

ATTACHMENT 1

By-Laws and Rules of the Citizens' Police Review Board of the City of Oakland, CA

The Citizens' Police Review Board (hereinafter referred to as the "Board") shall seek to fulfill the purpose and goals established by the City Council and the City of Oakland under Ordinance No. 12454 C.M.S.(Ordinance). Consistent with the express understanding of the Mayor, the City Council, the Oakland Police Department (hereinafter referred to as the "Department") and the people of the City of Oakland, the Board shall serve as an independent, autonomous body concerned with the welfare of all the people of the City of Oakland. In furtherance of the mission given to the Board by the City Council, the Board shall promote and enhance a relationship of mutual respect, understanding and trust between the people of the City of Oakland and the members of the Department.

The Board shall promote and implement, in concert with involved stakeholders, including but not limited to the Mayor, the City Council, the Department, and interested civic groups, programs and practices to achieve positive interaction among the Department, the City administration and all members of the community, irrespective of age, race, ethnicity, religious, philosophical or political persuasion, gender, sexual orientation or economic status.

The Board encourages all persons with a legitimately founded complaint of misconduct by an officer or employee of the Department, including, but not limited to, complaints of excessive use of force or violation of civil rights (the definition of which shall include complaints pertaining to sexual orientation), to submit such complaint in writing to the Board or the Department.

The Board and its members shall execute their duties and responsibilities and apply the powers granted to them in accordance with the provisions of the Ordinance, and shall act in compliance with all State laws applicable to the conduct of the affairs of the Board.

By-laws and Rules of the Citizens' Police Review Board of the City Of Oakland

ARTICLE I – NAME

Section 1. Name of Board. The Name of the Board shall be the **Citizens' Police Review Board.**

ARTICLE II – LOCATION

Section 1. Location of Board; official mailing address. The location of the Board shall be the City Of Oakland, California. The official mailing address of the Board shall be:

**CITIZENS' POLICE REVIEW BOARD
250 FRANK H. OGAWA PLAZA
6TH FLOOR, SUITE 6302
OAKLAND, CA 94612**

All persons and other entities wishing to correspond with the Board for any reason, including the submittal to the Board of a civilian complaint against any officer of the Oakland Police Department, shall direct correspondence to the Board at its official mailing address.

ARTICLE III – MEMBERSHIP

Section 1. Membership of the Board. The Board shall consist of twelve (12) members who shall be Oakland residents who are at least eighteen (18) years of age, recommended by Council members, appointed by the Mayor, and confirmed by the Council as provided by section 3(C)(1) of Ordinance No. 12454C.M.S.. One (1) of the nine (9) regular members of the Board and one (1) of the three (3) alternates must be under twenty-five (25) years of age at the time of appointment. The members of the Board shall serve without compensation.

Section 2. Terms of members. Members shall be appointed to staggered terms, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only.

- a. All appointments shall be for a period of two (2) years.
- b. No person shall be appointed to serve more than two (2) consecutive terms a member of the Board.
- c. In the event an appointment to fill a vacancy has not occurred by the conclusion of a Board member's term, that member may continue to serve as a member of the Board during the subsequent term in a holdover capacity for a period not to exceed one year,

to allow for the appointment of a Board member to serve the remainder of said subsequent term.

Section 3. Attendance at Board meetings. Members are expected to attend every Board meeting. Attendance shall be recorded at each regularly scheduled Board meeting and for every special Board meeting. The attendance record shall be provided semi-annually to the Office of the Mayor for review.

Section 4. Removal Board Members. Upon the unexcused absence of any member of the Board from three (3) consecutive regular Board meetings or from five (5) regular meetings in a calendar year shall constitute cause for removal from the Board. A member may also be removed pursuant to Section 601 of the City Charter for, among other things, a conviction of a felony, misconduct, incompetence, or inattention to or inability to perform duties.

Section 601. Boards and Commissions. The Council may create by ordinance such operational, advisory, appellate or rule-making boards and commissions as may be required for the proper operation of any function or agency of the City and prescribe their function, duties, powers, jurisdiction and the number of board and commission members, their terms, compensation and reimbursement for expenses, if any, subject to the provisions of this Article. Members of boards and commissions shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the Council and may be removed for cause, after hearing, by the affirmative vote of at least six members of the Council. Vacancies shall be filled for any unexpired term in the same manner as the original appointments were made; provided, however, that if the Mayor does not submit for confirmation a candidate to fill the vacancy within 90 days of the date the vacancy first occurred, the Council may fill the vacancy. If the Mayor does submit for confirmation a candidate to fill a vacancy within the 90-day time frame and the Council does not confirm the candidate, the 90-day period shall commence anew. For purposes of this Section, a seat filled by a holdover appointment will be considered vacant as of the expiration of the holdover's prior term of office.

The Charter provides the procedure to remove a commissioner or board member. City Charter section 601 provides in pertinent part:

“Members of boards and commissions shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the Council and may be removed for cause, after hearing, by the affirmative vote of at least six members of the Council.” (Emphasis added.)

The procedure to remove a member for cause (e.g. , failure to meet the qualifications to serve on the CPRB) is to schedule a resolution at the next available Rules and Legislation Committee meeting to remove the member. The Executive Director will prepare a resolution and a report identifying the requirement, citing the language in the ordinance that states the requirement and providing background regarding the date of appointment, the notice to the board member and the failure to comply with the requirement.

Section 5. Completion of orientation program by new members. Within nine (9) months of appointment each Board member must complete the following:

- a. Attend the Oakland Police Department Citizens' Police Academy (OPD CPA)
This 14-week program held twice a year provides community members with an overview of OPD functions and a forum for police-citizen dialogue. Those accepted into the academy will learn about police procedures, crime prevention techniques and criminal law.

Instructors will be officers from all ranks and all sections of the department and civilian employees of the department.

Homicide investigations and vice and narcotics crimes are part of the topics and there will be field trips to the police crime lab and radio room and a demonstration by canine officers and a SWAT officer. There will also be ride-alongs with a patrol officer.

Participants get a police officer's viewpoint but they can have input as well about specific issues in their neighborhoods. They can talk about problems and issues in their neighborhoods with the officers that work there. The OPD CPA is a great example of community policing where participants can learn a lot, not only about police but each other. At the beginning of each new academy the participants are strangers to each other but then as they grow and learn and interact they definitely bond and get a much better understanding of the department.

To be eligible for the academy a person must be at least 18 and live or work in Oakland and not have any outstanding warrants. A person must attend at least 12 of the 14 sessions to be eligible to graduate and receive a certificate.

There is no cost.

- b. Oakland Police Department "ride-along" program
(Including in the OPD CPA)
- c. Citizens' Police Review Board Policies and Procedures training
This is usually completed during a one (1) day retreat.

Section 6. Resignations from the Board. Any member of the Board seeking to resign from it shall submit his or her resignation in writing to the Mayor and also the Chair of the Board.

Section 7. Filling of Board vacancies in timely manner. A vacancy on the Board will exist whenever a member dies, resigns, or is removed or whenever an appointee fails to be confirmed by the Council within thirty (30) days of recommendation. Upon creation of a vacancy on the Board, the Board shall give public notice of such vacancy in order to inform persons interested in becoming a member of the Board to make applications for appointment to the Mayor, and shall also request the Mayor to fill the vacancy within 30 days in order to facilitate satisfaction of the quorum requirements of the Board.

ARTICLE IV – OFFICERS

Section 1. Election of Officers. The Board shall annually elect from their membership a chairperson and vice-chairperson at the first regular meeting of the Board in February of each year. Nominations for the election of offices shall be made at the regular Board meeting immediately preceding the meeting at which elections are to take place. The term of the chairperson and vice-chairperson shall commence on the date of their election and shall end upon the date when their successors have been elected and qualified.

Section 2. Powers and duties of the Chairperson. The chairperson shall serve in such capacity for a period of one (1) year, except that in the event of a vacancy, the duly elected member shall serve in that capacity for the remainder of the term.

The Chairperson shall:

- a. Be the presiding officer at all regular, special and emergency meetings of the Board and shall be authorized to call special and emergency meetings.
- b. Establish such ad hoc committees of the Board, not otherwise created by these By-Laws and Rules, as may be necessary or desirable for the Board to conduct its business.
- c. Appoint the chair and members of all committees of the Board and specify the duties of such committees except as such duties may be expressly set forth in these By-Laws and Rules or be altered or modified by the Board. All such appointments shall continue at the Chairperson's discretion, provided that a chair of a committee established by these By-Laws shall not be removed by the Chairperson except upon a majority vote of the members of the Board. The Board, by a majority vote of its members, may recommend to the Chairperson the name of a member to be considered by the Chairperson for appointment as the chair or a member of a committee.
- d. Serve as an ex-officio member of all committees of the Board.
- e. Perform all duties incident to such office and such other duties as may be prescribed by these By-Laws and Rules, or delegated to the Chairperson by the members from time to time.
- f. Decide on all points of order and procedure during the meetings, in consultation with Board Counsel, and the Chairperson's decision shall be final unless overruled by a majority vote of the members.
- g. Appoint a Parliamentarian to assist the Chairperson.

- h. Be the principal spokesperson on behalf of the Board and may designate another member of the Board as a media liaison officer to assist the Chairperson with respect to media relations.

Section 3. Powers and duties of the Vice-Chairperson. The vice-chairperson shall serve in such capacity for a period of one (1) year, except that in the event of a vacancy, the duly elected member shall serve in that capacity for the remainder of the term. In the absence of the Chairperson, or in the event of the Chairperson's resignation, death, disqualification, removal or inability or demonstrated continued refusal to fulfill the powers and duties of the office of the Chairperson, the Vice-Chairperson shall perform the powers and duties of the Chairperson, and, when so acting, shall have all the powers and duties and be subject to all the restrictions upon the Chairperson. The Board shall determine by a majority vote if the Chairperson has demonstrated a continued refusal to fulfill the powers and duties of the office. When the Vice-Chairperson succeeds to the office of Chairperson in the event of resignation, death, disqualification, removal or by a vote of the Board as authorized in this section, he or she shall complete the term of the Chairperson. In the event the Vice-Chairperson notifies the Board in writing that he or she is unwilling to accept the responsibilities of the Chairperson for any reason, then both the office of Chairperson and Vice-Chairperson shall be deemed vacated and the Board shall proceed to nominate and elect a Chairperson and Vice-Chairperson at a special meeting to be called by the Executive Director within seven (7) days of the date when the Vice-Chairperson provided the Board with such written notification. The Executive Director shall act as Chairperson during the meeting to nominate and elect a new Chairperson and Vice-Chairperson and also during the interim period between the date when written notification is made and the special meeting is conducted.

ARTICLE V - OFFICIAL STATEMENTS OF THE BOARD

Section 1. Official statements of the Board. It is the intention of the board to promote full, active, and meaningful participation by the members of the Board in the undertaking of their responsibilities as members. It is the further intention of the board to encourage the exercise of thoughtful discretion in order to curtail or minimize the potential for inconsistent public statements made by members of the Board that may be construed by the public or the media in a manner detrimental to the fulfillment of the Board's mission.

Only the Chair or his or her designee shall make official statements for the Board. Except when expressly authorized by the Chair to speak on behalf of the Board, each member shall refrain from speaking for the Board and shall make diligent efforts to avoid the appearance of doing so. When a member is invited to participate in an event or to make a presentation in his/her official capacity as a member of the Board, such member shall make diligent effort to notify the Chair as far in advance as possible and, where not possible to notify the Chair in advance, to do so promptly following such presentation. Whenever a member has participated in an event of general topic or special interest, but not in his/her capacity as a member of the Board, and has, nevertheless, been called upon to speak about issues concerning the Board, such member shall notify the Chair promptly thereafter. Nothing herein shall be deemed, however, to prohibit a member from expressing

individual opinions or perspectives.

ARTICLE VI MEETINGS

Section 1. Regular monthly meetings. The Board shall hold a regular meetings on the second (2nd) and fourth (4th) Thursday in each month, with the exception of the month of August. The regular meeting will be held in the City Council Chambers for the City of Oakland and begin at 6:15 p.m. In the event that a serious and emergent matter involving the public interest for which the prompt attention of the Board as a body is necessary or appropriate shall arise, the Chair shall exercise prudence and due diligence in calling a special emergency meeting to address such matter at that time. The time and place for such special emergency meeting shall be determined by the Chair and communicated to the members in writing at least seven days prior to the meeting. The Chair or his or her designee shall send a copy of the proposed agenda for each such special emergency meeting and regular monthly meeting held on an altered date to each member with the notice of such meeting. The Chair or his or her designee shall send a copy of the proposed agenda for each other regular monthly meeting to each member at least seven (7) days prior to such meeting. A member may request the Chair in writing to add an item of consideration to the agenda. Such request shall be made at least fourteen (14) days prior to the date of the communication meeting to which it pertains. At the completion of the roll call at a regular monthly meeting, a member may request an item to be added to the agenda by motion and such item shall be so added upon a vote of a majority of members. Except with respect to issues raised during the public discussion period or in response thereto, care shall be taken by members to avoid discussions of non-agenda items. The Chair shall be diligent in the enforcement of the provisions of this section so that meetings of the Board shall be conducted in an orderly manner.

Section 2. Calling of special and/or emergency meetings. The Chair may call special and/or emergency meetings in his or her discretion for substantial reasons warranting the convening thereof and shall also call such meeting upon the written request of at least three (3) members of the Board. A notice to the board members stating the place, date, hour and agenda (as determined by the Chair in the furtherance of his or her exercise of discretion, or to cover subject matter specified in the request made by the herein above specified individuals) shall be delivered either verbally or in writing, as practicable, to each member at least 24 hours prior to the special or emergency meeting. Where time permits and practicable conditions allow, the Chair shall attempt to disseminate a brief written statement of the matters to be discussed at any such meeting.

Section 3. Public Notice of Board Meetings. The Board shall give public notice of regular monthly meetings and special and/or emergency meetings. The meeting notification requirements of the Open Meetings Law of the state of California shall apply to the regular monthly meetings.

Section 4. Agenda form of the Board. The regular order of business at regular, special and/or emergency meetings shall be as follows:

Regular Monthly Meetings

1. Call to order
2. Roll call
3. Acceptance of minutes of last regular meeting of Board
4. Changes to agenda
5. Open Forum
6. Presentations
7. Board member announcements
8. Report from the Chair
9. Committee reports
10. Old business
11. New business
12. Closed Session
 - a. Review of complaints
 - b. Pending Cases
 - c. Old Business
 - d. New Business
13. Resume Open Session
14. Adjournment

Special and/or Emergency Meetings

1. Call to Order.
2. Reading of the notice of the meeting and roll call
3. Public comment
4. Transaction of the business for which the meeting was called and recommendations.
5. Call of Closed Session if warranted.
6. Adjournment

Such order may be varied at the discretion of the Board or the Chair.

Section 5. Voting by proxy prohibited. There shall be no vote by proxy at any meeting of the Board.

Section 6. Public comment allowed. Time shall be made available for open public comment at all meetings of the Board, exclusive of those portions of a meeting conducted in Closed Session. The Chair may establish a reasonable time limit for public comment based upon the scope of the agenda established for the particular meeting, not to exceed three (3) minutes per person. The Chair, or the Board, upon motion approved by a majority of its members, may provide for an extension of the time period for a period as specified in the motion. Public comment shall be limited to matters which involve the Oakland Police Department and the responsibilities of the Board. The public

comment portion of the meeting shall not be used as a forum to comment upon other matters of public interest which are not directly related to the mission of the Board.

Section 7. Making of motions. Motions may be made or seconded by any member of the Board; including the Chair.

Section 8. Confidentiality of privileged information. Members of the Board shall maintain the confidentiality of all confidential or privileged information received in the course of their service on the Board, in accordance with the provisions of State and local law. Members shall maintain a thorough knowledge of the legal protection accorded by State and local law to the privacy of police records, including the penalties for the violations of laws which guarantee the security of such records and the individual's rights of privacy and confidentiality.

Except as expressly authorized by the Chair or the Board in the furtherance of members duties, members of the Board shall make diligent efforts to avoid ex parte discussion of any matter that is or may come before the Board with any person interested in such matter. A member who has had an unauthorized communication concerning an agenda item outside of a public meeting with an interested party, including but not limited to a complainant, an officer or other employee of the Department who is a subject of a complaint, a witness to the events giving rise to such complaint, any person representing or purporting to represent the interests of any such person, or a relative of any such complainant, officer or employee of the Department or witness, shall promptly notify the Chair of the contact, and furnish to the Chair the name of such interested party, the nature of the interest and the specifics of the communication, including copies of any correspondence with such party and a written synopsis of any portion of the communication that was verbal.

Section 9. Recommendation for removal of a member for violation of provisions relating to confidential and private information. The Board, by a vote of at least six members, may recommend to the City Council the removal of a member from the Board for cause, as outlined in Article III, Section 4 of the Bylaws, based upon a violation of the provisions of Section 8 of this article or any provision of the Ordinance or other local or state law that guarantees the security of confidential records or the rights of privacy for individuals, including, but not limited to, complainants and any officer or other employee of the Department who is the subject of a complaint.

Section 10. Conflicts of interest; member recusal. Members who believe they have a conflict of interest on a matter about to come before the Board shall state the reason for the conflict of the interest, leave the meeting before discussion of the matter begins, and remain out of the meeting during the discussion of the matter and during any vote taken thereon.

Section 11. Voting . Five members of the Board shall constitute a quorum. The Board shall take no action at a meeting other than to recess or adjourn in the absence of a quorum. Except as otherwise provided herein, the affirmative vote of no fewer than five members is required for adoption of any action or motion. Upon request of any member, voting on a motion or resolution shall be by roll call and will be recorded by yeas and nays. Every member of the Board, including the

Chairperson, is required to cast a vote upon each motion. A member who abstains shall state the reason for abstention.

Section 12. Roberts Rules of Order. The rules of the current edition of Roberts Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules or order the Board may adopt. The application of Roberts Rules of Order may be suspended by the Chair for all or any part of a Board meeting unless suspension is objected to by a majority of the members of the Board.

ARTICLE VII – COMMITTEES

Section 1. Standing Committees. The standing committees of the Board shall be:

- a. By-laws and Rules
- b. Community Outreach
- c. Standing Committee on Transparency and Legislation

Section 2. Duties of Standing Committees. Each of the standing committees shall perform the functions specifically delegated to such committee by the applicable section of this Article pertaining thereto or the resolution creating such committee. In addition, each standing committee shall perform such other functions as the Chair shall assign.

Section 3. Standing Committee on By-laws and Rules. The standing committee on by-laws and rules shall be charged with periodically reviewing the effectiveness of these By-Laws and Rules as such relate to advancing the efficient conduct of board business. The committee shall make an annual report to the Board at its first December regular monthly meeting containing any recommendations for amendments, which shall be considered for adoption by the Board at its first January meeting.

Section 4. Standing Committee on Community Outreach. The standing committee on community outreach, working with the Executive Director, shall be charged with developing a broad program of outreach to all sectors of the city populace for the purpose of informing the diverse communities of the city of Oakland with respect to the mission of the Board and its duties, functions, powers and responsibilities under the Ordinance. The committee shall endeavor to design a program that will improve the relationship between the diverse communities of the City and the Department taking into account to the extent the committee deems necessary, desirable or appropriate age, race, ethnicity, religious, philosophical or political persuasion, gender sexual orientation and economic status. The program shall maximize the dissemination of information to the public through pamphlets, media press releases, public appearances or other methods reasonably calculated to heighten public awareness of the role of the Board in achieving its goals of improving communications between the Police Department and the Community; increasing police accountability and credibility with the public; and creating a complaint review process that is free from bias and informed of actual police practices.

The committee shall issue monthly reports to the Board with respect to its outreach program and its future plans.

Section 5. Standing Committee on Transparency and Legislation. The standing committee on transparency and legislation shall be charged with identifying existing efforts to increase transparency of the citizen oversight of police in legislation and policy at the local and state level and working with those groups in a collaborative effort through legislation or policy, to increase the transparency of the citizen oversight of police. The committee shall also be charged with planning, designing, publishing and distributing documentation and publications that educate the public on the scope of the Board, issues of Board policy and practice, police policy and regulations and applicable general and constitutional law. The committee shall issue monthly reports to the Board with respect to its efforts and its future plans.

Section 8. Limitation on service as chair or member of committees. No member shall serve as the chair of more than one standing committee at the same time. Each such committee shall be comprised of not less than three (3) or more than five (5) members. No member shall be required to serve on more than two committees of the Board, inclusive of the standing committees established under this Article. A member may indicate to the Chair his or her willingness to be appointed as a member of more than two committees.

ARTICLE VIII - CONDUCT OF BUSINESS

Section 1. Committee Reports. If Committees have information to report at the regular meetings, the Chair shall recognize the chair of the committee and ask the chair to present the written committee report.

Section 2. Old Business. Under the agenda item of old business, the Board shall consider any unfinished business from previous meetings and members may seek such clarifications of actions taken by the Board at a previous meeting as the member shall deem helpful.

Section 3. New Business. Under the agenda item of new business, the Board shall consider any matters noticed by the Chair under this item as set forth in the mailed agenda as well as any item of new business added to the agenda at that regular meeting by majority vote of the members.

Section 4. The board shall adopt such additional procedures as shall be necessary to regulate the conduct of executive sessions.

Section 5. At the conclusion of its business in any closed session, the board shall recess and return to the regular order of the agenda.

ARTICLE IX – PUBLIC ACCESS TO BOARD RECORDS AND CONDUCT OF OPEN MEETINGS

Section 1. Board compliance with Copley Press, Freedom of Information Law and Open Meetings Law. The Board shall comply with Copley Press, Freedom of Information Law, and Open Meetings Law of the state of California.

ARTICLE X - MISCELLANEOUS PROVISIONS

Section 1. Annual report of the Board. An annual report detailing the activities of the Board shall be presented to the Board by the Executive Director, approved by the Board, submitted to the City Administrator, City Attorney, and Public Safety Committee (PSC), and upon approval by the PSC, submitted to the City Council. Such report shall be submitted to the Board at its first March meeting and shall be acted upon at its first April meeting.

Section 2. Member training; ride-alongs advised. The Board reaffirms the merit of members fully complying with the member qualifications provisions detailed in the Ordinance.

Section 3. Good Faith Complaints. It is the policy of the Board to encourage persons with good faith complaints of misconduct by an officer or other employee of the Department, including but not limited to an alleged use of excessive force or a violation of any individual's rights through the action of a police officer, to submit such complaints in writing to the Board or to the Department. Violation of a person's civil rights shall include complaints pertaining to sexual orientation. Complaints alleging excess use of force and violation of civil rights shall be given highest priority of consideration by the Board. The Board will make every effort to ensure that no adverse consequences will result to any person or witness as a result of submittal or filing of a complaint in good faith.

Section 4. Advisory opinions of the Board prohibited. Neither the Board nor any member shall render any advisory opinion to any person or persons with respect to the preparation of a citizen complaint or to any officer or other employee of the Department who is the subject of or who may become the subject of a complaint investigation. All Board members shall remain impartial and unbiased in the performance of their duties while serving on the CPRB. Comments, made both in open sessions and during closed sessions of board hearings/meetings should remain neutral and not in any way show bias.