12/21	4/20/22	Subject Officer 1	Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Conduct Toward Others – Demeanor	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>

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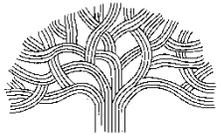


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**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in July 2021*  
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Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
FC	21-0439	4/22/21	7/1/21	4/21/22	Subject Officer 1	Conduct Toward Others – Demeanor	<i>Unfounded</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
						Performance of Duty – General	<i>Not sustained</i>
MB	21-0535	4/28/21	7/23/21	4/27/22	Unidentified	No Duty/No MOR Violation	<i>Service Related</i>
						Conduct Toward Others – Harassment and Discrimination/Race	<i>Unfounded</i>
						Performance of Duty – General	<i>Unfounded</i>
					Subject Officer 1	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>
					Subject Officer 2	Performance of Duty – Unintentional/ Improper Search Seizure or Arrest	<i>Exonerated</i>

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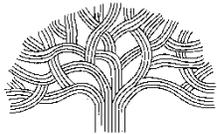


CITY OF OAKLAND
COMMUNITY POLICE REVIEW AGENCY
Investigations Completed in July 2021
(Allegations in bold were discovered by CPRA investigators)

Table with 8 columns: Assigned Inv., Case #, Incident Date, Completion Date, 1-year goal, Officer, Allegation, Finding. It contains two main case entries with multiple rows for different officers and findings.

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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
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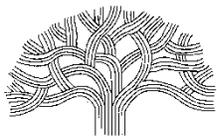
Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
FC	21-0497	5/5/21	7/15/21	5/4/22	Subject Officer 1	Performance of Duty – General	<i>Unfounded</i>
						Use of Force	<i>Unfounded</i>
					Subject Officer 2	Performance of Duty – General	<i>Unfounded</i>
MB	21-0560	5/19/21	7/29/21	5/18/22	Subject Officer 1	Use of Force	<i>Exonerated</i>

**CPRA Made the following Training Recommendations with Respect to Investigations in this Report**

1. CPRA recommends that an officer receive training related to emergency driving procedure rules and the duty to obey those rules.
2. CPRA recommends that two officers each receive an SNF related to the manner in which they conducted their preliminary investigation. CPRA recommends that the officers each receive an SNF reminding them of the importance of following preliminary investigation procedures when investigating domestic violence calls.

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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in July 2021*  
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**Page 8 of 9**  
 (Total Completed = 14)

3. CPRA recommends that two officers each receive an SNF related to documenting warrantless entries in their reports. CPRA recommends that both officers receive an SNF reminding them to properly document warrantless entries in their reports going forward. This includes documenting the legal basis for the entry, as well as the facts and circumstances that they believe support the entry.
4. CPRA recommends that the Training Division conduct a training needs assessment for an officer related to warrantless entry into homes to conduct arrests; and develop/implement additional training for the officer on those issues.
5. CPRA recommends that the Training Division conduct a training needs assessment for an officer related to warrantless entry into homes to conduct arrests; and develop/implement additional training for the officer on those issues.
6. CPRA recommends that an officer receive an SNF related to more appropriate tactical choices the officer could have made, such as relying on the other officers to provide assistance rather than using an untrained maneuver to try to control an individual with just the officer's own physical prowess.

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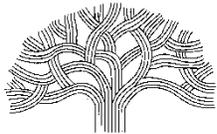
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CITY OF OAKLAND  
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*Investigations Completed in July 2021*  
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**CPRA Made the following Policy Recommendations with Respect to Investigations in this Report**

1. OPD Training Bulletin VIII-F *Physically Handicapped* is currently not a required course of the OPD Training Division’s curriculum. OPD Training Division advised that this training bulletin does not require officers to acknowledge receipt and review. The CPRA recommends that OPD Training Bulletin VIII-F *Physically Handicapped* be re-issued for the officers’ review and acknowledgement.

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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases as of July 31, 2021*  
*(Sorted by 1-Year Goal)*

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
20-1058	8/15/2020	8/19/2020	8/15/2020	Investigator	AL	2/15/2021	8/14/2021	Use of Force	1	3	8	Use of Force, Service Complaint
20-1083	8/20/2020	8/26/2020	8/20/2020	Investigator	ED	2/22/2021	8/19/2021	Use of Force	1	1	2	Use of Force, Demeanor
20-1092	8/21/2020	8/26/2020	8/21/2020	Investigator	MM	2/22/2021	8/20/2021	Use of Force	1	1	5	Use of Force; Care of Property; Unlawful Search & Seizure; Demeanor
20-1116	8/29/2020	9/2/2020	8/29/2020	Investigator	MM	3/1/2021	8/28/2021	Use of Force	1	8	19	Use of Force
20-1129	9/1/2020	9/2/2020	9/1/2020	Investigator	AL	3/1/2021	8/31/2021	Use of Force, Performance of Duty	2	12	23	Other, Unintentional/ Improper Search, Use of Force, Failure to Accept, Performance of Duty
20-1164	9/6/2020	9/16/2020	9/10/2020	Investigator	AL	3/15/2021	9/9/2021	Use of Force	1	2	5	Use of Force; Performance of Duty;
21-0028	1/8/2021	1/14/2021	1/8/2021	Investigator	MM	7/13/2022	9/20/2021	Performance of Duty	1	33	90	Performance of Duty
20-1282	9/28/2020	10/8/2020	10/6/2020	Investigator	AN	3/27/2021	9/28/2021	Other	2	10	12	Demeanor, Unintentional/ Improper Search
20-1283	10/6/2020	10/8/2020	10/6/2020	Investigator	AL	4/6/2021	10/5/2021	Racial Discrimination/ Demeanor	1	5	15	Conduct Toward Others; Performance of Duty
20-1295	10/8/2021	10/14/2020	10/9/2020	Investigator	AL	4/12/2021	10/8/2021	Use of Force	1	10	21	Use of Force, Performance of Duty
20-1484	11/20/2020	1/22/2021	11/20/2020	Investigator	JS	7/20/2021	11/20/2021	Racial Discrimination	1	3	8	Racial Discrimination, Performance of Duty,
20-1524	11/28/2020	12/2/2020	12/1/2020	Investigator	ED	5/31/2021	11/30/2021	Profiling/ Discrimination	1	1	5	Profiling/ Discrimination, Demeanor, Performance of Duty
20-1542	11/15/2020	12/9/2020	12/6/2020	Investigator	AN	6/7/2021	12/5/2021	Use of Force	1	3	7	Use of Force, Unlawful Arrest
20-1551	12/7/2020	12/16/2020	12/16/2020	Investigator	JS	6/14/2021	12/15/2021	Use of Force	1	2	3	Performance of Duty, Use of Force, Care of Property

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



**CITY OF OAKLAND  
COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases as of July 31, 2021*  
*(Sorted by 1-Year Goal)*

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
20-1578	10/31/2020	5/18/2021	12/17/2020	Investigator	ED	6/15/2021	12/17/2021	Other	1	2	7	General Conduct, Obedience to Laws (Felony + Misdemeanor), Obstructing/ Interfering with Investigations, Failure to Report
21-0606	12/31/2017	6/2/2021	4/28/2021	Intake	RM	11/29/2021	1/3/2022	Other	2	2	2	Performance of Duty
21-0025	1/7/2021	1/7/2021		Investigator	MM	7/6/2021	1/6/2022	Performance of Duty; Racial Discrimination	1	3	3	Performance of Duty
21-0070	1/1/2021	1/21/2021	1/19/2021	Investigator	ED	7/20/2021	1/18/2022	Use of Force	1	1	5	Use of Force, Demeanor
21-0202	1/9/2021	1/29/2021	1/29/2021	Investigator	MM	7/28/2021	1/28/2022	Performance of Duty	2	4	4	Performance of Duty
21-0151	2/6/2021	2/10/2021	2/6/2021	Investigator	JS	8/5/2021	2/5/2022	Use of Force	1	2	2	Use of Force
21-0179	2/15/2021	2/17/2021	2/15/2021	Intake	RM	8/16/2021	2/14/2022	Racial Discrimination	1	1	1	Racial Discrimination
21-0188	2/16/2021	2/18/2021	2/16/2021	Investigator	AL	8/17/2021	2/16/2022	Use of Force	1	4	13	Use of Force
21-0217	2/23/2021	3/4/2021	3/4/2021	Investigator	AL	8/22/2021	2/23/2022	Use of Force	1	2	4	Use of Force
21-0238	3/2/2021	3/2/2021	3/2/2021	Investigator	AN	8/29/2021	3/2/2022	Use of Force	1	1	2	Use of Force
21-0252	3/1/2021	3/11/2021	3/5/2021	Investigator	AL	9/7/2021	3/4/2022	Use of Force	1	5	13	Use of Force, Performance of Duty, Demeanor, Refusal to Accept or Refer a Complaint
21-0254	3/2/2021	3/11/2021	3/5/2021	Intake	MB	9/7/2021	3/5/2022	Use of Force, Discrimination	2	17	75	Use of Force, Performance of Duty, Demeanor, Discrimination/ Harassment, Unintentional/ improper search, Service Complaint
21-0262	3/6/2021	3/11/2021	3/6/2021	Intake	RM	9/7/2021	3/6/2022	Racial Discrimination	1	1	1	Racial Discrimination
21-0270	3/7/2021	3/8/2021	3/8/2021	Investigator	AN	9/4/2021	3/7/2022	Racial Discrimination, Use of Force	1	4	8	Racial Discrimination, Conduct toward others, Performance of Duty, Use of Force
21-0309	1/2/2021	3/24/2021	3/19/2021	Intake	MB	9/20/2021	3/19/2022	Other	1	3	4	Custody of Prisoners
21-0358	4/2/2021	4/7/2021	4/2/2021	Investigator	AL	10/4/2021	4/1/2022	Use of Force	1	1	2	Use of Force; Performance of Duty

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**(Total Pending = 79)**

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-0366	4/5/2021	4/7/2021	4/5/2021	Investigator	MM	10/4/2021	4/4/2022	Use of Force	1	4	8	Use of Force
21-0354	4/1/2021	4/2/2021	4/7/2021	Investigator	AN	10/4/2021	4/6/2022	Other	1	2	4	Performance of Duty/ Miranda Violation
21-0527	6/20/2017	5/18/2021	4/16/2021	Investigator	JS	10/15/2021	4/15/2022	Other	2	3	4	Search and Seizure; Perf of Duty; Demeanor; report writing
21-0422	4/18/2021	4/20/2021	4/18/2021	Investigator	JS	10/17/2021	4/17/2022	Racial Discrimination	1	2	7	Discrimination, Refusal to Provide Name or Serial Number, PDRD Activation, Demeanor
21-0430	4/20/2021	4/21/2021	4/20/2021	Investigator	JS	10/19/2021	4/19/2022	Use of Force	1	2	4	Performance of Duty, Use of Force; Improper/ Unlawful Search & Seizure
21-0465	2/6/2016	4/29/2021	4/28/2021	Intake	FC	10/26/2021	4/29/2022	Racial/ Gender Discrimination	1	3	11	Racial/Gender Discrimination, Truthfulness, Conduct/Demeanor, Performance of Duty
21-0530	5/12/2021	5/13/2021	5/12/2021	Intake	FC	11/9/2021	5/11/2022	Racial Discrimination/ Demeanor	1	1	1	Racial Discrimination
21-0540	5/16/2021	5/18/2021	5/17/2021	Intake	FC	11/14/2021	5/16/2022	Racial Discrimination	1	1	1	Racial Discrimination
21-0548	5/17/2021	5/19/2021	5/17/2021	Intake	FC	11/15/2021	5/16/2022	Racial Discrimination	1	2	2	Racial Discrimination
21-0555	11/26/2020	5/19/2021	5/18/2021	Intake	RM	11/15/2021	5/18/2022	Other	2	1	4	Performance of Duty, Demeanor
21-0564	5/20/2017	5/24/2021	5/20/2021	Intake	RM	11/17/2021	5/19/2022	Racial Discrimination	1	1	1	Racial Discrimination
21-0565	5/7/2021	5/20/2021	5/20/2021	Intake	MB	11/16/2021	5/20/2022	Other	1	1	3	Performance of Duty
21-0566	5/20/2021	5/25/2021	5/20/2021	Intake	FC	11/21/2021	5/21/2022	Use of Force	1	1	1	Use of Force
21-0575	5/22/2021	5/25/2021	5/22/2021	Intake	FC	11/21/2021	5/21/2022	Use of Force	1	1	1	Use of Force
21-0595	5/20/2021	6/2/2021	5/28/2021	Intake	FC	11/29/2021	5/27/2022	Performance of Duty	2	2	2	Performance of Duty
21-0603	5/30/2021	6/2/2021	5/30/2021	Intake	MB	11/29/2021	5/30/2022	Use of Force	1	2	4	Use of Force
21-0618	6/3/2021	6/4/2021	6/3/2021	Intake	RM	12/1/2021	6/2/2022	Other	1	1	3	Demeanor, Refusal to Provide Name or Serial Number, Failure to Accept or Refer a Complaint
21-0621	6/3/2021	6/8/2021	6/3/2021	Intake	MB	12/5/2021	6/4/2022	Racial Discrimination	1	2	2	Racial Discrimination

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21-0629	6/4/2021	6/7/2021	6/7/2021	Intake	FC	12/4/2021	6/6/2022	Racial Discrimination/ Demeanor	1	2	3	Racial Discrimination, Performance of Duty
21-0652	6/2/2021	6/10/2021	6/10/2021	Intake	FC	12/7/2021	6/9/2022	Racial Discrimination/ Demeanor	1	2	4	Racial Discrimination, Performance of Duty
21-0663	6/14/2021	6/16/2021	6/14/2021	Intake	MB	12/31/2021	6/13/2022	Racial Discrimination	1	2	2	Racial Discrimination
21-0679	6/6/2021	6/22/2021	6/17/2021	Intake	MB	12/19/2021	6/16/2022	Other	2	3	6	Performance of Duty; Demeanor
21-0677	6/11/2021	6/18/2021	6/17/2021	Intake	RM	12/15/2021	6/16/2022	Racial Discrimination	1	1	2	Racial Discrimination, Demeanor
21-0696	6/19/2021	6/28/2021	6/19/2021	Intake	MB	12/25/2021	6/18/2022	Other	2	3	6	Performance of Duty
21-0708	6/19/2021	6/20/2021	6/19/2021	Intake	MB	12/17/2021	6/18/2022	Other	2	1	2	Performance of Duty; Demeanor
20-0174	3/1/2019	6/29/2021	2/13/2020	Investigator	ED	12/20/2021	6/20/2022	Other	1	1	5	Obedience to Laws
21-0704	6/21/2021	6/23/2021	6/21/2021	Intake	FC	12/20/2021	6/20/2022	Other	2	1	2	Performance of Duty, Demeanor,
21-0719	6/23/2021	6/25/2021	6/23/2021	Intake	RM	12/22/2021	6/22/2022	Other	2	2	2	Performance of Duty
21-0720	6/22/2021	6/25/2021	6/25/2021	Intake	RM	12/22/2021	6/22/2022	Racial Discrimination	1	1	3	Racial Discrimination, Demeanor, Performance of Duty
21-0783	6/21/2021	7/8/2021	6/24/2021	Intake	MB	1/4/2022	6/24/2022	Other	2	1	2	Performance of Duty; Demeanor
21-0743	6/25/2021	6/28/2021	6/28/2021	Intake	FC	12/25/2021	6/27/2022	Racial Discrimination	1	2	3	Racial Discrimination, Performance of Duty, Demeanor
21-0741	6/21/2021	7/2/2021	7/2/2021	Intake	FC	12/29/2021	7/1/2022	Racial Discrimination	1	1	4	Discrimination/ Race, Discrimination/ Gender, Demeanor, Service
21-0761	7/3/2021	7/7/2021	7/3/2021	Intake	FC	1/3/2022	7/2/2022	Use of Force	1	2	2	Use of Force
21-0770	7/3/2021	7/7/2021	7/3/2021	Intake	RM	1/3/2022	7/2/2022	Other	1	1	2	Demeanor, Refusal to Provide Name or Serial Number
21-0788	7/7/2021	7/13/2021	7/9/2021	Intake	FC	1/9/2022	7/8/2022	Other	2	1	1	Performance of Duty
21-0794	6/12/2021	7/13/2021	7/9/2021	Intake	FC	1/15/2022	7/8/2022	Use of Force	1	1	1	Use of Force
21-0816	7/17/2020	7/29/2021	7/14/2021	Investigator	AN	1/25/2022	7/13/2022	Other	1	1	2	Reports and Bookings, Performance of Duty

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21-0803	7/9/2021	7/15/2021	7/13/2021	Intake	MB	1/17/2022	7/13/2022	Use of Force	1	2	4	Use of Force
21-0823	6/30/2021	7/19/21	7/15/2021	Intake	RM	1/15/2022	7/14/2022	Use of Force, Discrimination	1		3	Use of Force, Performance of Duty, No MOR
21-0817	7/14/2021	7/16/2021	7/14/2021	Intake	MB	1/12/2022	7/14/2022	Use of Force	1	2	6	Use of Force
21-0836	7/19/2021	7/21/2021	7/19/2021	Intake	MB	1/17/2022	7/19/2022	Other	1	1	1	Obedience to Laws
21-0844	7/20/2021	7/22/2021	7/21/2021	Intake	FC	1/18/2022	7/20/2022	Other	2	2	3	Conduct, Performance of Duty
21-0852	5/8/2021	7/22/2021	7/22/2021	Intake	FC	1/18/2022	7/21/2022	Other	2	1	1	Conduct
21-0840	7/21/2021	7/22/2021	7/21/2021	Intake	MB	1/18/2002	7/21/2022	Racial Discrimination	1	1	5	Racial Discrimination
21-0850	7/23/2021	7/27/2021	7/23/2021	Intake	MB	1/23/2022	7/23/2022	Use of Force	1	1	2	Use of Force
21-0863	7/2/2021	8/2/2021	7/28/2021	Investigator	JS	1/2/2022	7/27/2022	UOF; false arrest	1	1	3	Use of Force (Taser); false arrest
20-0438	4/16/2020	4/16/2020	4/16/2020	Investigator	AN	10/13/2020	Tolled	Use of Force	1	22	30	Use of Force (Level 1, Level 4), Performance of Duty
20-1406	11/3/2020	11/3/2020	11/3/2020	Investigator	AN	5/2/2021	Tolled	Use of Force	1	2	2	Use of Force
19-1169	10/17/2019	10/22/2019	10/17/2019	Investigator	ED	4/19/2020	Tolled	Use of Force, Profiling/ Discrimination	1	2	7	Bifurcated - use of force, false arrest, discrimination

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CITY OF OAKLAND

# AGENDA REPORT

**TO:** Police Commission

**FROM:** John Alden  
CPRA Executive Director

**SUBJECT:** CPRA and Commission Attendance at Annual Conference of National Association of Civilian Oversight in Law Enforcement (NACOLE)

**DATE:** August 9, 2021

## **EXECUTIVE SUMMARY**

Each year, a portion of CPRA staff and Police Commissioners attend the National Association for the Civilian Oversight of Law Enforcement (NACOLE) Conference. This year, that conference will be held in Tucson, Arizona, as city with a similar dedication to police reform as Oakland. However, the Oakland City Council has long urged City of Oakland departments to avoid travel to Arizona as a statement of opposition to a harsh anti-immigrant Arizona state law called SB 1070. This memo seeks direction from the Commission as to whether CPRA staff should attend the NACOLE Conference in Tucson this year.

### **Overview of NACOLE Conference**

NACOLE was founded in 1995 by American law enforcement oversight professionals seeking to advance the profession, and cause, of community oversight of law enforcement. The founding members were largely black practitioners of police oversight in medium to large cities across the country. Over the years, the group has expanded to also include those overseeing sheriffs, jails, and prisons, but remains largely led by BIPOC oversight professionals.

Today, NACOLE remains the only national, civilian-led provider of training in oversight in the United States, and the only national source of training specifically designed for civilian oversight professionals. Several other organizations provide training in police accountability, but are led by, and cater to, either lawyers representing law enforcement officers and/or agencies, or law enforcement officers themselves. (See, for example, the National Internal Affairs Investigators Association, Americans for Effective Law Enforcement, and the International Association of Chiefs of Police, among others.) For this reason, NACOLE Conferences are a unique training opportunity, and also a unique networking and confidence-building opportunity for civilian oversight professionals such as CPRA Complaint Investigators and Oakland Police Commissioners.

Last year's conference was cancelled because of COVID, and replaced with a series of webinars. This year's Conference will be partly virtual and partly in-person in Tucson, Arizona. The virtual portion includes a series of webinars scattered throughout the fall.

Police Commission

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CPRA staff do intend to participate in the virtual conferences since they have no connection to Arizona. The in-person portion of the conference will be held over five days in mid-December in the city of Tucson, Arizona. Thus, the question CPRA brings to the Commission is whether CPRA Staff and Police Commissioners should attend the in-person portion in Tucson.

An agenda for both the virtual and the in-person conference can be found [here](#). Both have a wide variety of sessions that would be of value to CPRA Staff and Police Commissioners.

The value of NACOLE Conferences is such that City of Oakland Ordinance 2.45.190 specifically calls out NACOLE as an important training resource for the Police Commission by stating: “[w]ithin the Commission’s budget there shall be a line item for attendance at conferences offered by organizations such as the National Association for Civilian Oversight of Law Enforcement (“NACOLE”).”

Traditionally, CPRA sends a few staff to this conference, especially new staff who require training. This year, at least three CPRA staff have already asked to go to the in-person conference. CPRA also anticipates at least two new hires between now and the Conference, who normally would be sent to the conference, too. Police Commissioners have also attended in the past, but no more than three at a time for Brown Act reasons. Should the Inspector General be hired in the interim, that person would presumably wish to attend, too.

### **Overview of City Policy re: Travel to Arizona**

In 2010, the State of Arizona implemented a new law, commonly called SB 1070, that called on state law enforcement to detain anyone they thought was not in the country legally, required non-citizens to carry immigration documents at all times or be subject to criminal prosecution, created a private right of action allowing Arizonans to sue local governments that attempted to form sanctuary cities, and criminalized solicitation of temporary workers on the street.

In 2012, the United States Supreme Court blocked most of this law, leaving intact only the provision requiring state law enforcement officers to detain anyone they thought was not in the country legally.

Even so, many California cities boycotted Arizona to protest this law. The City of Oakland implemented such a boycott in 2013 via Resolution 82727. That resolution states that “[u]nless and until Arizona rescinds SB 1070, the City of Oakland urges City departments....to not send City officials or employees to conferences in Arizona.” The resolution also urges departments not to contract with companies headquartered in Arizona.

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To date, the State of Arizona has fully not rescinded this law, despite such boycotts. But in response to a lawsuit brought by immigration rights groups such as the National Immigration Law Center, Arizona agreed in 2016 to soften the remaining provision of the law regarding asking for immigration papers. Now, officers are not required to ask for immigration papers, and are prohibited from stopping individuals solely because of suspected immigration status. But they are permitted to ask about immigration status if they are already stopping an individual for some other valid reason, a standard that comports with existing constitutional law.

Since the 2012 ruling of the Supreme Court and the 2016 softening of the remainder of this law, many cities that formerly boycotted Arizona have withdrawn their boycotts. Los Angeles, San Francisco, Columbus, Austin, and El Paso, for example, reportedly have rescinded or stopped enforcing their boycotts. Oakland's still remains in effect.

It is the understanding of CPRA staff that departments wishing to send staff to training in Arizona must secure approval from the City Administrator. Requests for that approval require some explanation as to why that particular training's importance and availability is such that travelling to Arizona is needed despite the Council's urging that departments avoid doing so. Required training for certification that is only available in Arizona, for example, might be a sufficient rationale for justifying such travel.

Since CPRA reports to the Commission, not the City Administrator, CPRA staff suggest that the Police Commission would be the appropriate body to consider approval of such travel for CPRA or IG staff. And since the Commission will also need to consider whether its own members should travel to NACOLE, the Commission will need to consider this issue on its own in any event.

### **Background on Tucson, Arizona**

Tucson, Arizona, was the colonial Spanish capital of most the area we now call Arizona, and remains core to the Spanish-speaking heritage of the area. Its population is over 500,000 within the city limits, and closer to 900,000 in the surrounding metropolitan area. It is a county seat, and formerly the capitol of the State of Arizona. It is also the closest city to the US-Mexico border in Arizona. Tucson's population was over 40% Latinx as of the 2010 census.

Tucson has a history of progressive activism. That history includes the City Council's longstanding opposition to Arizona's SB 1070, opposition to Arizona's gay marriage ban, and local adoption of civil unions for same sex partners. Tucson is, in many ways, like the City of Austin is to Texas, or the City of Madison is to Wisconsin: a progressive voice in an otherwise less progressive state.

Tucson's current Chief of Police is Chris Magnus, the former Chief of the City of Richmond, California. He was best known nationally for standing with Black Lives

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Matter protestors in his Police Chief uniform in Richmond while holding a Black Lives Matter sign in 2014. Today he is known as President Biden's nominee to head U.S. Customs and Border Protection, but has not yet been confirmed by the Senate. In Tucson and in Richmond, he has been known as a leader in reform efforts. His tenure in Tucson is consistent with the city's overall progressive approach.

### **Arguments for and Against Attending the NACOLE Conference in Tucson**

Many arguments both for and against attending NACOLE in Tucson can be presented. What follows are the arguments that have occurred to CPRA staff to date.

#### 1. Reasons to Attend

First, NACOLE is a unique training opportunity. Conferences about the investigation of police officers are almost entirely presented by police and their lawyers, and speak to police and their lawyers. NACOLE is the only source of civilian oversight training. This is one of the reasons that NACOLE is specifically called out in City of Oakland ordinance as a conference CPRA staff and Police Commissioners should attend. Thus, there is no substitute training elsewhere if we do not attend this conference. Unique training opportunities like this one is one reason that Resolution 82727 only "urges" departments not to travel to Arizona; some exceptions for unique training seem to have been contemplated.

Second, in-person training carries many benefits that webinars do not, such as one-on-one conversations between practitioners, small breakout groups, practicing skills with other practitioners in workshops, and informal gatherings before and after the formal sessions. This training opportunity was lost last year, so a second year of losing this opportunity is especially difficult.

Third, of all the places to travel in Arizona, Tucson is one of the few places that shares Oakland's values around SB 1070. Thus, travelling to Tucson is distinguishable from travelling to the Capitol in Phoenix or to other parts of Arizona. Travel to Tucson, but not other places in Arizona, supports this sister city in the cause of rolling back SB 1070. And, since Oakland's boycott began, most of SB 1070 has been repealed, and what remains was amended at the behest of immigrant rights organizations. Travel to Tucson in 2013 may have undermined the boycott, but today the goals of that boycott appear to largely have been accomplished.

Finally, attending NACOLE conferences supports that organization, which in turn supports the goals of police oversight, and important goal for NACOLE.

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## 2. Reasons Not to Attend

First, Resolution 82727 is long-standing City of Oakland policy, and for good reason. SB 1070 unfairly targeted immigrants, effectively encouraged racial profiling, and most of its provisions were outright unconstitutional. Standing in solidarity with those opposing this law has been a strong Oakland value. Even with some parts of SB 1070 repealed, and the remainder softened, that law still permits – and thus encourages – police to check immigration status of those they have otherwise detained. So at least one of the most problematic parts of SB 1070 remains on the books, a part we should continue to fight against. Until Arizona repeals this last part of SB 1070, Oakland's boycott still is, and should be, in effect.

Here, not attending NACOLE in person still allows CPRA staff, Police Commissioners, and the Inspector General to attend virtual webinars in the fall. This virtual training opportunity will have to be sufficient this year.

Moreover, NACOLE has historically picked new locations every year for their conferences, so presumably next year the conference will be outside Arizona. Skipping this year still allows in-person attendance next year.

### **Staff Recommendation**

The City of Oakland has a resolution urging departments not to attend conferences in Arizona, but also an ordinance making attendance at this particular conference a high priority for the Commission. With these two goals in conflict here, there is not an obvious answer.

Staff recommends that the Commission seek public input on this issue, which the Commission will do on August 12, 2021, by way of public comment. Hearing from members of the public as to how they think we should resolve this issue would be helpful, as would a public discussion amongst the Commissioners. That process may be even more important that the ultimate decision in a close call like this one, in that it would allow all parties to consider and weigh these issues as a group.

Respectfully submitted,



JOHN ALDEN  
Executive Director, CPRA

Attachments (1):

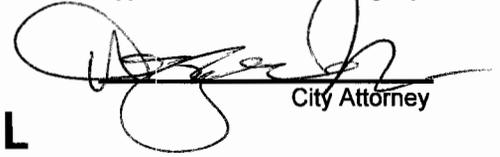
1. Oakland City Council Resolution 82727

2013 MAR 14 AM 9:23

# OAKLAND CITY COUNCIL

RESOLUTION No. 82727 C.M.S.

Introduced by Councilmember \_\_\_\_\_



City Attorney

**RESOLUTION DENOUNCING SB 1070, ALAW THAT SEEKS TO IMPLEMENT ARIZONA'S OWN SCHEME OF IMMIGRATION REGULATION THAT WILL INEVITABLY LEAD TO RACIAL PROFILING OF PEOPLE OF COLOR AND LIMITED ENGLISH PROFICIENT PERSONS, AND CALLING FOR A BOYCOTT OF THE STATE OF ARIZONA AND ARIZONA-BASED BUSINESSES**

**WHEREAS**, the City of Oakland continues to experience a very high rate of home mortgage foreclosures, particularly for sub-prime and non-traditional loans; and

**WHEREAS**, the City of San Francisco has introduced a resolution denouncing SB 1070, calling for a boycott of the State of Arizona and Arizona-based businesses, and the City of Oakland would like to pass a similar resolution; and

**WHEREAS**, Arizona's legislature passed SB 1070, which Arizona Governor Jan Brewer signed into law on April 23, 2010, and set the clock back on a generation of civil rights gains; and

**WHEREAS**, SB 1070 requires the police "when practicable" to detain people they "reasonably suspect" are in the country without authorization; allows the police to charge immigrants with a state crime for not carrying immigration documents; creates a private right of action to sue cities upon belief that the government has a policy or practice that restricts immigration law enforcement; and makes it a crime to stop on a public street to attempt to hire a temporary worker; and

**WHEREAS**, SB 1070 will inevitably lead to racial profiling, jeopardize public safety, and create a wedge between law enforcement and ethnic communities; and

**WHEREAS**, President Barack Obama has stated that SB 1070 threatens to "undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and their communities that is so crucial to keeping us safe;" and

**WHEREAS**, the people targeted by SB 1070 are not strangers - our American lives are inextricably bound to theirs. SB 1070 will not only intimidate our nannies and our gardeners, but also our nurses and our home care workers. And it will not stop there. It will intimidate our college students, teachers, doctors, lawyers, and engineers. Everyone who looks Latino citizens, legal permanent residents, temporary visa holders, and the undocumented - will be a primary targets under this law; now therefore be it

**RESOLVED:** That unless and until Arizona rescinds SB 1070, the City of Oakland urges City departments (1) to the extent practicable, and in instances where there is no significant additional cost to the City or conflict with law, to refrain from entering into any new or amended contracts to purchase goods or services from any company that is headquartered in Arizona, (2) to not send City officials or employees to conferences in Arizona, and (3) to review existing contracts for the purchase of goods and services with companies headquartered in Arizona and explore opportunities to discontinue those contracts consistent with the terms of those contracts and principles of fiscal responsibility, and

**FURTHER RESOLVED:** That the Oakland City Council encourages citizens, businesses, churches, schools, organizations, associations, and others in the City, to boycott the State of Arizona and Arizona-based businesses until Arizona repeals SB 1070, and

**FURTHER RESOLVED:** That the City of Oakland calls on cities throughout the country to pass a similar resolution denouncing SB 1070 and calling for a boycott of the State of Arizona and Arizona-based businesses until it repeals SB 1070, and

**FURTHER RESOLVED:** That the Oakland City Council hereby directs the City Clerk to send a copy of this resolution to Arizona Governor Jan Brewer.

IN COUNCIL, OAKLAND, CALIFORNIA,           MAY 4 2010          

**PASSED BY THE FOLLOWING VOTE:**

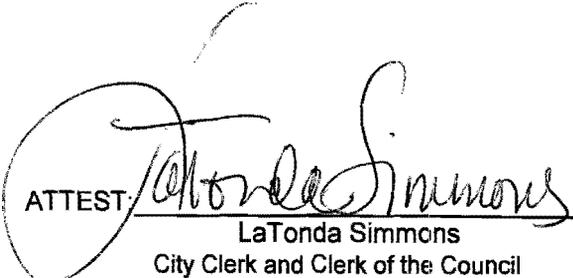
AYES - BROOKS, ~~DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND PRESIDENT BRUNNER - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - De La Fuente - 1

ATTEST   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California



**CITY OF OAKLAND | POLICE COMMISSION**  
250 FRANK H. OGAWA PLAZA, SUITE 6302 • OAKLAND, CA 94612

To: Oakland Police Commission  
From: Commission Attorney Ad Hoc Committee  
Date: 13 August 2021  
RE: Commission Attorney - Request for Qualifications

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Dear Colleagues,

### **RECOMMENDATION**

The Commission Attorney Ad Hoc Committee (Committee) requests that the Oakland Police Commission (Commission) adopt the attached Request for Qualifications (RFQ) and vote to proceed with public posting of the RFQ.

### **BACKGROUND**

In November 2020, Oakland voters adopted Measure S1, an amendment to Oakland City Charter Section 604. Measure S1 provided the Commission with specific authority to hire and supervise independent legal counsel to advise and represent the Commission in its exercise of the powers articulated in Section 604.

During the June 24, 2021 regular meeting of the Commission, Commission Chair Regina Jackson tasked Commissioner Henry Gage, Commissioner Brenda Harbin-Forte, and Commissioner Sergio Garcia with revising a draft RFQ provided by the Office of the City Attorney (OCA) for use by the Commission. The Committee has revised the RFQ as directed, and solicited and received feedback from the OCA on the draft RFQ and on general issues with retention of counsel.

### **SUMMARY**

This RFQ is being offered for adoption by the Commission. If adopted, the posting of this RFQ will allow the Commission to formally begin the solicitation of responses from interested firms and/or individual attorneys. This RFQ will operate as a “job description” and provide a general explanation of the type of service the Commission will expect from Commission Attorneys.

Subsequent to the receipt and review of responses, the Commission must vote to select a firm to act as Commission Attorneys. Once selected, the Commission will work with staff to execute a Scope of Service/Retention Agreement (SOS/RA) with the chosen firm. That document will serve as a binding contractual agreement between the Commission and its selected counsel.

### **The primary concepts of the attached RFQ are as follows:**

1. Any firm retained by the Commission must execute the City of Oakland’s standard Professional Services Agreement (PSA) and complete the attached schedules.

2. Any firm retained by the Commission must enter into a Scope of Service/Retention Agreement which includes a written work plan or case handling plan, a capped “not to exceed” amount in accordance with Section 604(i) and the names of the individuals in the law firm assigned to work on the matter and their hourly rates. Separate scopes may be required for specific projects, at the discretion of the Commission.
3. Interested firms must demonstrate sufficient expertise in the areas of police oversight, representation of public agency clients, public safety policy development, public employee misconduct and discipline, employee privacy, and public sector labor relations.

## **ANALYSIS**

The Commission’s powers and duties, as articulated in Section 604, require the Commission to undertake oversight, disciplinary, and policymaking activities with significant exposure to potential litigation. In recognition of this institutional position, the newly-created position of Commission Attorney is designed to ensure that the Commission receives timely advice and counsel to assist the Commission in the exercise of its duties, and to minimize, to the extent possible, the Commission’s litigation exposure. The Committee has worked to draft an appropriate RFQ, and will return to Commission with a draft Scope of Service/Retention Agreement once a responding firm has been selected.

## **CONCLUSION**

For questions regarding this report, please email Commissioner Henry Gage, at:

[hgage@oaklandcommission.org](mailto:hgage@oaklandcommission.org).

Sincerely,

Henry Gage III  
Oakland Police Commission

Oakland Police Commission  
12 August 2021  
Item: \_\_\_\_\_



CITY OF OAKLAND | POLICE COMMISSION  
250 FRANK H. OGAWA PLAZA, SUITE 6302 • OAKLAND, CA 94612

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**REQUEST FOR QUALIFICATIONS  
FOR LEGAL SERVICES:**

**Commission Attorneys for the Oakland Police Commission**

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Please respond by \_\_\_\_\_

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

Phone Number:

E-mail Address:

Issued: \_\_\_\_\_

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## INTRODUCTION & SCOPE OF SERVICE

In November 2016, Oakland voters overwhelmingly passed Measure LL, an amendment to the Oakland City Charter codified in Charter section 604, (hereinafter Section 604) which established the Oakland Police Commission (hereinafter “Commission”) consisting of seven regular and two alternate members, and which established the Community Police Review Agency (“CPRA”). In November 2020, Oakland voters passed Measure S1, an amendment to Section 604, which established an Office of Inspector General (“OIG”), expanded the powers and duties of the Commission, and provided for the Commission to retain independent legal counsel.

The Commission oversees the Oakland Police Department (“OPD”) to ensure that its policies, practices, and customs conform to national standards of constitutional policing. The Commission is charged with reviewing, proposing changes to, and holding annual public hearings on OPD’s policies and procedures. The Commission also must report annually to the Mayor, the City Council, and to the public regarding the Commission’s business.

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

The Commission wishes to retain legal counsel (“Commission Attorneys”) to advise the Commission on matters within the scope of its powers and duties as enumerated in Section 604 and in Oakland Municipal Code Chapters 2.45 and 2.46; provide periodic training on Brown Act compliance, serve as the Commission’s parliamentarian, represent the Commission as contemplated in Section 604(i)2, and advise on other matters as assigned. Commission Attorneys must be available to sit at the dais during the Commission’s regular and special meetings. Regular meetings are held the second and fourth Thursdays of each month at 6:30 p.m. in Oakland City Hall.

The Commission requests detailed information regarding the qualifications of attorneys or law firms interested in providing legal services to the Commission. Selection of Commission Attorneys will be based on the quality of their work, commitment to controlling costs, adherence to budgets, and demonstrated commitment and efforts to provide equal employment opportunity, including but not limited to efforts to provide equity and inclusion to persons of color, women, persons with disabilities, members of the LGBTQ+ community, and all individuals, regardless of protected class status. We encourage innovative approaches to billing proposals, such as fixed rate per project, blended hourly rate per project, discounted rates, contingency fees, or some other methodology. When we select a firm to represent the Commission, we decide which attorneys will be working on our matters, and we require advance approval of any changes in assignments.

Any firm retained by the Commission must enter into the City of Oakland’s standard Professional Services Agreement (PSA), and complete and provide the following schedules and documentation.

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

In addition to the PSA, the selected firm will be required to enter into a Scope of Service/Retention Agreement which includes a written work plan or case handling plan, a capped "not to exceed" amount in accordance with Section 604(i) and the names of the individuals in the law firm assigned to work on the matter and their hourly rates. Separate scopes may be required for specific projects, at the discretion of the Commission. The Scope of Service/Retention Agreement becomes a part of the overall agreement and cannot be modified without the advance written approval of the Commission. The Commission will not approve invoices that are in excess of budget, absent prior approval. All invoices must set forth the billing amount, the cap, and the amount remaining on the contract. The documents listed above are included as an attachment.

The selected firm must be current on the payment of Oakland business taxes. This tax is based on income from work the firm performs in Oakland. The selected firm must possess or obtain an Oakland Business Tax Certificate regardless of where the firm is located.

## **FIRM DATA & INFORMATION**

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

1. Describe your professional experience in the area of representation of public entities, including representation at public meetings or hearings, knowledge of parliamentary procedure, compliance with the California Public Records Act, and application of the Brown Act.
2. Describe your professional experience in the areas of oversight and policy development for a public safety agency.
3. Describe your professional experience in the area of public employee misconduct and discipline, including experience related to peace officers.
4. Describe your professional experience in the areas of employee privacy and public sector labor relations.
5. Have you ever represented a client in a claim or lawsuit against a peace-officer department or agency? If so, please describe the timing and nature of the representation(s).

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

In addition, Respondents should include the following information:

1. Your office's availability to work as counsel to the Commission, including number of hours per month the lead attorney can personally commit, availability of attorneys for Commission meetings, any regular time constraints or competing commitments, and availability of associate attorneys to advise the Commission in the absence of the lead attorney.
2. Statistical information about firm demographics, and an explanation of the firm's diversity, equity, and inclusion policy.
3. A description of the nature and scope of specific projects handled by each qualified attorney, or significant matters that may be relevant to representation of the Commission in such disputes.
4. An agreement not to engage in litigation against the Commission or represent clients that have interests that are directly adverse to the Commission without first informing the Commission and obtaining written permission from the Commission to do so.
5. A firm resume or brochure.

## **FEE STRUCTURE**

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

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

If the firm proposes to adjust rates during the course of representation, please describe the method for such adjustment. Respondents should include alternatives to hourly billing, including fixed price representation and contingency fee arrangements.

## **RESPONDENT'S PERSONNEL**

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

Before the Commission contracts with Commission Attorneys, the Commission expects a commitment with

respect to the attorneys who will be representing the Commission. If subsequently it becomes necessary to substitute an attorney or add additional attorneys, Commission Attorneys must receive prior approval before doing so. Significant roles shall not be given to other attorneys without the Commission's prior concurrence.

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

## **CONFIDENTIALITY OF PROPOSAL INFORMATION WAIVER**

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

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

## **COMMISSION'S RESERVATION OF RIGHTS**

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

## **CONFLICTS OF INTEREST**

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

## **STRATEGY & BUDGET**

For every new matter, Commission Attorneys are expected to prepare a strategy and a budget. The budget

should estimate total fees and expenses to see the matter to its conclusion. If Commission Attorneys anticipate a change in the budget, Commission Attorneys must discuss such anticipated changes with the Commission before the work is done or the expense is incurred. The Commission will not approve invoices that are in excess of budget absent prior approval.

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

## LITIGATION

Commission Attorneys shall represent the Commission as described in Section 604 (i) of the City Charter. Litigation that falls outside the scope of Section 604 is handled by the Office of the City Attorney. Advance approval from the Commission is required before:

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

Commission Attorneys must consult with the Commission concerning the strategy for taking depositions and other discovery. The deposition plan should include a brief explanation of the proposed deponent's location, the deponent's involvement in the matter, and the purpose of the deposition.

Commission Attorneys must exercise restraint in discovery and legal research conducted in routine small matters. We will not continue use of a firm that allows costs to approach - much less exceed- the Commission's exposure or potential recovery.

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

## COMMUNICATION

Commission Attorneys must contact the Commission if any issues arise that are not covered by the Scope of Service/Retention Agreement, or if Commission Attorneys wish to deviate from any of the stated terms of the Scope of Service/Retention Agreement

## REVIEW OF SUBMISSIONS

The Commission will select a firm to serve as counsel based on its evaluation of responses to this Request

for Qualifications. The Commission will evaluate responses in the areas of Scope of Service / Scope of Representation, Firm Data and Information and Fee Structure.

## **STATEMENT OF INTEREST & QUALIFICATIONS (SOQ)**

Submit Proposal to:

City of Oakland, Police Commission, c/o Police Commission Personnel Committee

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

Confidential Documents / Attn: City of Oakland, Police Commission

c/o Police Commission Personnel Committee

1 Frank H. Ogawa Plaza, Oakland, CA 94612

For questions concerning this SOQ contact

Police Commission Chair, Regina Jackson

[reginajackson@oaklandcommission.org](mailto:reginajackson@oaklandcommission.org)



# AGENDA REPORT

**TO:** Police Commission

**FROM:** John Alden  
CPRA Executive Director

**SUBJECT:** CPRA Presentation on Racial Profiling Policy and Cases

**DATE:** August 9, 2021

## **EXECUTIVE SUMMARY**

The Police Commission has asked for a presentation on racial profiling policy in the City of Oakland, and on how these cases are investigated. This memo addresses both questions. In short, the State of California and the City of Oakland prohibit officers from stopping people because of their race. However, that prohibition, while clear, is crafted in such a way that it very rarely results in sustained complaints against individual officers. This is the case in other cities, too. Nonetheless, the overall trend of disproportionate stops of our BIPOC communities, especially backs, is clear when we examine the total number of stops across the entire Police Department. This challenge is best addressed through changes to policies, which this Commission has already done, and continues to do.

## **STATE LAW BANNING RACIAL PROFILING**

California Penal Code section 13519.4 states that “a peace officer shall not engage in racial or identity profiling.” Racial profiling is defined by that statute as:

“Consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin . . . in [1] deciding which persons to subject to a stop or in [2] deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description.”

The beginning of this definition – “consideration of, or reliance on” – makes clear that the Legislature is calling out the mindset of an individual officer. They have emphasized the officer’s intention, the officer’s thought process, when deciding what law enforcement actions to take. Note that the statute does not discuss how many times an officer makes a stop, or the percentages of stops of persons of various races that an officer might make in a day, or a week, or a month. In other words, this statute prohibits the intent to engage in biased policing. It does not prohibit practices that unintentionally have disproportionate impact by race over time.

An everyday example makes this clearer. Imagine an officer parked near a stop sign, waiting for cars to go through. When he sees someone fail to stop at the stop sign, he then stops and tickets that motorist. If that officer chose to only stop black drivers, then

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he would be guilty of racial profiling. If that officer only stopped every second car that ran the stop sign, but 50% of the motorists so stopped were black, that officer would not be guilty of racial profiling. Even so, those stops still ended up having a racially disproportionate effect.

Take this example one step further. Imagine two police departments are deciding where to place their police officers to watch stop signs, just like the officer in the above example. They both tell their officers to stop each person that runs the stop sign. But in one department, command staff evenly distribute officers throughout the city. The stopped drivers, when tallied by race, then had a racial distribution similar to the city as a whole.

The other department, on the other hand, assigns all its traffic officers to a majority black neighborhood in which there have been many complaints about stop sign running. Those officers simply stop every car they see running a stop sign. The stopped drivers at the end of the day are largely black, just like the surrounding neighborhood. Thus, the individual police officers writing tickets in the second police department are not guilty of racial profiling, but the police department's decision to assign all traffic officers to a black neighborhood had a disproportionate effect on black residents. And residents in that neighborhood would have good reason to feel treated unfairly.

California law bans individual officers from using race as the reason for a stop. But it does not address how law enforcement patterns on a broad scale, like where to assign officers, can still result in disproportionate and unacceptable effects on BIPOC communities. In other words, California bans individual officers from racial profiling, but it has not yet solved the long-term and historical over-policing of BIPOC communities.

### **OAKLAND POLICE DEPARTMENT RACIAL PROFILING POLICY**

Oakland Police Department General Order M-19, implemented in 2004, also prohibits racial profiling. That order prohibits “[t]he use of race, ethnicity, or national origin in determining [1] reasonable suspicion, probable cause or [2] the focus or scope of any police action that directly or indirectly imposes on the freedoms or free movement of any person...” Like state law, this policy has an exception for using race where race is part of a specific description of a suspect. For example, when an arrest warrant is issued for a person, that warrant usually describes the wanted person's height, weight, hair color, eye color, gender, and race.

Note that neither California law nor OPD policy address implicit bias. These two authorities ban the explicit consideration of race when making a stop, but do not address the effect of implicit bias, the unconscious bias that might seep into a person's decision making without their conscious understanding that they possess that bias. From a disciplinary perspective this is an important point. Employment law principles

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only allow an employee, like a police officer, to be disciplined if they had notice of a rule at work, and then consciously chose to break it. Generally speaking, unconscious bias is not something arbitrators or courts allow employers to discipline employees for. Thus, implicit bias is simply not captured in these two authorities. Nor can it be given current employment law principles.

Oakland's policy also goes a step further than state law and most other police departments: it places on officers an obligation to explain their actions to the community. Specifically, officers must explain the reason for the stop, which would hopefully help to allay the stopped person's concern that they may have been racially profiled. Officers are also required to be courteous, apologize for the inconvenience if appropriate, and take a complaint if the stopped person asserts that they have been racially profiled.

In addition, Oakland's policy requires tracking of the reasons for each stop, and the demographics of the persons stopped. Oakland was ahead of most other police agencies in California when it adopted this tracking program. From this data, we are able to see the numbers of persons stopped in Oakland, which is discussed further below.

In sum, Oakland policy is similar to state law, and to the racial profiling prohibitions found in other cities. This policy matches current best practice, and at the time of its implementation, pioneered those best practices.

## **CPRA INVESTIGATIONS**

CPRA investigates whether an officer complied with OPD policies. OPD policy prohibits the use of race or other protected characteristics in establishing reasonable cause for a detention or search or the scope of any police action, just as state law does. Even consent searches may not be based on an individual's immutable characteristics, unless that is part of a suspect's description in a specific case.

However, it is exceedingly difficult to show that an officer improperly considered race or other protected characteristics on any given occasion. Often, an officer can and does articulate other legitimate reasons for the contact. Officers are required to memorialize those reasons in police reports, should a report be required. Officers also deny using race as a factor in taking action, which claim appears truthful when they have other legitimate reasons for the contact. In those cases, absent any evidence that the officer was dishonest in the reasons provided for the stop, existing OPD policy simply does not allow CPRA or OPD to sustain those misconduct allegations.

At first blush, this might appear an impediment to reforming police departments. That said, racial profiling bans do force officers to have a lawful, specific reason independent

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of race for each action they take. And with the advent of body worn cameras, we sometimes can see proof of these reasons (or their absence) after the fact. Long term law enforcement personnel can attest that racial profiling rules like Oakland's and California's really do make a difference in this regard. Here in Oakland, this ban has been in place for 17 years, long enough to change the culture of policing. OPD's racial profiling policy has been and continues to be an important tool, even if it does not resolve all of the racially disproportionate results we see in law enforcement.

Even so, rates of traffic stops, detentions, and arrests continue to show a disproportionate effect on BIPOC communities, especially Blacks. Continuing to work on reducing this disparate impact is critically important, even though attempting to prove individual claims that officers are intentionally discriminating has not proven successful.

For example, in 2020, CPRA closed 96 allegations of harassment/discrimination in 45 cases. CPRA did not sustain any of those allegations. This is not surprising given the extremely narrow language in OPD's policy, and it is not unique to Oakland:

- In San Jose, the Office of the Independent Police Auditor reported in its 2019 report that none of the 57 allegations of bias-based policing were sustained and that only three such allegations were sustained in the prior ten years. Only one of those was an allegation of racial profiling.
- The San Francisco Department of Police Accountability reported in its 2019 annual report that it made its first-ever sustained finding of bias-based policing in 2017 after nearly 35 years of investigating such cases. I happened to work on that case, so you know at least your CPRA Executive Director is one of the few people in the state to ever sustain a biased policing claim.
- The BART Independent Police Auditor likewise reported that there were no sustained findings of bias-based policing in its most recent annual report.
- Statewide statistics for 2019 show that there were 13 sustained allegations of racial profiling out of 700 allegations the state tracked, and one sustained out of 35 allegations of profiling based on nationality.

Nonetheless, in many cases in which racial profiling is alleged, CPRA does sustain other violations. For example, in 2020 CPRA sustained claims of use of force, discourtesy, failure to take a complaint, and unlawful search and seizure, all of which are commonly alleged in the same cases as racial profiling allegations. In the future, CPRA is looking for ways to work with the Inspector General to determine whether there are any patterns to those kinds of cases.

### **EFFORTS TO REDUCE DISPARITIES**

Oakland has already taken important steps to reduce disparities in police interactions with community members. In 2019, this Commission implemented a new policy that prohibits officers from immediately inquiring about the probation status of a person who

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has been stopped and, absent a connection to criminal activity or a concern about officer safety, prohibits officers from conducting a probation search on a person has been stopped and who is on probation for a non-violent offense. This is the first such policy in the nation, so far as we know. One justification for this change is that an officer's decision to ask for consent to search used to be entirely discretionary. Absent any guidelines for making the request, other than a prohibition on using race to make the decision, this decision point seemed one vulnerable to unconscious, implicit bias. OPD expects to have data later this year showing what effect this policy change had, if any, on the numbers of BIPOC people stopped.

Reducing officer discretion for certain kinds of stops may be one tool in reducing disparities caused by implicit bias. For example, Oakland has switched to intelligence led policing, i.e., focusing patrol officers on known patterns of crime in specific beats rather than simply patrolling at the officer's discretion to hopefully find criminal activity. Since that time, stops of blacks have dropped tremendously in Oakland, but remain disproportionate. OPD has also conducted far fewer stops overall because of this switch in policy. In this regard, Oakland is ahead of the curve.

Through policies like these, aimed at limiting the role of officer discretion and subjective decision making, we appeared to have reduce the role of bias (whether implicit or conscious) from influencing officers' actions. Specifically, by reducing the circumstances in which officers may contact people – stopping or detaining them, conducting searches, asking questions, etc. – and setting objective criteria for such decisions, we close those disparities. To the extent that community members of color are most impacted by police contacts in the first place, then these measures to constrain subjective decision making on the part of officers should have a disproportionately beneficial impact on those same communities.

While the fight to eliminate the historically disparate effects of policing in Oakland still requires more work, we should take note that Oakland has been, and continues to be, ahead of most other communities. The innovative strategies we have implemented here have had at least some positive effect, and are now considered best practices that others look to adopt.

For now, then, the best measure of whether Oakland is successfully addressing racial disparities in policing is not sustained rates on the existing prohibition on racial profiling, given the narrow language of that rule, but continued studies as to where we can identify these disparate outcomes, and changing policy to address those outcomes.

### **Staff Recommendation**

Staff recommends that the Police Commission share with the new Inspector General, once hired, the Police Commission's priorities with respect to policy creation in general,

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and racial profiling in particular. Continued study of this issue may lead to future policy innovations.

Respectfully submitted,

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JOHN ALDEN  
Executive Director, CPRA

Attachments (1):

1. OPD DGO M-19



**CITY OF OAKLAND | POLICE COMMISSION**  
250 FRANK H. OGAWA PLAZA, SUITE 6302 • OAKLAND, CA 94612

### Current Committees

Standing Committee	Commissioners
Outreach	Dorado, Hsieh, Jordan
Personnel	Jackson

Ad Hoc Committee	Commissioners
Annual Report	Jackson
Budget	Dorado, Jackson
Community Policing OPD 15-01	Dorado, Harbin-Forte, Hsieh
IAD Manual	Gage, Jackson, Jordan
Inspector General Search	Jackson, Milele, Peterson
Mental Health Model	Dorado
Militarized Police Equipment	Gage, Garcia, Jordan
Missing Persons Policy	Jackson, Jordan
OBOA Allegations Investigation	Harbin-Forte, Jackson
Performance Evaluation of CPRA Director	Dorado, Milele, Jackson
Police Chief Goals and Evaluation	Garcia, Milele, Peterson
Racial Profiling Policy	Dorado, Jackson, Milele
Rules of Procedure	Gage, Garcia, Harbin-Forte
White Supremacists and Other Extremist Groups	Dorado, Harbin-Forte, Jackson

**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"> <li>1. California's Meyers Milias Brown Act (MMBA) and Public Employment Relations Board's Administration of MMBA (done 3.12.20)</li> <li>2. Civil Service Board and Other Relevant City Personnel Policies and Procedures (done 2.27.20)</li> <li>3. Memoranda of Understanding with Oakland Police Officers Association and Other Represented Employees (done 4.22.21)</li> <li>4. Police Officers Bill of Rights (done 12.12.19; 2021)</li> </ol>	<b>High</b>	<b>COMPLETED (as to current commissioners)</b>		

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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
3	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			
4	Finalize Bylaws and Rules	1/24/2019			High	COMPLETED		Gage
5	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			Jackson
6	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.	High	COMPLETED		
7	Neighborhood Opportunity and Accountability Board (NOAB) Update	5/13/2021	Receive a report on the Neighborhood Opportunity and Accountability Board which launched in April 2020	Tabled from May 13, 2021 meeting	High	July 22, 2021		

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8	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"> <li>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;</li> <li>2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated;</li> <li>3. The number of investigations completed by IAD, and the results of the investigations;</li> <li>4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions;</li> <li>5. Revisions made to Department policies;</li> <li>6. The number and location of Department sworn employee-involved shootings;</li> <li>7. The number of Executive Force Review Board or Force Review Board hearings and the results;</li> <li>8. A summary of the Department's monthly Use of Force Reports;</li> <li>9. The number of Department sworn employees disciplined and the level of discipline imposed; and</li> <li>10. The number of closed investigations which did not result in discipline of the Subject Officer.</li> </ol> <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>	<b>High</b>	June 14, 2018 and June 14 of each subsequent year		Jackson
9	OPD to Provide a 30 Day Snapshot on the Effectiveness of SO 9202	2/27/2020		On 2.27.20, at the request of OPD the Commission considered and approved SO 9202 which amends the section in SO 9196 regarding Type 32 reportable force	<b>High</b>			

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10	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		Jackson
11	Prioritization of OPD Policies for Review	5/13/2021	Discuss and prioritize OPD policies for review	Tabled from May 13, 2021 meeting; discussed June 24, 2021 - Gage to reorganize by category	High			
12	Recommendations for Community Engagement	5/13/2021	Discuss recommendations for community engagement	Tabled from May 13, 2021 meeting	High			
13	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		

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14	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 Next one should be October, 2021		Jackson
15	Sloan Report	5/13/2021	Discuss the independent review commissioned by the City as part of a Step 3 Grievance procedure related to the Pawlik investigation	Tabled from May 13, 2021 meeting, discussed June 24, 2021 -- Commission counsel submitted report	High	COMPLETED		
16	Training on Brown Act, Sunshine Ordinance, and Parliamentary Procedure	5/21/2021	Receive a training session for Commissioners to understand rights and obligations under the Brown Act, the Sunshine Ordinance, Robert's Rules of Order, and the Commission's Rules		High	COMPLETED		
17	Community Policing Task Force/Summit	1/24/2019			Medium			Dorado

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18	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			
19	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.	Medium			
20	Free Gun Trace Service	1/27/2020		This service was mentioned at a meeting in 2019.	Medium			Dorado
21	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, Jackson
22	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			
23	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	COMPLETED for 2021		
24	Report from OPD Regarding Found/Confiscated Items	7/12/2019	OPD 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			

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25	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		
26	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			
27	Review Commission's Outreach Policy	4/25/2019			Medium			Dorado
28	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			
29	Revisit Standing and Ad Hoc Committee Assignments	10/29/2019	The chair will create adhoc and staff standing committees as appropriate		Medium	Ongoing		Jackson
30	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			
31	Annual Report	1/1/2018	Submit an annual report each year to the Mayor, City Council and the public		Low	Spring, 2022		Jackson

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32	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			
33	CPRA Report on App Usage	10/10/2018		Report from staff on usage of app.	Low	August, 2021		
34	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			
35	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	2023		

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36	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	Low			
37	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.	Low			
38	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			
39	Outreach Committee: Work with Mayor's Office and City Admin to Publicize CPRA App	10/10/2018			Low			
40	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			

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41	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	4/15/2021		
42	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
43	Social Media Communication Responsibilities, Coordination, and Policy	7/30/2019		Decide on social media guidelines regarding responsibilities and coordination.	Low			