



OAKLAND POLICE COMMISSION

REGULAR MEETING AGENDA

March 9, 2023

5:30 P.M.

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department to ensure its policies, practices, and customs conform to national standards of constitutional policing, and to oversee the Office of the Inspector General, led by the civilian Office of Inspector General for the Department, as well as the Community Police Review Agency (CPRA), led by the Executive Director of the Agency, which investigates police misconduct and recommends discipline.

Pursuant to California Government Code Section 54953(e) having been rescinded, members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will no longer participate in public meetings via phone/video conference, and physical teleconference locations are required.

Please note that Zoom links for Commission Meetings will be to view only.



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PUBLIC PARTICIPATION:

Use of Zoom is limited to observing, public comment will not be taken via Zoom

The Oakland Police Commission encourages public participation at the in-person 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/87165628490> 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 +1 669 444 9171 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 646 931 3860

Webinar ID: 871 6562 8490

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 (in person):

- Public comment on each agenda item will be taken. Members of the public wishing to comment in person must fill out a speaker card for each item they wish to comment on and submit it prior to the start of the meeting.
- Comments must be made on a specific agenda item covered in the meeting that the comment was submitted for, and that item must be written on the speaker card, or they will be designated open forum comments. Comments designated for open forum either intentionally or due to the comments being outside of the scope of the meeting's agenda/submitted without a including a written agenda item will be limited to one comment per person.

E-COMMENT:

- Please email written comments to opc@oaklandcommission.org and they will be delivered to Commissioners. E-comments must be submitted at least **24 hours** prior to the meeting and will be read by OPC staff during the appropriate agenda item, if comment does not pertain to an agenda item covered in the meeting, the comment will be read in open forum with the limit of one open forum comment per person.



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

Chair Tyfahra Milele

Roll Call: *Vice Chair Jordan; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Jesse Hsieh; Commissioner Regina Jackson; Commissioner Marsha Peterson; Alternate Commissioner Angela Jackson-Castain*

Excused: *Alternate Commissioner Karely Ordaz*

II. **Closed Session**

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

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.

**CONFERENCE WITH LEGAL COUNSEL –
EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
Delphine Allen et al., v. City of Oakland, et al.
N.D.Cal No, 00-cv-4599-WHO**

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

Members of the public wishing to address the Commission on matters that are not on tonight's agenda but are related to the Commission's work should raise their hands and they will be called on in the order their hands were raised. Comments regarding agenda items should be held until the agenda item is called for discussion. Speakers not able to address the Commission during this Open Forum will be given priority to speak during Open Forum Part 2. ***This is a recurring item.***

IV. **Department of Violence Prevention (DVP) Presentation**

Chief Guillermo Cespedes and the Deputy Chief of Direct Practice will present on the work of their department and vision moving forward.

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



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- V. Update from Oakland Police Department (OPD)**
Representatives of the Oakland Police Department will provide an update. Topics discussed in the update may include crime statistics; a preview of topics which may be placed on a future agenda; responses to community member questions; and specific topics requested by the Commission.
This is a recurring item. (Attachment 5)
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- VI. Update from Office of the Inspector General (OIG)**
Inspector General Michelle N. Phillips will provide an update on the OIG’s work. Topics discussed in the update may include project priorities under the City Charter; staffing updates; responses to Commission and community member questions. ***This is a recurring item. (Attachment 6)***
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- VII. Consider Invoking Municipal Code 2.45.210 to Enforce January February 10, 2023 Request for Personnel Information from City of Oakland and Police Department (Complaints)**
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- VIII. Direction to CPRA Director to Develop Rules and Procedures re: Mediation per Municipal Code 2.45.070(N)**
- a. Discussion
 - b. Public Comment
 - c. Action, if any
- IX. Public Forum for NSA Task 5 (Investigations) and Task 45 (Discipline Disparity): Input on the lived experience of the public to inform culture change in OPD (Attachment 9)**
- a. Discussion
 - b. Public Comment
 - c. Action, if any



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X. Committee Reports

Representatives from Standing and Ad Hoc Committees will provide updates on their work.

This is a recurring item. ([Attachment 10 – Supplemental](#))

- **Negotiated Settlement Agreement “NSA”** (Commissioners Harbin-Forte, Hsieh, Milele)
This Ad Hoc Committee is tasked with: (1) Representing the Commission in all deliberations and discussions with other City of Oakland stakeholders pertaining to the Sustainability Period and efforts to resolve Court oversight; (2) Reviewing the status of OPD compliance with NSA Tasks 5 (investigations) and 45 (racial disparity in discipline) and make recommendations as to any policies that may be required to achieve compliance in these areas, including the review and assessment of the January 18, 2023 policy recommendations of Clarence, Dyer & Cohen, LLP; and (3) Recommend policies and actions required to ensure that the constitutional policing mandated by the NSA continue beyond the Sustainability Period.
- **Rules of Procedure Ad Hoc Committee** (Commissioners Hsieh, Howell, Jackson-Castain)
This Ad Hoc Committee oversees the Commission’s Rules of Procedure for review and updates.
- **Community Outreach Ad Hoc Committee** (Commissioners Howell, Hsieh, Jordan)
The objective of this Ad Hoc is to increase public awareness and knowledge of the Commission’s work and ensure broad community voices, especially from the most marginalized, are elevated. This Ad Hoc will also oversee the community engagement and outreach of the CPRA, the IG’s office and to some extent the OPD. Additionally, this Ad Hoc will work to set the guidelines for how Commission Ad Hoc’s are formed and run.
- **Budget Ad Hoc Committee** (Commissioners Milele, Jordan, and Jackson-Castain)
This Ad Hoc Committee is tasked with overseeing the Commission’s budget and related activities
 - a. Discussion
 - b. Public Comment
 - c. Action, if any

XI. Consent Calendar

Commission will vote to approve the meeting minutes for February 23, 2023. ([Attachment 11](#))

XII. Upcoming/Future 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 12](#))

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



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- XIII. Open Forum Part 2** (2 minutes per speaker, 15 minutes total)
Members of the public wishing to address the Commission on matters that were not on tonight's agenda but are related to the Commission's work should raise their hands and they will be called on in the order their hands were raised. ***Persons who spoke during Open Forum Part 1 will not be called upon to speak again without prior approval of the Commission's Chairperson.***

XIV. Adjournment

NOTICE: In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the meeting, to access written documents being discussed, or to otherwise participate at Commission meetings, please contact the Police Commission's Chief of Staff, Kelly Yun, at kyun@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.



2023 Year-to-Date Recovered Guns

Recoveries through 26 Feb., 2023

Grand Total	148
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Crime Recoveries	
Felony	95
Felony - Violent	26
Homicide	4
Infraction	0
Misdemeanor	6
Total	131

Crime Gun Types	Felony	Felony - Violent	Homicide	Infraction	Misdemeanor	Total
Machine Gun	1					1
Other	3					3
Pistol	67	21	4		6	98
Revolver	8	1				9
Rifle	15	1				16
Sawed Off		1				1
Shotgun	1	2				3
Sub-Machinegun						0
Unknown/Unstated						0
Total	95	26	4	0	6	131

Non-Criminal Recoveries	
Death Investigation	3
Found Property	10
SafeKeeping	4
Total	17

Non-Criminal Gun Types	Death Investigation	Found Property	SafeKeeping	Total
Machine Gun				0
Other				0
Pistol	3	4	1	8
Revolver		1	1	2
Rifle		1	1	2
Sawed Off				0
Shotgun		4		4
Sub-Machinegun				0
Unknown/Unstated			1	1
Total	3	10	4	17



2023 vs. 2022 — Year-to-Date Recovered Guns

Recoveries through 26 Feb.

Gun Recoveries	2022	2023	Difference	YTD % Change 2022 vs. 2023
Grand Total	247	148	-99	-40%

Crime Recoveries	2022	2023	Difference	YTD % Change 2022 vs. 2023
Felony	149	95	-54	-36%
Felony - Violent	34	26	-8	-24%
Homicide	12	4	-8	-67%
Infraction	0	0	0	PNC
Misdemeanor	4	6	2	50%
Total	199	131	-68	-34%

Non-Criminal Recoveries	2022	2023	Difference	YTD % Change 2022 vs. 2023
Death Investigation	4	3	-1	-25%
Found Property	26	10	-16	-62%
SafeKeeping	18	4	-14	-78%
Total	48	17	-31	-65%

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



AGENDA REPORT

TO: Oakland Police Commission

FROM: Michelle N. Phillips
Inspector General

SUBJECT: Office of the Inspector General (OIG)
Progress Report

DATE: March 9, 2023

PURPOSE

The enclosed report includes updates from the OIG, since the Inspector General last reported out on January 12, 2023. This is an informational report and is intended to answer OIG-specific questions raised at the last Oakland Police Commission (Commission) meeting and to provide transparent information to the members of the public regarding the OIG's work.

CITY CHARTER AND NEGOTIATED SETTLEMENT AGREEMENT (NSA, MEASURE S1 OIG MANDATE)

Independent Monitor Site Visit

The OIG attended all segments of the site visits on February 21, 2023, and February 22, 2023. There were very detailed presentations and discussions regarding the current state of use of force complaints, high-profile cases, policies, and risk management.

Task 42 Audit Review

The Field Training Officer (FTO) program, outlined in Task 42, is an important area for review for the OIG as it is the new officers' first opportunity to work on the street, post-academy.¹ It is a critical component of training and introduces new officers to department culture, community interactions, and job execution. The audit is progressing well, and the team is in the drafting stages. Although comprehensive audits take time, OIG is excited to present our findings around Task 42 and how the program is perceived through the eyes of trainees. To confirm, access to data regarding this audit was impacted by the City's ransomware attack that began on February 8, 2023, which will cause some delay in the movement of this project and the release of its official report.

¹ Negotiated Settlement Agreement with stipulations regarding pattern and practice claims revised December 2008 can be found at <https://oaklandca.s3.us-west-1.amazonaws.com/government/o/OPD/a/publicreports/oak060142.pdf>

Case Management Conference Work Group

The OPD has initiated a work group inviting members of the City Leadership, OIG, Police Commission, Plaintiff’s Attorneys and other stakeholders to meet regularly to receive updates from OPD on their response to the recommendations offered in the Clarence Dyer and Cohen LLC report, from January 2023. These meetings will be ongoing, and the OIG intends to be present. The first meeting in this series was February 21, 2023.

Proposed Policy Recommendations

While the OPD working group is focused on ensuring the recommendations from the independent report are addressed, the OIG identified some possible gaps in OPD policies. The OIG is actively reviewing those policies and gathering additional information from the Information Technology Department and the OPD policy and publication division. That report and recommendations, if any once completed, will be submitted to the Commission for consideration and response.

CITY COUNCIL AUDIT

The OIG is currently in the drafting stage of a recommendation document for the City Council to consider for future OPD contracted organizational evaluations.

THE BEY MATTER

Prior to the appointment of the current Inspector General, in November 2021, the Commission voted to refer the Bey matter to the newly created OIG. The expressed goal was to review specific records and report to the Commission any policy recommendations for changes to procedures and practices going forward. At the February 9, 2023, meeting a commissioner requested a more detailed update regarding this matter. Attached to this document, is an informational report with a timeline and key information about the OIG’s review of the Bey Matter. Unfortunately, this review will also be delayed as the OIG, like most other City departments has been impacted by the ransomware attack.

OTHER OIG PROJECTS

The aforementioned projects are the top priorities for the OIG, per the Commission’s request that the office work on 1) City Council Audit and 2) The Bey Matter. That prioritization was communicated when the Inspector General was hired in January 2022.

Since the City Charter requires the OIG to also audit the NSA tasks, the OIG selected Task 42. This selection was made with the consideration of the Federal Judge requiring the IMT to conduct audits of 11 of the 52 tasks.²

² Tasks 2, 5, 20, 24, 25, 26, 30, 31, 34, 41, and 45 were required to continue to be audited by the IMT

OPD and CPRA Mediation Program for Police Misconduct Complaints

While working on the projects mentioned above, the OIG also reviewed sections §2.45.070 and §2.46.060 of the Municipal Code. In September 2022, a member of the public inquired about Oakland's mediation program within OPD. Shortly thereafter, the OIG reviewed the provisions, inquired about the development of the program with OPD and CPRA, conducted research, and reviewed relevant documents. On Monday, February 6, 2023, the OIG provided a report of the review to the Commission, with a request that they provide a response by February 17, 2023. The Commission has not provided an official response to the OIG's request. The review was released publicly on March 2, 2023 and is in this agenda packet.

Information Request §2.45.120(B) – Function and duties of the Office of the Inspector General

In an effort to comply with §2.45.120(B), the OIG formally requested information from OPD that is required to be in the OIG annual report. The information was provided promptly and a review of the OPD training curriculum will be forthcoming. Given the ongoing inquiry into this project, the OIG will continue to assess informational needs and formally request additional information where needed.

OIG STAFF UPDATE

The OIG welcomed Mr. Dominique McBride on February 18, 2023. Mr. McBride is an exempt limited-duration employee and will be working as the OIG's Deputy Inspector General and Chief Analytics Officer. Mr. McBride is a skilled operations and data management professional with experience in data analytics, strategic planning, and continuity development. Mr. McBride will bring his knowledge of building solid data management practices to the OIG to strengthen the relationships between stakeholders and the community through the delivery of valuable analytical insights, deliverables, and transparency. His management consulting experience, particularly in process improvement, risk assessment, risk management and governance from the lens of the Federal government yields itself as invaluable to the OIG. Mr. McBride's knowledge and career experiences will ensure comprehensively inclusive data management resources to support the needs of our evolving community.

The Oakland Human Resources Department closed the Inspector General Performance Auditor and Inspector General Policy Analyst positions mid-January 2023. The first round of exam assessments are scheduled the week of March 6th. The OIG remains optimistic that the additional four staff members will be hired by April 2023.

The OIG job specification for the Deputy Inspector General position has been presented to Human Resources for review, approval, and next steps. The OIG was given an update the week from Human Resources on their progress February 21, 2023. For reference, the Deputy Inspector General position will replace the Chief of Staff position, which will be removed from the OIG organizational structure pending approval of the Deputy Inspector General position job classification. The OIG will also be recruiting for a permanent Inspector General Audit Manager in the coming months. As the OIG builds, we will continually assess resource needs and possible organizational changes that may be requested in the future.

OIG COMMUNITY ENGAGEMENT AND OUTREACH

Since our last update, the OIG continues to deliver on its mission to build and strengthen relationships with the Oakland community. In the last month alone, we have had representation at several engagement activities, that included professional and personal development workshops, enriching discussions with on policing and oversight, Black History Month celebrations, as well as a presentation at the West Oakland Neighborhood Council meeting. Our office also met with numerous key stakeholders in both the public and private sectors that have expressed a keen interest in partnering with the OIG on various social justice, public safety, and police oversight projects.

As a new and developing department, our continued visibility and participation in these collaborative spaces allow for the OIG to connect with community members, who are often completely unaware of Oakland’s civilian oversight bodies and how they function. To aid in our educational and engagement goals, we have also launched two social media campaigns to both answer the community’s frequently asked questions (#FAQFridays), while elevating their perspectives around safety and oversight (#CandidConversation). The office’s social presence continues to grow daily, increasing the OIG’s ability to reach audiences most impacted by police misconduct.

For questions regarding this report, please contact Michelle N. Phillips, Inspector General, at OIG@oaklandca.gov.

Respectfully submitted,



Michelle N. Phillips
Inspector General
Office of the Inspector General

The Bey Matter Informational Report



INFORMATIONAL REPORT

TO: Oakland Police Commission

FROM: Michelle N. Phillips
Inspector General

SUBJECT: Office of the Inspector General (OIG)
Status Update-Bey Matter Report

DATE: March 9, 2023

PURPOSE

The enclosed informational report and status update, from the Inspector General, includes a timeline and key details related to the OIG's evaluation of the Bey Matter. This informational report is intended for Oakland's Public Safety Committee, the Police Commission, and members of the public.

THE BEY MATTER

Prior to the appointment of the current Inspector General, in November of 2021, the Oakland Police Commission voted to refer the Bey matter to the newly established OIG. The expressed goals were for the OIG to review specific records relevant to the matter, and report to the Commission any policy recommendations that would improve OPD's practices and procedures in the future. Below is an outline of salient milestones regarding OIG's evaluation of this matter:

- ❖ **November 18, 2021**– The Police Commission voted to refer Department records previously subpoenaed by the Commission related to IAD Numbers **07-0538**, **13-1062**, and **16-0146** to the new Inspector General, per Oakland Municipal Code § 2.45.120(F)¹
- ❖ **January 18, 2022**– The Inspector General received the subpoenaed records from Police Commission to review the above-mentioned cases
- ❖ **February 2022**– During the review of the **07-0538**, **13-1062**, and **16-0146** and subpoenaed materials the OIG began to start drafting the report of review
 - During the composition of the initial draft section of **13-1062**, the OIG identified complaint **20-0218** as a vital complaint to review, although it was not included in the Police Commission's initial directive
 - Files referencing **20-0218** were provided in the subpoenaed documents, yet the OIG requested subsequent documents and information from CPRA and OPD
- ❖ **May 19, 2022**– The OIG requested access to the Knox and Ross Report, via email, as the OIG identified documentary evidence that referenced the report during the initial review
 - The OIG's request was initially denied

¹ Police Commission Agenda can be found at this website [https://cao-](https://cao-94612.s3.amazonaws.com/documents/Police-Commission-Special-Meeting-11.18-agenda-materials-basket.pdf)

- ❖ **June 2, 2022**– The Police Commission convened a special meeting to supply the Inspector General with the Knox and Ross Report
- ❖ **June 8, 2022**– The Inspector General was given the Knox and Ross Report with confidentiality restrictions
 - The OIG took a cursory review of the Knox and Ross Report and identified **07-0533** as an additional complaint that seemed to be critical to the review of the matters
- ❖ **July 2022**– The OIG requested authorization from the Police Commission via email, to allow the Inspector General to share case information with another OIG staff member to expedite the review
 - There was a two-month delay before I received a response from the Commission regarding the request. By that time, the staff member was assigned to assist with the Task 42 audit.
- ❖ **August 2022**– The OIG identified the **07-0533** file embedded in the **16-0146** file folder
- ❖ **September 2022**– The OIG completed a review of **07-0533**
- ❖ **October 2022**– The OIG requested additional documents from OPD, CPRA and the City Attorney’s Office as well as had meetings with members from each agency to gain clarity on some matters
- ❖ **October 2022**– The OIG went incorporated **07-0533**, which ultimately changed the trajectory of the review
- ❖ **January 2023**– The OIG continued working through the Report of Review focusing on **13-1062**, consulting the City Attorney’s Office for guidance
- ❖ **February 2023**– The City of Oakland experienced a Citywide information technology issue affecting the OIG’s ability to access the draft report

Next Steps

The OIG is awaiting further information regarding accessibility to the office desktop, where the draft report is located, or VPN access to see if the document can be retrieved remotely. If the report is not recoverable, the OIG will begin drafting a replacement document.

For questions regarding this report, please contact Michelle N. Phillips, Inspector General, at OIG@oaklandca.gov.

Respectfully submitted,



Michelle N. Phillips
Inspector General
Office of the Inspector General

Office of the Inspector General
City of Oakland



**Public Synopsis:
Report of Review**

Released: March 2, 2023

Michelle N. Phillips, Inspector General



LIONEL WILSON BUILDING • 150 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA

OFFICE OF THE INSPECTOR GENERAL: REPORT OF REVIEW

OIG@Oaklandca.gov

Date: Thursday, March 2, 2023

Dear City of Oakland Residents,

With voters' overwhelming support and passage of Measure S1, in 2020, the Office of the Inspector General (OIG) was established to independently audit the Oakland Police Department's (OPD) compliance with the law as well as its departmental policies and procedures. This was done so with the intent to strengthen the City's ability to decrease and manage instances of police misconduct. The OIG's oversight jurisdiction also includes, but is not limited to, auditing and reviewing the Community Police Review Agency's (CPRA or Agency) complaint and investigative process as well as their compliance with the City Charter and Oakland Municipal Code.¹ Upon the completion of an audit, review or evaluation, the OIG provides reports and recommendations to the Oakland Police Commission (Commission), or another action holder for consideration and implementation.

At the end of September 2022, the OIG received a telephone call from an Oakland resident inquiring about the availability of mediation programs for community members seeking to remedy an issue with an OPD officer. This request prompted the OIG to review the status of the required mediation program outlined in the Oakland Municipal Code – sections §2.45.070 and §2.46.060.

Mediation is a form of dispute resolution that allows space for impacted parties to meet and discuss ways to resolve a problem. An effective OPD mediation program would provide community members and the subject officer the opportunity to safely and directly discuss the resident's complaint, via a third-party mediator. This effort could greatly assist the OPD in bridging current gaps that exist between residents and officers. Through face-to-face discussions focused on the sharing of viewpoints, increased empathy, and reconciliation, parties are better equipped to find common ground. A mediation program would also offer an additional opportunity to resolve complaints from members of the public in a timely and appropriate manner, which directly aligns with Task 5-Complaint Procedures for the Internal Affairs Division.

¹ The Community Police Review Agency present day is generally referred to as the CPRA however, the Enabling Ordinance and City Auditors report refers to the Community Police Review Agency as the Agency. Therefore, the OIG wanted to ensure the reader understood that both CPRA and Agency refers to the Community Police Review Agency. Additionally, the particular section reference in the Municipal Code is referred to as the Enabling Ordinance.



OIG Review & Methodology

Review of the City Municipal Code (Enabling Ordinance)

The OIG identified two sections within the City of Oakland Municipal Code, that outlines the duties and functions of the Commission, CPRA, and OPD, as it relates to the development and implementation of a mediation program. This section of the Municipal Code is also referred to as the Enabling Ordinance.

Pursuant to the City of Oakland’s Enabling Ordinance Chapter §2.45 Oakland Police Commission, Section §2.45.070(N) – Functions and duties of the Commission states:

In association with the Agency Director and in consultation with the Chief or the Chief’s designee, establish rules and procedures for the mediation and resolution of complaints of misconduct. To the extent required by law, the City will provide the employee unions with notice of such proposed bylaws prior to implementation.

Additionally, pursuant to the Enabling Ordinance Chapter §2.46 Community Police Review Agency, Section §2.46.060 – Mediation Program states:

Upon the agreement of the Chief, the Agency Director, the complainant(s) and the subject officer(s), the Agency Director shall appoint a qualified mediator with at least five (5) years of experience in mediating employment or other relevant disputes, from a conflict resolution company or association that employs mediators, to mediate a final resolution of the complaint in accordance with the Commission’s established rules and procedures. Any Commissioner, City employee, or former Department sworn officer shall not be appointed mediator. Both the Chief and the Agency Director must approve of any settlement offer before it is proposed to the subject officer and/or before any such offer is accepted.

The above-referenced sections of the Enabling Ordinance were codified in 2018.²

Review of City Reports, Policies and Communications

To ensure relevancy, the OIG reviewed applicable City documents to capture the deferred timeline for the mediation program implementation. On June 1, 2020, the City Auditor published an audit report on the performance of the Commission and CPRA, as required by City Charter. In terms of the mediation program, the audit highlights that the Commission is tasked with establishing the rules and procedures of a Mediation program, per the Enabling Ordinance. In their public report, they state, “[t]he Commission has not established a mediation program for complaints” – and this remains true. The audit also emphasizes the need for the Commission to complete this task as a mediation program “promotes civilian understanding and saves the Agency investigative time.”

While the City Auditor’s report focuses on the Commission’s responsibility to establish rules and procedures of a mediation program; the OIG’s review focus was the responsibility, if any, of CPRA

² At the OIG’s request the City Attorney’s Office reviewed this document prior to public release



and OPD as they will be the primary implementers of the program. To date, the mediation program has not been given a timeline for application nor has the process been initiated.

In December 2022, the OIG sent requests for information to both OPD and CPRA regarding the status of the mediation program. OPD stated they believe the mediation program is an endeavor that should be spearheaded by CPRA. Upon CPRA initiation, OPD should be consulted during the development and implementation phase.³ It must be noted that the Internal Affairs Division departmental general order (DGO) M-3.1 outlines an Informal Complaint Resolution (ICR) process.⁴ According to DGO M-3.1, the ICR process may be used to informally address service complaints or alleged acts of Class II misconduct against departmental personnel that does not indicate a pattern of misconduct.⁵ The intent of the ICR process is to expedite the resolution of less serious types of complaints against members.

Similarly, the CPRA expressed the belief that a mediation program would benefit the community and OPD personnel; however, it does not appear to be a current priority for their office. It should be mentioned that CPRA has recently undergone leadership changes that may have impacted the prioritization of this program.

Lastly, the OIG reviewed the Commission's January 26, 2023, meeting agenda. Item 12 on the agenda, Upcoming/Future Agenda Items summarizes duties and responsibilities for the Commission, CPRA and the OIG. The document outlines that CPRA via §2.45.070(N) of the Enabling Ordinance is responsible for establishing rules and procedures for mediation or the resolution of complaints of misconduct. There is currently no timeline associated with this task.⁶

OIG Review of External Mediation Programs

The OIG plans to take advantage of national best practices through ongoing thought partnership with external agencies and oversight practitioners. Currently, some law enforcement and police oversight agencies have reported success with mediation programs including the Pasadena Police Department, the City of Seattle's Office of Police Accountability, and the Atlanta Citizen Review Board (ACRB), which are highlighted below.

Pasadena Police Department

In 2005, the Pasadena Police Department (PPD) created a mediation program with the goal to build better relationships and understanding between the Pasadena community and the police department.⁷ PPD's reputable program was also reviewed and celebrated by the Community Oriented Policing Services (COPS) of the U.S. Department of Justice in 2008.⁸ For this program, PPD partnered with the Western Justice Center (WJC) to help convene the mediation sessions

³ Enabling Ordinance §2.45 and §2.46 are specific to the Police Commission and Community Police Review Agency responsibilities respectfully.

⁴ <https://public.powerdms.com/oakland/tree/documents/442>

⁵ According to Training Bulletin V-T Discipline Policy: Class II offenses shall include all minor misconduct offenses

⁶ Police Commission Agenda for January 26, 2023, Agenda can be found at <https://www.oaklandca.gov/meeting/police-commission-regular-meeting-1-26-23>

⁷ <https://www.cityofpasadena.net/police/mediation-program/>

⁸ <https://cops.usdoj.gov/ric/Publications/cops-p147-pub.pdf>



between the PPD officer and community member, using an impartial third party as a facilitator for the session. Additionally, all police supervisors are offered ten hours of conflict resolution training.

PPD's mediation program has innovative concepts that Oakland could consider when creating its own mediation program, including but not limited to:

- Providing translation services during the mediation, which is critical for diverse communities like Oakland
- Ensuring a civilian's immigration status remains confidential throughout the mediation process
- Having a sound planning and design process that includes a broad spectrum of stakeholders such as the police unions, community members, and other subject matter experts

City of Seattle Office of Police Accountability

The mediation program for the Seattle Police Department (SPD) is housed within the Office of Police Accountability (OPA).⁹ The OPA is Seattle's investigative arm for SPD misconduct. Like PPD, their mediation program is a voluntary and confidential process that is facilitated by a neutral third party.

Additionally, participants of the mediation process are required to sign a legally binding confidentiality agreement. This is done while engaging in the process voluntarily and in good faith to obtain an outcome of mutual understanding. The mediators for the program are selected from a broad range of professional backgrounds that include racial justice, human resources, public service, and law. Mediators are contracted through the King County Office of Alternative Dispute Resolution.

OPA's mediation program presents additional concepts that Oakland could consider when creating its own program, such as:

- Selecting mediators, who are trained to spot existing power dynamics between participants, from a broad range of professions
- Setting clear expectations before participants agree to engage in the process of mediation
- Including an easily digestible flowchart that illustrates the mediation process from start to finish on their website¹⁰

Atlanta Citizen Review Board

On March 13, 2017, the Atlanta Citizen Review Board (ACRB) began a mediation program for the City of Atlanta, so residents and officers may discuss complaints in a neutral setting. In 2021, the National Association of Civilian Oversight of Law Enforcement (NACOLE) in partnership with COPS conducted a case study on ACRB.¹¹ The case study in part reviewed the mediation program services provided by the ACRB. Aspects of the ACRB's mediation program could be helpful to review as the Commission and CPRA explore mediation models for the City of Oakland.

⁹ <https://cops.usdoj.gov/ric/Publications/cops-p147-pub.pdf>

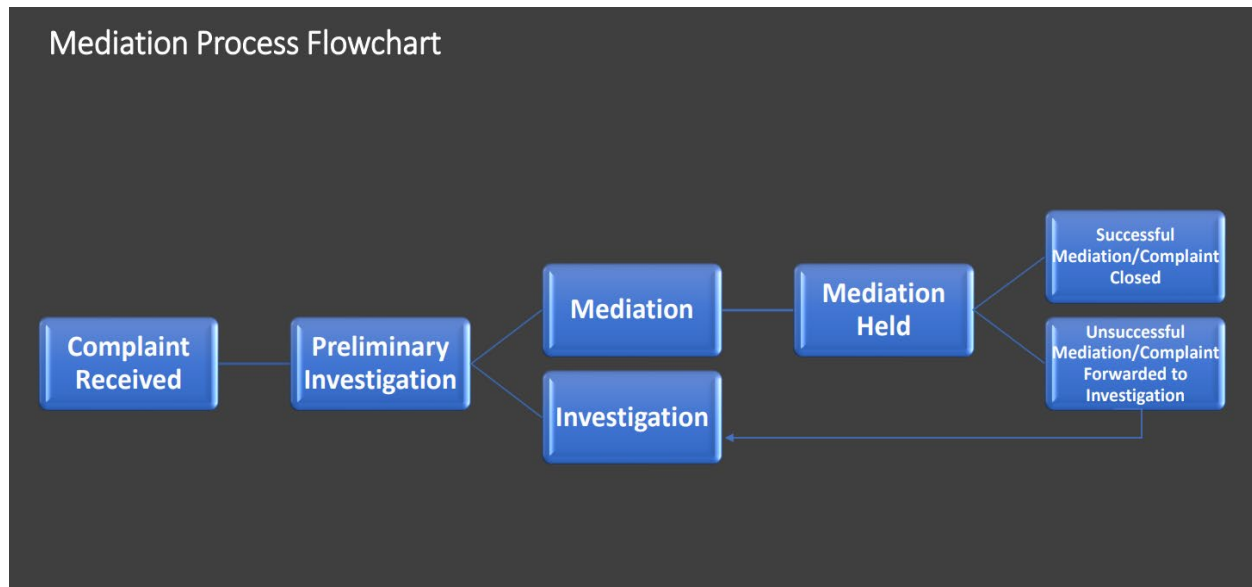
¹⁰ <https://seattle.gov/documents/Departments/OPA/Mediation-Flow-Chart.pdf>

¹¹ NACOLE. 2021. Atlanta Citizen Review Board: Atlanta, Georgia.

NACOLE Case Studies on Civilian Oversight. Washington, DC: Office of Community Oriented Policing Services.



Figure 1 ACRB Mediation Process Flowchart



The OIG also spoke to representatives of NACOLE, who offered ACRB’s model as an option for the City of Oakland to consider, among other mediation programs. Since the Oakland civilian oversight structure is so unique there are several successful mediation models that can be reviewed and taken into consideration as the city’s mediation program is being developed.

Considerations

Distinct from recommendations, considerations require additional research and internal discussion prior to the submission of an appropriate recommendation. The OIG submits the following considerations to the Commission for the development and implementation of Oakland’s mediation program:

- Consider partnering with neighboring civilian oversight entities that also wish to develop a mediation program – this could provide an avenue to share resources and contractual mediators
- Research various funding streams that are available to budding programs, which will help to alleviate any potential budgetary constraints
- Consider requesting technical assistance or guidance from NACOLE or other civilian oversight entities, who already have a solid and robust mediation program in place

Recommendations

The OIG submits the following recommendations for consideration by the Commission for the development and implementation of a required mediation program:

- The Commission, OPD, CPRA, and other key stakeholders should discuss and agree on the parameters of the program, and the priority of its implementation, and identify a pathway to ensure the sustainability of the mediation program



- The Commission, OPD, and CPRA must work together to ensure that a comprehensive implementation strategy and program design/plan are memorialized
- The Commission must collaborate with the OPD, CPRA, community members, and subject-matter experts during the planning and implementation process for an optimal mediation program to be realized

On the authority and context outlined above, the OIG respectfully submitted this report to the Commission on February 6, 2023, for review and response by February 17, 2023. To ensure timely and transparent delivery to Oakland residents, the OIG elected to release this public synopsis without a response from the Commission. The OIG acknowledges the Commission's significant responsibilities, as volunteers in this important work, and encourages the Commission to respond at their earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Michelle N. Phillips".

Michelle N. Phillips, Inspector General
City of Oakland, Office of the Inspector General

CC: Honorable Mayor Sheng Thao
Honorable Members of the City Council
Honorable Members of the Police Commission
Interim City Administrator G. Harold Duffey



OAKLAND POLICE COMMISSION

JOIN THE OAKLAND POLICE COMMISSION FOR A SERIES OF PUBLIC FORUMS TO SHARE FEEDBACK AND DISCUSS TASK 5 (INVESTIGATIONS) AND TASK 45 (DISCIPLINE DISPARITY) IN THE **NEGOTIATED SETTLEMENT AGREEMENT**

Pursuant to the Police Commission's authority under Charter Section 604(b)(13) and Municipal Code Section 2.45.120, the Commission will welcome input about Priorities Related to Tasks 5 and 45 of the Negotiated Settlement Agreement.

- **March 9, 2023** during Police Commission Regular Meeting 6:30pm (in-person City Hall Council Chambers)
- **March 16, 2023** during NSA Ad Hoc Committee Meeting 6:00pm (via Zoom)
Link: <https://us02web.zoom.us/j/81521046307>
Meeting ID: 815 2104 6307
Dial In: +16699009128,,81521046307#
- **March 23, 2023** during Police Commission Regular Meeting 6:30pm (in-person City Hall Council Chambers)

CAN'T ATTEND THE PUBLIC FORUMS?
You can provide feedback via email to: opc@oaklandcommission.org



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

Current Committees

Ad Hoc Committee	Commissioners
Budget	Milele, Jordan, Jackson-Castain
Body Worn Camera Policy	Harbin-Forte, Peterson, Hsieh
Community Outreach	Howell, Hsieh, Jordan
Contracts	Peterson, Howell, Ordaz
OIG Policies	Peterson, Harbin-Forte, Jackson
CPRA Policies	Harbin-Forte, Jackson-Castain, Ordaz
Militarized Equipment Policy	Hsieh, Jackson-Castain, Jordan
Negotiated Settlement Agreement	Harbin-Forte, Hsieh, Milele
Racial Profiling Policy	Committee of the Whole
Rules of Procedure	Hsieh, Howell, Jackson-Castain
Staff Searches (CPRA, CoS)	Milele, Jordan, Howell
Staff Evaluations (CPRA, IG, CoP, CoS)	Milele, Peterson, Ordaz
OBOA Association	Harbin-Forte, Jackson, Ordaz

Recently Completed/Paused/Dormant

Ad Hoc Committee	Commissioners
Annual Report	Milele, Jackson
Antidiscrimination Policy	Harbin-Forte, Hsieh, Jackson
Electronic Communication Devices	Howell, Harbin-Forte, Peterson
Police Chief Goals and Evaluation	Milele, Peterson, Jackson
Risk Management Policy	Peterson, Harbin-Forte, Howell
Social Media Policy	Milele, Hsieh, Jackson
White Supremacists and Other Extremist Groups	Harbin-Forte, Jackson
Community Policing (15-01)	Harbin-Forte, Howell, Hsieh

For a roster of current Commissioners and their emails, visit:
<https://www.oaklandca.gov/teams/police-commission>



CITY OF OAKLAND

NSA Ad Hoc Committee of the Oakland Police Commission

250 FRANK H. OGAWA PLAZA, SUITE 6302 • OAKLAND, CALIFORNIA 94612

TO: NSA Parties**FROM:** Dr. Tyfahra Milele, Chair, Oakland Police Commission (OPC) and Member, OPC NSA Ad Hoc Committee

Brenda Harbin-Forte, OPC Commissioner and Chair, OPC NSA Ad Hoc Committee

Jesse Hsieh, OPC Commissioner and Member OPC NSA Ad Hoc Committee

SUBJECT: Discussion Draft Outline of Tentative Reform Plan to Bring the City of Oakland Into Sustained NSA Compliance**DATE:** March 7, 2023**Introduction**

This Ad Hoc Committee discussion draft memorandum sets forth the outlines of a tentative plan for the Oakland Police Commission (“Commission”) to reform the internal affairs investigation process of the Oakland Police Department (“OPD”) and keep the City of Oakland in sustained compliance with the goal of resolving the need for the Negotiated Settlement Agreement (“NSA”). As an Ad Hoc of the Commission, the work in this document is iterative, pending the full Commission’s deliberation and decisionmaking after hearing from the public. This outline is for discussion, not final action.

The proposals outlined in this memorandum operate on a parallel track with OPD’s own efforts to implement the recommendations made in the Reports of Investigation issued by Clarence Dyer Cohen, LLP related to IAD Numbers 22-0858 and 22-0443 (collectively, “CDC Report”). They build on that important work by looking at deeper systemic and cultural issues, including those revealed by the major compliance incidents that were the subject of the CDC Report, and focusing on the Commission’s unique Charter authorities to address those issues over time.

To formulate a final plan to address the issues outlined below, the Commission will meet and identify information gaps the City/OPD can address, grapple in its public meetings with important policy questions, survey its relevant Charter and Municipal Code authorities, and compile a final incident response plan for review by the NSA Parties and the Court.

The scope of reforms applies to all entities with authority over policing in Oakland, including the Commission itself and the entire City. Years of NSA Court transcripts warn us against artificially separating OPD from the City in implementing needed reforms.

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OUTLINE OF ISSUES/REFORM PLANS:

A. STRUCTURAL ISSUES

1. Issue: Post-NSA Transition to Community Oversight Authority

As envisioned in the Oakland City Charter's civilian oversight structure, the Commission's exercise of its oversight authority, as informed by audit work of the Inspector General and the investigatory work by the Community Police Review Agency, should eventually replace the proactive compliance work and policy changes currently imposed by the Monitor and the Independent Monitoring Team.

Proposed Solution: To honor the choice of the overwhelming majority of Oakland residents who voted in two successive ballot measures to codify the Commission's authority, the Parties must prepare and commit to a transition of the Monitor's current role to be entirely replaced by a fully staffed and properly budgeted body of Oakland community members serving as Police Commissioners, overseeing OPD, exercising all of its Charter authorities, and giving direction to the two civilian oversight agencies that report to it: CPRA and OIG.

2. Issue: Ensuring Needed Investment for Police Commission-Dedicated Staff to Carry Out Charter Obligations

Due to lack of sufficient staff, Oakland requires volunteer Commissioners to balance the demands of exercising its oversight authority and shaping the overall direction of police reform in Oakland against completing several, onerous administrative and bureaucratic requirements. The same is true as to CPRA and OIG. A fully staffed team of Commission-dedicated employees would ensure the Commission maintains a proactive approach to reform and focuses on its most important policy and personnel authorities. The City has demanded budget cuts, but the Commission has yet to staff a full team that would enable it to carry out all its duties and responsibilities.

Proposed Solution: As a long-term strategy, the City must commit to adopting a budget that fully funds staff for the Commission, as well as CPRA and OIG. The overhaul changes likely to come with a complete NSA transition will be significantly taxing on the limited resources of the Commission, CPRA, and the OIG.

3. Issue: Untimely or Absent Notifications and Referrals to the Commission and CPRA

Dozens of high profile IAD investigations have been handled by outside firms, yet there is no comprehensive policy that formally standardizes these referrals, governs the details of required notice to the other Charter entities in Oakland, or details the process and timeline for the City to implement discipline based on them, particularly discipline of the Police Chief or other non-union police officers. The City has been applying individual provisions of M-03, which on its face does not contemplate dozens of outside referrals.

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The Oakland Charter Section 604(f)(1) indicates in relevant part:

...[T]he Agency shall receive, review and prioritize all public complaints concerning the alleged misconduct or failure to act of all Department sworn employees, including complaints from Department non-sworn employees.

The Agency shall not be required to investigate each public complaint it receives, beyond the initial intake procedure, but shall investigate public complaints involving uses of force, in-custody deaths, profiling based on any of the protected characteristics identified by federal, state, or local law, untruthfulness, and First Amendment assemblies.

The Agency shall also investigate any other possible misconduct or failure to act of a Department sworn employee, whether or not the subject of a public complaint, as directed by the Commission.

As a result of CPRA's mandate to investigate *public* complaints, IAD only sends CPRA complaints made by members of the public. Complaints that are initiated within the Department, considered "internal complaints," are not sent to CPRA for investigation.

The Commission could have referred the CDC Report IAD investigations to the CPRA in early 2022 had the Commission known about the outside referral at the time the City Administrator and Office of the City Attorney referred them to Clarence Dyer Cohen, LLP. Prompt referral to the CPRA would have given its investigators enough time to fully investigate the matter in parallel with the outside investigation and not miss any state-imposed completion deadlines.

Proposed Solution: The internal affairs investigation policy, including any policies related to referrals to outside investigations, must be reformed. In addition, a broader multi-pronged approach is needed to address the issue. The Chair of the NSA Ad Hoc Committee also serves as Chair of the CPRA Policies Ad Hoc Committee, and is hereby proposing to fold several conceptual ideas from that Committee's work with the CPRA Director into this set of proposed solutions, as follows:

- The Commission should review the referral process for CPRA to take up non-civilian complaints as well as CPRA's policies and approach for taking on complaints that are traditionally handled internal to the Department.
- The City should enter an MOU to require it to notify the Commission Chair and CPRA in writing whenever an internal complaint is referred to an outside agency for investigation. Such notification shall include sufficient information for the Commission and CPRA to understand all allegations that need to be investigated. The City shall also provide the Commission Chair and CPRA a copy of any contract entered into with the outside agency.
- The Commission should direct OPD to report to the Commission on a monthly basis the number of IAD complaints, both public and internal complaints, to track against CPRA's monthly reported number.

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- The Commission should direct OPD to submit all internal complaint “Complaint Investigation Reports” or “CIRs” to CPRA via email, within 24 hours of initiation, with detailed allegations including brief narratives sufficient to clearly understand the allegations and the applicable policies and provisions of OPD’s Manual of Rules.
- The Commission should direct OPD to notify CPRA via email, within 24 hours of determination, of any criminal allegations or implications that arise during the course of an administrative investigation.
- The Commission should direct OPD to notify CPRA via email, within 24 hours of any decision, to have an outside entity investigate issues or allegations of police misconduct.
- The Commission should direct CPRA to document the numbers, types, and brief narrative of the internal complaints received from IAD.
- The Commission should direct CPRA to investigate mandated allegations for the internal complaints in the same manner as is done with mandated allegations for public complaints.
- The Commission should direct CPRA to investigate any mandated and non-mandated allegations against executive level supervisors ranked Captain or higher.
- The Commission should direct CPRA to determine if there is an administrative investigation that should be conducted in relation to any criminal investigation and to document the rationale for the decision.
- The Commission should direct CPRA to reopen a case and conduct an investigation if the Commission decides, based on a brief narrative of the closed internal cases, that reopening is merited.

4. Issue: Lack of a Clear City Administrator Protocol for Serious Incident Notifications to OPC Chair, IG, CPRA Director

Related to the general problem of untimely notifications is the lack of a proper protocol for alerting the OPC Chair, CPRA, and the Inspector General of an internal affairs investigation of the Chief of Police, the Assistant Chief, or any Deputy Chief. Such an investigation should be considered a “serious incident,” which is very narrowly defined in the Municipal Code. The City Administrator is responsible under the Municipal Code for developing a “protocol for notifying the Commission Chair, the Agency Director and the Inspector General of serious incidents within forty-eight (48) hours of the Chief knowing or having a reasonable suspicion that a serious incident has occurred.” (OMC 2.45.075.) The protocol also must include “a confidential status report to the Chair of the Commission, the Agency Director and the Inspector General within ten (10) calendar days of the date on which the serious incident occurred, and a second confidential status report to the Chair of the Commission, the Agency Director and the Inspector General within forty-five (45) calendar days of the date on which the serious incident occurred.”

Proposed Solution: As a medium or long-term strategy, the City Council should consider broadening the definition of “serious incident” to include any internal affairs investigation of the Chief, Assistant Chief, and Deputy Chiefs. If such a protocol is developed while the Monitor is still in place, the City Administrator should include a notification protocol for the City to follow when the Monitor notifies the City that he or the IMT suspect a serious incident has occurred.

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5. Issue: Future Merger of CPRA and IAD

The Commission and the City should make a plan to achieve full civilianization of sworn officer investigations. Dating back to 2009, the City of Oakland has studied how to “civilianize sworn positions in the Internal Affairs Division.” Renewed attention arose through Oakland’s “Reimagining Public Safety” process in 2020 and 2021, resulting in Recommendation 31/84: “The investigation of all public complaints of police misconduct should continue to be conducted by the Community Police Review Agency (CPRA), a Department of the City that reports to and is overseen and supervised by the Police Commission. OPD’s Internal Affairs Division (IAD) should no longer conduct parallel investigations of the same public complaints.” In 2021, City Council issued a budget directive to the Commission to oversee an RFP for a consultant to continue studying the issue, which the CPRA Director is administering (as the Commission’s Contract Administrator).

Proposed Solution: As a short-term strategy, CPRA should continue to proactively monitor and manage the consultant hired for the RFP. As a long-term strategy, and given CPRA’s anticipated increased workload, the Commission should consider whether to seek a Charter change regarding deadlines for completing CPRA investigations.

B. CULTURAL ISSUES:

1. Issue: Chain of Command Instilling a Fear of Insubordination by Inferior Officers

Inferior officers fear the prospect of insubordination, which chills their willingness to speak up, even when doing so would help keep Oakland in compliance with its reform tasks. This is a cultural issue that calls for a review of management training and a rethink of any aspects of chain of command culture that could compromise investigation integrity.

Proposed Solution: The Commission should review relevant aspects of OPD’s management training and help its leadership conduct a rethink of any aspects of chain of command culture that could compromise investigation integrity. OPD and the City should develop an anonymous channel to report investigation integrity issues, so inferior officers feel more comfortable that they will not face adverse actions for calling attention to compliance concerns. The Commission, the OIG, and the CPRA should have access to the anonymous channel reports to ensure it can properly exercise Department oversight.

2. Issue: Lack of City of Oakland/Monitor/IMT Coordination with OPC and CPRA

The lack of thorough and repeated Commission briefings about the Monitor’s concerns in early 2022 calls out for reform in overall approach to empowering civilian oversight. The Commission should have been brought into this matter at a far earlier stage, rather than learning about it from the Monitor’s public status reports. Without prompt and comprehensive notice about the substance of OPD compliance concerns, the Police Commission cannot know what documents to formally request (as it has Charter authority to do) to properly exercise all of its Charter authorities. Delayed notifications, in turn, prevent the Commission from promptly introducing new reforms at the same

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speed that fast-moving compliance incidents arise (as the Monitor does). For instance, the Commission could have promptly set about reforming investigation policies in early 2022, regardless of whether any OPD officer was ultimately sustained for discipline or dismissal.

Proposed Solution: In the short term, the City and OPD (and for the period of time when the Monitor is standing in the shoes of OPD,) must immediately be required to provide regular closed session briefings to the Police Commission and CPRA on the status of compliance issues that pose a risk to the City's resolution of the *Delphine Allen* settlement.

Over the medium term, the Commission and the City should coordinate to develop a recurring Commission agenda item that requests to receive all personnel documents from the City and OPD related to all its Charter authorities, consistent with Section 604(f)(2), and all three of the Department Heads under the Commission's authority should routinely recommend any confidential files and records related to the Commission's Charter authority that they believe the Commission should be requesting to successfully carry out its oversight authority.

Over the long term, the City may need to revisit Section 604(f)(2) of the Charter and determine if it is inconsistent with the purpose of civilian oversight for the Commission to be required to know about a confidential document it does not have before it can lawfully request and access that document.

3. Issue: Distributed Leadership and Accountability at OPD

Clarence Dyer Cohen's findings about the Police Chief should have extended to the entire leadership team. There should have been documented standards setting the expectation of accountability for every individual in the chain of decisions that led to the Department failures culminating in the December 23, 2021 meeting and from witnesses as well.

Proposed Solution: OPD and the Commission must set the expectation going forward that all participants in the chain of decision-making related to internal investigations will be held to account for any issues they observed that compromise investigation integrity and best practices. In the medium term, the Commission should consider whether to require that every level of the chain of decisionmakers involved in any given investigation must sign and be responsible for the finished product.

4. Issue: Availability of Mental Health Services and Support for Sworn Officers

Mental health challenges inherent to police work, if left unaddressed, lead to major compliance incidents. One investigation subject described another's symptoms to include night terrors related to job duties. Oakland's officers should get the best support and services we can offer. Untreated mental health issues on a police force have deleterious effects on individual officers, the culture of the entire police force, as well residents and community the force serves.

Proposed Solution: The Commission should determine what services are offered and whether proactive outreach ensures officers feel supported in using the services. The Commission should also work to set about fostering a Department culture that rewards officers for self-care and commends them for seeking out and accepting needed services.

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5. Issue: OPD Officer Perception of Alleged Favoritism in Discipline

The NSA Plaintiffs tie the findings and conclusions in the CDC, LLC Report to a general perception among a supermajority of officers that OPD's discipline is not fair. One oft-cited but ambiguous quote from OPD employees is: "who you know, and to which cliques you belong, influence whether an investigation will be sustained and what level of discipline will be administered."

Proposed Solution: OPD needs far more granular information about the widely expressed perception of unfair discipline, including information about what OPD employees perceive as "cliques." The Commission will also consider OPD policy revisions to address this problem.

Conclusion

The NSA Ad Hoc reiterates that the Police Commission is designed to replace the proactive compliance work currently imposed by the Monitor and the Independent Monitoring Team, as the singular civilian oversight body with authority to make policy changes for OPD related to all NSA tasks, and the sole entity named in the City Charter that "shall oversee the Oakland Police Department." (Charter Section 604(a)(1).)

Without committing to an exclusive list, the Commission should implement its final proposed plan using the following official actions:

- formal action by the Police Commission;
- official MOUs between the Commission, OPD, City officials, City bodies, and any other relevant Charter entities or stakeholders;
- new or changes to existing OPD policies, procedures, training bulletins;
- recommendations pursuant to Charter Section 604(h) to the City Council to revise Sections 2.45.00 and 2.46.00 of the Municipal Code; and
- recommendations to the City Council to put an additional ballot measure before the voters of Oakland.

Going forward, after the Police Commission approves a plan, implementation must under the Charter run through a public-facing, policy-specific ad hoc process that ensures significant input and engagement from members of the public as well as the full Commission, with all final actions to take place after the April 4 Joint Case Management Conference Statement deadline.



OAKLAND POLICE COMMISSION

REGULAR MEETING MINUTES

February 23, 2023
6:30 P.M.

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

Chair Tyfahra Milele called the meeting to order at approximately 6:32 p.m. and took roll.

Roll Call:

Present: Chair Tyfahra Milele; Vice Chair David Jordan; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Regina Jackson; Commissioner Jesse Hsieh; Commissioner Marsha Peterson; Alternate Commissioner Angela Jackson-Castain; Alternate Commissioner Karely Ordaz

II. Open Forum Part 1

Public comments were made by 3 persons (Contreras; Grinage; Adams).

III. Update from Oakland Police Department (OPD)

An update was provided by Dr. Leigh Grossman and Chief Darren Allison, including data on stops, collisions, pursuits, complaints and arrest statistics, as requested by the Chair. Questions were taken from Commissioners Jackson, Ordaz, Howell, and Jackson-Castain. These questions were answered by Chief Allison, Dr. Grossman, and Sergeant Doria Neff.

Public comments were made by 5 persons (Grinage; Jaffe; Olugbala; Jenkins; Wiley). After public comment, Chief Allison responded to some of the questions raised.

IV. Update from Community Police Review Agency (CPRA)

CPRA Interim Director Charlotte Jones provided an update on CPRA complaint statistics and made a presentation on the intake process. Director Jones answered questions from Commissioners Howell, Peterson, Jackson-Castain, Ordaz, Harbin-Forte, and Jackson. Commission Counsel Garcia weighed in on a question raised by Commissioner Ordaz concerning CPRA's role in investigations.

Public comments were made by 9 persons (Grinage; Olugbala; Jaffe; Wiley; Vale; Cleveland; Leonard; Jenkins; Conteras).

V. Presentation and Possible Approval of Changes to Militarized Equipment Policies

- **TB V-F.02 (Chemical Agents)** — Approved 9/16/22
- **TB-III-H (Specialty Impact Munitions)** — Approved 9/16/22

Commissioner Hsieh provided an update on behalf of the Militarized Equipment Policies Ad Hoc. Information was also provided by OPD Lieutenant Steve Toribio regarding the above policies, including modifications made to the language of the policies for the purpose of the consideration of vulnerable populations and persons present during potential instances where force and/or specialty munitions are deployed. Public comment was made by 2 persons (Beck; Olugbala) and answered by Commissioner Hsieh and Lt. Toribio.

After public comment, Commissioner Hsieh made a motion, seconded by Vice Chair Jordan, to send the above policies to City Council with the recommendation to approve them for the Department. The motion carried by the following vote:

Ayes: 7 - Milele, Peterson, Harbin-Forte, Howell, Jackson, Hsieh, Jordan

Nays: 0

Absent: 0

VI. Budget Proposals for the Oakland Police Commission, Community Police Review Agency, and Office of the Inspector General

Prior to hearing about the budget proposals for the Office of the Inspector General and Community Police Review Agency, Chair Milele made a statement regarding the need for additional Police Commission staff and the Charter requirements involved in this process.

IG Michelle Phillips presented on the OIG's budget priorities and the Human Resources process involved in hiring more permanent staff, including three auditors, a policy analyst, and a deputy director position.

CPRA Director Jones provided an update on CPRA staffing needs, including administrative support and a project manager for a mediation program.

Chair Milele also provided an update on OPC staff needs, including a Senior Policy Analyst, Program Analyst II, and a Public Information Officer I.

A robust discussion on the subject of budget and staffing needs was had by the Commission, OIG Director Phillips, and CPRA Interim Director Jones. Commissioner Harbin-Forte made a motion, seconded by Chair Milele, to extend the meeting to midnight. The motion carried by the following vote:

Ayes: 7 - Milele, Peterson, Harbin-Forte, Howell, Jackson, Hsieh, Jordan

Nays: 0

Absent: 0

Prior to public comment, Chief of Staff Yun commented on the intersection of budgets with the OIG and CPRA, prioritization of staffing needs based on Commission goals, and the rationale

behind strategizing the currently proposed positions for OPC.

Public comments were made by 5 persons (Wiley; Vale; Olugbala; Jaffe; Contreras).

VII. Committee Reports

Staff Searches (Commissioners Milele (Chair), Jordan, Howell)

This committee is tasked with completing staff searches on behalf of the Police Commission. Chair Milele provided an update on the Staff Search Ad Hoc, including progress on the Chief of Staff search and second-round interviews for the CPRA Executive Director search. Questions were raised by Commissioners Jackson and Peterson.

Oakland Black Officers Association “OBOA” Allegations Investigation (Commissioners Harbin-Forte (Chair), Jackson, Ordaz)

The mission of the OBOA Allegations Investigation Ad Hoc Committee is to select an outside firm through the City’s Request for Proposal process to investigate allegations by the Oakland Black Officers Association that the Oakland Police Department engages in racially discriminatory hiring and promotions.

Commissioner Harbin-Forte provided an update on the work of this committee, including the current status of the City’s possible extension of the contract with StoneTurn, the firm selected to conduct the investigation.

Negotiated Settlement Agreement “NSA” (Commissioners Harbin-Forte (Chair), Hsieh, Milele)

The purpose of this committee is (1) to represent the Commission in all deliberations and discussions with other City stakeholders pertaining to OPD’s Sustainability Period and efforts to resolve court oversight; (2) review the status of OPD compliance with NSA Tasks 5 (investigations) and 45 (racial disparity in discipline), and make recommendation for policy changes to achieve compliance, including review and assessment of the policy recommendations made in the January 18, 2023 Clarence, Dyer & Cohen report; and (3) recommend policies and actions required to ensure that the constitutional policing mandated by the NSA continue beyond the Sustainability Period.

Commissioner Harbin-Forte provided comments on Judge Orrick’s orders from last month’s NSA status conference and provided detailed information on her vision for this ad hoc committee’s upcoming work. She reported that the committee would hold an organizing meeting to set a meeting schedule and stated that the committee would post all public meetings on the ad hoc committee’s web page.

Public comments were made by 3 persons (Olugbala; Jaffe; Contreras), followed by a brief discussion between several Commissioners.

VIII. Consent Calendar

Chair Harbin-Forte made a motion, seconded by Commissioner Hsieh, to approve Police Commission meeting minutes from 11/5/22; 1/26/23; 2/9/23; and 2/15/23. The motion carried by the following vote:

Ayes: 7 - Milele, Peterson, Harbin-Forte, Howell, Jackson, Hsieh, Jordan

Nays: 0

Absent: 0

IX. Upcoming/Future Agenda Items

Commissioner Hsieh suggested for a future agenda that an interconnected three-tier informational report consisting of data from MACRO, OPD, and CARES. Commissioner Hsieh requests this report provide data on:

- how many intakes CARES has received from OPD and MACRO
- a report from MACRO on their OPD referrals and the outcomes of those referrals for tracking purposes
- and finally, from OPD to see; the numbers of arrests that are eligible for CARES, the dispatches to MACRO and the types of cases involved, and the juvenile cases that are appropriate for juvenile pre-filing diversion and the outcomes of those cases

Commissioner Ordaz requested a plan for the hiring of the new Chief of Police.

Commissioner Jackson requests the agendizing of the continued budget discussion.

Commissioner Harbin-Forte requests the agendizing of the proposed CPRA policies and procedures manual for the tentative date of March 23rd, and requests something akin to a general order where reporting agencies or presenters at Commission meetings can use to be abreast of the information and items generally needed for report outs and updates.

Alternate Commissioner Jackson-Castain requests a follow-up presentation from Dr. Grossman on stop data.

Commissioner Peterson requests to hear about CPRA's outreach for appropriate training to ensure they are ready for post-sustainability.

Public comments were made by 2 persons (Olugbala; Jaffe).

X. Open Forum Part 2

Public comments were made by 1 person (Olugbala).

XI. Adjournment

Chair Milele adjourned the meeting at approximately 11:35 p.m.

Public Comment for Police Commission
items: 2, 3, 7



Open Forum or Agenda



Thu 2/23/2023 4:08 PM

To: OPC General Mailbox <opc@oaklandcommission.org>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Police Commission:

As a 26 year resident of the city of Oakland and a recent retiree from the City of Oakland, I want to Thank the Police Commission for your courage to step into the midst of this highly publicized debacle. I am hugely disappointed, angry and appalled amidst all of the highly confidential public disclosures and leaks directly designed to smear Police Chief Armstrong’s career & character. We the people, for whom the Police Commission was established were anxiously awaiting the Commission’s intervention & results of its Disciplinary panel to balance the power dynamics. We anxiously awaited to receive their unbiased review and analysis. I remain frustrated and angry, that the Mayor acted without regard to the community. She acted disenguously and in bad faith, against the interest of the community to undermine and undercut the “power of the police commission”, the very body put in place to represent the citizens, without a political agenda, unlike the Mayor. Sheng Thao’s preemptive action to fire the Chief prior to the Police Commission’s meeting clearly demonstrated her disenguous and premeditated political agenda. It was a direct “slap in the face” to the citizens of Oakland and denied its citizens the opportunity to hear from this duly empowered body without an agenda.

After 20 years of NSA oversight, we were very close to compliance under this community policing, reform minded Chief. The Mayor’s short sighted view and lack of insight will cost the city millions & millions more rather than allowing the police commission to possibly enact reasonable discipline and allow the city to move forward successfully.





Citywide Risk Management Meeting Slide Deck

February 22, 2022

Stop Data

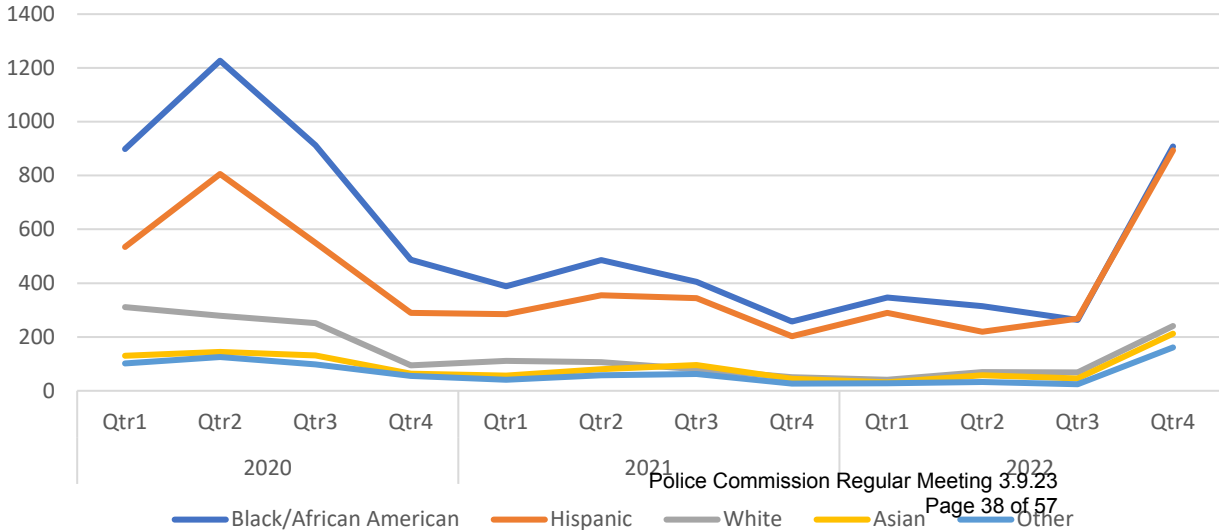
- Dispatch stops declined 11% in 2022 and non-dispatch stops increased 24% in 2022 (Q4 drove the increase)
- Intelligence-led rate for non-dispatch stops is at 41% for the year, down from 42% in 2021.
- African Americans comprise 41% of non-dispatch, non-intel led stops, decrease of 2%. Hispanics comprise 37%, a 3% increase from last year.
- Traffic stops make up 88% of non-dispatch, non-intel led stops this year compared to 81% last year.
- 96% of traffic stops are moving violations, in line with Departmental directives.
- The work done in Q4 resulted in an overall 76% citation rate for traffic violations in 2022 compared to 72% in 2021.

Stops by Traffic Officers in Q4 2022

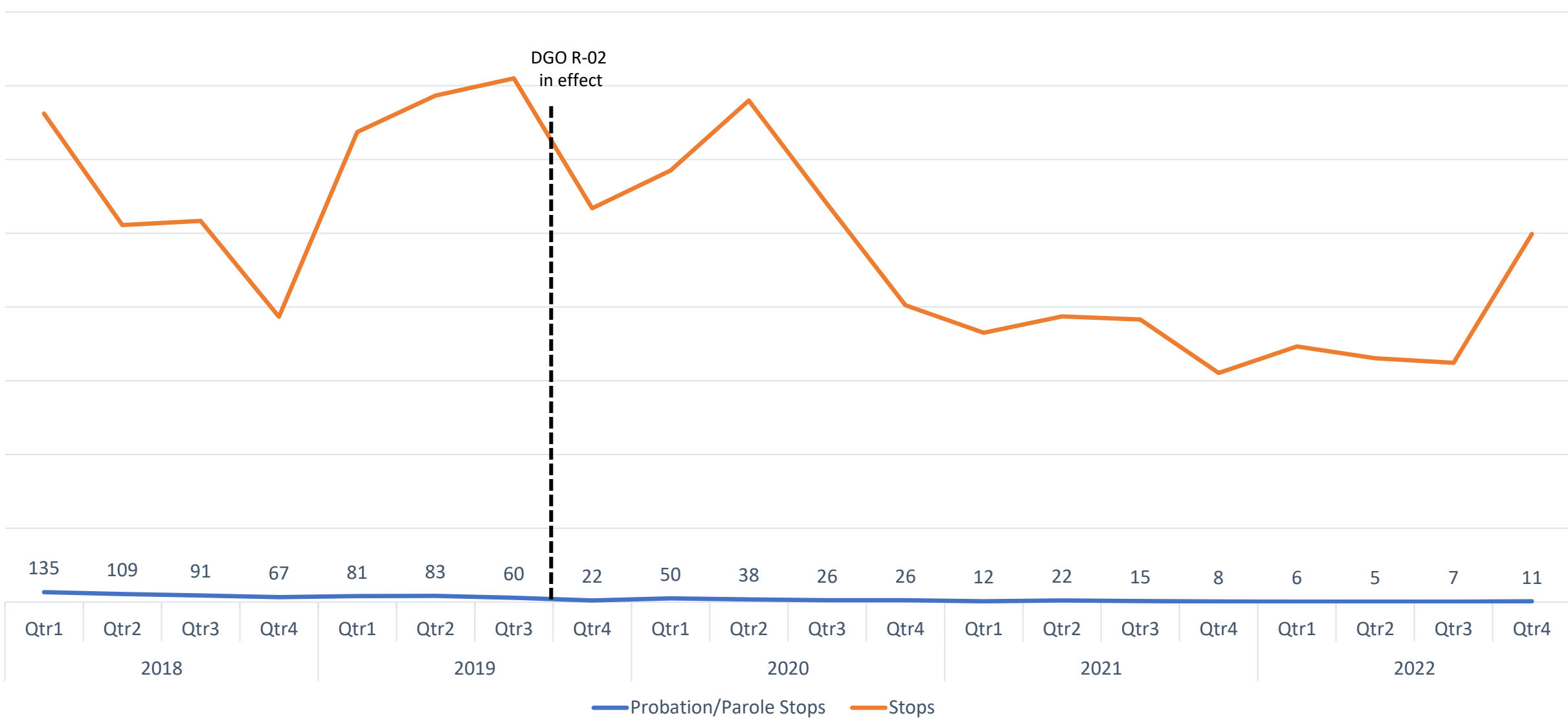
- Officers assigned to the traffic squad made 1,764 traffic violation stops (driver only). Of these, 99.7% were moving violations.
- 35% of traffic violations involved African American subjects. 37% of subjects were Hispanic.
- A citation was issued 98.5% of the time.
- 26% of the stops occurred in Area 5, 22% in Area 6, and 19% in Area 4.

Non-Dispatch, Non-Intel Led Stops by Race

	2020				2021				2022			
	Qtr1	Qtr2	Qtr3	Qtr4	Qtr1	Qtr2	Qtr3	Qtr4	Qtr1	Qtr2	Qtr3	Qtr4
Black	45%	48%	47%	49%	44%	45%	41%	44%	47%	45%	39%	38%
Hispanic	27%	31%	28%	29%	32%	33%	35%	36%	39%	31%	40%	37%
White	16%	11%	13%	10%	13%	10%	8%	8%	5%	10%	10%	10%
Asian	7%	6%	7%	6%	6%	7%	10%	8%	4%	8%	7%	9%
Other	5%	5%	5%	6%	5%	5%	6%	5%	4%	5%	4%	7%



All Stops Compared to Probation/Parole Stops



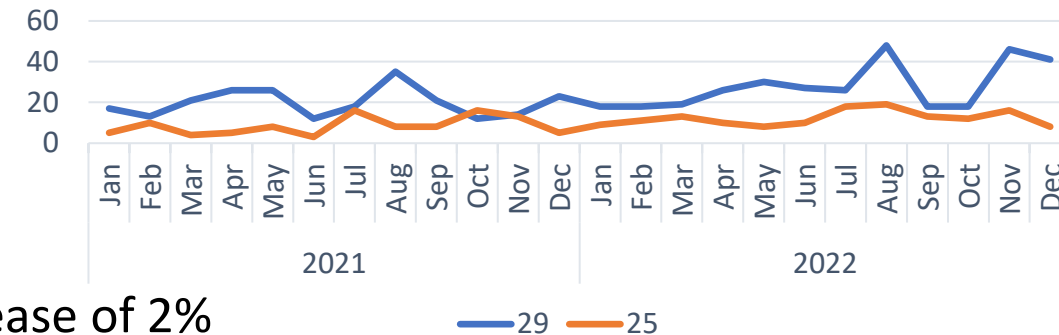
DGO R-02 went into effect October 11, 2019. Prior to R-02 Probation/Parole stops represented 2% of stops, in 2022, they represented 0%.

Force Data

(All force by every officer on every subject)

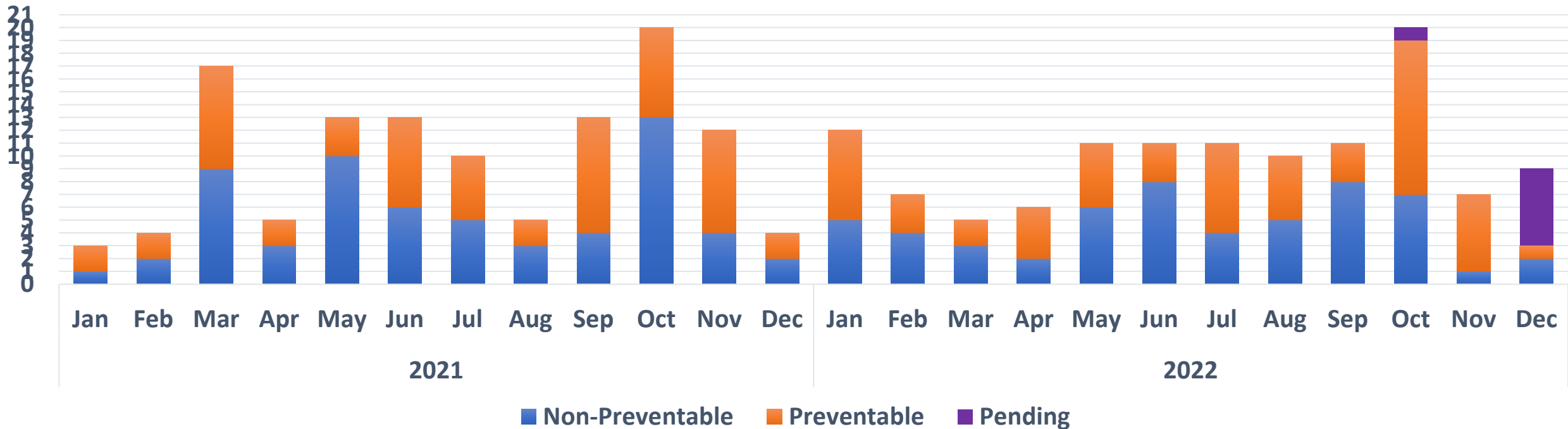
- There has been a 5% increase in force in 2022 (excluding K32).
- There were two L1 incidents in 2022 compared to five in 2021 (none in Q4). L2 and L3 incidents have decreased about 32%.
- At the end of Q3, L4 force had increased 3% compared to 2021, by the end of the year, it had increased to 7%.
 - 1% decrease in Type 22 (1177 v 1187)
 - 41%% increase in Type 29 (335 v 238)
 - 46% increase in Type 25 (147 v 101)
 - Since June 4, there have been 2,275 Type 32 uses of force
- African Americans comprise 60% of subjects, a decrease of 5% from last year. Hispanics comprises 24% of subjects, an increase of 2%
- There was one officer involved shooting and two canine bites in 2022.

Type 25 & 29 Uses of Force



Collisions

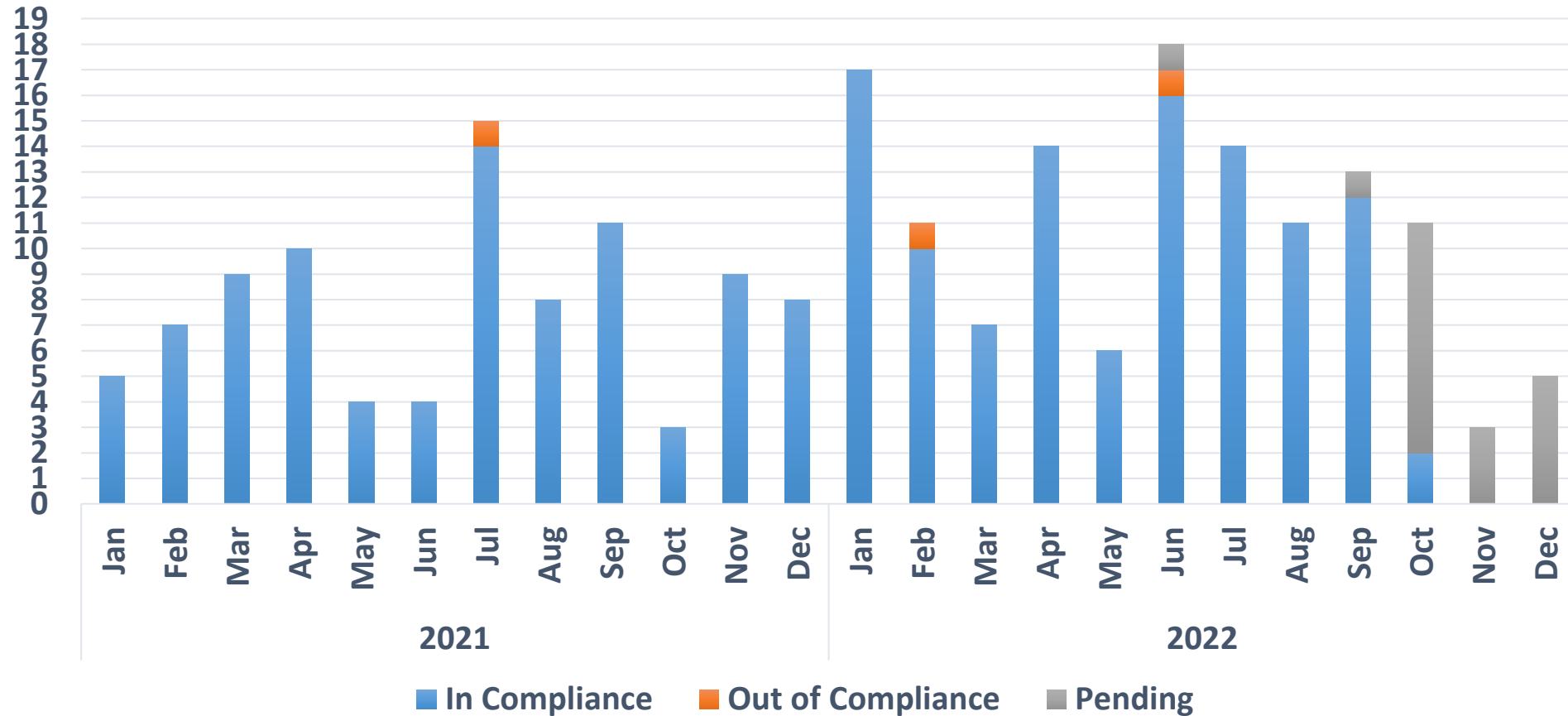
- There has been a 2% increase in collisions with sworn personnel this year (113 v 111) and collisions involving professional staff are down 1 incident (7 v 8)
- Area 5 experienced the most collisions in 2022 with 23. Area 6 experienced 14.
- The most common PCF for preventable collisions was unsafe turn though many incidents from Q4 are still pending.



Top PCF for Preventable Collisions	2021				2022				Grand Total
	Qtr1	Qtr2	Qtr3	Qtr4	Qtr1	Qtr2	Qtr3	Qtr4	
UNSAFE TURN AND/OR WITHOUT SIGNAL	6	6	7	4	5	4	6	6	44
START PARKED VEHICLE/UNSAFE BACKING ON HIGHWAY	4	3	5	6	2	1	2	2	25
UNSAFE SPEED FOR PREVAILING CONDITIONS	2	2	3	2	1	3	1	2	16

Pursuits

- Pursuits increased 40% in 2022 going from 93 to 130.
- The average number of units involved per incident is 1.8 this year compared to 1.6 in 2021.
- So far this year, two pursuits were found out of compliance.
- Officers from VCOC initiated 35 pursuits in 2022 followed by officers from Area 5 with 30 pursuits.
- Special Order 9192 went into effect on Dec 16 and requires additional authorization for pursuits that reach certain speeds and also requires supplemental reports from authorizing and monitoring personnel.



Top Pursuit Wants	2021				2022				Total
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Carjacking	8	10	8	10	11	19	16	5	87
Robbery/Attempt Robbery	4	2	6	1	16	9	12	4	54
Assault w/ Firearm on Person	4	2	6	2	4	3	4	3	28
Firearm Possession	0	0	4	3	1	3	2	5	18

Complaints

- Allegations are up 15% and cases are up 9% for 2022 compared to 2021.

Top Allegations Q4	Oct-Dec 2021	Oct-Dec 2022	% Change
PERFORMANCE OF DUTY - UNINTENTIONAL/IMPROPER SEARCH, SEIZURE, OR ARREST	153	207	+35%
PERFORMANCE OF DUTY - GENERAL	124	112	-10%
USE OF PHYSICAL FORCE COMPARABLE TO LEVEL 4	56	81	+45%
CONDUCT TOWARD OTHERS - DEMEANOR	47	40	-15%
FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	43	18	-58%
DEPARTMENT PROPERTY AND EQUIPMENT - PREVENTABLE COLLISION	19	33	+74%

Top Allegations for 2022	Jan-Dec 2021	Jan-Dec 2022	% Change
PERFORMANCE OF DUTY - UNINTENTIONAL/IMPROPER SEARCH, SEIZURE, OR ARREST	595	759	+28%
PERFORMANCE OF DUTY - GENERAL	481	511	+6%
USE OF PHYSICAL FORCE COMPARABLE TO LEVEL 4	240	302	+26%
CONDUCT TOWARD OTHERS - DEMEANOR	173	184	6%
FAILURE TO ACCEPT OR REFER A COMPLAINT (UNINTENTIONAL)	97	101	+4%
DEPARTMENT PROPERTY AND EQUIPMENT - PREVENTABLE COLLISION	58	92	+59%

Assault/Battery on a PO & Obstruction/Resisting a PO (sole charges)

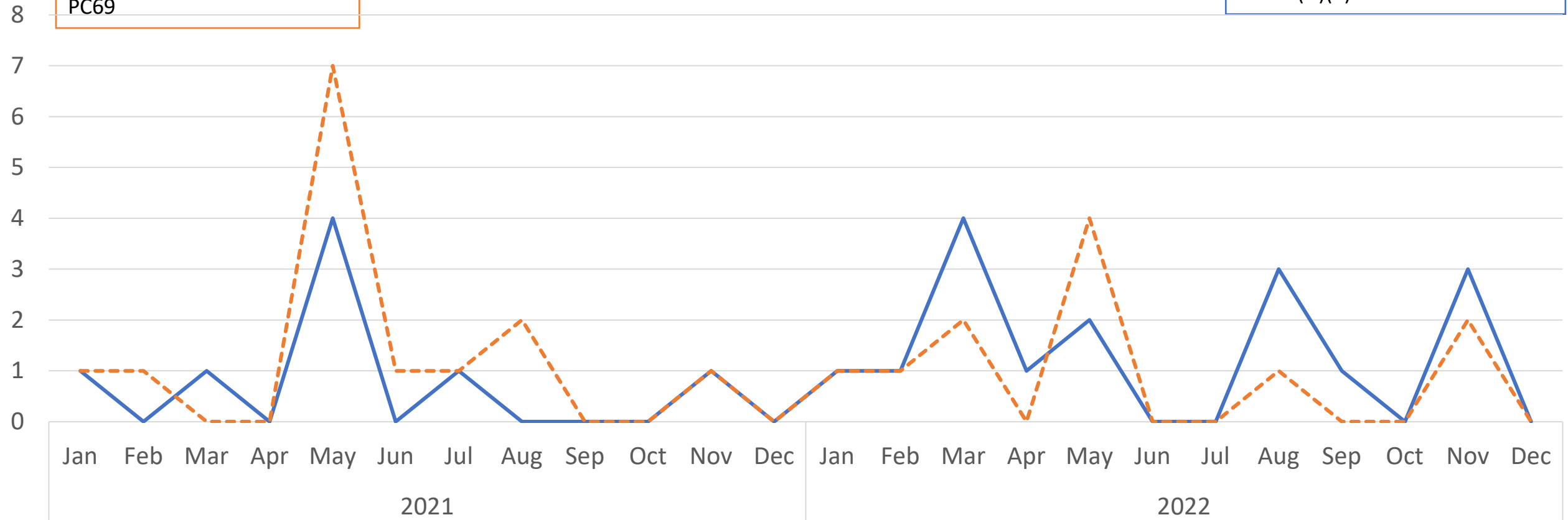
Obstruction/Resisting a PO

Charges:

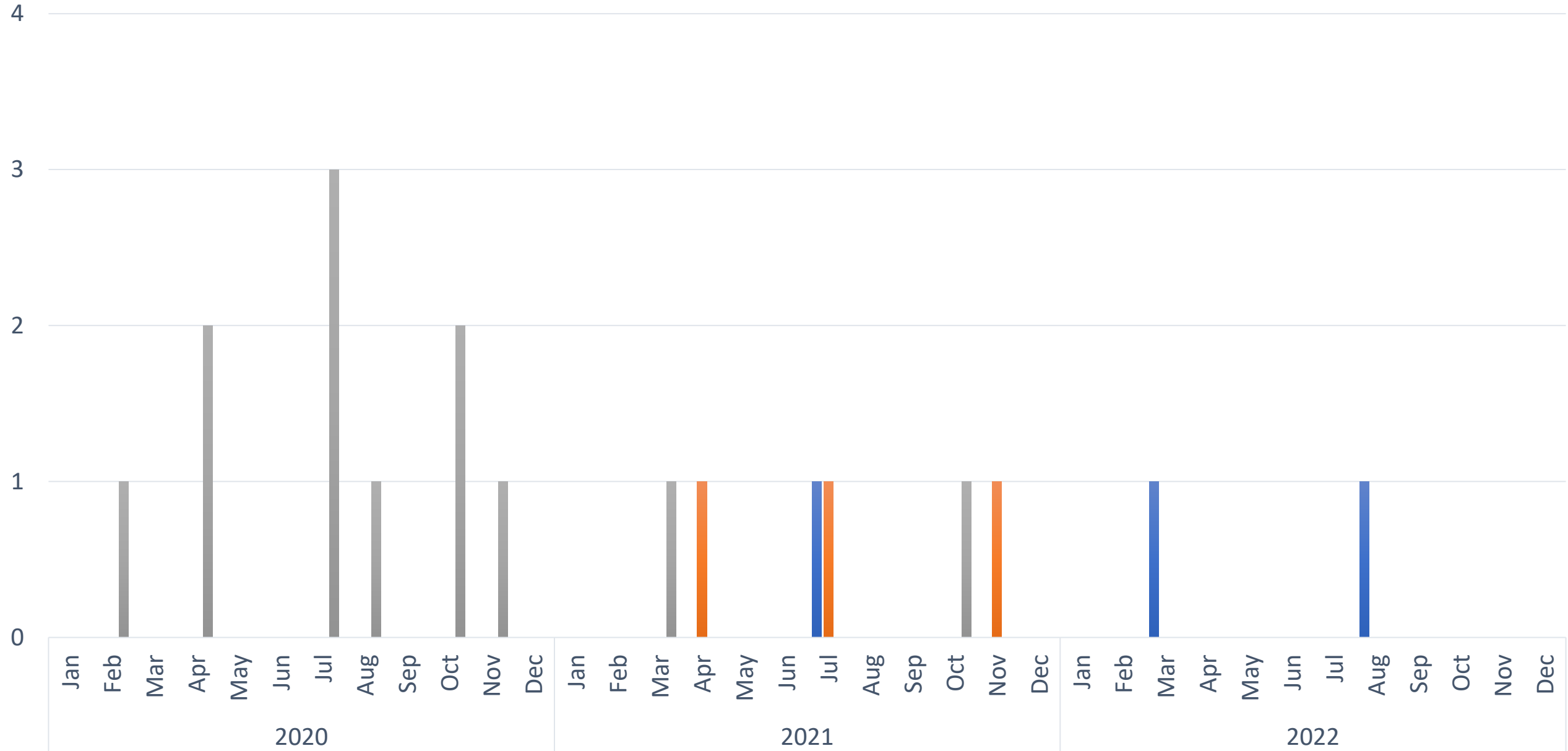
- PC148(A)
- PC148(A)(1)
- PC148.10(A)
- PC148.5(A)
- PC148.9(A)
- PC148.9(B)
- PC69

Assault/Battery on a PO Charges:

- PC148(B)
- PC148(D)
- PC243(B)
- PC243(C)(1)
- PC243(C)(2)
- PC245(C)
- PC245(D)(1)



Management-Level Liaison (MLL) Tracking



COMMUNITY POLICE REVIEW AGENCY INTAKE AND INVESTIGATIVE PROCESS

Charlotte Jones
Interim Executive Director

Previous Intake Process

- Majority of complaints (approx. *85%) received from IAD on a Complaint form (CIR)
- Based solely on information contained on the complaint form (CIR), CPRA would decide whether the case was mandated.
 - Mandated cases have allegations of: Use of Force, Truthfulness, Profiling/Harassment based on a protected class, In Custody deaths, and First Amendment assemblies.
- If the complaint form did not have one or more of these mandated allegations, on the face of the form, CPRA would essentially close the case – no work on it.
- If the complaint form did have one or more these mandated allegations, on the face of the form, the case would be assigned to an intake technician.

Previous Intake Process

- The intake technicians would gather reports and BWC evidence, review and assess the information and evidence, determine the allegations, and provide a recommendation as to the finding.
- If the intake technician determined based on their review and assessment of the evidence, that the allegations were either Unfounded, Exonerated, or Not Sustained, and the intake supervisor agreed – the supervisor would accept that recommendation and make that the finding of the case. The case would be closed with that finding and reported.
- If the intake technician determined based on their review and assessment of the evidence that the allegations might be Sustained, they would make that recommendation to the supervisor, and if the supervisor agreed, they would forward the case on to the investigative supervisor to be assigned for an investigation.

Current Procedures (in process)

- Majority of complaints still come from IAD. We have started more community outreach, and the goal is to **become a visible and viable resource** so that complainants can know that there is a civilian agency to file complaints with directly.
- **CPRA now determines** what the allegations are on a complaint – not based solely on the complaint form sent to us by IAD. The intake technician **listens to every statement** made by every complainant and provides a summary of that statement to the supervisor, who determines if there are mandated allegations.
 - This is one area where a different **perspective**—can effect the allegations and subsequently the findings in a case.

Current Procedures (in process)

- If there are no mandated allegations, and CPRA will not be conducting an investigation, the **summary** of the complainant's statement is **added to the file**, the **supervisor updates** the database with the **reason the case is closed**, and most importantly the **complainant will be notified** about the status of their case.
- Intake technicians are utilized as that – **technicians and not investigators**. Their **role has been more clearly defined** at the intake level, specifically to address online complaints, respond to voice mail messages, enter complaints, request reports, download BWC, send contact letters and similar duties. They do not make assessments, analyze, make determinations, or recommendations about the investigations.
- **All cases** with one or more **mandated allegations** is **assigned to an investigator** for investigation. No cases that the supervisor determines has a mandated allegation is closed at the intake stage.

Investigative Process

- Complainant Contact:
 - What the complainant has to say is important in an investigation
 - Investigative staff must contact every single complainant for their newly assigned cases via phone
 - Introduction, clarification, additional information, evidence, witness information, informing of the process and what CPRA investigates
 - Updates at certain intervals and provide a disposition of the case
- Mandated versus Not Mandated
 - CPRA's Charter mandate and priority is to focus on the areas that the community identified as most important – those 5 categories.
 - Goal: become SMEs in those areas because those are our focus of concentration
 - The Commission can direct us to investigate other misconduct allegations as well.
 - As we continue to train and hone our investigative skills in those areas, objective and accurate findings will be the natural result

Investigative Process

- Evidence
 - For CPRA, evidence has primarily meant obtaining whatever evidence OPD has for a case, including video and witness statements.
 - Majority of the evidence is derived from OPD - so our investigation is affected by OPD's perspective on what the most important evidence is.
 - Goal: A more boots-on-the-ground type of investigative process (e.g., going out into the community).
 - Not possible right now as the staff have not been trained in that manner and do not have the resources but makes for a more complete investigation.
- Analysis
 - The investigator considers the complainant's, witness', and officer's statements, the reports, the videos and any other evidence to determine the actions of the officer – then analyze those actions based on relevant written OPD policies, Orders, and training.
CPRA will always stand on what is written when analyzing and reaching a conclusion.

Investigative Process

- Objective report
 - Everything written in the report should be as comprehensive and objective as possible.
 - Previously there was information written at the onset of the reports – “Factual summaries” - that were subjective in nature and skewed the reports.
 - Even something as seemingly innocuous as a sentence like, “The officer was attempting to calm the complainant down”, paints a picture for the reader
 - Changed the format for most reports and removed the Factual summary
 - Investigator can just state the actual facts of what was said and what occurred without editorial or opinion.

Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022-23	Annual vs. Incident-Based vs. Continuous Functions	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
Annual evaluation of Chief of Police	Conduct performance reviews of the Agency Directors and the Chief	The Commission shall determine the performance criteria for periodically 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.	Postponed	Annual	Ord. Section 2.45.070(G)
Annual evaluation of Inspector General	Conduct performance reviews of the Agency Directors and the Chief	The Commission shall determine the performance criteria for periodically 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.	Postponed	Annual	Ord. Section 2.45.070(G)
Hiring CPRA Director including public forum	Staff Searches Ad Hoc	Commission responsible for hiring of Agency Director	Anticipated Hire in Q2	Incident-based	Charter - 604(e)(4)
Annual evaluation of CPRA Director	Conduct performance reviews of the Agency Director and the Chief	The Commission shall determine the performance criteria for periodically 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.	Mar/Apr 2024	Annual	Ord. Section 2.45.070(G)
Annual report to the Mayor/City Council/the public	Complete Annual Report		2022 Annual Report to Commission for first review in Q1	Annual	
Hiring of Police Chief	Complete search for new Chief of Police and recommend candidates to Mayor	The Commission, with the assistance of the City Administrator, shall prepare and distribute a job announcement, and prepare a list of at least three (3) candidates and transmit the names and relevant background materials to the Mayor. The Mayor shall appoint one person from this list, or reject the list in its entirety and request a new list from the Commission.		Incident-based	Charter - 604(b)(10)
MEETINGS					
In-Person Meeting - Brown Act	After City Council provides guidance, agendaize to announce and discuss lifting of emergency exception & conduct in-person meetings		March 2023	Incident-based	Ord. Section 2.45.090
Public Hearing on OPD Policies	Commission may shall determine which Department policies are subject of the hearing	Possible topic: racial disparity in policing	Apr 2023 meeting - coupled with community roundtable and public hearing requirement	Annual	Charter Section 604(b)(2)

Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022-23	Annual vs. Incident-Based vs. Continuous Functions	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
Two meetings per year outside City Hall - "Community Roundtables"	Agendized ten days in advance	Commission shall consider inviting to each roundtable individuals and groups familiar with the issues involved in building and maintaining trust between the Department and the community, including but not limited to representatives from the Department, members of faith-based groups, youth groups, advocacy groups, residents of neighborhoods that experience the most frequent contact with the Department and formerly incarcerated members of the community	Apr 2023 meeting - coupled with community roundtable and public hearing requirement May 2023 meeting - combine with community roundtable with budget public hearing	Annual	Charter § 604(d)(1) and Ord. § 2.45.090
BUDGET					
Public Hearing on OPD Budget	Purpose of hearing is to "determine whether budgetary allocations for the Department are aligned with the Department's policies". Develop and Approve Recommendations to City Council re Mayor's Budget	Tentative release date of Mayor's proposed budget is May 1st of each year.	May 2023 meeting - coupled with community roundtable and budget public hearing	Annual	Charter Section 604(b)(7)
Propose a Commission Budget, in general	Propose staff position submission to City Administrator necessary to permit the Commission and the CPRA to fulfill its functions and duties.	Include budget for Commission and CPRA	Feb/March 2023	Annual	Ord. Section 2.45.180
Review and Comment on Proposed Budget for Education and Training re: job-related stress, PTSD Signs and Symptoms, and Other Jobrelated Mental Health/Emotional Issues		Possibly include in general budget or OPD budget	April/May 2023	Annual	Charter § 604(d)(1) and Ord § 2.45.090
Propose a Budget for Education and Training re: job-related stress, PTSD Signs and Symptoms, and Other Job-related Mental Health/Emotional Issues		Possibly include in general budget or OPD budget	April/May 2023	Annual	Ord. § 2.45.070(C) & (D) (C) 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 post-traumatic 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. (D) 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.
Quarterly budget review and regular updates on the agenda		Requested by Comm. Jackson (12.8.23; 2.9.23; 2.23.23)			
OTHER ITEMS: for CPRA					
Solicit/Consider Public Input re Quality of Interactions with CPRA and Commission			Public Forum for CPRA Director Search	Continuous	Ord. § 2.45.070(Q)

Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022-23	Annual vs. Incident-Based vs. Continuous Functions	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
Establish Rules/Procedures re Mediation/Resolution of Complaints of Misconduct					Ord. § 2.45.070(N)
RFP for IAD transition to CPRA		Requested by CPRA			
Review the Agency's dismissal and/or administrative closure of all complaints of misconduct involving Class I offenses			August 2023 - maybe 6 mos. into new Director's time with OPC	Continuous	Ord. Section 2.45.070(M)
Provide policy guidelines to CPRA Director for determining case prioritization		Requested by Comm. Jackson (11.10.22) about Charlotte's August 2022 email; Chair is asking Charlotte when she can report on it	February 2023	Continuous	
Determine the number of existing CPRA staff who would work at a "street-level or ground-floor, visible office that is accessible by public transportation."			Possibly February 2023 before in-person mtgs	Continuous	Ord. Section 2.46.020
Update on CPRA training for investigators and timeline		Requested by Comm. Peterson (1.26.23; 2.23.23)		Continuous	
OTHER ITEMS: for OPD					
Notify Chief of required contents of Chief annual report	See enumerated list of topics		Possibly part of Chief's evaluation in February		Ord. Section 2.45.070(F)
Review And Comment On Department's Practices/Policies Re: Reporting And Publishing Data On Its Activities					Ord. § 2.45.070(P)
Revisit OPD's Grooming & Presentation policy		Requested by Comm. Gage (1.13.22)			
For the Chief: - Report on intentions regarding Militarized Equipment - Report on claims regarding bail and increase in crime		Requested by Comm. Hsieh & Harbin-Forte respectively (4.14.22)			
Update on OPD's Parole & Probation policy plus impact.		Requested by Comm. Jackson (2.10.22; 1.12.23)			
Approve/Modify/Revoke OPD Use of "Military Equipment" via Annual Report Process			August 2023		Ord. Section 9.65.030
Report from Chief Armstrong regarding OPD's homelessness policy		Requested by Comm. Harbin-Forte (2.10.22)			
OPD annual update on impact of the missing person's policy		Requested by Comm. Jackson (8.25.22)			
Receive reports from Department via City Administrator on issues identified by the Commission				Continuous / Incident-Based	Ord. Section 2.45.070(R)
Informational report of data from MACRO, OPD, and CARES	(1) how many intakes CARES has received from OPD and MACRO; (2) a report from MACRO on their OPD referrals and the outcomes of those referrals for tracking purposes; (3) and finally, from OPD to see; the numbers of arrests that are eligible for CARES, the dispatches to MACRO and the types of cases involved, and the juvenile cases that are appropriate for juvenile pre-filing diversion and the outcomes of those cases	Requested by Comm. Hsieh (2.23.23)	July 2023	Annual	
OTHER ITEMS: for OIG					

Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022-23	Annual vs. Incident-Based vs. Continuous Functions	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
Advise OIG of priorities and the functions and duties, including: <ul style="list-style-type: none"> • Prepare annual report • Monitor/eval # of officers receiving training on profiling, implicit bias, de-escalation, and other key topics • Develop and present a plan to the Commission to measure the performance of each element of the Department's discipline process for sworn officers • Complete all audits/reviews requested by the Mayor, City Administrator, City Council • Monitor/eval/make recommendations re: <ul style="list-style-type: none"> • Recruiting and hiring sworn personnel • OPD Policies the Commission seeks to create or modify • OPD's risk mgmt. practices 					Ord. Section 2.45.120
OIG Policies for review and vote		Requested by Comm. Jackson (11.10.22) — in discussion with OIG Policies ad hoc			
Advise OIG of priorities for the 52 NSA Tasks		Part of Post-NSA Standing Committee	Jan/Feb/March 2023		Ord. Section 2.45.120; Charter 604(f)(5)
Presentation from the Department of Violence Prevention		Requested by Comm. Jackson (2.24.22; 8.25.22; 2.9.23)			
OTHER ITEMS: for Commission					
Community Policing presentation/training		Requested by Comm. Hsieh/Commission Ad Hoc (5.26.22)			Ord. Section 2.45.070(O)
Maintain/update bylaws		Rules of Procedure Ad Hoc	Summer 2023	Continuous	Ord. Section 2.45.040
Request that the City Attorney submit semi-annual reports to the Commission and to City Council which shall include a listing and summary of litigation			Previous: 10/27/22 Next: April 2023	Continuous	Ord. Section 2.45.070(I)
Mayor's Youth Commission		Requested by Comm. Jackson (8.25.22)			
Bay Area Youth EMT		Requested by Comm Harbin-Forte (8.25.22)			
Presentation by Ian Appleyard on new HR process		Requested by Comm. Jackson (11.10.22)			
Chief of Staff Search		Requested by Comm. Jackson (11.10.22; 12.8.22; 2.9.23) — recurring with ad hoc		Incident-Based	
Presentation on Ceasefire		Requested by Comm. Jackson (1.12.23)			
Half-day strategic planning session		Requested by Comm. Jackson-Castain (1.12.23)			
Discussion on content of future OPD reports		Requested by Comm. Jackson-Castain (1.26.23)		Continuous	
Monthly report on calls diverted to MACRO and OPD training on utilizing MACRO		Requested by Comm. Peterson (2.9.23)		Continuous	
Letter of support or resolution for Commission advisory oversight at county level		Requested by Comm. Jordan (2.9.23)			
Audit compliance update		Requested by Comm. Jackson (2.9.23)			
Juvenile Miranda Policy and juvenile detention program update		Requested by Comm. Hsieh (2.9.23)			
Followup presentation on stop data by Dr. Grossman		Requested by Comm. Jackson-Castain (2.23.23)			