

3 Subject: CPRB Bylaws Approval
From: Citizens' Police Review Board
Recommendation: Adopt A Resolution Approving the Citizens' Police Review Board
Bylaws
15-0779

Attachments: [View Report](#)

Legislative History

3/17/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
3/24/16	*Rules & Legislation Committee	Rescheduled to the *Public Safety Committee
5/10/16	*Public Safety Committee	Continued to the *Public Safety Committee

The Committee requested the following:

1. *The Board review and clarify language in bylaws and make recommendations to amend the ordinance (provide draft);*
2. *Clarify the role of alternates and the majority to vote on an item;*
3. *Provide the number of criminal file cases that CPRB receives and what is the State legislation that Fig referenced that governs what can be seen or not seen by those with misdemeanors and felonies.*

4 Subject: Measure Z Evaluation Services RFP Scope Of Services
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On The Request For Proposals (RFP) Scope Of Services For The Annual Evaluation Of The Safety And Services Violence Prevention Act Of 2014 (Safety And Services Act, Or Measure Z) As Forwarded By The Safety And Services Oversight Commission (SSOC)
15-0965

Attachments: [view Report](#)

Legislative History

5/10/16	*Public Safety Committee	Continued to the *Public Safety Committee
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5 Subject: 30 Day Recruitment Report
From: Councilmember Desley Brooks
Recommendation: Receive A Monthly Informational Report From The Oakland Police Department On Recruiting And Police Department Staffing Levels Over The Last 30 Days
15-1015

Attachments: [View Report](#)

1 In addition, the Board may, consistent with the limitations set forth in section 6.C.4 of the Ordinance,
2 recommend policy changes to the Public Safety Committee with regards to matters within its
3 jurisdiction.

4 **ARTICLE V – MEMBERSHIP**

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

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

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

22 **Section 3. Attendance at Board meetings.**

23 Members are expected to attend every Board meeting unless noticed in advance to the
24 Chairman and the Executive Director. In case of emergency, notification should be made as soon as
25 possible to the Chairman and the Executive Director. Attendance shall be recorded at each regularly
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Comment [FA1]: PSC wants more detail as to member qualifications. Also wants clarification on number of members and roles of alternates, if we have alternates.

1 scheduled Board meeting and for every special Board meeting. The attendance record shall be
2 provided semi-annually to the Office of the Mayor for review.

3 **Section 4. Removal of Board members.**

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

8 The Charter provides the procedure to remove a Board member. City Charter section 601
9 provides in pertinent part:

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11 "Members of boards and commissions shall be appointed by the Mayor subject to
12 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."

13 The Board will discuss this matter should circumstances require the consideration of the
14 removal of a Board member. If the majority of the Board finds cause for removal, the Board Chair or
15 Vice-Chair will request that the Executive Director prepare a resolution and a report identifying the
16 requirement, citing the language in the Ordinance that states the requirement and providing
17 background regarding the date of appointment, the notice to the Board member, and the failure to
18 comply with the requirement. The procedure to remove a member for cause (e.g., failure to meet the
19 qualifications to serve on the CPRB) is to schedule a resolution at the next available Rules and
20 Legislation Committee meeting.
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23 **Section 5. Board member training.**

- 24 a. Within nine (9) months of appointment, each Board member must complete the
25 following:
- 26 i. Oakland Police Department Citizens' Police Academy
 - 27 ii. Oakland Police Department "ride-along" program
- 28 b. Citizens' Police Review Board Policies and Procedures training

Comment [FA2]: This part was challenged by CM Brooks. She referenced "ban the box". Consider appearance of bias from convicted felons as well as unable to pass CPA (a requirement).

1 as any item of new business may be removed from the agenda at that regular meeting by majority
2 vote of the members.

3 **Section 4. Miscellaneous.** The Board shall adopt such procedures as are legal and
4 necessary to regulate the conduct of executive sessions.

5 **Section 5. Conclusion of Closed Session.** At the conclusion of its business in any closed
6 session, the Board shall recess and return to the regular order of the agenda.
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9 **ARTICLE XI – PUBLIC ACCESS TO BOARD RECORDS AND CONDUCT OF**
10 **OPEN MEETINGS**

11 **Board will comply with the laws of the State of California, and Federal law.**

Comment [FA3]: PSC has OCA reviewing again to make sure this is compliant with local Sunshine Ordinance language.

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13 **ARTICLE XII – MISCELLANEOUS PROVISIONS**

14 **Section 1. Annual report of the Board.** No less than twice each year the Board
15 shall issue a detailed statistical report to the Public Safety Committee regarding complaints
16 filed with the Board, the processing of these complaints and their dispositions. The annual
17 report for the previous year shall be presented to the Board for approval no later than the first
18 meeting in April; the semi-annual report for the current year shall be presented to the Board
19 for approval no later than the first meeting of October of the same year.
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21 **Section 2. Complaints of Misconduct.** It is the policy of the Board to encourage those
22 who have experienced misconduct by a police officer including but not limited to an alleged use of
23 excessive force or a violation of any individual's rights through the action of a police officer, to
24 submit such complaints in writing to the Board or to the Department. Violation of a person's civil
25 rights shall include complaints pertaining to sexual orientation. Complaints alleging excess use of
26 force and violation of civil rights shall be given highest priority of consideration by the Board. The
27 Board will make every effort to ensure that no adverse consequences will result to any person or
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