



**CITY OF OAKLAND
POLICE COMMISSION SELECTION PANEL**

Meeting Agenda

**Tuesday, May 16, 2017
5:30 PM – 7:30 PM
City Hall, 1 Frank H. Ogawa Plaza, Hearing Room #1
Oakland, CA 94612**

Selection Panel Members: Tal Klement (District 1), James Chanin (District 2), Sarah Chavez-Yoell (District 3), Shikira Porter (District 4), Mary Vail (District 5), Candice Jessie (District 6), Jean Blacksher (District 7), John Jones III (At Large), Arnold X. C. Perkins (Mayor)

- 1. Roll Call and Determination of Quorum**
- 2. Open Forum**

ACTION ITEMS

3. Approval of Selection Panel Meeting Draft Minutes

- May 2, 2017 Meeting

4. Protocols for Conducting Meetings

Selection Panel will discuss and take possible action on protocols for conducting meetings, including meeting schedule, appointing a chairperson, adhering to parliamentary procedures such as Robert's Rules of Order.
[There are no agenda materials for this item.]

5. Outreach and Application Process

Darlene Flynn, City of Oakland, Director of Race and Equity, will present overview of an effective outreach and application process. Selection Panel will discuss and take possible action about conducting outreach, the application process for individuals to serve on the Police Commission, background checks, and timeline.

INFORMATIONAL ITEMS

6. Selection Panel Roster

A listing of Selection Panel members is provided.

7. Measure LL – Establishing a Police Commission Ballot Measure

A copy of the November 2016 Measure LL ballot measure is provided.

The meeting will adjourn upon the completion of the Selection Panel's business.

**CITY OF OAKLAND
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Meeting Agenda (Continued)

**Tuesday, May 16, 2017
5:30 PM – 7:30 PM
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Oakland, CA 94612**

A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chairperson allocates additional time.

Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email wwoo@oaklandnet.com or call (510) 238-7798 or (510) 238-2007 for TDD/TTY five days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a wwoo@oaklandnet.com o llame al (510) 238-7798 o al (510) 238-2007 para TDD/TTY por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議前五個工作天電郵 wwoo@oaklandnet.com 或 致電 (510) 238-7798 或 (510) 238-2007 TDD/TTY。



**CITY OF OAKLAND
POLICE COMMISSION SELECTION PANEL**

Meeting Minutes

**Tuesday, May 2, 2017
5:30 PM – 7:00 PM
City Hall, 1 Frank H. Ogawa Plaza, Hearing Room #1
Oakland, CA 94612**

Selection Panel Members: Tal Klement (District 1), James Chanin (District 2), Sarah Chavez-Yoell (District 3), Shikira Porter (District 4), Mary Vail (District 5), Candice Jessie (District 6), Jean Blacksher (District 7), John Jones III (At Large), Arnold X. C. Perkins (Mayor)

1. Roll Call

Meeting started at 5:31 p.m.

Members present: Jean Blacksher, Jim Chanin, Sarah Chavez-Yoell, Candice Jessie, John Jones III, Tal Klement, Shikira Porter, and Mary Vail.

Staff present: Stephanie Hom

City Attorney Staff: Allison Dibley

Mayor's Staff: Venus Johnson

2. Introduction of Members

Panel members introduced themselves.

3. Open Forum

Comments were provided by the following:

Rashidah Grinage
Larry White
Richard Phelps
Venus Johnson

INFORMATIONAL ITEMS

4. Presentation of "Open Meeting" Laws

Allison Dibley, Deputy City Attorney, presented an overview of the Ralph M. Brown Act and Oakland Sunshine Ordinance, and its applicability to the Police Commission Selection Panel.

5. Handbook for Board and Commission Members

Stephanie Hom, Deputy City Administrator, presented the City of Oakland Public Ethics Commission's Handbook for Board and Commission Members that is a guide to conflicts of interest, public meetings, public service ethics, and other City government information.

**CITY OF OAKLAND
POLICE COMMISSION SELECTION PANEL**

Meeting Minutes (Continued)

**Tuesday, May 2, 2017
5:30 PM – 7:00 PM
City Hall, 1 Frank H. Ogawa Plaza, Hearing Room #1
Oakland, CA 94612**

DISCUSSION ITEMS

6. Police Commission Selection Panel Objective and Timeline

The Selection Panel discussed the objective of the panel and timeline of actions as established by Measure LL approved by Oakland voters in November 2016.

7. Outreach and Application Process

The Selection Panel discussed initial thoughts about conducting outreach and the application process for individuals to serve on the Police Commission.

8. Protocols for Conducting Meetings

The Selection Panel discussed protocols for conducting future meetings, including meeting schedule, appointing a chairperson, adhering to parliamentary procedures such as Robert's Rules of Order.

The meeting ended at 7:02 p.m.



Overview of Effective Outreach and Application Process

Police Commission Purpose:

Oversee OPD in order to ensure that its policies, practices and customs conform to national standard of constitutional policing.

Powers and Duties	Skills, Talents, Experience
Organize and oversee the Community Police Review Agency	Management, human resources, organizational planning
Conduct public hearings at least once a year on OPD policies, rules, practices, customs and general orders of its choice	Community organizing, meeting convening and facilitation
Issue subpoenas, take testimony on the record	Conversant with the law
Propose changes to OPD policy in specified areas	Familiar with policy making
Approve or reject policy changes in specified areas that are proposed by OPD	Diverse perspective
Review and comment on any policy of OPD	Diverse perspective
Review the Mayors budget related to OPD and hold a public meeting on this topic	Public budget experience
Require the Police Chief to submit an annual report	N/A
Report to Council at least once per year	Report construction, delivery
May remove the Police Chief for cause	Conversant with HR policy
May participate as non-voting member of the Oakland Police Force Review Board	Diverse perspective
Review and prioritize all public complaints concerning misconduct	Familiarity with complaint processes
May serve on three member Discipline Committee	Confidential functions, HR/labor processes

Overall qualification: Willingness and availability to commit to unknown number of hours without pay on behalf of the Commission.



Overview of Effective Outreach and Application Process

Best Practices for Inclusive Engagement

1. Identify and prioritize relationships in under-represented communities
2. Consult with them regarding process design
3. Engage early and with alternative methods
4. Remove barriers to access/create a welcoming environment
5. Maintain contact in the community/report back
6. Partner with diverse organizations and agencies



Outreach Brainstorming

At the May 2, 2017 meeting, members of the Selection Panel proposed ideas for outreach including the following:

1. Neighborhood Service Coordinators / Neighborhood Crime Prevention Councils (NCPCs)
2. Measure Z – Safety and Services Act of 2014 / Oakland Unite
3. Oakland Fund for Children & Youth (OFCY) Funded Non-Profit Organizations
4. Press Releases / Press Conferences
5. Public Service Announcements (PSAs) – KMEL, KQED
6. Various Organization Newsletters, such as:
 - a. League of Women Voters
 - b. Homeowner Associations
7. Local Colleges / Schools such as Laney College
8. Recreation Centers
9. Libraries



Police Commission

Application for Position of Commissioner

Applicant Information

Full Name: _____ Date: _____
Last First M.I.

Address: _____
Street Address Apartment/Unit #

_____ City State ZIP Code

Phone: _____ Email: _____

Supplemental Questionnaire

The purpose of this supplemental questionnaire is to assess your qualifications, training and experience. Your answers to these questions, along with your completed application, will be used by the Selection Panel to select the most suitably qualified candidates. Applications submitted without a completed supplemental questionnaire will not be considered. Respond to each question, but limit each response to one 8.5" x 11" sheet of paper (single or double spaced) per question. Responses more than one page will not be considered. Responses must be legible.

1. Please describe any life experiences that prepare you to contribute to the work of the Commission.
2. Please describe your contacts or experiences with the Oakland Police Department.
3. Please describe any other qualifications and/or experience that qualifies you for the position of Commissioner, including without limitation knowledge and/or experience in the fields of human resources practices, management, policy development, auditing, law, investigations, law enforcement, youth representation, civil rights and civil liberties.

City of Oakland Residency

Are you a resident of the City of Oakland?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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Application Considerations

Check all that apply:

Are you seeking consideration as a Selection Panel Appointee?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Are you seeking consideration as a Mayor Appointee?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

References

Please list three professional or personal references who are familiar with your background, experience and qualifications, and who can answer questions about your ability to serve as a Commissioner.

Full Name: _____ Relationship: _____

E-Mail _____ Phone: _____

Full Name: _____ Relationship: _____

E-Mail _____ Phone: _____

Full Name: _____ Relationship: _____

E-Mail _____ Phone: _____

Voluntary Self-Identification Questionnaire

1. With which race and/or ethnicity do you identify? (Check all that apply.)

- White: a person having origins in any of the original peoples of Europe, the Middle East, or North Africa
- Black or African American: a person having origins in any of the black racial groups of Africa
- Latino: a person having origins in any of the countries of Central America and South America, including Puerto Rico, Cuba and the other Caribbean nations
- Native Hawaiian or other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- Asian: a person having origins in Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam
- American Indian or Alaskan Native: a person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment
- Other: _____
- I do not wish to Self-Identify

2. What is your gender?

- _____ I do not wish to self-identify

3. You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history of such an impairment or medical conditions.

Please check one of the boxes below:

- Yes, I have a disability (or previously had a disability)
- No, I do not have a disability
- I do not wish to answer

Disclaimer and Signature

*I certify that I am over eighteen years of age and that my answers are true and complete to the best of my knowledge. **My signature below also indicates my acknowledgement that, by applying for the position of Commissioner, I will be subject to a background check [SPECIFY].***

Please note: Once submitted, your application form, along with all attachments, becomes a public record.

Signature: _____ Date: _____



**SURVEY OF OTHER JURISDICTIONS
WITH POLICE COMMISSIONS**

CITY NAME	GENERAL COMMISSION FACTS	BACKGROUND CHECKS	COMMUNITY OUTREACH	APPLICATION PROCEDURES
Oakland	Proposes changes to Department policy, reviews Mayor’s proposed budget, oversees the Community Police Review Agency which investigates citizen complaints against officers, Discipline Committees conduct closed-session meetings to resolve differences in Agency Director’s and Chief’s proposed findings and discipline.	“Background checks shall be required for all Commission members and alternates.”	TBD by Selection Panel	<p>The Mayor appoints three Oakland residents and one alternate; the Selection Panel submits a slate of four Oakland residents and one alternate. City Council accepts or rejects Mayor’s appointees and Selection Panel’s slate.</p> <p>“The Selection Panel, with the assistance of the City Administrator, will solicit applications from those willing to serve on the Commission. The Selection panel will review the applications, and interview applicants to serve on the commission.”</p>

**For Discussion Purposes
Attorney Work Product**

CITY NAME	GENERAL COMMISSION FACTS	BACKGROUND CHECKS	COMMUNITY OUTREACH	APPLICATION PROCEDURES
San Francisco	Acts as the police department's disciplinary body, sets policy, and conducts closed-session disciplinary actions against officers.	No background checks performed on potential commissioners.	Notices of vacancies are posted on the Commission's website and a notice banner is placed on the City's homepage. County Supervisors also send emails to their constituents.	Applicants fill out the online application. The City Administrator's office screens candidates for residency issues. The rules committee conducts hearings (in open session) with the candidates.
Berkeley	The commission does not have the ability or jurisdiction to discipline officers.	No background checks performed on potential commissioners.	Notice of vacancies are posted on the City website and advertised in the monthly City roster.	Each Councilmember and the Mayor appoint one person to the commission. Applications, available online, are forwarded to their office.
Richmond	The commission investigates complaints against, and certain misconduct of, officers. Within 30 days of a completed investigation, the commission submits its written findings to the Chief who determines final discipline. The	No background checks performed on potential commissioners.	Monthly, at a City Council meeting, the Mayor announces all commission vacancies. The application is posted online and the Mayor also distributes applications.	The Mayor makes appointments.

CITY NAME	GENERAL COMMISSION FACTS	BACKGROUND CHECKS	COMMUNITY OUTREACH	APPLICATION PROCEDURES
	City Manager determines discipline when the commission and Chief disagree.			
Albuquerque	There is a Police Oversight Board, Civilian Police Oversight Agency (“Agency”), Agency Director, and investigators. The Agency investigates citizen complaints and use of force cases. If difference of opinion for punishment between the Board and the Chief, the Chief ultimately decides punishment, but must write a letter to the board outlining reasons for difference.	Background checks done on a case-by-case basis. It is up to the City Council’s discretion. Background checks are minimally invasive and similar to ones conducted on potential employees.	Application posted on City website.	The City Council appoints members.
Inglewood	The Commission conducts investigations. The Chief of Police ultimately decides discipline.	No background checks performed on potential commissioners.	Application posted on commission website and announced at commission meetings.	The City Council, Mayor, and Chief of Police each appoint one person.

Batza & Associates

LEGAL INVESTIGATORS

23504 LYONS AVENUE, SUITE 403
 SANTA CLARITA, CALIFORNIA 91321
 (661) 799-7777 Fax: (661) 799-3377
 www.batza-associates.com

CA PI LICENSE #22034

ADDITIONAL OFFICES: SAN DIEGO COUNTY, ORANGE COUNTY, SAN FRANCISCO BAY AREA, AND SACRAMENTO

Employment Background Screening Request Form City of Oakland

CONTACT INFORMATION	
Contact's Name:	Title:
Contact's Telephone #:	Contact's Email Address:
By signing this document, requestor certifies that it is requesting Batza & Associates, Inc. to provide screening services only for the purposes of considering an individual for employment, promotion, reassignment or retention as an employee, and for no other purposes.	
Signature:	Date:

APPLICANT'S INFORMATION (Required)
Applicant's Name:
Applicant's Social Security Administration #:
Applicant's Date of Birth:
Applicant's Telephone #:
Standard Company Application Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No (If not attached, Applicant Information Form must accompany this request.)

SEARCHES REQUESTED	
<input checked="" type="checkbox"/> Identification and Location, Includes S.S.N. Verification (Required)	\$30.00
<input type="checkbox"/> California Criminal History Check-Previous 7 Years (Recommended)	\$40.00 per county/per name
<input type="checkbox"/> Federal Criminal History Check-Previous 7 Years (Recommended)	\$30.00 per District
<input type="checkbox"/> California Motor Vehicle Record (Recommended)	\$25.00
<input type="checkbox"/> California Civil Judgment History-Previous 7 Years (Recommended)	\$30.00 per county/per name
<input type="checkbox"/> Federal Civil Suit History (Recommended)	\$30.00 per name
<input type="checkbox"/> Credit History-Restricted by Position Applied/Held	\$40.00

For Discussion Purposes

<input type="checkbox"/> National Sex Offender History (Recommended)	\$10.00 per name
<input type="checkbox"/> Employment Verification	\$50.00 per employer
<input type="checkbox"/> Education Verification	\$25.00* per institution
<input type="checkbox"/> Professional License Verification	\$20.00 per name/license type
<input type="checkbox"/> California Bankruptcy Record-Previous 10 Years	\$25.00 per name
<input type="checkbox"/> California Liens-Previous 7 Years	\$25.00 per county/name
*excludes any 3 rd Party charges and surcharges.	

OUT OF STATE SEARCHES REQUESTED

Applicant's Date of Birth:	
City and State to Search:	
<input type="checkbox"/> Criminal History Check	\$50.00 per county/per name*
<input type="checkbox"/> Motor Vehicle Record	\$25.00*
<input type="checkbox"/> Civil Suit History	\$30.00 per county/per name*
*excludes any 3 rd Party charges and surcharges.	

Disclaimer: While the information included in Batza & Associates' reports will be obtained from data sources deemed reliable, Batza & Associates cannot and does not guarantee its correctness, completeness nor currentness. Batza & Associates' liability shall be limited to a refund of the fees received.

Conditions: Information furnished is for Requestor's exclusive use. Requestor acknowledges that its right to obtain this information is fully within the appropriate laws which govern the retrieval and use of background information and that Requestor will abide by such laws.

Protocol: Unless instructed otherwise, Batza & Associates will research exact names used by Applicant during the past 10 years, as submitted, plus other 10-year names discovered. If a criminal database search is requested and possible cases are uncovered, Batza & Associates will conduct, at the Requestor's approval, county-level court records research and bill Requestor accordingly.

Our reportable findings are limited by California Civil Code; a portion of which states:

1786.18. (a) Except as authorized under subdivision (b), an investigative consumer reporting agency may not make or furnish any investigative consumer report containing any of the following items of information:

- (1) Bankruptcies that, from the date of the order for relief, antedate the report by more than 10 years.
- (2) Suits that, from the date of filing, and satisfied judgments that, from the date of entry, antedate the report by more than seven years.
- (3) Unsatisfied judgments that, from the date of entry, antedate the report by more than seven years.
- (4) Unlawful detainer actions where the defendant was the prevailing party or where the action is resolved by settlement agreement.
- (5) Paid tax liens that, from the date of payment, antedate the report by more than seven years.
- (6) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years.

For Discussion Purposes

(7) Records of arrest, indictment, information, misdemeanor complaint, or conviction of a crime that, from the date of disposition, release, or parole, antedate the report by more than seven years. These items of information shall no longer be reported if at any time it is learned that, in the case of a conviction, a full pardon has been granted or, in the case of an arrest, indictment, information, or misdemeanor complaint, a conviction did not result; except that records of arrest, indictment, information, or misdemeanor complaints may be reported pending pronouncement of judgment on the particular subject matter of those records.

(8) Any other adverse information that antedates the report by more than seven years.

(b) The provisions of subdivision (a) are not applicable in either of the following circumstances:

(1) If the investigative consumer report is to be used in the underwriting of life insurance involving, or that may reasonably be expected to involve, an amount of two hundred fifty thousand dollars (\$250,000) or more.

(2) If the investigative consumer report is to be used by an employer who is explicitly required by a governmental regulatory agency to check for records that are prohibited by subdivision (a) when the employer is reviewing a consumer's qualification for employment.

(c) Except as otherwise provided in Section 1786.28, an investigative consumer reporting agency shall not furnish an investigative consumer report that includes information that is a matter of public record and that relates to an arrest, indictment, conviction, **civil** judicial action, tax lien, or outstanding judgment, unless the agency has verified the accuracy of the information during the 30-day period ending on the date on which the report is furnished.

(d) An investigative consumer reporting agency shall not prepare or furnish an investigative consumer report on a consumer that contains information that is adverse to the interest of the consumer and that is obtained through a personal interview with a neighbor, friend, or associate of the consumer or with another person with whom the consumer is acquainted or who has knowledge of the item of information, unless either (1) the investigative consumer reporting agency has followed reasonable procedures to obtain confirmation of the information, from an additional source that has independent and direct knowledge of the information, or (2) the person interviewed is the best possible source of the information.



**CITY OF OAKLAND
POLICE COMMISSION SELECTION PANEL
ROSTER**

Appointed by	Name	Email
District 1	Tal Klement	TalKlement@gmail.com
District 2	Jim Chanin	jbcofc@aol.com
District 3	Sarah Chavez-Yoell	Sarah@schavezconsulting.com
District 4	Shikira Porter	stiambe@gmail.com
District 5	Mary Vail	4406vailcat@comcast.net
District 6	Candice Jessie	CJessie@oaklandnet.com
District 7	Jean Blacksher	jeanwblacksher@gmail.com
At Large	John Jones III	jjones@curyj.org
Mayor	Arnold X. C. Perkins	arnold_perkins@yahoo.com

Measure 86333

Measure __. Shall Oakland's City Charter be amended to establish: (1) a Police Commission of civilian commissioners to oversee the Police Department by reviewing and proposing changes to Department policies and procedures, requiring the Mayor to appoint any new Chief of Police from a list of candidates provided by the Commission, and having the authority to terminate the Chief of Police for cause; and (2) a Community Police Review Agency to investigate complaints of police misconduct and recommend discipline?

CITY ATTORNEY'S BALLOT TITLE AND SUMMARY OF MEASURE LL

A PROPOSED AMENDMENT TO OAKLAND'S CITY CHARTER ESTABLISHING A POLICE COMMISSION TO OVERSEE THE POLICE DEPARTMENT'S POLICIES AND PROCEDURES, AND A COMMUNITY POLICE REVIEW AGENCY TO INVESTIGATE COMPLAINTS OF POLICE MISCONDUCT AND RECOMMEND DISCIPLINE

Summary:

Police Commission

This measure would establish a Police Commission ("Commission") consisting of seven regular and two alternate members.

Commission members would be Oakland residents. No member could be a current police officer, current City employee, former Oakland police officer, or current or former official, employee or representative of a union that represents police officers. The first group of Commissioners would serve two, three or four-year terms. Later members would serve three-year terms, with a two-term limit.

The Mayor would nominate three regular Commissioners and one alternate, subject to the City Council's approval. A nine-member Selection Panel would nominate four regular Commissioners and one alternate, subject to the City Council's approval. Each City Council member and the Mayor would make an appointment to the Selection Panel. No panel member could be a current OPD employee.

Many changes to the Oakland Police Department's ("OPD's") policies and procedures would be subject to the Commission's approval. The Commission could require the Chief to submit annual reports, and the Commission would disclose the information in the Chief's reports to the Mayor, the City Council and the public, if permitted by law. The Mayor would appoint any new Chief from a list of four candidates identified by the Commission. The Commission could remove a Chief from office for cause.

Community Police Review Agency

The Commission would establish a Community Police Review Agency ("Agency"), which would receive and review complaints of police misconduct. The Agency would be required to investigate complaints involving use of force, in-custody deaths, profiling and public assemblies. The Commission could also direct the Agency to investigate other possible police misconduct. After completing its investigation of a complaint, the Agency would submit its findings and proposed discipline to the Commission and the Chief.

If the Chief agrees with the Agency's findings and proposed discipline, the Chief would notify the officer who is the subject of the complaint. The officer would have an opportunity to appeal by filing a grievance.

If the Chief disagrees with the Agency's findings and proposed discipline, the Chief would be required to prepare separate findings and proposed discipline. A three-member committee of the Commission would consider the Agency's and the Chief's recommendations and make a final decision, and the officer would have an opportunity to appeal by filing a grievance.

Budget and Staffing

The City would have to allocate enough money to the Commission and the Agency so that they can perform their required functions and duties. At a minimum, staff would consist of an Agency Director and Agency investigators. There would be at least one Agency investigator for every 100 OPD officers. The City would also be required to allocate enough money for the City Attorney to assign outside counsel to provide legal advice to the Commission and Agency. No current or former Oakland police officer or current official, employee or representative of a union that represents police officers could serve as staff for the Commission or Agency.

s/DENNIS J. HERRERA
San Francisco City Attorney

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE LL

Currently, the City Administrator supervises the Oakland Police Department (“OPD”). The Chief of Police (“Chief”) is responsible for the OPD’s day-to-day operations. The Chief investigates possible police misconduct, but the City Administrator must approve all suspensions of five or more days, fines, demotions or discharges. The City’s Citizens’ Police Review Board (“CPRB”) investigates citizen complaints of police misconduct.

This measure would establish a Police Commission (“Commission”) to oversee the Police Department’s policies and procedures, and a Community Police Review Agency (“Agency”) to investigate complaints of police misconduct and recommend discipline.

Police Commission

The Commission would review the OPD’s policies, procedures and General Orders. The Commission may also propose changes, and approve or reject the OPD’s proposed changes, to those policies, procedures and General Orders that govern use of force, profiling, and general assemblies. The Commission’s proposed changes, and any rejections of the OPD’s proposed changes, would be subject to the City Council’s review and approval. The Commission would also conduct at least one public hearing a year on OPD policies, procedures and General Orders.

The Commission would consist of seven regular and two alternate members. The Mayor would nominate three regular Commissioners and one alternate, subject to the City Council’s approval. At least one of the three appointees must be a retired judge or lawyer with trial experience in criminal law or police misconduct.

A nine-member Selection Panel would nominate four regular Commissioners and one alternate. Each member of the City Council and the Mayor would appoint one member to the Selection Panel. The Selection Panel’s nominees would become members of the Commission, unless the City Council rejects all of the panel’s nominees.

Community Police Review Agency

Currently, after investigating a complaint of police misconduct, the CPRB may recommend proposed discipline. The CPRB must submit any recommendations regarding discipline to the City Administrator, who must respond to the CPRB in writing and make the final decision.

Under the proposed measure, the Commission would establish the Agency, which would receive and review all complaints of police misconduct. The Agency would be required to investigate all complaints involving use of force, in-custody deaths, profiling and public assemblies. The Commission could also direct the Agency to investigate other possible police misconduct. After completing its investigation of a complaint, the Agency would submit its findings and proposed discipline to the Commission and the Chief.

If the Chief agrees with the Agency's findings and proposed discipline, the Chief would notify the officer who is the subject of the complaint. If the Chief disagrees with the Agency's findings and proposed discipline, the Chief would be required to prepare separate findings and proposed discipline. A three-member committee of the Commission would consider the Agency's and the Chief's recommendations and make a final decision, subject to the officer's ability to file a grievance.

Budget and Staffing

The City must allocate enough money to the Commission and the Agency so that they can perform their required functions and duties.

After the City Council confirms the first group of Commissioners, the CPRB's pending business would be transferred to the Commission and the Agency. The CPRB's Executive Director would become the Agency's Interim Director, and all other CPRB staff would become Agency staff.

s/DENNIS J. HERRERA
San Francisco City Attorney

CITY AUDITOR’S IMPARTIAL ANALYSIS OF MEASURE LL

This Measure is a Charter amendment which will establish a Police Commission to oversee the Oakland Police Department. This new Police Commission and Community Police Review Agency will replace the current Citizens’ Police Review Board (CPRB).

The CPRB’s Director will become the Interim Director for the new Community Police Review Agency, and the CPRB’s pending business and staff will be transferred to the new Community Police Review Agency.

Financial Impact

The 7 regular Commissioners and 2 alternate Commissioners for the new Police Commission will serve their duties without pay. The City Attorney would assign to the Commission an attorney who would not be a City employee. We estimate the annual cost at \$227,800, which is equivalent to the cost of a full-time Deputy City Attorney III. Part of this outside counsel cost is already borne by the City for the CPRB.

This Measure increases the current CPRB staffing level from 11 full-time employees to a minimum of 14 full-time employees. An additional 3 employees are required if this Measure passes because the Measure requires at least one Investigator for every 100 sworn police officers. As of July 2016 there were approximately 770 sworn officers and 60 trainees.

The current Police Review Board has 5 Investigators in their budget, so that an additional 3 Investigators will be required to meet the required ratio. We estimated the additional Investigators to cost the City between \$403,400 to \$495,200 for salaries and benefits.

This Measure also requires specific, professional training for the 9 Commissioners. The exact cost of this training is unknown; we estimated a minimum of \$9,000 annually for Commissioner training.

Passing this Measure may cost the City an additional \$560,400 to \$652,200 annually, as detailed below; we also estimate an additional one-time equipment cost for new employees at \$6,000.

Cost Component	City’s Current Costs (11 full-time employees)	Additional Costs per Year	Total Estimated Annual Cost (14 full-time employees)
Staffing	\$1,580,000	\$403,400 to \$495,200	\$1,983,400 to \$2,075,200
Outside Counsel	\$85,800	\$142,000	\$227,800
Operations	\$155,000	\$15,000	\$170,000
Total	\$1,820,800	\$560,400 to \$652,200	\$2,381,200 to \$2,473,000

There are three potential, financial impacts that cannot be quantified at this time, as noted below:

- Reconfiguration of workspaces for new and current employees, and the addition of private interview rooms may be necessary. The cost of any renovation cannot be determined because it is project-specific.
- Specialized, professional training for the Commissioners may be higher than the minimum amount estimated.
- Staff salaries and benefit rates may increase over time due to cost of living adjustments and future union negotiations, which will increase the cost to the City.

s/BRENDA D. ROBERTS
City Auditor

Oakland Police Commission Ballot Measure LL-Pro Argument

Oakland residents want effective community-oriented policing, less violent crime in our neighborhoods, and a police force that we trust. That is why we have come together to support the creation of a civilian Police Commission for Oakland.

Serious police misconduct impedes effective policing. We need improved oversight and effective discipline in order to better focus our police force on the things we want our officers doing: community policing in our neighborhoods, responding to 911 calls and investigating serious crimes.

OPD has been under federal oversight way too long our city needs to get its house in order. While we know that most of our officers are good people doing a very difficult job, that's not good enough. We've seen unacceptable scandals and inadequate consequences. It's time for Oakland to have effective civilian oversight!

Our city needs a strong police oversight commission to help build greater trust with the community, improve police response, and ensure constitutional policing. And we need this now.

Measure LL establishes a civilian Police Commission with authority to set policy, hold the police chief accountable for the effectiveness of OPD, and impose discipline when serious misconduct occurs. And it incorporates appropriate checks and balances to ensure we can hold our local elected leaders accountable as well.

Voting YES on Measure LL also will re-create a Community Police Review Agency, but this time with beefed up investigatory resources and real authority to not only investigate allegations of misconduct but also propose meaningful discipline.

For improvements and accountability and OPD, join us in voting YES on Measure LL.

Louise Rothman-Reimer
President, League of Women Voters of Oakland

Reverend Dr. George Cummings
Chair, Oakland Community Organizations (OCO)

Noel Galo
Oakland City Councilmember

David Muhammad
Criminal Justice & Youth Violence Prevention expert

Dan Kalb
Oakland City Councilmember

No Argument Against was submitted

FULLTEXT OF MEASURE LL

Section 1. Amendment to the Charter of the City of Oakland.

SECTION 604 – POLICE COMMISSION

(a) Creation and Role.

1. There hereby is established the Oakland Police Commission (hereinafter, Commission), which shall oversee the Oakland Police Department (hereinafter, Department) in order to ensure that its policies, practices, and customs conform to national standards of constitutional policing. The Commission shall have the functions and duties enumerated in this Section, as well as those assigned to the Commission by Ordinance.
2. There hereby is established a Community Police Review Agency (hereinafter, Agency), which shall have the functions and duties enumerated in this Section, as well as those assigned to the Agency by Ordinance.
3. Nothing herein shall prohibit the Chief of Police or a commanding officer from investigating the conduct of a Department sworn employee under his or her command, nor shall anything herein prohibit the Chief of Police from taking disciplinary or corrective action with respect to complaints investigated solely by the Department.
4. No later than two (2) years after the City Council has confirmed the first set of Commissioners and alternates, the City Auditor shall conduct a performance audit and a financial audit of the Commission and the Agency. Nothing herein shall limit the City Auditor's authority to conduct future performance and financial audits of the Commission and the Agency.

(b) Powers and Duties.

The powers and duties of the Commission are as follows:

1. Organize, reorganize and oversee the Agency.

2. Conduct public hearings at least once a year on Department policies, rules, practices, customs, and General Orders. The Commission shall determine which Department policies, rules, practices, customs, or General Orders shall be the subject of the hearing.
3. Consistent with state law and in accordance with Section 1207 of the City Charter, entitled "Oaths and Subpoenas," issue subpoenas to compel the production of books, papers and documents and take testimony on any matter pending before it. If any person subpoenaed fails or refuses to appear or to produce required documents or to testify, the majority of the members of the Commission may find him in contempt, and shall have power to take proceedings in that behalf provided by the general law of the State.
4. Propose changes, including modifications to the Department's proposed changes, to any policy, procedure, custom, or General Order of the Department which governs use of force, use of force review boards, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements which pertain to the Department and are in effect at the time this Charter Section 604 takes effect for so long as such federal court orders and settlements remain in effect. All such proposed changes and modifications shall be submitted to the City Council for approval or rejection. If the City Council does not approve, modify and approve, or reject the Commission's proposed changes or modifications within one hundred and twenty (120) days of the Commission's vote on the proposed changes, the changes or modifications will become final.
5. Approve or reject the Department's proposed changes to all policies, procedures, customs, and General Orders of the Department which govern use of force, use of force review boards, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements which pertain to the Department and are in effect at the time this Charter Section 604 takes effect for so long as such federal court orders and settlement remain in effect. If the Commission does not approve or reject the Department's proposed changes within one hundred and twenty (120) days of the Department's submission of the proposed changes to the Commission, the Department's

proposed changes will become final. If the Commission rejects the Department's proposed changes, notice of the Commission's rejection, together with the Department's proposed changes, shall be submitted to the City Council for review. If the City Council does not approve or reject the Commission's decision within one hundred and twenty (120) days of the Commission's vote on the Department's proposed changes, the Commission's decision will become final.

6. Review and comment, at its discretion, on all other policies, procedures, customs, and General Orders of the Department. All such comments shall be submitted to the Chief of Police who shall provide a written response to the Commission upon request.
7. Review the Mayor's proposed budget to determine whether budgetary allocations for the Department are aligned with the Department's policies, procedures, customs, and General Orders. The Commission shall conduct at least one public hearing on the Department budget per budget cycle and shall forward to the City Council any recommendations for change.
8. Require the Chief of Police to submit an annual report to the Commission regarding such matters as the Commission shall require.
9. Report at least once a year to the Mayor, the City Council, and to the public to the extent permissible by law, the information contained in the Chief's report in addition to such other matters as are relevant to the functions and duties of the Commission.
10. Acting separately or jointly with the Mayor, remove the Chief of Police by a vote of not less than five affirmative votes. If acting separately, the Commission may remove the Chief of Police only after adopting a finding or findings of cause, which shall be defined by City ordinance. The Commission must make its finding of just cause by no less than five affirmative votes. Upon removal, by the Commission, by the Mayor, or by the Mayor and the Commission acting jointly, or upon the notice of vacancy of the position of Chief of Police, the Mayor, in consultation with the Chair of the Commission, shall immediately appoint an Interim Chief of Police. Such appointment shall not exceed six (6) months in duration unless approved by a majority vote of the Commission. The Commission, with the assistance of the City Administrator, shall prepare and distribute a job announcement, and prepare a list of at least four candidates and transmit the

names and relevant background materials to the Mayor. The Mayor shall appoint one person from this list, or reject the list in its entirety and request a new list from the Commission. This provision shall not apply to any recruitment for the position of Chief of Police that is pending at the time of the Commission's first meeting.

11. Send the Chairperson of the Commission or another Commissioner appointed by the Chairperson to serve as a non-voting member of any level one Oakland Police Force Review Board.

12. Perform such other functions and duties as may be prescribed by this Charter or by City ordinance.

(c) **Appointment, Terms, Vacancies, Removal.**

1. The Commission shall consist of seven (7) regular members and two (2) alternate members, all of whom shall be Oakland residents of at least eighteen (18) years of age. To the extent practicable, appointments shall be broadly representative of Oakland's diversity and shall include members with knowledge and/or experience in the fields of human resources practices, management, policy development, auditing, law, investigations, law enforcement, youth representation, civil rights and civil liberties, as well as representation from communities experiencing the most frequent contact with the Department. Background checks shall be required for all Commission members and alternates. Such background checks shall not be performed by the Department. The following shall not be eligible to serve as a Commissioner:

- a. current sworn police officer;
- b. current City employee;
- c. former Department sworn employee; or
- d. current or former employee, official or representative of an employee association representing sworn police officers.

2. Within two hundred and ten (210) days of the enactment of this Section, the Mayor shall appoint three (3) Oakland residents as Commissioners, at least one of whom shall be a retired judge or lawyer with trial experience in criminal law or police misconduct, and one (1) Oakland resident as an alternate, and submit the names of these appointees to the Council for confirmation. The Council shall have sixty (60) days after the completion of

the background checks and from the date of receipt of the Mayor's submission to accept or reject each of the Mayor's appointees as Commissioners. The Mayor shall appoint an Oakland resident to fill any Commission vacancies that were previously filled by a Mayor's appointee. If the City Council does not accept or reject the Mayor's appointee within sixty (60) days after the completion of the background check and receipt of the Mayor's submission, the appointee shall be deemed appointed.

3. All other Commissioners and the other alternate shall be appointed as follows:
 - a. There is hereby established a nine (9) member Selection Panel. Within ninety (90) days of the enactment of this Section, each City Council member shall appoint one (1) person, and the Mayor shall appoint one (1) person, to the Selection Panel. No current Department employee is eligible to be a member of the Selection Panel. The Selection Panel, with the assistance of the City Administrator, will solicit applications from those willing to serve on the Commission. The Selection Panel will review the applications, and interview applicants to serve as members of the Commission.
 - b. Within one hundred and twenty days (120) of its formation, the Selection Panel, by a two-thirds vote, shall submit a slate of four (4) regular members and one (1) alternate member to the City Council. The City Council may require the nominees to appear before the Council or a Committee of the Council. If the City Council does not accept or reject the slate in its entirety within sixty (60) days after the completion of the background checks and submission by the Selection Panel, the four (4) regular members and one (1) alternate member shall be deemed appointed.
 - c. Each year the Selection Panel shall re-convene, as needed, to designate replacements for the five (5) Commissioner (four (4) regular members and one (1) alternate) vacancies initially filled by the Selection Panel and shall submit a slate of names of such designated persons to the City Council for acceptance or rejection. If the City Council does not accept or reject the entire slate within sixty (60) days after the completion of the background checks and submission by the Selection Panel, all designated replacements shall be deemed appointed.

- d. Each year the Mayor and each Councilmember may replace her or his assigned person on the Selection Panel. Selection Panel members may serve up to five (5) years.
4. With the exception of the first group of Commissioners which shall serve staggered terms, the term for each Commissioner shall be three (3) years.
5. Commission members are limited to no more than two (2) consecutive terms, except that a Commissioner serving a term of no more than one (1) year shall be allowed to serve two (2) additional consecutive terms.
6. To effect a staggering of terms among the Commissioners, the duration of the first group of Commissioners shall be determined by the Selection Panel as follows: Three (3) regular members, including one (1) of the mayoral appointees, shall have an initial term of three (3) years; two (2) regular members, including one (1) of the mayoral appointees, shall have an initial term of two (2) years; two (2) regular members, including one (1) of the mayoral appointees, shall have an initial term of four (4) years. The alternate member appointed by the Selection Panel shall have an initial term of two (2) years and the alternate member appointed by the Mayor shall have an initial term of three (3) years.
7. A vacancy on the Commission shall exist whenever a member dies, resigns, ceases to be a resident of the City, is convicted of a felony, or is removed.
8. For vacancies occurring for reasons other than the expiration of a regular member's term, the Commission shall select one of the alternates to replace the regular member for that regular member's remaining term of office. If the alternate chosen to replace the regular member was appointed by the Selection Panel, the Selection Panel shall appoint another alternate. If the alternate chosen to replace the regular member was appointed by the Mayor, the Mayor shall appoint another alternate.
9. All Commission members shall receive orientation regarding Department operations, policies and procedures, including but not limited to discipline procedures for police officer misconduct and failure to act. All Commission members shall receive training regarding Procedural Justice, conflict resolution, national standards of constitutional policing, best practices for conducting investigations, and other subject matter areas which are specified by City ordinance.

10. The City Council may remove members of the Commission for cause as provided in Section 601 of the Charter, or members of the Commission may be removed by a majority vote of the Commission only for conviction of a felony, conviction of a misdemeanor involving moral turpitude, a material act of dishonesty, fraud, or other act of moral turpitude, substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, absence from three consecutive regular Commission meetings or five regular meetings in a calendar year except on account of illness or when absent by permission.

(d) Meetings, Rules and Procedures

1. The Commission shall meet at least twice each month unless it determines that one meeting is sufficient in a particular month. The Commission shall notify the public of the time and place of the meeting and provide time for public comment at each meeting. The Commission shall meet at least twice each year in locations other than City Hall.
2. The Commission shall establish rules and procedures for the conduct and operations of its business. Such rules shall be made available to the public.
3. Five (5) members shall constitute a quorum. If a quorum is not established by the regular members in attendance, the Chairperson of the Commission may designate one or more alternate members to establish a quorum and cast votes. Motions on all matters may be approved by a majority of those Commission members present.

(e) Budget and Staffing

1. The City shall allocate a sufficient budget for the Commission, including the Agency, to perform its functions and duties as set forth in this section, including budgeting at least one full-time-equivalent non-City Attorney legal advisor that is specifically charged with providing legal services to the Agency related to investigations and recommended discipline. The one full-time-equivalent non-City Attorney legal advisor shall be assigned by the City Attorney after consultation with the Chair of the Commission. The non-City Attorney legal advisor shall not in the regular course of his or her

2. legal practice defend law enforcement officers and shall not participate in, nor serve as counsel to the City or any of its Council members or employees in defense of any lawsuit arising from any incident involving an Oakland police officer.
3. Within sixty (60) days of the City Council's confirmation of the first group of Commissioners and alternates, the Oakland Citizens' Police Review Board (hereinafter Board) shall be disbanded and its pending business transferred to the Commission and to the Agency. The Executive Director of the Board shall become the Interim Director of the Agency, and all other staff will be transferred to the Agency.
4. After the effective date of this Charter section, the Commission may identify special qualifications and experience that candidates for Agency staff positions must have. Candidates for future vacancies may be selectively certified in accordance with the Civil Service Personnel Manual, as may be amended from time to time; said selective certification shall be subject to discretionary approval by the City Administrator or his or her designee.
5. The staff of the Agency shall consist of no fewer than one line investigator for every one hundred (100) sworn officers in the Department, rounded up or down to the nearest one hundred (100). The number of investigators shall be determined at the beginning of each budget cycle based on the number of sworn officers employed by the Department the previous June 1. At least one investigator shall be a licensed attorney. The budget set-aside for such minimum staffing may be suspended for a fiscal year or two-year budget cycle upon a finding in the budget resolution that the City is facing an extreme fiscal necessity, as defined by City Council resolution.
6. The City Administrator shall assign a staff member to act as liaison to the Commission and to provide administrative support to the Commission.
7. Upon a vacancy, the Director of the Agency shall be hired by the City Administrator from among two (2) or three (3) candidates submitted by the Commission. By an affirmative vote of at least five (5) members, or by an affirmative vote of four (4) members with the approval of the City

8. Administrator, the Commission may terminate the Director of the Agency. The Commission shall periodically conduct a performance review of the Agency Director. The Agency Director shall be classified as a Department head, and shall have the authority to hire and fire Agency staff, in consultation with the City Administrator.
9. Agency and Commission staff, with the exception of the Agency Director, shall be civil service employees in accordance with Article IX of the City Charter. Background checks shall be required for all Agency investigator applicants before they are hired by the Agency. Such background checks shall not be performed by the Department. Staff of the Board who are transferred to the Agency as discussed in section (e)(2) above shall not be subject to background checks.
10. No current or former sworn employee of the Department, or current official, employee or representative of an employee association representing sworn police officers, is eligible for any staff position in the Agency or the Commission.

(f) Investigations

1. Beginning sixty (60) days after the City Council's confirmation of the first group of Commissioners and alternates, the Agency shall receive, review and prioritize all public complaints concerning the alleged misconduct or failure to act of all Department sworn employees, including complaints from Department non-sworn employees. The Agency shall not be required to investigate each public complaint it receives, beyond the initial intake procedure, but shall investigate public complaints involving uses of force, in-custody deaths, profiling based on any of the protected characteristics identified by federal, state, or local law, and First Amendment assemblies. The Agency shall also investigate any other possible misconduct or failure to act of a Department sworn employee, whether or not the subject of a public complaint, as directed by the Commission. The Agency shall forward a copy of each complaint received to the Internal Affairs Division of the Oakland Police Department within one business day of receipt.
2. Subject to applicable law, the Agency shall have the same access to all Department files and records, with the exception of personnel records, in addition to all files and records of other City departments and agencies, as

the Department's Internal Affairs Division (IAD). Access to personnel records shall be limited to the Agency Director who shall maintain confidentiality as required by law. The Department and other City departments and agencies shall make every reasonable effort to respond to the Agency's requests for files and records within ten (10) days.

3. The Agency shall make every reasonable effort to complete its investigations within one hundred and eighty (180) days of the filing of the complaint with the Agency. Within thirty (30) days of completion of the investigation, the Director of the Agency shall issue written findings and proposed discipline regarding the allegations stated in the complaint to the Commission and the Chief of Police. The City Administrator shall not have the authority to reject or modify the Agency's findings and proposed discipline.
4. To the extent allowed by law and after consultation with the Commission, the Agency shall forward information to other enforcement agencies, including but not limited to the Alameda County District Attorney, when such information establishes a reasonable basis for believing that a crime may have been committed by a sworn Department employee.

(g) Adjudication

1. If the Chief of Police agrees with the Agency's findings and proposed discipline, he or she shall send to the subject officer notification of findings and intent to impose discipline. The Chief of Police may send such notification to the subject officer before IAD has begun or completed its investigation.
2. If the Chief of Police disagrees with the Agency's findings and/or proposed discipline, the Chief of Police shall prepare his or her own findings and/or proposed discipline which shall be submitted to a Discipline Committee comprised of three Commissioners. The City Administrator shall not have authority to reject or modify the Chief of Police's findings and proposed discipline. The Agency's findings and proposed discipline shall also be submitted to the Discipline Committee which shall review both submissions and resolve any dispute between the Agency and the Chief of Police. Based solely on the record presented by the Agency and the Chief of Police, the Discipline Committee shall submit its final decision regarding the appropriate findings and proposed discipline to the Chief of Police who shall

notify the subject officer. The City Administrator shall not have the authority to reject or modify the Discipline Committee's final decision regarding the appropriate findings and level of discipline. The Discipline Committee shall not have the authority to conduct its own investigation.

3. If the Chief of Police prepares his or her own findings and proposed discipline and provides it to the Agency before the Agency's investigation is initiated or completed, the Agency may close its investigation or may choose not to conduct its own investigation in order to allow final discipline to proceed as proposed by the Chief, except that if the Agency is required to conduct an investigation by subsection (f) above, the Commission must approve the Agency's decision by a majority vote. If the Agency chooses not to close its investigation, imposition of final discipline shall be delayed until the Agency's investigation is completed and the Agency makes its findings and recommendations for discipline. The Agency shall notify the Chief of its final decision regarding how it will proceed within five (5) business days of the Chief's notice of completion of his or her investigation.
4. All employees are afforded their due process and statutory rights including Skelly rights. After the findings and imposition of discipline have become final, the subject officer shall have the right to grieve/appeal the findings and imposition of discipline if such rights are prescribed in a collective bargaining agreement.

(h) Enabling Legislation

The Commission may make recommendations to the City Council for enacting legislation or regulations that will further the goals and purposes of this section 604. The City Council may, on its own initiative, enact legislation or regulations that will further the goals and purposes of this section 604. Once the Commission is seated, subsequent legislation or regulations shall be submitted to the Commission for review and comment. The Commission shall have forty-five (45) days to submit its comments to the City Council, such time to be extended only by agreement of the City Council.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Measure is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Measure. The voters hereby declare that they would have passed this Measure and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.