



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING AGENDA

May 26, 2022

5:30 PM

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), members of the Police Commission, as well as the Commission's Counsel and Community Police Review Agency staff, will participate via phone/video conference, and no physical teleconference locations are required.**



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### PUBLIC PARTICIPATION

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

#### OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/8632227963> at the noticed meeting time. Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting”
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592  
Webinar ID: 863 2227 7963

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

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

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

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



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## SPECIAL MEETING AGENDA

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

Chair Tyfahra Milele

*Roll Call: Chair Tyfahra Milele; Vice Chair Marsha Peterson; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Jesse Hsieh; Commissioner Regina Jackson, Commissioner David Jordan*

### II. Adoption of Renewal Resolution Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953(E), a Provision of AB-361. The Commission will re-adopt findings to permit it to continue meeting via teleconference under the newly amended provisions of the Brown Act. ***This is a recurring item (Attachment 2).***

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

### III. Closed Session item

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.**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(California Government Code Section 54957(b))

Title: Interim Executive Director, Community Police Review Agency

### IV. 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, at the end of the agenda.

## MODIFICATIONS TO THE CONSENT CALENDAR

(Chair to Hear Any Requests to Move Items from Consent to Non-Consent)

### V. Consent Calendar

V. (a) **Approve Minutes from March 10, 24 and 31, 2022 Meetings**

V. (b) **Adopt Amendment to Resolution Adopted on May 12, 2022 to Make Salary Increase for IG Phillips Effective As of January 1 of this calendar year.**

(Attachments: [Attachments 5a](#), [5b](#))

### VI. SB 1421 & 16 Training

The Commission welcomes American Civil Liberties Union of Northern California Staff Attorney Allyssa Victory back to another Commission meeting to conduct a training on SB 1421 and SB 16.

**This is a new item.** ([Attachment 6](#)).

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

### VII. Update from Police Chief

OPD Chief Armstrong will provide an update on the Department. Topics discussed in the update may include crime statistics; an update on the Negotiated Settlement Agreement and the latest report; a preview of topics which may be placed on a future agenda; responses to community member questions sent in advance to the Police Commission Chair; and specific topics requested in advance by Commissioners. ***This is a recurring item.*** ([Attachment 7](#)).

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

### VIII. Consider Approval of the Revised Community Policing Policy (DGO – 15-01)

The Commission will hear a presentation from the Community Policing Ad Hoc Committee before considering whether to approve and adopt the new Police Department policy for Community Policing. ***This is a new item.*** ([Attachment 8](#)).

- d. Discussion
- e. Public Comment
- f. Action, if any

### IX. Report and Review of CPRA Pending Cases, Completed Investigations, Staffing, and Recent Activities

To the extent permitted by state and local law, Interim Executive Director Aaron Zisser will report on the Agency's pending cases, completed investigations, staffing, and recent activities. ***This is a recurring item.*** ([Attachment 9](#)).

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

**X. Vote on Extension of Local Deadline for OPD’s Compliance with Militarized Equipment Ordinance No. 13657**

Consistent with Oakland Municipal Code § 9.65.020 (F)(1), the Commission will vote on whether to extend the Department’s deadline for submission of “Controlled Equipment Use Policies and Controlled Equipment Impact Statements” to review the Department’s continued use of Controlled Equipment acquired prior to July 6, 2021. ***This is a new item. (Attachment 10).***

- g. Discussion
- h. Public Comment
- i. Action, if any

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

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.***

**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

**XIII. Adjournment**

**NOTICE:** In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Discipline Committee meeting, or to otherwise participate at Commission meetings, please contact the Police Commission’s Chief of Staff, Rania Adwan, at radwan@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.

# OAKLAND POLICE COMMISSION

## RESOLUTION NO. 22-10

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**ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE OAKLAND POLICE COMMISSION AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. *See* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

**WHEREAS**, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

**WHEREAS**, City Council Resolution No. 88075 remains in full force and effect to date; and

**WHEREAS**, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. *See* <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

**WHEREAS**, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. *See* <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

**WHEREAS**, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19

symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

**WHEREAS**, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

**WHEREAS**, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

**WHEREAS**, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

**WHEREAS**, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

**WHEREAS**, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

**WHEREAS**, on October 14, 2021 the Oakland Police Commission adopted a resolution determining that conducting in-person meetings would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361; now therefore be it:

**RESOLVED:** that the Oakland Police Commission finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this resolution; and be it

**FURTHER RESOLVED:** that, based on these determinations and consistent with federal, state and local health guidance, the Oakland Police Commission renews its determination that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

**FURTHER RESOLVED:** that the Oakland Police Commission firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

**FURTHER RESOLVED:** that the Oakland Police Commission will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Oakland Police Commission finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.

ON MAY 26, 2022, AT A MEETING OF THE OAKLAND POLICE COMMISSION IN OAKLAND, CALIFORNIA

**PASSED BY THE FOLLOWING VOTE:**

AYES –

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
                  RANIA ADWAN  
                  Chief of Staff  
                  Oakland Police Commission  
                  City of Oakland, California



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

March 10, 2022. 5:30 PM

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

The meeting was called to order at 5:30pm.

In attendance: Chair Tyfahra Milele; Vice Chair Marsha Peterson; Commissioner Henry Gage, III; Commissioner Brenda Harbin-Forte; Commissioner Howell; Commissioner Regina Jackson; Commissioner David Jordan; Alternate Commissioner Jesse Hsieh

**II. Adoption of Renewal Resolution Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953(E), a Provision of AB-361.**

Commissioner Jackson made the motion to approve the renewal resolution, Vice Chair Peterson seconded.

Ayes: Peterson, Gage, Harbin-Forte, Howell, Jackson, Jordan, Milele

Nays: None

Abstentions: None

*Public Comment provided by the following speakers:*

None

**III. Closed Session Item**

Chair Milele noted no reportable action from Closed Session.

*Public Comment provided by the following speakers:*

Mary Vail

Hilary

Assata Olugbala

**IV. Call to Order and Re-Determination of Quorum**

The meeting was called back to order at approximately 7:31 pm

In attendance: Chair Milele; Vice Chair Marsha Peterson; Commissioner Henry Gage; Commissioner Brenda Harbin-Forte; Commissioner Regina Jackson

*Note: Chair Milele noted Commissioner Jordan experiencing technical difficulties, he was not able to verbally indicate his attendance.*



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

March 10, 2022. 5:30 PM

**V. Open Forum Part 1**

*Public Comment provided by the following speakers:*

Lorelei Bosserman  
Saleem Bey

**VI. Presentation from the Public Safety Youth Leadership Council**

Youth Council members gave a presentation on the group and their work.

*Public Comment provided by the following speakers:*

Rashidah Grinage  
Saleem Bey  
Anne Janks  
Assata Olugbala  
Carina Lieu  
Nino Parker

**VII. Update from Police Chief**

Chief Armstrong provided his regular update on the Department's latest statistics including recruitment, arrests, resourcing specific units, calls for service data and NSA tasks.

*Public Comment provided by the following speakers:*

Moto G Stylus  
Saleem Bey  
Assata Olugbala  
Nino Parker  
Rachel Beck  
Reisa Jaffe  
Anne Janks

**VIII. Update from the Inspector General's Office**

IG Phillips gave an update on her work progress including set up of her newly formed office and near completion of the City onboarding process.

*Public Comment provided by the following speakers:*

Rashidah Grinage  
Saleem Bey  
Assata Olugbala  
Cathy Leonard  
Millie Cleveland  
Anne Janks



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

March 10, 2022. 5:30 PM

Moto G Stylus  
Lorelei Bosserman

- IX. Update from Chief of Staff on Agenda Setting and Prioritization of Agenda Item List**  
The Chief of Staff talked the Commission through the redesign of the pending items/agenda tracking spreadsheet.

*Public Comment provided by the following speakers:*

Assata Olugbala  
Rashidah Grinage  
Saleem Bey  
Reisa Jaffe  
Mary Vail

- X. Review and approval of the Oakland Police Commission's 2021 Annual Report**  
Chair Milele introduced the draft annual report. Commissioners Jordan and Gage noted edits and additional information for inclusion.

Commissioner Gage made a motion to approve the draft annual report after the discussed changes are made, Commissioner Harbin-Forte seconded.

Ayes: Gage, Harbin-Forte, Howell, Jackson, Jordan, Milele  
Nays: None  
Abstentions: None

*Note: Vice Chair Peterson's vote was not verbally noted during the meeting.*

*Public Comment provided by the following speakers:*

Assata Olugbala  
Saleem Bey

- XI. Committee Reports**  
**Anti-Discrimination Policy Ad Hoc (Commissioners Peterson, Harbin-Forte, Hsieh)**  
Commissioner Harbin-Forte discussed the Ad Hoc's recent public forum and acknowledged and thanked the subject matter experts who joined.

**Community Policing (Commissioners Harbin-Forte, Howell, Hsieh)**  
Commissioner Hsieh noted the continued progress of work for this Ad Hoc.

**Chief's Performance Evaluation (Commissioners Milele, Peterson, Jackson)**



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

March 10, 2022. 5:30 PM

Vice Chair Peterson discussed the conclusion of this Ad Hoc's work and the timeline for conducting the Chief's performance evaluation, February 2023.

### **Risk Management Policy (Commissioners Peterson, Harbin-Forte, Howell)**

Vice Chair Peterson provided an overview of the Ad Hoc meetings to date and announced a public forum to be held at the March 24<sup>th</sup> Police Commission meeting.

*Public Comment provided by the following speakers:*

Assata Olugbala  
Reisa Jaffe  
Lorelei Bosserman  
Millie Cleveland  
Saleem Bey  
Ms. James  
John Bey

### **XII. Open Forum Part 2**

*Public Comment provided by the following speakers:*

Assata Olugbala  
Saleem Bey  
John Bey  
Ms. James

### **XIII. Agenda Setting and Prioritization of Upcoming Agenda Items**

Commissioner Hsieh requested a presentation from OPD's risk management team on traffic stops, tows and use of force.

Vice Chair Peterson requested a presentation and report on the legislative limitation when discussing disciplinary cases.

Commissioner Hsieh requested an update – from Mia Bonta's office – on AB 2557 and legislative changes to officer discipline and the information that can and cannot be reported out.

*Public Comment provided by the following speakers:*

Assata Olugbala  
Saleem Bey  
Rashidah Grinage

### **XIV. Adjournment**

Meeting ended at approximately 10:31pm.



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

March 24, 2022. 5:30 PM

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

The meeting was called to order at 5:33pm.

In attendance: Chair Tyfahra Milele; Vice Chair Marsha Peterson; Commissioner Brenda Harbin-Forte; Commissioner Howell; Commissioner Regina Jackson; Alternate Commissioner Jesse Hsieh

Absent: Commissioners Gage and Jordan

**II. Adoption of Renewal Resolution Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953(E), a Provision of AB-361.**

Commissioner Jackson made the motion to approve the renewal resolution, Commissioner Hsieh seconded.

Ayes: Peterson, Harbin-Forte, Howell, Jackson, Milele

Nays: None

Abstentions: None

Absent: Commissioners Gage and Jordan

*Public Comment provided by the following speakers:*

None

**III. Closed Session Item**

Chair Milele announced that during Closed Session, commissioners voted unanimously to release the Executive Director of the Community Police Review Agency from his position, per the charter section 604 E6, effective April 8th, 2022.

Ayes: Milele, Peterson, Harbin-Forte, Howell, Jackson

Nays: None

Abstentions: None

Absent from the vote: Commissioners Gage and Jordan

*Public Comment provided by the following speakers:*

None

**IV. Call to Order and Re-Determination of Quorum**

The meeting was called back to order at approximately 6:33 pm



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

March 24, 2022. 5:30 PM

In attendance: Chair Milele; Vice Chair Marsha Peterson; Commissioner Brenda Harbin-Forte; Commissioner Howell; Commissioner Regina Jackson; Alternate Commissioner Hsieh

Absent: Commissioners Gage and Jordan

**V. Open Forum Part 1**

*Public Comment provided by the following speakers:*

Saleem Bey  
Nino Parker  
Assata Olugbala

**VI. Review and Adopt Revision to Special Order 9208**

Chief Armstrong and Lt. Turner walk the Commission and the community through a modification to a section of the Use of Force policy.

Commissioner Jackson made a motion to adopt the revised Special Order, Chair Milele seconded.

Ayes: Peterson, Harbin-Forte, Howell, Jackson, Milele  
Nays: None  
Abstentions: None

Absent from the vote: Commissioners Gage and Jordan

*Public Comment provided by the following speakers*

Saleem Bey  
Rachel Beck  
Anne Janks  
Assata Olugbala

**VII. Consider Approval of Police Anti-Discrimination and Harassment Policy (DGO D-20)**

Lt. Turner and Commissioner Harbin-Forte walk the Commission and the public through the revisions made to the Anti-Discrimination and Harassment policy.

Vice Chair Peterson made a motion to approve and adopt the revised police policy, Commissioner Harbin-Forte seconded.

Ayes: Peterson, Harbin-Forte, Howell, Jackson, Milele  
Nays: None  
Abstentions: None



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

March 24, 2022. 5:30 PM

Absent from the vote: Commissioners Gage and Jordan

*Public Comment provided by the following speakers:*

Reisa Jaffe  
Saleem Bey  
Assata Olugbala  
Anne Janks

### VIII. Consider Approval of Social Media Policy (DGO D-18)

Lt. Turner walks the Commission and the public through the revisions and progress of the Social Media Policy Ad Hoc, explaining the changes and discussion items the group undertook.

Commissioner Harbin-Forte made a motion to adopt the revised Social Media Policy, Commissioner Jackson seconded.

Ayes: Peterson, Harbin-Forte, Howell, Jackson, Milele  
Nays: None  
Abstentions: None

Absent from the vote: Commissioners Gage and Jordan

*Public Comment provided by the following speakers:*

Rachel Beck  
Assata Olugbala  
Saleem Bey  
Mary Vail  
Reisa Jaffe  
Anne Janks  
Millie Cleveland

### IX. Public Forum to Consider Draft Revised Risk Management Policy

The Ad Hoc Committee revising the Risk Management Policy, chaired by Vice Chair Peterson and joined by Commissioners Harbin-Forte and Howell, present subject matter experts and OPD partners to discuss the revisions of OPD's Risk Management policy. The Commission decided to delay action on adopting the policy until March 31 meeting.

*Public Comment provided by the following speakers:*

Rashidah Grinage



**OAKLAND POLICE COMMISSION**  
**SPECIAL MEETING MINUTES**  
**March 24, 2022. 5:30 PM**

**X. Open Forum Part 2**

*Public Comment provided by the following speakers:*

Reisa Jaffe

Before adjourning, Commissioner Howell made an announcement promoting a public forum to review and discuss revisions to OPD's Electronic Communications Devices policy scheduled for Wednesday, March 31.

**XI. Adjournment**

Meeting ended at approximately 8:49pm.

DRAFT



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

March 31, 2022. 5:30 PM

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

The meeting was called to order at approximately 5:39pm.

In attendance: Chair Tyfahra Milele; Vice Chair Marsha Peterson; Commissioner Brenda Harbin-Forte; Commissioner Howell; Commissioner Regina Jackson; Alternate Commissioner Jesse Hsieh

Absent: Commissioners Gage and Jordan

### II. Closed Session Item

Chair Milele reported that Commissioner Jackson made a motion, seconded by Commissioner Harbin-Forte, to appoint Aaron Zisser as the next CPRA interim executive director, effective April 9.

The vote tally was as follows: Chair Milele was a yes, Vice Chair Peterson a yes, Commissioner Harbin-Forte yes, Commissioner Howell yes, Commissioner Jackson yes, Commissioners Gage and Jordan were absent.

*Public Comment provided by the following speakers:*

None

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

The meeting was called back to order at approximately 7:33pm.

In attendance: Chair Milele; Vice Chair Marsha Peterson; Commissioner Brenda Harbin-Forte; Commissioner Regina Jackson; Alternate Commissioner Hsieh

Absent: Commissioners Gage and Jordan

*NOTE: Commissioner Howell temporarily experienced technical issues, requiring the Commission to elevate Alternate Commissioner Hsieh, enabling his voting right. Commissioner Howell rejoined the meeting shortly after the roll call and was present for the rest of the meeting.*

### IV. Open Forum Part 1

*Public Comment provided by the following speakers:*

Elise Bernstein

Saleem Bey

Mary Vail



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

March 31, 2022. 5:30 PM

**V. Consider and Decide Whether to Adopt Revised Resolution Calling for Reform of Government Code Section 3304**

Commissioner Jackson made a motion to adopt the resolution calling for the reform of government code section 3304, Vice Chair Peterson seconded.

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

Nays: None

Abstentions: None

Absent from the vote: Commissioners Gage and Jordan

*Public Comment provided by the following speakers*

Saleem Bey

**VI. Consider Adopting Resolution Endorsing Assembly Bill 2557**

Commissioner Jackson made a motion to adopt the resolution and approve an accompanying letter endorsing Assembly Bill 2557, Vice Chair Peterson seconded.

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

Nays: None

Abstentions: None

Absent from the vote: Commissioners Gage and Jordan

*Public Comment provided by the following speakers:*

Mary Vail

Saleem Bey

Rashidah Grinage

Assata Olugbala

**VII. Consider Approval of Revised Policy for Risk Management (DGO R-01)**

Commissioner Harbin-Forte made a motion to adopt the revised Risk Management Policy, Chair Milele seconded.

Ayes: Peterson, Harbin-Forte, Howell, Hsieh, Milele

Nays: None

Abstentions: None

Absent from the vote: Commissioners Gage and Jordan

*Note: Commissioner Jackson's verbal vote was not noted.*



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING MINUTES

March 31, 2022. 5:30 PM

*Public Comment provided by the following speakers:*

Moto G stylus

Saleem Bey

**VIII. Approve Engagement Agreement with Law Firm of Garcia Hernandez Sawhney, LLP As Independent Counsel**

Commissioner Harbin-Forte made a motion to approve the Commission's engagement with Garcia Hernandez Sawhney, Commissioner Hsieh seconded.

Ayes: Peterson, Harbin-Forte, Howell, Hsieh, Milele

Nays: None

Abstentions: None

Absent from the vote: Commissioners Gage and Jordan

*Note: Commissioner Jackson's verbal vote was not noted.*

*Public Comment provided by the following speakers:*

Moto G Stylus

Saleem Bey

**IX. Open Forum Part 2**

*Public Comment provided by the following speakers:*

Assata Olugbala

Saleem Bey

**X. Adjournment**

Meeting ended at approximately 8:55pm.

# OAKLAND POLICE COMMISSION

## RESOLUTION NO. 22-11

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**POLICE COMMISSOIN RESOLUTION  
TO AMEND MAY 12, 2022 RESOLUTION TO MAKE  
APPROVED SALARY INCREASE EFFECTIVE AS OF JANUARY 1, 2022**

**WHEREAS**, on May 12, 2022, the Oakland Police Commission approved a personnel record action for the Office of the City Administrator and the Human Resource Department to increase Inspector General Phillips' salary to the upper bound of its current range: \$208,245.24.

**WHEREAS**, the Commission intended to make the IG's salary increase effective as of the IG's first official work day of January 1, 2022.

**THEREFORE**, the Commission hereby amends its May 12, 2022 Resolution to add this effective date to the final "Resolved" clause, as follows:

**THEREFORE, BE IT RESOLVED**, that the Police Commission hereby approves a personnel record action for the Office of the City Administrator and the Human Resource Department to increase Inspector General Phillips' salary to the upper bound of its current range: \$208,245.24 annually, *effective as of January 1, 2022*.

AT A REGULAR POLICE COMMISSION MEETING, on May 26, 2022, in OAKLAND,  
CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES –

NOES –

ABSENT –

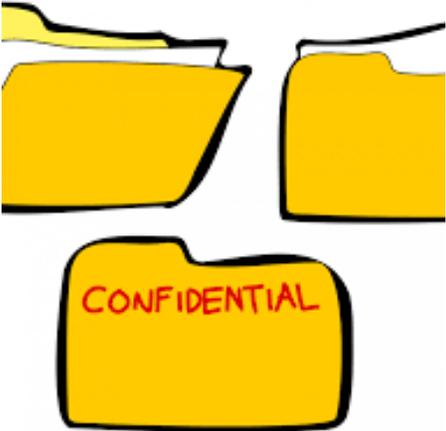
ABSTENTION –

ATTEST: \_\_\_\_\_

Ms. Rania Adwan  
Chief of Staff  
Oakland Police Commission  
City of Oakland, California

**ACLU**

Northern  
California



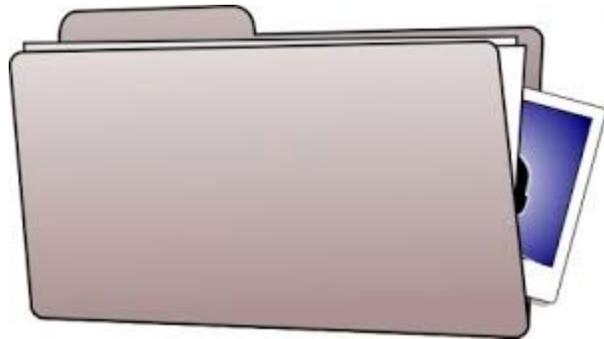
Public Records Act Requests under SB 1421 and SB 16

“In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” Cal. Govt Code § 6250

Presentation by ACLU Northern California to the Oakland Police Commission  
May 26, 2022

# CA Public Records Act

- Codified at Cal. Government Code § 6250 *et seq.*
- Obligations apply to any local agency
- Right to request from any individual member of the public
- “Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided.” § 6253(a)



# Who can make a CPRA request?

Any “member of the public” (§ 6252)

Notwithstanding the definition of “member of the public” in Section 6252, an elected member or officer of any state or local agency is entitled to access to public records of that agency on the same basis as any other person

# What is a “local agency” under the CPRA?

“Local agency” includes ((Govt Code § 6252(a)):

- Cities and counties;
- school district; municipal corporation;
- district;
- political subdivision;
- any board, commission or agency thereof; other local public agency; or
- entities that are legislative bodies of a local agency

“Public agency” means “any state or local agency” § 6252(d)

# Obligations Under the CPRA (§ 6253(c))



**Within 10 days of receipt of a request for records, a local agency MUST provide a response that includes:**

- Whether the agency has responsive records in their possession;
- Whether any responsive records are disclosable under the CPRA and the reasons why
- Estimated date and time to produce records



**In “unusual circumstances”, the agency may extend the initial response up to 14 days**



**Make responsive, disclosable records available for production and/or inspection**

*See e.g. Public portals for SB 1421 release of records in City of Fullerton; City of Sacramento*



**Agencies may adopt rules for “faster, more efficient, or greater access to records than prescribed by the minimum standards” in the CPRA**

# Non-Compliance

Civil enforcement litigation is the primary means of protecting the right of public access

Example: *Morris et al v. City of Oakland*

- Media plaintiffs brought action to enforce PRA requests for officer misconduct records under SB 1421
- The December 2021 settlement agreement requires OPD to clear its backlog of California Public Records Act requests within six (6) months and release all records related to police shootings and misconduct within 15 months, with disclosures on a rolling basis
- <https://www.documentcloud.org/documents/21092101-morris-et-al-v-oakland-proposed-settlement>

# Peace Officer Records Before 1421: Penal Code § 832.7

Personnel records of all police officers were deemed confidential

(Penal Code 832.7 “Except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery”).

The exclusive process to disclose peace officer records required a *Pitchess* motion and court order

*Copley Press* was the 2006 Supreme Court case which held that Penal Code section 832.7 (the statute making personnel/complaint records confidential) applied to records held by external police commissions

# POLICE RECORDS AFTER SB 1421

“the following peace officer or custodial officer personnel records and records maintained by any state or local agency **shall not be confidential and shall be made available** for public inspection pursuant to the California Public Records Act”

(A) A record relating to the report, investigation, or findings of any of the following: (i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer. (ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.

(B) (i) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public.

(C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

# What does “records” include? (Pen. Code 832.7(C))

Records that **shall** be released pursuant to this subdivision include:

- all investigative reports
- photographic, audio, and video evidence
- transcripts or recordings of interviews
- autopsy reports
- all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take
- documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action
- Records that shall be released pursuant to this subdivision also include records relating to an incident in which the peace officer or custodial officer resigned before the law enforcement agency or oversight agency concluded its investigation into the alleged incident

# Mandatory Redactions under SB 1421

(A) To remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.

(B) To preserve the anonymity of complainants and witnesses.

(C) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

(D) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

# Withholding Records Under SB 1421

During an active criminal investigation, disclosure may be delayed for up to 60 days or until the D.A. determines whether to file criminal charges, whichever occurs sooner. The agency shall provide, in writing, the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. This writing shall include the estimated date for disclosure of the withheld information.

“Information withheld by the agency shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18 months after the date of the incident, whichever occurs sooner”

“If criminal charges are filed related to the incident in which force was used, the agency may delay the disclosure of records or information until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea”

# Police Records After SB 16 (effective Jan 1, 2022)

Records with no sustained finding of misconduct must be retained for at least 5 years and records related to sustained misconduct must be retained for a minimum of 15 years.

Records relating to an incomplete investigation must be released if an officer resigned during the investigation.

Whistleblowers and victims will be added to the list of persons whose identities are required to remain confidential.

Records shall be provided at the “earliest possible time” and no later than 45 days from the date of a request for their disclosure, unless the law specifically allows more time to respond.

An agency may charge only the direct cost of duplication for the production of these records, in line with the Public Records Act, and may not charge for searching or redacting records.

Attorney-client privilege will not prohibit the disclosure of factual information provided by the public entity to its attorney or factual information discovered in any investigation conducted by, or on behalf of, the public entity’s attorney. Additionally, the privilege will not cover attorney billing records unless the records relate to a legal consultation between the public entity and its attorney in active and ongoing litigation.

A public agency hiring a peace officer must review any files for Section 832.7 disclosure before hiring the officer.

# Peace Officer Records After SB 16

Discloseable Peace Officer records include any record relating to:

- A sustained finding involving a complaint that alleges unreasonable or excessive force
- A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- a sustained finding that a peace officer or custodial officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
- a sustained finding that the peace officer made an unlawful arrest or conducted an unlawful search.

# SB 1421 & SB 16 Apply to All Records Requests

*Walnut Creek Peace Officers Association v. City of Walnut Creek* (ACLU NorCal as Intervenors)  
Case No. N19-0109 (Feb 8, 2019)

- Union argued that SB 1421 only applied to records **created in 2019 or later**
- Consolidated **6 cases** from Walnut Creek, Concord, Richmond, Martinez, Antioch, and Contra Costa Sheriff's Office
- Court held that "increasing the public's access to law enforcement or other records[] **must be applied to records dating back to before the new laws' enactment**"
  - PRA obligations are triggered by a PRA request, not by the date of police misconduct or when related personnel records created.

# Summary

- Personnel Files of Peace Officers are Generally Confidential Records
- SB 1421 and 16 amended Cal Penal Code 832.7 to include categories of records that are considered exempt from confidentiality and now subject to disclosure under the Public Records Act (Gov't Code 6250 *et seq.*)

# Summary

## Before SB 1421 & SB 16

All peace officer personnel records considered confidential files that were only disclosable by court order under Cal Penal Code 832.7

## After SB 1421 & SB 16 amends Penal Code 832.7

- Peace officer personnel records are confidential except for records relating to:
  - Use of force involving discharge of a firearm at a person
  - Use of force resulting in death or great bodily injury
  - Sustaining findings of sexual assault against members of the public
  - Sustained findings of dishonesty
  - A sustained finding involving a complaint that alleges unreasonable or excessive force.
  - A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
  - sustained finding of an unlawful arrest or an unlawful search
  - sustained finding of conduct involving prejudice or discrimination against any person

\*sustained finding must be made by a law enforcement or oversight agency

- *Copley* case was decided in 2006 before the legislature passed SB 1421 and SB 16, so of course any exceptions to confidentiality under these provisions (codified at PC 832.7(b)) would override the *Copley* decision and those records excepted by statute are now disclosable.

# Pending Legislative Changes

## AB 2557

“This bill would make records and information obtained from records maintained by an agency or body established by a city, county, city and county, local government entity, state agency, or state department for the purpose of civilian oversight of peace officers subject to disclosure pursuant to the California Public Records Act.”

# Recommendations to Oakland Police Commission

- Public platform to house release of records
- Engage in regular (bi-annual or more) training for Commissioners and staff on CPRA rules and any legislative updates
- Adopt a policy/practice of regular reporting from the Oakland Police Department to the Commission to include a section on CPRA requests including, but not limited to: number of requests received, number of requests acknowledged with a statutory compliant response, number of requests where records produced, number of requests determined to have no responsive documents, and number of requests denied. This reporting should also include progress on compliance with *Morris* and any other cases.
- Determine what staffing, resourcing, and/or policy reforms can improve the Commission's and/or Police Department's compliance with the CPRA

# QUESTIONS?

Allyssa Victory, Esq.

Staff Attorney, ACLU Northern California  
Criminal Justice Program

[avictory@aclunc.org](mailto:avictory@aclunc.org)





# Weekly Crime Report — Citywide

## 09 May – 15 May, 2022

<b>Part 1 Crimes</b> <i>All totals include attempts except homicides.</i>	<b>Weekly Total</b>	<b>YTD 2020</b>	<b>YTD 2021</b>	<b>YTD 2022</b>	<b>YTD % Change</b> 2021 vs. 2022	<b>3-Year YTD Average</b>	<b>YTD 2022 vs. 3-Year YTD Average</b>
<b>Violent Crime Index</b> (homicide, aggravated assault, rape, robbery)	82	2,103	2,492	2,176	-13%	2,257	-4%
<b>Homicide – 187(a)PC</b>	2	21	44	40	-9%	35	14%
<b>Homicide – All Other *</b>	-	1	6	2	-67%	3	-33%
<b>Subtotal - 187(a)PC + all other</b>	2	22	50	42	-16%	38	11%
<b>Aggravated Assault</b>	51	1,053	1,332	1,090	-18%	1,158	-6%
Assault with a firearm – 245(a)(2)PC	6	117	233	184	-21%	178	3%
<b>Subtotal - Homicides + Firearm Assault</b>	8	139	283	226	-20%	216	5%
Shooting occupied home or vehicle – 246PC	5	113	217	125	-42%	152	-18%
Shooting unoccupied home or vehicle – 247(b)PC	-	52	111	63	-43%	75	-16%
Non-firearm aggravated assaults	40	771	771	718	-7%	753	-5%
<b>Rape</b>	2	88	45	48	7%	60	-20%
<b>Robbery</b>	27	941	1,071	998	-7%	1,003	-1%
Firearm	12	276	434	452	4%	387	17%
Knife	-	86	51	27	-47%	55	-51%
Strong-arm	6	438	326	247	-24%	337	-27%
Other dangerous weapon	-	25	32	26	-19%	28	-6%
Residential robbery – 212.5(a)PC	-	35	37	23	-38%	32	-27%
Carjacking – 215(a) PC	9	81	191	223	17%	165	35%
<b>Burglary</b>	27	4,488	2,920	3,830	31%	3,746	2%
Auto	9	3,578	2,242	3,043	36%	2,954	3%
Residential	3	507	386	324	-16%	406	-20%
Commercial	5	310	192	328	71%	277	19%
Other (Includes boats, aircraft, and so on)	1	72	70	31	-56%	58	-46%
Unknown	9	21	30	104	247%	52	101%
<b>Motor Vehicle Theft</b>	95	3,099	3,367	3,348	-1%	3,271	2%
<b>Larceny</b>	26	2,749	2,048	2,205	8%	2,334	-6%
<b>Arson</b>	4	61	75	65	-13%	67	-3%
<b>Total</b>	234	12,501	10,908	11,626	7%	11,678	0%

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

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



# Weekly Gunfire Summary

## 09 May – 15 May, 2022

<b>Citywide</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	2	21	44	40	-9%	35	14%
Homicide – All Other *	-	1	6	2	-67%	3	-33%
<b>Subtotal - 187(a)PC + all other</b>	<b>2</b>	<b>22</b>	<b>50</b>	<b>42</b>	<b>-16%</b>	<b>38</b>	<b>11%</b>
Assault with a firearm – 245(a)(2)PC	6	117	233	184	-21%	178	3%
<b>Subtotal - 187 + 245(a)(2)</b>	<b>8</b>	<b>139</b>	<b>283</b>	<b>226</b>	<b>-20%</b>	<b>216</b>	<b>5%</b>
Shooting occupied home or vehicle – 246PC	5	113	217	125	-42%	152	-18%
Shooting unoccupied home or vehicle – 247(b)PC	-	52	111	63	-43%	75	-16%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	<b>13</b>	<b>304</b>	<b>611</b>	<b>414</b>	<b>-32%</b>	<b>443</b>	<b>-7%</b>
Negligent discharge of a firearm – 246.3PC	18	264	715	616	-14%	532	16%
<b>Grand Total</b>	<b>31</b>	<b>568</b>	<b>1,326</b>	<b>1,030</b>	<b>-22%</b>	<b>975</b>	<b>6%</b>

<b>Area 1</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	1	3	6	10	67%	6	58%
Homicide – All Other *	-	-	-	1	PNC	0	200%
<b>Subtotal - 187(a)PC + all other</b>	<b>1</b>	<b>3</b>	<b>6</b>	<b>11</b>	<b>83%</b>	<b>7</b>	<b>65%</b>
Assault with a firearm – 245(a)(2)PC	2	12	28	41	46%	27	52%
<b>Subtotal - 187 + 245(a)(2)</b>	<b>3</b>	<b>15</b>	<b>34</b>	<b>52</b>	<b>53%</b>	<b>34</b>	<b>54%</b>
Shooting occupied home or vehicle – 246PC	-	16	39	22	-44%	26	-14%
Shooting unoccupied home or vehicle – 247(b)PC	-	8	18	8	-56%	11	-29%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	<b>3</b>	<b>39</b>	<b>91</b>	<b>82</b>	<b>-10%</b>	<b>71</b>	<b>16%</b>
Negligent discharge of a firearm – 246.3PC	1	27	60	47	-22%	45	5%
<b>Grand Total</b>	<b>4</b>	<b>66</b>	<b>151</b>	<b>129</b>	<b>-15%</b>	<b>115</b>	<b>12%</b>

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All data extracted via Coplink Analytics.



# Weekly Gunfire Summary

## 02 May – 08 May, 2022

<b>Area 2</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	-	2	-	-100%	1	PNC
Homicide – All Other *	-	-	-	-	PNC	-	PNC
<b>Subtotal - 187(a)PC + all other</b>	-	-	2	-	-100%	1	PNC
Assault with a firearm – 245(a)(2)PC	-	4	13	13	0%	10	30%
<b>Subtotal - 187 + 245(a)(2)</b>	-	4	15	13	-13%	11	22%
Shooting occupied home or vehicle – 246PC	-	5	4	1	-75%	3	-70%
Shooting unoccupied home or vehicle – 247(b)PC	-	1	1	2	100%	1	50%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	-	10	20	16	-20%	15	4%
Negligent discharge of a firearm – 246.3PC	-	5	13	15	15%	11	36%
<b>Grand Total</b>	-	15	33	31	-6%	26	18%

<b>Area 3</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	3	7	8	14%	6	33%
Homicide – All Other *	-	-	-	-	PNC	-	PNC
<b>Subtotal - 187(a)PC + all other</b>	-	3	7	8	14%	6	33%
Assault with a firearm – 245(a)(2)PC	1	15	29	33	14%	26	29%
<b>Subtotal - 187 + 245(a)(2)</b>	1	18	36	41	14%	32	29%
Shooting occupied home or vehicle – 246PC	-	9	15	13	-13%	12	5%
Shooting unoccupied home or vehicle – 247(b)PC	-	8	13	8	-38%	10	-17%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	1	35	64	62	-3%	54	16%
Negligent discharge of a firearm – 246.3PC	3	30	61	72	18%	54	33%
<b>Grand Total</b>	4	65	125	134	7%	108	24%

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All data extracted via Coplink Analytics.



# Weekly Gunfire Summary

## 02 May – 08 May, 2022

<b>Area 4</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	1	5	7	11	57%	8	43%
Homicide – All Other *	-	-	-	-	PNC	-	PNC
<b>Subtotal - 187(a)PC + all other</b>	<b>1</b>	<b>5</b>	<b>7</b>	<b>11</b>	<b>57%</b>	<b>8</b>	<b>43%</b>
Assault with a firearm – 245(a)(2)PC	1	14	31	21	-32%	22	-5%
<b>Subtotal - 187 + 245(a)(2)</b>	<b>2</b>	<b>19</b>	<b>38</b>	<b>32</b>	<b>-16%</b>	<b>30</b>	<b>8%</b>
Shooting occupied home or vehicle – 246PC	1	17	31	22	-29%	23	-6%
Shooting unoccupied home or vehicle – 247(b)PC	-	6	11	9	-18%	9	4%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	<b>3</b>	<b>42</b>	<b>80</b>	<b>63</b>	<b>-21%</b>	<b>62</b>	<b>2%</b>
Negligent discharge of a firearm – 246.3PC	3	51	117	101	-14%	90	13%
<b>Grand Total</b>	<b>6</b>	<b>93</b>	<b>197</b>	<b>164</b>	<b>-17%</b>	<b>151</b>	<b>8%</b>

<b>Area 5</b> <i>All totals include attempts except homicides.</i>	Weekly Total	YTD 2020	YTD 2021	YTD 2022	YTD % Change 2021 vs. 2022	3-Year YTD Average	YTD 2022 vs. 3-Year YTD Average
Homicide – 187(a)PC	-	5	8	8	0%	7	14%
Homicide – All Other *	-	-	2	1	-50%	1	0%
<b>Subtotal - 187(a)PC + all other</b>	<b>-</b>	<b>5</b>	<b>10</b>	<b>9</b>	<b>-10%</b>	<b>8</b>	<b>13%</b>
Assault with a firearm – 245(a)(2)PC	2	25	54	27	-50%	35	-24%
<b>Subtotal - 187 + 245(a)(2)</b>	<b>2</b>	<b>30</b>	<b>64</b>	<b>36</b>	<b>-44%</b>	<b>43</b>	<b>-17%</b>
Shooting occupied home or vehicle – 246PC	4	32	66	35	-47%	44	-21%
Shooting unoccupied home or vehicle – 247(b)PC	-	16	35	18	-49%	23	-22%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	<b>6</b>	<b>78</b>	<b>165</b>	<b>89</b>	<b>-46%</b>	<b>111</b>	<b>-20%</b>
Negligent discharge of a firearm – 246.3PC	9	65	216	200	-7%	160	25%
<b>Grand Total</b>	<b>15</b>	<b>143</b>	<b>381</b>	<b>289</b>	<b>-24%</b>	<b>271</b>	<b>7%</b>

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

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

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



# Weekly Gunfire Summary

## 02 May – 08 May, 2022

<b>Area 6</b> <i>All totals include attempts except homicides.</i>	<b>Weekly Total</b>	<b>YTD 2020</b>	<b>YTD 2021</b>	<b>YTD 2022</b>	<b>YTD % Change 2021 vs. 2022</b>	<b>3-Year YTD Average</b>	<b>YTD 2022 vs. 3-Year YTD Average</b>
Homicide – 187(a)PC	-	5	14	3	-79%	7	-59%
Homicide – All Other *	-	1	4	-	-100%	2	PNC
<b>Subtotal - 187(a)PC + all other</b>	-	6	18	3	-83%	9	-67%
Assault with a firearm – 245(a)(2)PC	-	43	70	44	-37%	52	-16%
<b>Subtotal - 187 + 245(a)(2)</b>	-	49	88	47	-47%	61	-23%
Shooting occupied home or vehicle – 246PC	-	32	61	32	-48%	42	-23%
Shooting unoccupied home or vehicle – 247(b)PC	-	12	29	17	-41%	19	-12%
<b>Subtotal - 187 + 245(a)(2) + 246 + 247(b)</b>	-	93	178	96	-46%	122	-22%
Negligent discharge of a firearm – 246.3PC	2	82	241	175	-27%	166	5%
<b>Grand Total</b>	<b>2</b>	<b>175</b>	<b>419</b>	<b>271</b>	<b>-35%</b>	<b>288</b>	<b>-6%</b>

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

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

\* Justified, accidental, foetal, or manslaughter by negligence. Traffic collision fatalities are not included in this report.  
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 All data extracted via Coplink Analytics.



**2022 Year-to-Date Recovered Guns**

Recoveries through 15 May, 2022

<b>Grand Total</b>	<b>512</b>
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<b>Crime Recoveries</b>	
Felony	310
Felony - Violent	86
Homicide	18
Infraction	0
Misdemeanor	12
<b>Total</b>	<b>426</b>

<b>Crime Gun Types</b>	<b>Felony</b>	<b>Felony - Violent</b>	<b>Homicide</b>	<b>Infraction</b>	<b>Misdemeanor</b>	<b>Total</b>
Machine Gun	1					1
Other	3					3
Pistol	258	55	15		11	339
Revolver	4	8	1			13
Rifle	30	13	2		1	46
Sawed Off	2					2
Shotgun	5	8				13
Sub-Machinegun						0
Unknown/Unstated	7	2				9
<b>Total</b>	<b>310</b>	<b>86</b>	<b>18</b>	<b>0</b>	<b>12</b>	<b>426</b>

<b>Non-Criminal Recoveries</b>	
Death Investigation	5
Found Property	50
SafeKeeping	31
<b>Total</b>	<b>86</b>

<b>Non-Criminal Gun Types</b>	<b>Death Investigation</b>	<b>Found Property</b>	<b>SafeKeeping</b>	<b>Total</b>
Machine Gun				0
Other			1	1
Pistol	3	16	12	31
Revolver	2	11	6	19
Rifle		13	9	22
Sawed Off				0
Shotgun		6	2	8
Sub-Machinegun				0
Unknown/Unstated		4	1	5
<b>Total</b>	<b>5</b>	<b>50</b>	<b>31</b>	<b>86</b>



### 2022 vs. 2021 — Year-to-Date Recovered Guns

Recoveries through 15 May

Gun Recoveries	2021	2022	Difference	YTD % Change 2021 vs. 2022
<b>Grand Total</b>	<b>397</b>	<b>512</b>	<b>115</b>	<b>29%</b>

Crime Recoveries	2021	2022	Difference	YTD % Change 2021 vs. 2022
Felony	207	310	103	50%
Felony - Violent	88	86	-2	-2%
Homicide	12	18	6	50%
Infraction	0	0	0	PNC
Misdemeanor	13	12	-1	-8%
<b>Total</b>	<b>320</b>	<b>426</b>	<b>106</b>	<b>33%</b>

Non-Criminal Recoveries	2021	2022	Difference	YTD % Change 2021 vs. 2022
Death Investigation	11	5	-6	-55%
Found Property	41	50	9	22%
SafeKeeping	25	31	6	24%
<b>Total</b>	<b>77</b>	<b>86</b>	<b>9</b>	<b>12%</b>

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



## Monthly Risk Analysis Report – Citywide Through April 30, 2022

	Oct '21- Mar '22 Avg	April 2022	% Change	YTD 2021	YTD 2022	% Change
<b>Stops</b>						
Dispatch Stops	624.5	553	-11%	2,762	2,345	-15%
Non-Dispatch Stops	431.8	325	-25%	2,153	1,765	-18%
% Intel Led	51% (221.2)	51% (166)	0%	42% (901)	52% (925)	+10%
% Non-Intel Led African American	46% (96.7)	45% (71)	-1%	44% (549)	47% (394)	+3%
% Non-Intel Led Hispanic	37% (78.2)	30% (48)	-7%	33% (410)	37% (314)	+4%
% Non-Intel Led Traffic Stops	76% (160.7)	74% (117)	-2%	83% (1036)	78% (651)	-5%
Total Stops	1,056.3	878	-17%	4,915	4,110	-16%
<b>Use of Force (all force by every officer and every subject, excludes Type 32s)</b>						
Level 1	0.7	0	-100%	2	1	-50%
Level 2	0.5	1	+100%	5	1	-80%
Level 3	3.8	3	-21%	25	13	-48%
Level 4 (Excluding Type 32)	116.5	147	+26%	502	534	+6%
Total	121.5	151	+24%	533	549	+3%
% African American (each subj counted once)	65% (46.0)	60% (55)	-5%	66% (191)	61% (195)	-5%
% Hispanic (each subj counted once)	23% (16.2)	25% (23)	+2%	20% (57)	26% (82)	+6%
<b>Officer Involved Shootings</b>						
# of Incidents	3	0	-100%	0	0	0%
# of Officers that Discharged Their Firearm	0.7	0	-100%	0	0	0%
<b>Canine Deployment</b>						
Actual Deployments	5.2	4	-23%	19	19	0%
Bites	0	0	0%	2	0	-100%
<b>Arrests (top violation per arrest, subject counted once)</b>						
Misdemeanor	210.2	72	-66%	894	608	-32%
Felony	255.7	161	-37%	1,144	862	-25%
Total	492.0	331	-33%	2,067	1,718	-17%
<b>Complaints (by complaint date)</b>						
Service Complaint Allegations	64.3	64	+0.5%	211	231	+9%
Total Allegations	308.3	231	-25%	1,148	1,138	-1%
Total Cases	53.0	36	-32%	205	189	-8%
<b>Pursuits</b>						
# of Incidents	9.2	14	+52%	31	49	+58%
# Units Involved		19		58	84	+45%
Ave # of Units per Pursuit	1.7	1.4	-18%	1.9	1.7	-11%
<b>Collisions</b>						
# of Incidents w/ Sworn Employees	9.5	5	-47%	28	27	-4%
# of Incidents w/ Civilian Employees	0.7	0	-100%	1	2	+100%
<b>Other Officer Activity Data</b>						
# of Incident Reports	5,630.5	3,361	-40%	23,221	20,065	-14%
# of Armored Vehicle Deployments	17.0	21	+24%	53	76	+43%

\*Numbers are preliminary and subject to change\*



## CITY OF OAKLAND | POLICE COMMISSION

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

To: Oakland Police Commission  
 From: 15-01 Community Policing Ad Hoc Committee  
 Date: 5/19/22  
 Re: DGO 15-01 Community Policing Policy

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The 15-01 Community Policing Ad Hoc Committee (Committee) requests that the Oakland Police Commission (Commission) endorse the proposed draft policy on Community Policing and forward the policy to the City Council with a request for adoption.

### **Background**

Community Policing is not a new concept in Oakland. It has existed since 1996 with the passage of Resolution 72727 and now exists as outlined in Resolution 79235 (“The Community Policing Program of the City of Oakland”) and Resolution 85149 (Measure Z – “The 2014 Oakland Public Safety and Services Violence Prevent Act”). It has been supported and monitored the Community Policing Advisory Board (CPAB), the Public Safety and Services Violence Prevention Oversight Commission (SSOC), the City of Oakland’s Neighborhood Services Division, and the Oakland Police Department (the Department). However, the Department has yet to implement a formal, internal policy for Community Policing.

In 2018, OPD, SSOC, and CPAB began working on a draft of DGO 15-01. After their policy review process, the SSOC submitted said draft to the Oakland Police Commission for their review, edits, and eventual submission to City Council. This draft, with some initial edits from former commissioner Jose Dorado, is enclosed.

In May 2021, the Committee was formed to finalize DGO 15-01 with the following objectives in mind:

- Suggest clear guidance for the Department, community groups, and members of the public to engage and develop trust and relationships;
- Direct the Department to support community engagement and neighborhood empowerment objectives laid out by the Oakland Neighborhood Services Division and Neighborhood Service Coordinators;
- Direct the Department to support and reasonably prioritize non-law enforcement solutions to community-identified neighborhood issues;
- Even when the Department is engaged to solve community-identified neighborhood issues, OPD should ensure the participation of community and City stakeholders to ensure accountability and procedural justice.
- Incentivize the Department and beat officer participation in Neighborhood Councils;

On July 31, 2021, the Committee began biweekly meetings to finalize the policy. The Committee consisted of the following:

- Commissioners: Brenda Harbin-Forte, Rudolph Howell, Jesse Hsieh
- Community Members: Mariano Contreras, Creighton Davis, Jose Dorado, Candice Elder, Omar Farmer, Paula Hawthorne, Cathy Leonard, Pastor Bob Jackson, Pastor Anthony Jenkins, Reginald Lyles, Wilson Riles, Pastor Jackie Thompson
- Oakland Police Department: A/Cpt. William Febel, A/Lt. Ronald Johnson
- City of Oakland: Joe Devries, Deputy City Administrator

### **Summary and Highlights**

This proposed policy sets forth guidelines for the Oakland Police Department and its Community Policing Program. It defines the Department's mission, vision, and goals for Community Policing, and stresses that all Department sworn police officers are community policing officers responsible for positively engaging members of the community. It also seeks to address some of the most common concerns brought by community members by increasing transparency and supporting Community Resource Officers (CROs).

Some of the key features of this policy are as follows:

- Prioritizing non-law enforcement responses by considering non-law enforcement responses and permitting Neighborhood Service Coordinators to take on less serious Community Priorities;
- Requiring new CROs to commit to at least (3) years in the position;
- Prioritizing and protecting time for CRO duties: SARA Projects, Community Priorities, and Neighborhood Councils;
- Adding additional training requirements developed and presented in collaboration with the community;
- Real time reporting upon completion of SARA Project steps.

The Committee recognizes that this policy is just a piece of the overall Community Policing plan for the City of Oakland, which at the very least includes the many Neighborhood Councils, the Neighborhood Services Division, CPAB, and SSOC. It is our hope that this policy clearly defines OPD's role in supporting block, neighborhood and community empowerment, civic engagement, and public safety throughout the City of Oakland.

For questions regarding this report, please email Commissioner Jesse Hsieh at: [jhsieh@oaklandcommission.org](mailto:jhsieh@oaklandcommission.org).

Sincerely,

Jesse Hsieh  
Commissioner  
Oakland Police Commission

## DEPARTMENTAL GENERAL ORDER

### 15-01: COMMUNITY POLICING

Effective Date: DD MM YY

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#### **A. DEPARTMENT MISSION, VISION, AND GOALS FOR COMMUNITY POLICING**

The mission of the Oakland Police Department (“OPD” or “Department”) is to promote and protect public safety while respecting the dignity and rights of all, including the most vulnerable. To achieve this mission, the Department’s goals must have the community’s well-being and support at the heart of all law enforcement activities, and must be grounded on collaborative partnerships with Oakland residents, non-law enforcement City agencies and departments, community-based organizations, faith-based organizations, businesses, and Neighborhood Councils.

Community Policing is the affirmed public policy strategy to achieve the Department’s mission. It is a policing model in which officers empower communities through building collaborative, transparent, honest, and trusting relationships with the communities they serve. It is a customer service approach to policing, which embraces community-led and community-directed problem-solving, and where officers are seen as part of the community rather than separate from it. It places a high value on problem-solving responses that are preventative in nature and not dependent on the use of the criminal justice system.

A successful Community Policing program requires that Department members be trained in the history of policing in Oakland and engage in a restorative justice-based dialogue with community members in a manner that allows for continuous adjustments to Department practices, procedures, and policies. Such adjustments will repair the historical harm done by policing in Oakland, mitigate unintended consequences of such practices, procedures, and policies, and avoid further harm by eliminating the use of inappropriate practices, procedures, and policies. A successful Community Policing Policy also requires that Department members receive training in cultural diversity and competency, active listening, and effective community engagement. Finally, a successful Community Policing program requires the Department’s commitment to using de-escalation strategies when responding to issues arising in the communities.

The Community Policing problem-solving model carries with it a commitment to implementing responses, rigorously evaluating effectiveness, and subsequently reporting the results of priorities and projects in ways that will benefit the community, the Department, and policing practices in general.<sup>1</sup> Community Policing is not just a strategy that reduces crime. Community Policing improves the overall quality of life in our neighborhoods for all residents.

#### **B. PURPOSE**

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<sup>1</sup> Problem-Oriented Policing, Herman Goldstein, 2015.

The purpose of this general order is to:

- Hereby declare the Department's commitment to using de-escalation strategies when responding to issues arising in Oakland's communities.
- Hereby declare the Department's commitment to hiring officers from Oakland's communities.
- Set clear expectations for the Department to actively engage community groups and members of the public in building and fostering mutually trusting, lasting relationships on a Department-wide and individual basis.
- Define the Department's role and bureau expectations regarding the responsibilities of Community Resource Officers and other Department staff in implementing tasks related to Oakland's Community Policing Program (Resolution 79235) and Oakland's Public Safety and Services Violence Prevention Act (Resolution 85149, also known as Measure Z.)
- Direct the Department to support community engagement and neighborhood empowerment objectives laid out by the Oakland Neighborhood Services Division, Resolution 79235, and Resolution 85149.
- Direct that Department members receive training in a broad range of subjects, including among other things, the history of policing in Oakland and the use of restorative justice principles aimed at repairing historical harm.
- Direct that all trainings be developed and presented in collaboration with the community, when allowed by law.
- Direct that Department members who exemplify Community Policing principles be commended and rewarded for their efforts.

## C. COMMUNITY POLICING AND PROBLEM-SOLVING

Implementing Community Policing as a problem-solving tool requires that the Department and the community work together to identify community priorities, design tailored solutions to the problems, prioritize responses to the tailored solutions, and evaluate the success of the tailored solutions.

### 1. Community Priorities

Community priorities are prioritized issues of concern, generated by the community itself, which can be addressed in whole or in part by partnership with the Department. While typically set by attendees of the Neighborhood Councils, priorities can come from a variety of different sources. Neighborhood Council Priorities should be identified through a specific procedure and produced in written form following SMART<sup>2</sup> principles. However, priorities should be applicable to a larger section of the Community Policing Beat rather than just one individual. Such priorities should be determined by a representative group of community stakeholders with a focus on diversity. Community Policing Beats should have one to three priorities at any given time.

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<sup>2</sup> Specific, Measurable, Attainable, Reasonable, Timeline

Community Resource Officers (CROs) will take the lead in taking Neighborhood Council Priorities of a more serious nature through the SARA (Scanning, Analysis, Response, Assessment) Process. The CRO will report back to the sponsoring Neighborhood Council at the completion of each step in the SARA Process in real time. CROs will let Neighborhood Service Coordinators take less serious Neighborhood Council Priorities through the SARA Process.

## 2. SARA Projects

A SARA project is a way to identify specific priorities or problems and to design tailored solutions for those issues. Each CRO is expected to have at least one open SARA project at any given time. The SARA concept includes an evaluation of the solutions and results to determine the efficacy of the designed response. The SARA model<sup>3</sup> includes the following steps:

- a. Scanning
  - i. Identifying recurring problems of concern to the public and the police.
  - ii. Identifying the consequences of the problem for the community and the police.
  - iii. Prioritizing those problems.
  - iv. Developing broad goals.
  - v. Confirming that the problems exist.
  - vi. Determining how frequently the problem occurs and how long it has been taking place.
  - vii. Selecting problems for closer examinations.
- b. Analysis
  - i. Identifying and understanding the events and conditions that precede and accompany the problem.
  - ii. Identifying relevant data to be collected.
  - iii. Researching what is known about the problem type.
  - iv. Taking inventory of how the problem is currently addressed and the strengths and limitations of the current response.
  - v. Narrowing the scope of the problem as specifically as possible.
  - vi. Identifying a variety of resources within and outside of Oakland that may be of assistance in developing a deeper understanding of the problem.
  - vii. Developing a working hypothesis about why the problem is occurring.
- c. Response
  - i. Brainstorming for new interventions.
  - ii. Searching for what other Oakland Neighborhood Councils and other communities with similar problems have done.
  - iii. Choosing among the alternative interventions.
  - iv. Outlining a response plan and identifying responsible parties.
  - v. Stating the specific objectives for the response plan.
  - vi. Carrying out the planned activities.
- d. Assessment

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<sup>3</sup> Center for Problem Oriented Policing, 2018, <http://www.popcenter.org/about/?p=sara>

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- i. Determining whether the plan was implemented (a process evaluation).
  - ii. Collecting pre- and post- response qualitative and quantitative data.
  - iii. Determining whether broad goals and specific objectives were attained.
  - iv. Identifying any new strategies needed to augment the original plan.
  - v. Conducting ongoing assessment to ensure continued effectiveness.
3. Priority and Project Review
- Upon completion of responding to a priority – including the closure of a SARA project - the involved CRO should discuss with the relevant Neighborhood Council.

## D. COMMUNITY RESOURCE OFFICERS

Every Oakland Police Department sworn police officer is a community policing officer. Thus, it is the responsibility of all Department members to positively engage members of the community with the goal of fostering productive relationships and a collaborative effort to promote safe communities in line with the principles outlined above.

However, not every sworn police officer is a Community Resource Officer (CRO). CROs have special qualifications, training, and experience that permits them to focus problem-solving activities on community identified priorities or priorities that affect the overall safety and well-being of the community in a given area.

### 1. Qualifications

Applicants for the CRO position should have at least 3 years of law enforcement experience and a proven track record of exceptional service, which must be determined by community input. Additionally, applicants must have demonstrable community engagement skills and project management skills.

The CRO position is an Order of Merit List position as defined in OPD DGO B-4, *Personnel Assignments, Selection Process, and Transfers*<sup>4</sup>. Selection of CRO members will be governed by OPD DGO B-4, Section VI-VII, *Order of Merit List Procedures* and *OML Selection Process*.

### 2. General Roles

Community Resource Officers (CROs) are responsible for the coordination of problem-solving activities in specific geographic areas, including:

- a. Initiating and completing SARA projects.
- b. Establishing and building relationships with community members and leaders.
- c. Being a resource for community members on preventative measures for common or recurring problems that do not require a SARA project.

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<sup>4</sup> Department General Order B-4: Personnel Assignments, Selection Process, and Transfers, located here: <https://public.powerdms.com/oakland/tree/documents/26>.

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- d. Regularly communicating updates about the status of Neighborhood Council Priorities to the Chair of the assigned Neighborhood Council.
- e. Attending all Neighborhood Council regular meetings and providing routine updates as well as a fully briefed alternate officer when necessary.
- f. Encouraging active participation of OPD personnel in Neighborhood Council and other community groups.
- g. Serving as liaisons with City Departments.
- h. Coordinating enforcement efforts or responses to safety issues with city and law enforcement personnel or other public safety departments or agencies; informing, answering, and alleviating any affected neighborhood concerns about those specific enforcement efforts to the extent possible.
- i. Providing foot and bicycle patrols as needed.
- j. Documenting and reporting on the following:
  - Neighborhood Council Priorities;
  - Community Concerns;
  - Area Command staff Priorities;
  - Crime issues;
  - Blight concerns;
  - SARA projects;
  - Crime statistics including ShotSpotter data;
  - Social, racial, ethnic, and language concerns that have a role and factor into CRO activities;
  - Any other information that is either requested by the community or relevant to a Neighborhood Council Priority or community concern.
- k. Answering calls for service in their assigned beats, if needed.

CROs may act as first responders to crowd management events in their assigned beat and may answer calls for service outside of their assigned beat. CROs may also work with other law enforcement members in providing violence or other serious crime suppression outside of their assigned beat. However, due to the importance of the CRO program in fostering relationships with the community, drawing CROs from their assigned duties and beats is greatly disfavored and should only be done as a last resort.

### 3. Specific Responsibilities

CROs act as coordinators and liaisons for projects and priorities in their assigned Community Policing Beats. CROs utilize the SARA process to solve problems. CROs document this process in the community project database, SARAnet. CROs are also expected to:

- a. Build community support for the Department through positive customer service;
- b. Be visible to and engage with the community;
- c. Identify and develop working relationships with formal and informal community leaders in their assigned Beats (e.g., Block leaders, Neighborhood Watch block captains, school principals, community center staff, religious leaders, businesses, merchant associations, etc.);
- d. Assist Neighborhood Councils in establishing appropriate priorities and open

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- SARA Projects based on these Neighborhood Council Priorities;
- e. Maintain at least one project centered on a Neighborhood Council Priority, per assigned beat.
  - f. Report on the progress of Neighborhood Council Priorities by:
    - Presenting brief oral reports on the progress of each Neighborhood Council Priority at Neighborhood Council meetings to the extent possible;
    - Submitting written reports to the sponsoring Neighborhood Council immediately upon completion of each step in the SARA process, to the extent possible. These reports may be submitted to the Neighborhood Council Chair or Vice Chair and a copy provided to the associated Neighborhood Service Coordinator to include in the Neighborhood Council's next meeting.
  - g. Coordinate with Neighborhood Service Coordinators and community leaders to utilize community-based organizations to resolve problems;
  - h. Identify violent crime hot spots in their Community Policing Beat
  - i. Research and identify the three locations generating the highest calls for service on their Community Policing Beat and, as appropriate, open projects aimed at reducing these calls for service;
  - j. Identify properties associated with neighborhood problems (calls for service, crime, blight, and nuisance) and institute projects to address these problems;
  - k. Communicate important information to patrol officers and coordinate the response activities of these officers in solving projects;
  - l. Coordinate with other City, county, and state agencies to resolve problems. These include but are not limited to<sup>5</sup>:
    - Alameda County District Attorney's Office
    - City Administrator's Office
    - Department of Housing and Community Development
    - Department of Human Services
    - Department of Parks, Recreation, & Youth Development
    - Department of Public Works
    - Department of Race and Equity
    - Department of Transportation
    - Department of Violence Prevention
    - Economic & Workforce Development Department
    - Mobile Assistance Community Responders of Oakland (MACRO)
    - Oakland Fire Department
    - Oakland Unified School District and other youth agencies, such as, but not limited to, the all-city youth council.
    - Office of the City Attorney
  - m. Check email and voicemail messages daily and respond within a reasonable time (CROs shall use beat-specific email addresses for all communication related to issues in Community Policing beats);
  - n. Create, gather, or provide updates, results, and events regarding projects or priorities, responses, and results to Neighborhood Service Coordinators for public dissemination, including but not limited to posting to social media platforms.

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<sup>5</sup> This list is organized alphabetically, not by importance or priority.

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- o. Fully update, orient, and educate incoming CROs to Beat priorities and issues, past and present, as well as introduce them to Beat stakeholders.

4. Use and Auditing of the SARANet Database

CROs shall update the SARANet Database on the status of their project responses regularly, at least every two weeks. CROs should maintain contact with other personnel to include updates of coordinated responses to projects in the database.

CRO Sergeants will review or audit the SARANet Database monthly to ensure that SARA projects are properly documented.

The Department will make publicly available information on all Projects in the SARANet Database in properly redacted form.

5. CRO Assignment to Beats and Neighborhood Councils

CROs will be responsible for close and continuous coordination with their assigned Beat's Neighborhood Council and Neighborhood Service Coordinators. All Neighborhood Councils will have an assigned CRO. However, each of the Neighborhood Councils may not have a dedicated CRO.

The Department will adequately staff or fund the CRO program such that CRO members may meet their continuing obligations to attend Neighborhood Council meetings and work on SARA projects.

The Department is committed to keeping continuity of CROs assigned to a specific beat and Neighborhood Council. Therefore, the Department will establish criteria for reassigning CROs outside their designated Beats. Such reassignment must be approved by the Area Commander.

CROs shall not be assigned to more than two Neighborhood Councils. However, the Area Commander may permit a CRO to be assigned to more than two Neighborhood Councils as staffing and crime data dictate.

If a CRO is assigned to more than two Neighborhood Councils, reassigned to a different beat or Neighborhood Council, or reassigned to a different Department unit, the Department shall document the justification for these assignments, the assignment's proposed benefit to the community, and the assignment's impact on the City of Oakland, including its residents, stakeholders, and visitors. Reassignments will be timely reported to the affected Neighborhood Council. The Department will annually report these reassignments to the Community Policing Advisory Board, the Public Safety and Services Oversight Committee, and the Oakland Police Commission at their regularly scheduled meetings.

CROs shall meet with and assist their assigned Neighborhood Councils in accordance

with each Neighborhood Council's published meeting schedule. Neighborhood Councils are not the single point of contact for the CRO and attention must also be paid to other community organizations, including faith-based organizations, on their beat.

#### 6. Data Collection and Dissemination

CROs are required to use SARAnet to document community-based projects. In addition to using SARAnet, CROs should track other activities undertaken, such as crowd management, calls for service, and Neighborhood Council priorities solved without law enforcement intervention.

CROs should disseminate information on community projects and priorities to involved or required Department staff.

Twice a year, all CROs and Neighborhood Service Coordinators should meet to share and disseminate information on the following topics:

- Successful and Unsuccessful SARA projects
- Successful and Unsuccessful community led projects
- Trainings that were helpful for the CRO position
- Trainings that are needed to become better CROs
- Replicating successful tactics to be used in other parts of Oakland

Successes, failures, and recommendations generated from this meeting will be summarized and reported to the Community Policing Advisory Board, the Public Safety and Services Oversight Commission, and the Oakland Police Commission at their regularly scheduled meetings.

#### 7. Professional Development

OPD shall provide initial and annual training to all CROs that will include content and curriculum developed and presented by diverse community representatives and organizations. Topics include, but are not limited to<sup>6</sup>:

- a. Alternatives to Enforcement and Incarceration
- b. Building Relationships with Community Stakeholders<sup>7</sup>
- c. Community Engagement<sup>8</sup>
- d. Community Harm topics
- e. Community Relations and Customer Service
- f. Crisis Intervention
- g. Cultural Diversity and Competency

<sup>6</sup> This list is organized alphabetically, not by importance or priority.

<sup>7</sup> This training should include a component on strategies to affirmatively develop and establish relationships with community leaders, community members, and elected and informal representatives of the assigned area.

<sup>8</sup> This training should include a component on strategies that develop and deploy a community outreach plan tailored to each neighborhood that engages community members in coordination with Neighborhood Councils and Neighborhood Services Division.

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- h. Custom notifications
- i. De-escalation<sup>9</sup>
- j. Effective Communication
- k. Harm Reduction Principles
- l. Implicit Bias
- m. Problem-solving using the SARA model
- n. Project Management and Resource Allocation
  - Identification and utilization of community resources and organizations
  - Ongoing training on local government functions
  - Crime prevention through environmental design
- o. Restorative Justice Practices
- p. Search warrants
- q. Stress Management
- r. Tactical Training and Procedural Justice
- s. Undercover and crime reduction operations

Trainings on the following topics shall include community presenters or community-based organizations: Cultural Diversity and Competency, Implicit Bias, De-escalation, Community Relations and Customer Service, Restorative Justice principles, Stress Management, Community Harm topics, and Harm Reduction Principles. The Department will include the community even if these topics already have POST<sup>10</sup> mandated curriculum.

The Department shall identify and publish those trainings which cannot be developed in collaboration or presented by the community based on Evidence Code section 1040, the official information privilege. This list will be attached to this policy as Appendix A.

Supervisors and commanders of CROs shall identify further training which will enhance the professional development of CROs. CROs shall identify training which will enhance their development or job performance and submit training requests for consideration. In all cases, CRO training shall involve community resources to the greatest extent possible.

CROs should consider conducting “practice groups” where positive and learned de-escalation applications and “field” experience are reviewed and incorporated in ongoing revisions to department policies and practices and taken back to the department for general use.

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<sup>9</sup> CROs and Neighborhood Councils are the closest thing to a partnership bridge between OPD and neighborhoods. Therefore, this training should incorporate the most effective and innovative de-escalation practices due to the close relationship between CROs and the community. Oakland’s diversity and large communities of color require that essential de-escalation training pay special attention to racial implicit bias by addressing the following questions:

- What role does race and racism play in law enforcement interactions with residents?
- How can these interactions implement basic de-escalation techniques while upholding a “standard” of equity?
- What do law enforcement officers see and process when they see a suspect?
- What do they see and process when the suspect is black or brown?
- Why is it that a higher percentage of blacks are handcuffed while being detained or questioned?

<sup>10</sup> Commission on Peace Officer Standards and Training. <https://post.ca.gov/>.

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#### 8. Tenure

CRO members must commit to at least three years in this position. Newly appointed members are expected to serve at least five years in the position. Transfers into and out of any CRO unit are governed by OPD DGO B-04, *Personnel Assignments, Selection Process, and Transfers*<sup>11</sup>.

#### 9. Evaluation

Performance reviews and appraisals of CROs will be conducted on a regular basis as dictated in DGO B-06, *Performance Appraisal*<sup>12</sup>. Supervisors shall also evaluate whether CRO performance is meeting community empowerment goals outlined in section B of this policy. The evaluating supervisor shall collect, review, and incorporate community and Neighborhood Council input in their evaluation of CROs. All community input regarding CROs shall be included in the evaluation.

If supervisors consider community and Neighborhood Council input, supervisors should obtain as much contextual and background information as possible and permit the CRO member to respond, if necessary.

This does not replace the standard complaint procedure laid out in DGO M-03, *Complaints Against Department Personnel or Procedures*<sup>13</sup> and DGO M-03.1, *Informal Complaint Resolution Process*<sup>14</sup>.

### B. COMMUNITY MEETINGS

Community meetings are an opportunity for the Department to interact with the community outside of its law enforcement duties. By attending such meetings, the Department strengthens its commitment to local communities. Thus, the Department must host at least one community meeting per quarter in each Patrol Service Area; each patrol supervisor and officer assigned to a regular beat or geographic area of the City of Oakland must attend a minimum of one community meeting per quarter in the Area to which they are regularly assigned.

Appropriate personnel attend and document attendance at community meetings and public appearances in accordance with the provisions of DGO B-7, *Public Appearances*<sup>15</sup>.

<sup>11</sup> Department General Order B-4: Personnel Assignments, Selection Process, and Transfers, located here: <https://public.powerdms.com/oakland/tree/documents/26>.

<sup>12</sup> Department General Order B-6: Performance Appraisal, located here: <https://public.powerdms.com/oakland/tree/documents/28>.

<sup>13</sup> Department General Order M-03: Complaints Against Department Personnel or Procedures, located here: <https://public.powerdms.com/oakland/tree/documents/1266222>.

<sup>14</sup> Department General Order M-03.1: Informal Complaint Resolution Process, located here: <https://public.powerdms.com/oakland/tree/documents/442>.

<sup>15</sup> Department General Order B-7: Public Appearances, located here: <https://public.powerdms.com/oakland/tree/documents/29>.

### 1. Presentations at Community Meetings

Depending on assignment and classification, staff members may be required to make presentations at community meetings. OPD staff should consider hosting community meetings and other events in different areas in the beat. CROs are expected to make presentations on a regular basis. When presenting at a community meeting, the assigned CRO should do the following to ensure City-wide consistency:

- a. Send an Outlook calendar invite (single meetings only) to the:
  - BFO Deputy Chief
  - BFO Neighborhood Services Manager
  - Area Captain
  - Area Special Resource Lieutenant
  - Area CRO Sergeant
  - Area CRT Sergeant
  - Assigned Neighborhood Service Coordinator

The calendar invite should include beat priorities and CRO contact information.
- b. CRO presentation topics should minimally include:
  - Contact information.
  - Current beat priority and project updates (Status of priority or project, responses since last meeting, status of assessment or evaluation).
  - Identification of new priorities or projects (if needed).
  - Community Beat crime trends and crime rates (in advance of the meeting, if possible), including quarterly data for an Area, Shotspotter data, and aggregate crime data for the City of Oakland.
  - Summary of the Beat CRO's key activities, including but not limited to additional intelligence-based and crime prevention operations not covered above that are relevant to the Neighborhood Council. This may include surveillance operations, high visibility patrols, search warrants, violent crime investigations, domestic violence and child abuse interventions, and tow activity.
  - Misc. Agenda Items (Other announcements, other presentations, information on requested topics or where this information can be found, etc.).
- c. Introduce yourself at the beginning of the meeting.
- d. Explain the role of CROs, if needed, required, or requested.
- e. Explain that:
  - i. The goal of Community Policing is to create a peer-level partnership between OPD and the neighborhoods it serves.
  - ii. That OPD is here to support community-led efforts to empower neighborhoods and foster safe and equitable neighborhoods.
- f. CROs are required to provide:
  - Crime statistics for the Area and Beat.
  - Updates on priorities and projects, including:
    - Defined priority and project problem and goal.
    - Status of each active priority or project or for each priority or project closed since the last meeting or update.

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- Responses completed or logged by all priority or project partners since last meeting or update.
- g. CRO and Neighborhood Service Coordinator Interaction – CROs and Neighborhood Service Coordinators should collaborate prior to every Neighborhood Council meeting to review and discuss beat information, crime statistics, crime trends, priorities, and projects. Identification of current neighborhood concerns including problem properties and hot spots should be included.
- h. CROs should provide Neighborhood Service Coordinators with the CRO’s report prior to the meeting.

## 2. Small Group “Living Room” Meetings

Small group meetings are a specific type of community meeting. Like all community meetings, the goal of a small group meeting is to improve police-community relations. When holding a small group meeting, the Department shall consider neighborhood dynamics to ensure the safety of all participants and maximize the trust between community members and with the Department. Small group meetings employ specific criteria, such as the following:

- a. Intimate setting (such as an actual residential living room) OR local facility recommended by the assigned Neighborhood Service Coordinator (such as a library or recreation center)
- b. Small group size (no more than 20 participants)

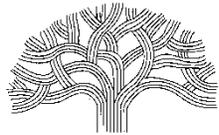
Small group meetings are generally attended by Area command staff, supervisors, and officers. Neighborhood Service Coordinators should be invited when possible. However, small group meetings should not replace Neighborhood Council meetings.

For meetings that may deal with recent or serious violent incidents in the community, the Department should consider requesting a neutral facilitator, including, but not limited to, a restorative justice facilitator, a representative from the Department of Violence Prevention, a Neighborhood Law Corps attorney, or a member of the community.

Approved by

Deputy Chief  
Bureau of Field Operations 1

Deputy Chief  
Bureau of Field Operations 2



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in April 2022*  
*(Allegations in bold were discovered by CPRA investigators)*

**Page 1 of 4**  
 (Total Completed = 4)

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
MM	21-0652	6/2/2021	4/15/2022	6/9/2022	Subject Officer 1	Failure to Accept or Refer a Complaint (Unintentional)	Sustained
					Subject Officer 2	Performance of Duty - General	Exonerated
						Conduct Toward Others - Harassment and Discrimination / Race	Unfounded
AL	21-1275	10/22/2021	4/15/2022	10/21/2022	Subject Officer 1	Performance of Duty - Miranda Violation	Unfounded
						Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	Exonerated
						Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	Exonerated
						Performance of Duty - General	Unfounded
					Subject Officer 2	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	Exonerated

**Definitions:**

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**Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.

**Unfounded:** The act(s) alleged by the complainant did not occur.

**Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

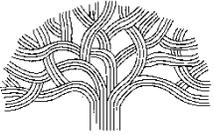
**Not Mandated:** The allegation was not one that CPRA is mandated to investigate under the Charter, so CPRA did not investigate due to limited resources.

**No Jurisdiction:** The Subject Officer of the allegation is not a sworn member of the OPD.

**No MOR Violation:** The alleged conduct does not violate any department rule or policy.

**Service Related:** The allegation pertains to the level of service provided by the Department as opposed to the misconduct of a single sworn officer.

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



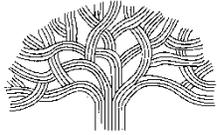
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in April 2022*  
*(Allegations in bold were discovered by CPRA investigators)*

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Use of Physical Force - Level 4	Unfounded
						Performance of Duty - Miranda Violation	Unfounded
						<b>Failure to Accept or Refer a Complaint (Unintentional)</b>	<b>Unfounded</b>
						<b>General Conduct</b>	<b>Sustained</b>
					Subject Officer 3	Performance of Duty - General	Exonerated
						Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	Exonerated
					Subject Officer 4	Conduct Toward Others - Demeanor	Unfounded
					Subject Officer 5	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	Exonerated

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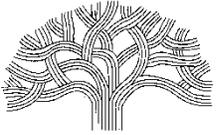
CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in April 2022*  
*(Allegations in bold were discovered by CPRA investigators)*

Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty - Personal Digital Recording Device (PDRD)	Unfounded
					Subject Officer 6	Conduct Toward Others - Harassment and Discrimination / Race	Unfounded
						Conduct Toward Others - Harassment and Discrimination / Race	Unfounded
						Use of Physical Force - Level 4	Unfounded
						Performance of Duty - Miranda Violation	Unfounded
						Failure to Accept or Refer a Complaint (Unintentional)	Unfounded
						<b>General Conduct</b>	<b>Sustained</b>
						<b>Obstructing the Internal Affairs Process</b>	<b>Sustained</b>
					Subject Officer 7	Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	Exonerated

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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Investigations Completed in April 2022*  
*(Allegations in bold were discovered by CPRA investigators)*

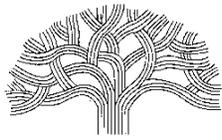
Assigned Inv.	Case #	Incident Date	Completion Date	1-year goal	Officer	Allegation	Finding
						Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	Exonerated
MB	22-0076	1/22/2022	4/1/2022	1/21/2023	Subject Officer 1	Obedience to Laws- Felony/Serious Misdemeanor	<i>No jurisdiction</i>
FC	22-0294	3/16/2022	4/29/2022	3/17/2023	Subject Officer 1	Performance of Duty - General	<i>Service Related</i>

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

1. The CPRA recommends that the Department review its protocols and training on how officers should handle situations in which officers are called on to address non-criminal conduct. In particular, the Department should ensure that officers appreciate the potential perception of discrimination and the distrust, uncertainty, and fear that members of the community may experience with police involvement, however friendly and non-threatening, especially in instances where the reporting party is white and the person whose non-criminal conduct is being reported is Black or a person of color.

**Definitions:**

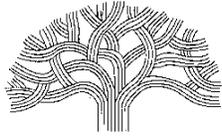
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CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases as of April 2022*  
*(Sorted by One-Year Goal)*

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
21-0863	7/2/2021	8/2/2021	7/28/2021	Investigator	JS	1/2/2022	7/27/2022	Use of Force	1	3	4	Use of Force (Taser); false arrest; demeanor
21-1010	8/31/2021	9/1/2021	8/31/2021	Investigator	JS	2/28/2022	8/31/2022	Use of Force, Discrimination	1	4	11	Use of Force and Racial Discrimination
21-1114	9/22/2021	9/22/2021	9/22/2021	Investigator	JS	3/22/2022	9/21/2022	Use of Force	1	3	3	Use of Force
21-1139	9/23/2021	9/23/2021	9/23/2021	Intake	FC	3/22/2022	9/22/2022	Discrimination	1	1	2	Discrimination Race/Gender
21-1161	9/29/2021	9/29/2021	9/28/2021	Intake	MB	3/28/2022	9/27/2022	Use of Force	1	1	1	Use of Force
21-1411	11/19/2021	11/23/2021	11/19/2021	Intake	FC	5/18/2022	11/18/2022	Truthfulness	1	2	4	Truthfulness, Conduct
21-1426	11/22/2021	12/21/2021	11/22/2021	Investigator	AL	5/21/2022	11/21/2022	Use of Force	1	4	6	Use of Force
21-1478	12/6/2021	12/7/2021	12/6/2021	Investigator	ED	6/4/2022	12/6/2022	Use of Force	1	2	8	Failure To Provide Name, Unlawful Seizure, Use of Force, Failure To Report Force
21-1514	10/13/2021	12/14/2021	12/13/2021	Intake	FC	6/11/2022	12/12/2022	Use of Force	1	1	2	Use of Force, False Arrest
21-1541	12/17/2021	12/21/2021	12/17/2021	Intake	FC	6/15/2022	12/16/2022	Use of Force	1	1	1	Use of Force
21-1547	12/20/2021	12/22/2021	12/20/2021	Intake	FC	6/18/2022	12/19/2022	Use of Force	1	1	1	Use of Force
21-1558	12/24/2021	12/24/2021	12/24/2021	Investigator	ED	6/22/2022	12/23/2022	Use of Force	1	3	7	Use of Force, Miranda, Unlawful Search, Performance of Duty
21-1569	6/11/2021	12/27/2021	12/27/2021	Investigator	MM	6/25/2022	12/26/2022	Use of Force, Discrimination	1	3	3	Use of force, Discrimination
22-0001	1/1/2022	1/4/2022	1/2/2022	Intake	FC	7/1/2022	1/1/2023	Use of Force	1	1	1	Use of Force
22-0018	1/8/2022	1/11/2022	1/8/2022	Intake	FC	7/7/2022	1/7/2023	Use of Force	1	4	4	Use of Force
22-0027	1/11/2022	1/13/2022	1/11/2022	Intake	FC	7/10/2022	1/10/2023	Performance of Duty	2	1	1	Performance of Duty
22-0031	1/11/2022	1/13/2022	1/11/2022	Intake	FC	7/10/2022	1/10/2023	Discrimination	1	3	3	Discrimination
22-0073	10/26/1991	1/25/2022	1/13/2022	Intake	MB	7/12/2022	1/13/2023	Other	2	1	3	Performance of Duty
22-0040	1/15/2022	1/18/2021	1/15/2022	Investigator	AL	7/14/2022	1/14/2023	Use of Force	1	1	1	Use of Force
22-0065	1/21/2022	1/25/2022	1/21/2022	Intake	FC	7/20/2022	1/20/2023	Use of Force	1	1	1	Use of Force
22-0093	1/27/2022	2/1/2022	1/27/2022	Investigator	MM	7/26/2022	1/27/2023	Racial Discrimination	1	1	1	Racial Discrimination
22-0099	1/29/2022	2/1/2022	1/29/2022	Intake	MB	7/28/2022	1/29/2023	Use of Force	1	3	4	Use of Force
22-0109	11/11/2021	2/2/2002	1/31/2022	Intake	FC/KC	7/30/2022	1/30/2023	Harassment	1	1	1	Harassment, Demeanor, Unlawful Seizure
22-0113	1/30/2022	2/3/2022	2/2/2022	Intake	MB	8/1/2022	1/30/2023	Racial Discrimination	1	1	2	Racial Discrimination
22-0132	2/8/2022	2/8/2022	2/8/2022	Intake	FC	8/7/2022	2/7/2023	Discrimination	1	1	2	Discrimination, Performance of Duty
22-0139	2/10/2022	2/15/2022	2/10/2022	Investigator	JS	8/9/2022	2/9/2023	Use of Force	1	1	1	Use of Force
22-0137	2/9/2022	2/11/2022	2/10/2022	Intake	MB	8/9/2022	2/10/2023	Racial Discrimination	1	1	4	Racial Discrimination
22-0144	2/12/2022	2/15/2022	2/12/2022	Investigator	ED	8/11/2022	2/11/2023	Use of Force	1	3	6	Use of Force
22-0145	2/12/2022	2/15/2022	2/12/2022	Intake	MB	8/11/2022	2/12/2023	Use of Force	1	2	4	Racial Discrimination
22-0155	2/15/2022	2/17/2022	2/16/2022	Intake	MB	8/15/2022	2/16/2023	Use of Force	1	1	5	Use of Force
22-0157	2/14/2022	2/18/2022	2/17/2022	Intake	MB	8/16/2022	2/17/2023	Discrimination	1	2	6	Discrimination
22-0181	2/23/2022	2/24/2022	2/23/2022	Intake	MB	8/22/2022	2/23/2023	Use of Force	1	1	1	Use of Force
22-0203	2/28/2022	3/2/2022	2/28/2022	Intake	FC	8/27/2022	2/27/2023	Use of Force	1	1	2	Use of Force, Performance of Duty
22-0201	2/16/2022	3/2/2022	2/28/2022	Intake	MB	8/27/2022	2/27/2023	Use of Force	1	1	1	Use of Force
22-0212	3/2/2022	3/4/2022	3/2/2022	Investigator	AL	8/29/2022	3/1/2023	In-Custody Death	1	12	12	Performance of Duty, Supervisors Authorities and Responsibilities, General Conduct
22-0228	3/4/2022	3/10/2022	3/4/2022	Intake	FC	8/31/2022	3/3/2023	Discrimination	1	3	3	Harassment/Discrimination
22-0227	3/2/2022	3/10/2022	3/5/2022	Intake	MB	9/1/2022	3/4/2023	Use of Force	1	1	1	Use of Force
22-0230	3/5/2022	3/10/2022	3/5/2022	Investigator	MB	9/1/2022	3/4/2023	Use of Force	1	1	2	Use of Force; Performance of Duty
22-0225	3/5/2022	3/10/2022	3/5/2022	Intake	MB	9/1/2022	3/5/2023	Use of Force	1	2	6	Use of Force; Performance of Duty
22-0247	3/4/2022	3/7/2022	3/7/2022	Intake	MB	9/3/2022	3/7/2023	Use of Force	1	1	1	Use of Force
22-0241	3/7/2022	3/10/2022	3/9/2022	Intake	FC	9/5/2022	3/8/2023	Use of Force	1	1	3	Unlawful Arrest, Unlawful Search, Use of Force
22-0248	3/10/2022	3/15/2022	3/10/2022	Intake	FC	9/6/2022	3/9/2023	Use of Force	1	2	2	Use of Force
22-0267	3/11/2022	3/15/2022	3/10/2022	Intake	MB/KC	9/7/2022	3/10/2023	Use of Force	1	1	1	Use of Force
22-0261	3/12/2022	3/15/2022	3/12/2022	Intake	MB/KC	9/8/2022	3/11/2023	Other	2	3	2	Demeanor, Truthfulness
22-0258	3/13/2022	3/15/2022	3/13/2022	Intake	KC	9/9/2022	3/12/2023	Other	2	1	1	Conduct/Demeanor
22-0285	3/17/2022	3/22/2022	3/17/2022	Intake	FC	9/13/2022	3/16/2023	Harassment	1	1	3	Performance of Duty, Retaliation, Refusal to Provide Name/Serial Number
22-0290	3/18/2022	3/22/2022	3/18/2022	Intake	FC	9/14/2022	3/17/2023	Racial Profiling	1	2	6	Racial Profiling, False Arrest
22-0298	3/19/2022	3/22/2022	3/20/2022	Intake	FC	9/16/2022	3/19/2023	Truthfulness	1	1	3	Conduct, Performance of Duty, Truthfulness
22-0449	11/16/2010	4/21/2022	4/20/2022	Intake	MB	10/17/2022	3/20/2023	Use of Force	1	1	1	Use of Force
22-0335	3/26/2022	3/30/2022	3/26/2022	Intake	FC	9/22/2022	3/25/2023	Discrimination	1	1	2	Discrimination, Demeanor

\*Type (604(f) or Other) column indicates the allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). "Other" indicates the case does not include any such allegations.



CITY OF OAKLAND  
**COMMUNITY POLICE REVIEW AGENCY**  
*Pending Cases as of April 2022*  
*(Sorted by One-Year Goal)*

Attachment 8  
**Page 2 of 2**  
 (Total Pending = 61)

Case #	Incident Date	Rcv'd CPRA	Rcv'd IAD	Intake or Investigator	Assigned Staff	180-day Goal	1-year Goal	Type (604(f)(1) or Other)	Class	Subject Officers	Allegation Count	Allegation(s)
22-0349	3/31/2022	4/5/2022	3/31/2022	Intake	MB	9/27/2022	3/31/2023	Racial Discrimination	1	1	2	Racial Discrimination; Performance of Duty
22-0395	4/10/2022	4/12/2022	4/10/2022	Intake	FC	10/7/2022	4/9/2023	Use of Force	1	2	4	Conduct/Demeanor, Use of Force
22-0403	4/12/2022	4/14/2022	4/12/2022	Intake	MB	10/9/2022	4/12/2023	Use of Force	1	1	1	Use of Force
22-0409	4/13/2022	4/15/2022	4/13/2022	Intake	MB	10/10/2022	4/13/2023	Discrimination	1	1	3	Racial Discrimination; Performance of Duty
22-0428	4/16/2022	4/19/2022	4/16/2022	Intake	MB	10/13/2022	4/16/2023	Other	1	1	1	Truthfulness
20-1406	11/3/2020	11/3/2020	11/3/2020	Investigator	AN	5/2/2021		Tolled Use of Force	1	6	6	Use of Force
21-0238	3/2/2021	3/2/2021	3/2/2021	Investigator	AN	8/29/2021		Tolled Use of Force	1	4	4	Use of Force, Supervisory
21-1140	9/26/2021	9/26/2021	9/26/2021	Investigator	AN	3/25/2022		Tolled Other	1	4	4	Performance of Duty
21-1410	11/20/2021	11/20/2021	11/20/2021	Investigator	AN	5/19/2022		Tolled Use of Force	1	14	17	Use of Force
19-1169	10/17/2019	10/22/2019	10/17/2019	Investigator	ED	4/19/2020		Tolled Use of Force, Profiling/ Discrimination	1	2	7	Bifurcated - Use of Force, False Arrest, Discrimination
21-0993	8/25/2021	8/25/2021	8/25/2021	Investigator	MM	2/27/2022		Tolled Use of Force	1	3	6	Use of Force, Performance of Duty, Supervision

\*Type (604(f) or Other) column indicates the allegations for which a full investigation is mandated under Oakland City Charter Section 604 (Measure LL). "Other" indicates the case does not include any such allegations.



## MEMORANDUM

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**TO:** Tyfahra Milele  
Chair, Oakland Police Commission

**FROM:** LeRonne L. Armstrong  
Chief of Police

**SUBJECT:** Militarized and Controlled Equipment Update

**DATE:** May 12, 2022

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### PURPOSE

This memorandum is to provide an update on the Department's efforts on completion of the requirements of California Government Code § 7070 et seq. (aka "AB 481") and Oakland Municipal Code Chapter 9.65. Collectively, these will be referred to as the "militarized and controlled equipment laws."

### BACKGROUND

The Oakland City Council passed CMS 13657 on July 6, 2021, enshrining Chapter 9.65 into the Oakland Municipal Code. This ordinance requires that the Police Department (OPD) produce reports and use policy / policies prior to taking specific actions with militarized or otherwise controlled equipment. Those actions include acquiring, borrowing, accepting funds for, or otherwise using the equipment. Additionally, the ordinance gave the Department one (1) year from the date of passage (July 6, 2022) to produce the required reports and policy / policies for equipment controlled by the ordinance that was already in use by the Department at the time of passage of the ordinance.

The State of California took much of the language in Oakland's ordinance and adopted it in an assembly bill (AB 481) that was passed by the legislature and signed into law on September 30, 2021. This law, comprising sections 7070-7075 of the Government Code, requires that law enforcement agencies (OPD is a law enforcement agency under this statute) obtain the approval of their governing body prior to taking certain actions relating to the funding, acquisition, or use of military equipment, which is defined in the law.

### OPD'S TRACKING OF CONTROLLED EQUIPMENT

OPD is cognizant of and shares the ultimate goals of the drafters of both of these pieces of legislation – that the public be given transparent information on the type of equipment used by OPD in its mission to provide law enforcement and life-saving services to the community of Oakland. To that end, the Department already has controls and tracking of several items which are of concern or are listed in these laws. For example:

#### *Armored Vehicles*

- **Policy:** OPD has a policy ([TB III-P.04](#), created through the Police Commission ad hoc committee process) on the use of its armored vehicles.

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- **Necessity vs. Impact<sup>1</sup>:** The armored vehicles have allowed OPD to respond to multiple critical incidents involving firearms or dangerous persons while providing safe physical cover behind which de-escalation strategies can be implemented. Policy also sets strict limits on when these vehicles may be deployed.
- **Tracking:** OPD's policy requires that armored vehicle deployments be tracked, and this information is tabulated and available to public inspection through records requests.
- **Replacement:** The Department has provided information to the Commission on replacement possibilities for the "Bearcat" armored vehicle at a public meeting, and stands ready to move forward when funding is secured.

*Specialized firearms, including assault weapons as defined by law*

- **Policy:** OPD has policies which cover the use of these weapons, including [DGO K-05 Tactical Operations Team](#) and [DGO K-06 Patrol Rifle Program](#).
- **Necessity vs. Impact:** OPD's specialized firearms, used by specified, trained officers, allow for long distance force options to facilitate providing time and distance, which are frequently key components in de-escalating critical incidents involving firearms or dangerous persons.
- **Tracking:** Pointing or deployment of these firearms is covered by the reporting components of [DGO K-04 Reporting and Investigating the Use of Force](#) as well as the exhibiting of firearms tracking provisions of [Special Order 9196](#).
- **Replacement:** OPD has no current plans on replacing or augmenting the limited quantities of these weapons, though it will comply with the provisions of these laws if and when that becomes necessary (see below for discussions on current challenges).

*Projectile Launch Platforms such as 40mm launchers and "bean bag" Specialty Impact Munitions*

- **Policy:** OPD has policy ([TB III-H](#)) on the use of Specialty Impact Munitions (SIM). Additionally, use is further restricted by OPD's crowd control policy ([TB III-G](#)) and its use of force policy ([DGO K-03](#), created through a Commission ad hoc process).
- **Necessity vs. Impact:** OPD's use of SIM, which are only used by trained officers and are even more tightly controlled during crowd control, allow for long distance less-than-lethal force options as well as the ability to engage with objects (such as break windows to facilitate communication, or remove cameras used for counter-surveillance). These tools allow commanders additional options beyond simply forcing a resolution to a critical incident, often leading to de-escalation and the end of these incidents without the use of significant force.
- **Tracking:** Pointing or deployment of these weapons systems is covered by the reporting components of [DGO K-04 Reporting and Investigating the Use of Force](#) as well as the exhibiting of firearms tracking provisions of [Special Order 9196](#). Additionally, the use of SIM against any property (e.g. a window or door) is documented in the deploying member's police report.
- **Replacement:** OPD has no current plans on replacing or augmenting the limited quantities of these weapons, though it will comply with the provisions of these laws if and when that becomes necessary (see below for discussions on current challenges).

*Additional equipment*

<sup>1</sup> Oakland's municipal code chapter requires that equipment be reviewed for necessity vs. available alternatives, whether the use policy safeguards public welfare and rights, whether the use of the equipment will be based on minimizing disproportionate impacts based on protected classes, and whether the equipment is the most cost effective option.

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OPD has other equipment which is controlled by these laws, including robots and UAVs, light-sound diversionary devices, chemical munitions, riot batons, crowd control helmets, explosive breaching equipment, long and magnetic acoustic devices, and command and control vehicles. There are policies in place for much of this equipment; if the items do not have specific use policies the equipment is typically subject to specific training and restrictions on the members who are issued the equipment or allowed to use it, as well as the situations in which they may use them. In short, OPD exercises significant control over the items listed in these laws.

### **SIGNIFICANT CHALLENGES**

As noted above, OPD exercises significant control over the equipment items listed in the militarized and controlled equipment laws. However, when the Oakland ordinance was passed (the state law largely mirrors the Oakland ordinance but does not require as much reporting) the Department expressed serious concerns about the lack of staffing needed to keep up with the significant administrative workload imposed by the ordinance.

This staffing challenge continues. In its agenda report on the ordinance when it was presented to the City Council, the Department originally stated that it would require the equivalent of four (4) Administrative Assistant II positions to complete the additional creation of policy, impact reports, annual reports, and tracking required by this ordinance. To date, the Department has been unable to fill any of these positions; only one position is authorized and, while the Department has been diligent in attempting to fill the position, the candidate who was ultimately selected will not start until June 13, 2022. Due to the discrepancy between the requested staffing and the actual staffing, it is anticipated that the work will take longer than desired.

### **PROPOSED PLAN OF ACTION**

OPD proposes the following plan of action for the short term:

#### **Develop an overall “Military Equipment Funding, Acquisition, and Use Policy”**

After the passage of AB 481, every law enforcement agency throughout the state is required to have a policy, and virtually all which have provided draft policies have created one overall policy which complies with the law while also not over-taxing policy writing (and oversight body) resources. OPD proposes doing the same, utilizing the ad hoc process if desired by the Police Commission.

#### **Receive a three (3) month extension from the Police Commission**

Oakland’s ordinance provides for the possibility of a three (3) month extension from the one-year deadline for review of previously acquired equipment. OPD proposes that the Commission approve an extension allowing for these three months, with a new deadline of October 6, 2022.

#### **Work with Police Commission on requests to City Council for Funding**

The vital work of reporting and transparency comes with a cost: staff time, and the attendant need for additional professional staff as well as technological assistance to collect and report the information needed to oversight bodies and the public. OPD proposes to work with the Commission on joint funding memoranda for things such as the full four (4) administrative assistants needed to properly comply with the mandates imposed by this ordinance, as well as technology that might assist the Department in complying such as an asset management system and attendant Asset Manager professional staff position.

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## **CONCLUSION**

The Department continues to move forward in its work with the Police Commission on the vital mission of transparency and good governance in the realm of law enforcement and public safety, while also realizing the challenges posed by things such as staffing shortfalls and competing priorities (for instance, the Department is grateful for the near-full-time work of the Commission and its ad hoc committees on several policies that were needed for the City's recent appearance at Court for a case management conference). The Department looks forward to working with the Commission on addressing these challenges while continuing to provide the professional, just, and constitutional policing for which the Department and its members have become known.

Respectfully submitted,

LeRonne L. Armstrong  
Chief of Police  
Oakland Police Department

Police Commission Pending Agenda Matters List

	A	B	C	D	E
1	Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
2	Performance Reviews of CPRA Director and OPD Chief	Conduct performance reviews of the Agency Director and the Chief	The Commission shall determine the performance criteria for evaluating the Chief and the Agency Director, and communicate those criteria to the Chief and the Agency Director one full year before conducting the evaluation.		Ord. Section 2.45.070(G)
3	Provide Policy Guidelines to CPRA Director re Case Prioritization				Ord. § 2.45.070(J)
4	Advise OIG of Priorities, Functions, & Duties				Ord § 2.45.120
5	Solicit/Consider Public Input re Quality of Interactions with CPRA and Commission				Ord. § 2.45.070(Q)
6	Review and Comment on Proposed Budget for Education and Training re: job-related stress, PTSD Signs and Symptoms, and Other Job-related Mental Health/Emotional Issues				Charter § 604(d)(1) and Ord § 2.45.090
7	Propose a Budget for Education and Training re: job-related stress, PTSD Signs and Symptoms, and Other Job-related Mental Health/Emotional Issues				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.
8	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		Charter § 604(d)(1) and Ord. § 2.45.090
9	Establish Rules/Procedures re Mediation/Resolution of Complaints of Misconduct				Ord. § 2.45.070(N)
10	Review And Comment On Department's Practices/Policies Re: Reporting And Publishing Data On Its Activities				Ord. § 2.45.070(P)

**Police Commission Pending Agenda Matters List**

	A	B	C	D	E
1	Agenda Matter	Duties/Deliverables	Additional Information/Details	Timeline for 2022	Measure LL ("Charter") and Enabling Ordinance ("Ord.") Sections
11	Public Hearing on OPD Policies	Commission may shall determine which Department policies are subject of the hearing			Charter Section 604(b)(2)
12	Public Hearing on OPD Budget	Purpose of hearing is to "determine whether budgetary allocations for the Department are aligned with the Department's policies"	Tentative release date of Mayor's proposed budget is May 1st of each year.		Charter Section 604(b)(7)
13	SB 16 & SB 1421 Training		Requested by Chair Milele & Vice Chair Peterson	5.26.2022	
14	Revisit OPD's Grooming & Presentation policy		Requested by Comm. Gage (1.13)		
15	RFP for IAD transition to CPRA		Requested by CPRA		
16	Ad Hoc to review and learn about OPD's Tow policy		Requested by Comm. Harbin-Forte (4.14)		
17	For the Chief: - Report on intentions regarding Militarized Equipment - Report on claims regarding bail and increase in crime		Requested by Comm. Hsieh & Harbin-Forte repsectively (4.14)		
18	Update on OPD's Parole & Probation policy plus impact		Requested by Comm. Jackson (2.10)		
19	Report from Chief Armstrong regarding OPD's homelessness policy		Requested by Comm. Harbin-Forte (2.10)		
20	Presentation from the Department of Violence Prevention		Requested by Comm. Jackson (2.24)		
21	Presentation from OPD's Risk Management team on traffic stops, towing and use of force		Requested by Comm. Hsieh (3.10)		