



CITY OF OAKLAND

Oakland Police Commission

Annual Report 2019

EXECUTIVE SUMMARY

The City of Oakland's Police Commission (Commission) is a Charter-created oversight board, authorized to oversee the policies, practices, and customs of the Oakland Police Department (OPD). The Commission's jurisdiction includes oversight of the Community Police Review Agency (CPRA), which investigates complaints of police misconduct and provides disciplinary findings. The Commission is a civilian-run entity comprised of seven Commissioners and two non-voting Alternate Commissioners.

BACKGROUND / LEGISLATIVE HISTORY

On November 8, 2016, the citizens of the City of Oakland voted to approve Measure LL thereby creating a civilian Police Commission to oversee OPD's policies and practices and CPRA's investigations of police misconduct complaints. CPRA replaced the Community Police Review Board (CPRB). With that transition, additional staff were added as the Measure required at least one Investigator for every 100 sworn police officers. Measure LL granted the Mayor authority to appoint three regular members and one alternate member to the Police Commission. Additionally, a Selection Panel comprised of members of the public appoints four regular members and one alternate member.

At its meeting of October 17, 2017, the City Council approved the Mayor's and Selection Panel's first group of appointments to serve on the Police Commission. The following Commissioners have since left the Commission:

Commissioner	Title	Left Commission	Reason
Mike Nisperos	Commissioner	October, 2018	Moved out of Oakland
Andrea Dooley	Alternate Commissioner	December, 2018	Resigned
Maureen Benson	Commissioner	February, 2019	Resigned
Mubarak Ahmad	Commissioner	October, 2019	Term ended

POLICE COMMISSION STRUCTURE

As of December 31, 2019

Commissioner	Title	Appointed By	Term Ending
Regina Jackson	Chair	Mayor	October, 2021
Ginale Harris	Vice Chair	Selection Panel	October, 2020
Tara Anderson	Commissioner	Selection Panel	October, 2020
José Dorado	Commissioner	Selection Panel	October, 2021
Henry Gage, III	Commissioner	Selection Panel	October, 2022
Edwin Prather	Commissioner	Mayor	October, 2019
Thomas Lloyd Smith	Commissioner	Mayor	October, 2020
Chris Brown	Alternate Commissioner	Mayor	October, 2020
David Jordan	Alternate Commissioner	Selection Panel	October, 2022

The Commission welcomed four new Commissioners in 2019:

Name	Title	Appointed By	Notes
Tara Anderson	Commissioner	Selection Panel	Selected to fill the term of Mike Nisperos
Chris Brown	Alternate Commissioner	Mayor	Selected to fill the term of Andrea Dooley
Henry Gage, III	Commissioner	Selection Panel	
David Jordan	Alternate Commissioner	Selection Panel	

Police Commission Leadership

Since its inception in 2017, the Police Commission conducted separate elections for the positions of Chairperson and Vice Chairperson. In December 2017, the Commission elected Thomas Lloyd Smith to the position of Interim Chair and Ginale Harris to the position of Interim Vice Chair.

In February 2018, the Commission elected Commissioner Smith to the position of Chair and Commissioner Harris to the position of Vice Chair.

In February 2019, Regina Jackson was elected to the position of Chair. In March 2019, Commissioner Harris was re-elected to the position of Vice Chair.

Personnel Committee

In December 2018, the City Council authorized the creation of a Police Commission Personnel Standing Committee. The Personnel Committee held its inaugural meeting on February 4, 2019. Initially comprised of Commissioners Maureen Benson, Ginale Harris, and Regina Jackson, the Committee added Tara Anderson after Maureen Benson resigned from the Commission.

The Personnel Committee made hiring a permanent CPRA Executive Director its top priority. After an extensive search, John Alden was hired as the Executive Director in July 2019.

POLICE COMMISSION MEETINGS

The Police Commission held its first meeting on December 13, 2017, and currently meets on the second and fourth Thursday of each month in the evenings. These meetings offer robust open forum and public input on issues. Representatives from OPD appear at most meetings to provide reports on Commission-requested topics and to hear public comment.

OPD Presentations at Commission Meetings

Since its inception, the Commission has requested that former Chief Kirkpatrick provide informational reports on topics of interest to the Commission and as required by the Enabling Ordinance. Former Chief Kirkpatrick, or her OPD designee, presented on various topics including:

- Comments on reports from the Independent Monitor
- OPD's progress satisfying the terms of the negotiated settlement agreement
- OPD's policies and procedures concerning its dealings with the unhoused population
- OPD's position and report on its education and support of sworn employees' issues with job related stress, post-traumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues
- Departmental General Order R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Post-Release Community Supervision)
- OPD's vehicle towing policy and impact on the economically disadvantaged and unhoused
- Special Order 9196: Documentation of the Use of Force
- OPD's use of the Bear Cat and other militarized weapons
- Review of OPD's Racial Impact Report
- OPD's social media policy
- OPD's hiring process data for people of color

Consideration of OPD Policies and Orders

The Commission reviewed and considered several OPD Policies and Orders including:

- OPD Departmental General Order R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Post-Release Community Supervision). On July 9, 2019 the City Council adopted the Police Commission's version of the policy.
- OPD Special Order 9196: Documentation of the Use of Force

Police Commission Special Community Forum

On February 16, 2019, the Commission held a special community forum at Taylor Memorial Church in Oakland which involved a public hearing on OPD's practices of policing the unhoused community. Community members testified regarding their experiences with OPD and provided insight into how OPD's actions and policies with the unhoused may be improved.

Special Presentation to the Police Commission

On May 23, 2019, the Commission arranged for a presentation from members of Crisis Assistance Helping Out on the Streets (CAHOOTS) of Eugene, OR. The presentation discussed how CAHOOTS seeks to remedy the skill mismatch and wasted expense when police officers and Fire Department personnel respond to non-emergency mental health and health related crisis calls. Since implementing the program in 2014, Eugene has seen both a cost savings and improved outcomes for clients.

Special Concurrent Meeting of the Oakland City Council, Community Policing Advisory Board, Public Safety Services Oversight Commission, and Oakland Police Commission

On April 30, 2019, a special joint meeting of the City Council, Community Policing Advisory Board, Public Safety Services Oversight Commission, and Oakland Police Commission was held to discuss the City's efforts on public safety and violence reductions.

TRAINING FOR THE POLICE COMMISSION

Training for Commissioners is ongoing as Commissioners cycle on and off the Commission. The Commission received the following trainings in open session:

- On September 12, 2019 then Deputy City Administrator Stephanie Hom delivered training on the contract authority which was granted to them by the City Council on July 9, 2019 through section 2.04.022 of the Oakland Municipal Code.
- On December 12, 2019, CPRA Executive Director John Alden trained the Commission on the Police Officers Bill of Rights.

The National Association of Civilian Oversight of Law Enforcement (NACOLE) held two training events which several Commissioners and Alternate Commissioners attended:

- On May 3, 2019 a Regional Training and Networking event was held at the Kaiser Center in Oakland. Trainings were on topics such as civilian oversight of county jails, California's new transparency laws, and information on the strengths and limitations of the different models of civilian oversight of law enforcement.
- The Annual Conference, a five-day training event in the core competencies for civilian oversight practitioners, was held September 22-29, 2019 in Detroit, MI. Commissioners Harris, Jackson, and Prather attended the conference.

CPRA LEADERSHIP

Karen Tom began the year as Interim Executive Director of the agency as the newly formed Personnel Committee embarked on a search for a permanent one.

At mid-year, in late May of 2019, former Commissioner Mike Nisperos was hired to fill the role of Interim Executive Director when Ms. Tom returned to her role as Complaint Investigator III.

After an extensive nationwide search, John Alden was hired as Executive Director in July of 2019. One of the first tasks that Mr. Alden set to work on was hiring additional investigators for the agency.

In October of 2019, three Complaint Investigator II positions were filled when Meredith Marzuoli, Ashley Nechuta, and Christopher Simon were welcomed on board.

OTHER NOTEWORTHY ITEMS

In March 2019, the Commission voted to draft a letter in support of AB 392: The California Act to Save Lives, which limits when police officers may use deadly force.

In June 2019, the Commission approved a letter to the City Council in support of funding for a feasibility study to determine if a program similar to one operated by CAHOOTS (Crisis Assistance Helping Out on The Streets) in Eugene, OR is appropriate for Oakland. CAHOOTS addresses the need to remedy the skill mismatch and potential wasted expense when police officers and Fire Department personnel respond to non-emergency mental health and health related crisis calls.

Also in June 2019, the Commission approved a letter to the City Council challenging the selection of a provider of counseling services for the Department without engaging in a competitive bidding process.

In late June 2019 the Commission convened its first Discipline Committee for an officer involved shooting incident that happened in 2018. The Committee was comprised of Commissioners Dorado, Jackson, and Prather.

On September 14, 2019 the Commission conducted a full-day retreat at the Waterfront Hotel in Oakland. The retreat was facilitated by Walker and Associates Consulting of Oakland. The Commission participated in small group activities to brainstorm and align to major objectives and areas of focus. Some of those include:

- Define Clear Measures for the Chief of Police
- Submission of Proposed Budget for OPD Mental and Emotional Health
- Chief of Police Annual Report
- Performance Evaluation of Agency Director and Police Chief (criteria due a year before evaluation)
- Standardized Policies and Procedures for Police Commission

- Public Hearing on Use of Force
- Become Data-Driven/Metric-Based
- Collaboration (with other bodies)
- Full Implementation of Community Policing

In October 2019, the Commission retained the firm of Garcia Hernández Sawhney LLP to provide legal services to the Commission.

In December 2019, the Commission applied for and was awarded a Goldman School of Public Policy policy analysis graduate school team to work on a study of “Compensation for Property Damaged During Police Interactions.”

Several Commissioners -Anderson, Gage, and Harris - are part of a collaborative Use of Force Ad Hoc Committee which includes representatives from the Police Commission, OPD, CPRA, and parties involved with the Negotiated Settlement Agreement. The Committee meets on Thursday evenings when the Commission doesn't meet and works on developing a framework for an updated OPD Use of Force Policy.