



POLICE COMMISSION
Meeting of Wednesday, December 13, 2017 - 6:30 P.M.
City Council Chamber, Third Floor
ONE FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA
(510) 238-3159

Attachments

- I. Call to Order (Stephanie Hom)
- II. Roll Call (Stephanie Hom)
- III. Police Commissioner Introductions (Stephanie Hom) 1
- IV. Open Forum (2 minutes per speaker) (Stephanie Hom)
- V. Action – Election of Chair (Stephanie Hom)
 - A. Nominations
 - B. Discussion
 - C. Public Comment
 - D. Action
- VI. Action – Election of Vice-Chair (Police Commission Chair)
 - A. Nominations
 - B. Discussion
 - C. Public Comment
 - D. Action
- VII. Action- Determination of Regular Meeting Schedule (Allison Dibley)
 - A. Discussion
 - B. Public Comment
 - C. Action
- VIII. Discussion – Role of Alternates (Allison Dibley)
 - A. Discussion
 - B. Public Comment

- IX. Discussion – Rules & Procedures for Conducting Business (Allison Dibley and Anthony Finnell) 2
 - A. Discussion
 - B. Public Comment

- X. Discussion – Training and Orientation for Commissioners (Allison Dibley) 3
 - A. Discussion
 - B. Public Comment

- XI. Comments – Oakland Police Department (Anne Kirkpatrick)

- XII. Action – Report on Transition of Pending Business of the CPRB (Anthony Finnell) 4
 - A. Presentation
 - B. Discussion
 - C. Public Comment
 - D. Action

- XIII. Adjournment

NOTE: Meetings of the Police Commission are accessible. Individuals requesting alternate format materials and/or auxiliary aids and services must do so no later than five working days before the scheduled meeting date, otherwise it may not be possible to arrange a specific accommodation. Such requests should be addressed to the Community Police Review Agency, 250 Frank H. Ogawa Plaza, 6th Floor, Suite 6302, Oakland, CA 94612, or by telephone by calling (510) 238-3159; TTY/TDD (238-2007).

Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.

ATTACHMENT 1

Biography of Mubarak Ahmad

My name is Mubarak Ahmad. I was born in Austin, Texas in 1959. My father, an educator is from Texarkana, Texas and my mother, a nurse, along with my siblings, moved to East Palo Alto in 1968. I attended Ravenswood High School and played varsity basketball. The school closed after my junior year. I graduated from Woodside High School in 1977. Shortly after graduation, my family moved back to Texarkana, Texas. I returned to Texas as well. I married my first wife and had two sons. I worked various jobs and attended trade school for auto mechanics. I settled for a job as a prison guard with Texas Department of Texas. After a divorce, I moved back to California. In 1989, I married my current wife of 28 years and together we have four children, three sons and a daughter. As they grew up I coached baseball and basketball eagerly supporting their growth and development. Currently and for the past 24 years I have worked as a mechanic with AC Transit. I am also active in the community as vocal protester, as a member of the Social Justice Ministry at my church and now proud to serve on the Oakland Police Commission Review Board, the first in the country. I am proud that all six of my children are successful. My youngest son is a senior at Yale University and I am looking forward to attending his graduation in May 2018. I have six wonderful grandchildren and two more grandchildren on the way. I enjoy watching sports, Democracy Now and traveling. Some of my favorite trips have been to Egypt, Ghana, Jamaica.

Maureen Benson, M. Ed

Biography (from <http://www.maureenbenson.org/>)

A VISIONARY LEADER WITH 20 YEARS OF EXPERIENCE IN OPENING, LEADING AND GROWING SOCIAL IMPACT ORGANIZATIONS

As a proud product of New York City public schools and a teenage idealist, I moved to Atlanta in 1992 with the intention of pursuing law as a doorway to being a public servant in service of those that had not been served by our society and its systems. However, in my sophomore year of college I read Jonathan Kozol's *Savage Inequalities* and realized for the first time how dramatically different my educational experiences were from those less than 10 miles from me based on race and socio-economic status.

While this outraged me, it also fueled me to engage in public service through education. After almost 20 years of work in education and private sector (non-profits and for profits), I feel even more strongly that we must engage tirelessly in our governmental and educational systems with an emphasis on interrupting our personal and systemic perpetuation of historical disparities.

EDUCATION

University of California, Berkeley

Master of Arts in Education, Behring Fellow, Principal Leadership Institute

Emory University, Atlanta, GA

Bachelor of Arts in English, Minor in Education

HIGHLIGHTED WORK EXPERIENCE

Founder and Chief Executive Officer, Education is a Vital Sign

Leading a movement to powerfully honor the teaching profession, Education Is A Vital Sign is an emerging think tank of educators, economists, policy makers, community organizers and teacher union leaders working to create the highest levels of qualified teachers and partnering with cities to significantly increase quality of compensation and working conditions that make exceptional results the norm.

Chief Operating Officer and Director of Summit, Pacific Educational Group

"Founded by Glenn Singleton in 1992, Pacific Educational Group is committed to achieving racial equity in education. We engage in sustained partnerships with educational organizations to transform beliefs, behaviors, and results so people of all races can achieve at their highest levels and live their most empowered and powerful lives."

Founding Principal, Youth Empowerment High School; Oakland, CA

"The community of Youth Empowerment School applies the principles of Personal and Academic Empowerment, Social Empowerment, and the development of Critical Communication and Critical Consciousness to create a healthy learning community that fulfills our vision and evolves positive social change. YES is a school where students, staff and community have significant roles in the governance, planning, decision making, advising and processes of continual improvement that is embedded in the culture. It is a place where all people feel safe to commonly reflect on and challenge current practices, promote the expectation of constant learning for everyone, and incorporate the valued input of the multitude of cultures and lenses in our school family. This principle will allow students and family members to see the power of their communal input and of each others' ideas and strengths, while pushing us forward at all times. Students will feel supported and successful as they apply their learned skills to empowerment projects in the local area that will challenge them, enhance literacy and numeracy skills, develop critical thinking habits, set goals, time lines and benchmarks and prepare them for a successful post-secondary experience as they will have learned the techniques necessary to achieve their goals."

Reform Coordinator, Fremont HS; Oakland, CA

"In 1999, a group of mothers from the flatlands of East Oakland saw their children languishing in overcrowded, chaotic schools while their peers in the hills received a far different kind of education. Through Oakland Community Organizations, an alliance of community and religious leaders, those concerned mothers and thousands of others pushed for the creation of new, small schools — excellent schools, with innovative practices and high expectations — in their own neighborhoods. At that time, a movement to create small schools was beginning to catch fire in urban districts across the country. Small schools were touted as a tool to curb sky-high dropout rates and the growing "achievement gap" between poor, often minority students and their middle-class counterparts. John C. Fremont High School was one of the first schools in the United States to have been divided into a campus of separate small autonomous schools. The purpose of the small school is to allow personalization of instruction, due to concern that students may become academically lost in a large, or augmented, campus."

English Teacher, Fremont HS; Oakland, CA

English Teacher, Cross Keys High School; Atlanta, GA

Director of HIV/AIDS Educational Youth Outreach, Emory University/Red Cross; Atlanta, GA

Andrea L. Dooley

November 28, 2017

Biographical Information – Oakland Police Commission

I was raised in Indiana and New Jersey, and attended college and law school in Chicago. I moved to Oakland in 2000 to take a job as a lawyer representing unions, their members and their benefit plans. I became a partner in my law firm but left in 2008 to work for the Labor-Management Partnership at Kaiser Permanente, and then went to work as Safety Leader at Oakland and Richmond Medical Centers in 2011. I started my solo practice as a labor arbitrator and mediator in 2014.

My experience related to police reform and the commission is probably best covered in my application, but in summary, I worked on community policing and domestic violence issues with the Chicago Police Department, have been trained in the legal issues related to critical incidence issues (for example, when police officers fire their guns, or someone dies in custody), and am a civil service hearing officer who regularly hears disciplinary issues concerning the Los Angeles County Sheriff's Department. I've also mediated issues with the Bureau of Prisons concerning correctional officers. I do not work for the City of Oakland Police Department or the Oakland Police Officers Association in this capacity.

I am married and have two sons, ages 11 and 14. We have a dog and a cat, and all six of us live in Rockridge. My hobbies are cooking, writing (fiction, memoir, essays) and exercising (running, hiking and HIIT).

Regina Jackson

President and CEO Regina Jackson has set the strategic direction for the East Oakland Youth Development Center's (EOYDC) national youth development model for more than 23 years. Focused on character-based leadership, her platform of youth-led initiatives have empowered thousands of young people to achieve lifelong academic and career success.

A global thought leader for youth development, Ms. Jackson is often called upon as a subject matter expert to deliver workshops, presentations, and papers, both domestically and internationally. At the behest of U.S. Congresswoman Barbara Lee, Ms. Jackson has led two delegations of student ambassadors to China in support of President Obama's "My Brother's Keeper" and "100,000 Strong" initiatives. More recently, Ms. Jackson led a smaller group of youth on a service mission to Haiti with the Cliff Avril Foundation.

Since the beginning of her tenure, EOYDC's staff, Board of Directors, community leaders, and clergy have described Ms. Jackson's leadership as "a stabilizing force for EOYDC's curriculum and a positive anchor for the challenges of the twenty-first century." Her successful strategies have tremendously benefitted urban, multicultural, and even international youth.

Dr. Jackson received an honorary doctorate in Humane Letters from the University of San Francisco in May 2016 and has been featured on ABC-TV World News Tonight, Essence Magazine, and Parenting Magazine. In 2017 she delivered a TEDx entitled "Taking Risks to Transform". She was recently appointed to serve on the new Oakland Police Commission.

Dr. Jackson is the mother of two adult sons. Follow her on twitter @reginaoak

Mike Nisperos

Mike was born in McComb MS and raised by his grandmother until he moved to Oakland to join his parents at the age of 5. He attended Edison, Fruitvale and Sequoia elementary schools; Bret Harte Jr. High and Skyline High. After high school Mike joined the Marines. Upon returning from Viet Nam he went to Laney College, College of Alameda and then graduated from CAL before attending Boalt Hall school of law.

After law school Mike worked as a Deputy DA; private practitioner; USAF JAG; INS Trial Attorney; associate to John Burris; Dir. Mayor's Office of Drugs & Crime; Dir CPRB; Chief Trial Counsel State Bar of CA; Asst AG Commonwealth of N. Mariana Islands and Dir Public Defender Svc Corp of Guam.

Mike is married to Eleanor, the first Filipina-American attorney in the U.S. Their two children, Michael and Marlo, are attorneys practicing in N. CA.

Thomas Lloyd Smith
Biography

Thomas Lloyd Smith is an education law and public law attorney. Thomas also serves as the Political Action Chairperson for the Oakland NAACP. Thomas began his career as a management consultant for McKinsey & Company. Then, Thomas founded and served as principal and executive director of a high performing urban middle school that has been commended for narrowing the achievement gap. Now, Thomas dedicates the core of his law practice to advising public school systems and community colleges.

Thomas earned a Juris Doctor from Harvard Law School where he met his wife Danielle. Thomas also earned a Master's in Public Policy from Harvard Kennedy School of Government and a Bachelor's of Science in Education and History from Seton Hall University.

ATTACHMENT 2



**CITY OF OAKLAND
PUBLIC ETHICS COMMISSION**

OPERATIONS POLICIES
Effective January 1, 2016

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OPERATIONS POLICIES TEMPLATE ONLY

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ARTICLE I-MISSION STATEMENT

The Public Ethics Commission (Commission) ensures compliance with the City of Oakland's government ethics, campaign finance, transparency, and lobbyist registration laws that aim to promote fairness, openness, honesty, and integrity in city government. To fulfill its mission, the Commission conducts the following activities:

- A. **Lead/Collaborate** - Lead by, example and facilitate city policy, management, and technological changes to further the Commission's mission.
- B. **Educate/Engage** - Provide education, advice, technical assistance, and formal legal opinions to promote awareness and understanding of the city's campaign finance, ethics, and transparency laws.
- C. **Disclose/Illuminate** - Facilitate accurate, effective, and accessible disclosure of government integrity data, such as campaign finance reporting, conflicts of interest/gifts reports, and lobbyist activities, all of which help the public and PEC staff monitor filings, view information, and detect inconsistencies or noncompliance.
- D. **Detect/Deter** - Conduct investigations and audits to monitor compliance with the laws within the Commission's jurisdiction.
- E. **Prosecute** - Enforce violations of the laws within the Commission's jurisdiction through administrative or civil remedies.

ARTICLE II - JURISDICTION, APPLICABLE LAW

The Commission was created by City Charter in 1996 (Section 202), which was amended in November 2014 (Section 202, 603) to strengthen the Commission's authority, independence and staffing. The Commission oversees compliance with the following laws:

- A. The City of Oakland Government Ethics Act (O.M.C. chapter 2.25);
- B. The City of Oakland Campaign Reform Act (O.M.C. chapter 3.12);
- C. Limited Public Financing Act of the City of Oakland (O.M.C. chapter 3.13);
- D. Oakland Sunshine Ordinance (O.M.C. chapter 2.20);
- E. The City of Oakland Lobbyist Registration Act (O.M.C. chapter 3.20); and
- F. Oakland False Endorsement in Campaign Literature act (O.M.C. chapter 3.14).

The Commission must comply with all applicable laws, including but not limited to:

- A. Oakland City Charter, including but not limited to Sections 202 and 603;
- B. Public Ethics Commission Operations Ordinance (O.M.C. chapter 2.24);
- C. Oakland Sunshine Ordinance, the California Ralph M. Brown Act (Gov. Code sections 54950, *et seq.*) and the California Public Records Act (Gov. Code sections 6250, *et seq.*);
- D. The City of Oakland Government Ethics Act (O.M.C. chapter 2.25); and
- E. These Operations Policies and other policies adopted by the Commission.

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ARTICLE III - COMMISSION STRUCTURE AND SUPPORT

Section 1: Commission

The Public Ethics Commission is a seven-member board of Oakland residents responsible for establishing Commission policies and priorities, promoting government transparency, and serving as a quasi-judicial body that adjudicates enforcement matters brought to the Commission by staff.

Acceptance of the Oath of Public Office constitutes a commissioner's sworn responsibility to the public trust. Commissioners must collectively and individually respect and honor their appointed role and strive to maintain public confidence in the Commission's role in the government of the city of Oakland.

Section 2: Executive Director

The Executive Director reports to the Chair and to the Commission and is responsible for establishing staff priorities in consultation with the Chair and consistent with policy direction provided by the Commission.

The Chair or designee must prepare a periodic, written performance review of the Executive Director subject to the review and approval by the Commission in closed session. At any time, at the request of one or more commissioners, the Chair may call and notice a closed session of the Commission to discuss the performance of the Executive Director.

Section 3: Commission Staff

The Executive Director leads and supervises Commission staff and has the authority to hire and remove employees within constraints set by the Civil Service Commission, the Personnel Department, and the Commission's budget.

Section 4: Legal Advisor

The City Attorney is the Commission's legal advisor. Any commissioner may consult informally with an attorney assigned to the Commission on any matter related to Commission business. However, a request from a commissioner for assistance requiring significant legal research, a substantial amount of time and attention, or a written response must be authorized by the Executive Director, the Chair, or by a majority vote of the Commission or one of its Committees.

Section 5: Commission Spokesperson

The spokesperson for the Commission is the Executive Director or designee, the Chair, or the Vice Chair if the Chair is unavailable.

ARTICLE IV - OFFICERS

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Section 1: Election of Officers

The officers of the Commission are the Chair and Vice Chair. At the first regular meeting of each year, commissioners must elect a Chair and Vice Chair. At the meeting, a commissioner may nominate any commissioner to serve in the office of Chair or Vice Chair. If more than one commissioner is nominated for an office, each nominee may speak regarding their qualifications and willingness to serve and answer questions of commissioners or the public; The Commission may discuss the nominations and, when the vote is called, each commissioner may cast a single vote for each office.

Section 2: Chair

The Chair presides at all meetings of the Commission and is an ex-officio member of all standing committees. The Chair is accountable to the Commission as a whole in setting policy.

Section 3: Vice Chair

The Vice Chair performs the duties and responsibilities that may be delegated by the Chair. In the absence or disability of the Chair, the Vice Chair will perform the duties and responsibilities of the Chair.

ARTICLE V - COMMITTEES

Section 1: Standing and Ad Hoc Committees

It is the policy of the Commission to appoint individual commissioners to perform specific tasks or functions by serving on standing or ad hoc committees. Thus, as necessary, the Chair may create a standing or ad hoc committee, identify its purpose, appoint commissioners as members, and designate a Committee Chair.

Terms of ad hoc committees may not exceed one year. Membership on ad hoc committees may not exceed three commissioners.

Commission staff will post a list of the Commission's current committees and committee membership on the Commission's website.

Section 2: Committee Meetings

Committee meetings may be called by the Chair, the committee's chair, or by majority vote of members of the committee.

Meetings of standing committees follow the same procedures provided under Article VI, sections 3 through 7 of these Operations Policies.

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Section 3: Committee Quorum

A majority of the members of a committee constitute a quorum.

ARTICLE VI - COMMISSION MEETINGS

Section 1: Meetings: Time, Public Location, Notice

The Commission must hold regular meetings at an established time and place suitable for its purposes, and consistent with the requirements of the Brown Act and Sunshine Ordinance. Generally, regular Commission meetings are held on the first Monday of each month at 6:30 p.m., or as otherwise set forth in the published calendar and posted on the Commission's website with the proper notice. Regular meetings are held in Oakland City Hall, One Frank Ogawa Plaza in the city of Oakland, California.

Meetings scheduled for a time or place other than for regular meetings are designated as special meetings.

Written notice of regular meetings and special meetings must be provided at least 10 days or 72 hours in advance, respectively, in the manner required by Charter section 1205, the Oakland Sunshine Ordinance, and the Brown Act.

Section 2: Quorum

At all meetings of the full Commission, the presence of four (4) commissioners constitutes a quorum. (Charter section 603(d)(4).) No action can be taken on an agenda item unless at least four (4) commissioners are present. If ever during a meeting there is less than a quorum present, a motion to adjourn is appropriate; absent objection, debate can be continued, but no vote taken, except to adjourn. When a quorum exists, official action requires a majority vote of those commissioners present when the vote is called, unless otherwise provided by the Charter (e.g., for certain enforcement matters and for removal of the Executive Director).

Section 3: Public Engagement

The Commission values and encourages public input and, regarding public participation in Commission proceedings, will liberally construe the public's rights under the Brown Act and Sunshine Ordinance. The Commission proactively develops and promotes new channels for public participation in local government beyond the minimum legal requirements, for example, by utilizing new technology and social media tools to facilitate greater public access to government information and proceedings; conducting special meetings and hearings on relevant issues; collaborating with civic groups on issues and projects within the Commission's jurisdiction; and engaging in affirmative public outreach through non-traditional means.

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All interested persons are encouraged to provide input or request information regarding Commission business by contacting Commission staff at (510) 238-3593 or ethicscommission@oaklandnet.com, or view information online at www.oaklandnet.com/pec.

At each regular Commission meeting, all interested persons may express their views regarding a matter within the jurisdiction of the Commission. This opportunity for comment, called "Open Forum," will appear on each agenda. Ordinarily, each speaker may speak for up to three minutes, but the Chair, in his or her discretion, may limit or extend the time, provided such changes are reasonable in nature and uniformly applied. The Commission may also limit the time for public comment under Open Forum to a total of 15 minutes.

At regular and special Commission or Committee meetings, all interested persons must also be allowed to express their views on any agenda item upon the Commission's review of the item. Before taking action on any agenda item, the Commission (or Committee) must provide the opportunity for public comment on that item. Each person wishing to speak on an agenda item is permitted to speak once, for a minimum of two minutes; however, the Chair, in his or her discretion, may limit or extend the time, provided such changes are reasonable in nature and uniformly applied.

The Commission urges the public not to make complaints or ask the Commission to investigate alleged legal violations at public meetings since the public disclosure of such complaints or requests may undermine any subsequent investigation undertaken.

Section 4: Public Participation at Meetings

The agenda for each meeting must provide instructions for public participation. To encourage public participation, the Commission will employ the least formal, least restrictive procedures for public comment, so long as order is maintained.

In the event that the complexity of the issues, number of anticipated participants, or other factors suggest that greater formality is required to maintain order or protect the public's right to participate, the Commission may utilize a more formal process (such as the "speaker card" procedure set forth in City Council Procedures Rule 12). In that case, the agenda will describe the process, including any special requirements, for public participation.

If during the course of a meeting it becomes apparent that the existing procedure for public comment is inadequate or inappropriate, the Chair may exercise his or her discretion to modify the procedure during the meeting. In that case, the Chair must state the reasons justifying the change in procedure, clearly explain how members of the public may provide comment as to each agenda item, and apply the modified process uniformly to all speakers.

Section 5: Chair

The Chair must maintain order in the chamber, has authority to refuse the floor to any person and may limit or extend the time allocated to any speaker.

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The Chair may rule a public speaker out of order if:

- A. the speaker is speaking beyond the allocated time limit;
- B. the speaker's remarks are not relevant to the agenda item or are repetitious; or,
- C. the manner, tone and content of the speaker's remarks are disruptive (disturb the peace and good order of the meeting), attack the character of individuals or are abusive (vulgar or obscene language).

The public has the right to criticize policies, procedures, programs, or services of the city, the Commission or of any other aspect of the city's or Commission's proposals or activities, or the acts or omissions of the Commission or its staff or other public employees. The Commission will not abridge or prohibit public criticism on the basis that the performance of one or more public employees is implicated. Nothing in this section confers any privilege or protection beyond that which is otherwise provided by law.

Section 6: Meeting Minutes

Commission staff will draft minutes after every regular and special Commission meeting, and every standing committee meeting, subject to approval by majority vote of the Commission or respective committee. The minutes must reflect meeting start and end time, commissioner attendance (including the absence of any commissioner for any votes taken), summary of each item, and vote (if applicable) for each item considered.

Section 7: Closed Sessions

Upon the determination by a legal advisor from the City Attorney's Office that a closed session is both authorized and appropriate under the circumstances, the Commission may call for a closed session. Appropriate notice must be given of all closed sessions.

Section 8: Recess

The Commission recesses for a period of one month each year. During this annual recess, the Chair may convene the Commission for special meetings, and the chair of a standing or ad hoc committee may convene a committee meeting.

ARTICLE VII - AGENDA REQUIREMENTS

Section 1: Agenda Preparation

Commission staff will work with the Commission Chair or standing Committee chair(s) to develop the agenda for all meetings. The agenda must be approved by the appropriate Chair and must contain a meaningful description of each item to be transacted or discussed at the Commission or committee meeting so that a person can reasonably determine, if the item may affect his or her interests. The agenda also will provide instructions for public participation.

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Section 2: Consent Calendar

A consent calendar is the portion of the printed agenda that lists routine matters that are expected to be non-controversial and on which there are no scheduled speakers. There will be no separate discussions on a consent calendar item unless, prior to its adoption, a request is made by a commissioner or the public, and accepted by the Commission, to remove the item from consent and consider it as a separate item.

ARTICLE VIII - VOTING

Section 1: Voting, Abstention, and Recusal

Each commissioner present at a Commission or committee meeting must vote on all matters put to a vote, unless the commissioner abstains or recuses him- or herself from a particular matter.

A commissioner wishing to abstain from a vote must state publicly the reason for abstention and move for Commission approval. If the motion passes, the abstaining commissioner must refrain from further discussion of the item and will not vote on the item.

A commissioner who has been advised by the City Attorney to recuse himself or herself from voting on an item due to a conflict of interest must recuse him or herself and leave the dais during discussion and voting on the item. A commissioner who recuses as to a particular item is not present for purposes of determining the existence of a quorum in Article VI, section 2, above.

Section 2: Voting by Proxy

Voting by proxy is prohibited.

ARTICLE IX - TREATMENT OF CONFIDENTIAL INFORMATION

In the course of their duties, commissioners may be exposed to privileged, confidential, or other information protected by law. While commissioners enjoy the full protection of the First Amendment and the public is entitled full access to public information, misuse of confidential information may have significant adverse consequences to the city, the Commission, city employees, or other individuals.

Section 1: Confidential Information

Generally, "Confidential Information," includes the following:

- A. Any information concerning a complaint that is still under preliminary review;
- B. Any communication or information provided to commissioners in preparation for, or during, a duly authorized closed session;

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- C. Any communications by or from the City Attorney or any legal advisor to the Commission that reflect the legal advisor's work on behalf of the Commission, including the advisor's mental impressions, legal strategy, analysis, advice or conclusions;
- D. Non-public materials concerning pending or past litigation to which the Commission is/was a party;
- E. Information concerning Commission personnel matters, including but not limited to those concerning the hiring, performance, counseling, discipline or termination of any member or prospective member of Commission staff; or
- F. Other sensitive personal or financial information of third parties (including respondents to complaints) that would otherwise be protected by law.

Confidential Information does not include information generally available to the public or previously disclosed to members of the public, including at a Commission meeting. Nor does it include information that is required by law to be reported out of closed session.

The fact that Commission staff shares confidential information with another enforcement agency such as a District Attorney's Office, the California Fair Political Practices Commission, or the Federal Bureau of Investigation, does not render the information non-confidential.

Section 2: Prohibitions on Disclosure or Misuse of Confidential Information

Absent express authorization by the Executive Director, Chair, the Commission's legal advisor, or court order, a commissioner is prohibited from disclosing Confidential Information to any person who is not currently serving as a commissioner.

Commissioners are prohibited from using, directly or indirectly, Confidential Information for purposes other than the official business of the Commission.

If a commissioner has any doubt about a person's authorization to access Commission confidential information or is uncertain whether a particular use could constitute "misuse," the commissioner must, before disclosing or using the information, consult the Executive Director.

Section 3: Affirmative Duty to Safeguard Confidential Information

Commissioners must actively protect and safeguard Confidential Information through the use of physical and technical safeguards (e.g., strong passwords for access to electronically stored information) and secure methods of destruction, once materials are no longer needed.

A commissioner who discovers an unauthorized disclosure or misuse (potential or actual) of Commission confidential information must promptly notify the Executive Director. Similarly, a commissioner who receives a request, subpoena, or court order for disclosure of Commission confidential information must immediately notify the Executive Director.

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Section 4: Term of Obligation

A commissioner's obligations pursuant to this Article do not terminate with the end of the commissioner's term of office.

ARTICLE X - PARLIAMENTARY PROCEDURE

Section 1: Robert's Rules of Order (Newly Revised) for Small Boards

The business of the Commission and its standing committees must be conducted, so far as it is practical in accordance with parliamentary rules as contained in Robert's Rules of Order Newly Revised, for Small Boards, except as modified by these rules and in accordance with the Brown Act and the Sunshine Ordinance. The City Attorney, or other person designated by the Chair and approved by the Commission, shall serve as the official parliamentarian for meetings of the Commission.

ARTICLE XI - STANDARDS OF CONDUCT

In addition to complying with the foregoing policies, each commissioner should aspire to:

- A. **Actively and diligently support the mission, goals and objectives of the Commission.** for example, by thoroughly preparing for and attending Commission meetings; serving on committees; working cooperatively with Commission staff on officially-sanctioned projects; and attending civic events relevant to the Commission's purpose and jurisdiction.
- B. **Preserve public confidence in commissioners' conduct, intentions, and impartiality.** for example, by fairly and objectively enforcing laws and regulations within the Commission's jurisdiction; refraining from conduct or statements that suggest personal bias; avoiding personal involvement in the investigation and prosecution of complaints (absent a recusal); and avoiding inappropriate political activity (endorsing, supporting, opposing, or working on behalf of a candidate or measure in an Oakland election).
- C. **Protect the independence and integrity of the Commission.** for example, by working for the public good and not private interest in all matters related to city government; refraining from using their official positions to secure special advantages or benefits for self or others; declining to accept benefits or to participate in activities that might influence or undermine their ability to fairly and objectively discharge their Commission duties; and, if speaking to the press or public about a Commission matter, clearly explaining that the commissioner's statements reflect the personal view of the commissioner and not the view of the Commission.
- D. **Set the highest example civil and efficient conduct of city government.** for example, by recommending and adopting rules and procedures that promote transparency and fair process in city government; treating the public, Commission staff, Commission legal advisors, and fellow

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commissioners with dignity and fairness; and conducting the Commission's business in an efficient and timely manner.

ARTICLE XII - OPERATIONS POLICIES AMENDMENTS

As necessary, the Commission will review and amend these Operations Policies as provided by the Operations Ordinance. (O.M.C. section 2.24.070.) In so doing, the Commission must provide notice of any amendments to the City Council as required by the Public Ethics Commission Operations Ordinance.

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PREAMBLE

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 by an ordinance, which has been and may be amended from time to time (hereinafter referred to as the "Ordinance"). As of the adoption of the Bylaws, the governing Ordinance is No. 12454 C.M.S. Consistent with the express understanding of the Mayor, the City Council, the Oakland Police Department (hereinafter referred to as the "OPD " or "Department"), and the people of the City of Oakland, the Board shall serve as a body concerned with the welfare of the general public with regard to the conduct of the OPD. 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 general public and the members of the OPD.

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

The Board and its members shall execute their duties and responsibilities and apply the authority granted to them in accordance with the provisions of the Ordinance, and shall act in compliance with all City, State, and Federal laws applicable to the legal purview of the Board.

The Board encourages all persons who experience, observe, or have knowledge of misconduct by an officer of the OPD, 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 or racial profiling), to submit such complaints in writing to the Board.

1
2 **BY-LAWS OF THE CITIZENS' POLICE REVIEW BOARD**
3 **CITY OF OAKLAND, CALIFORNIA**
4

5 **ARTICLE I – ESTABLISHING ORDINANCE**
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7 The Citizens' Police Review Board was established by the Ordinance for the purpose of reviewing
8 certain complaints of conduct by police officers, conducting fact-finding investigations of these
9 complaints, and thereafter making advisory reports to the City Manager of the facts of these
10 complaints. The rules and procedures contained in these Bylaws supplement the rules and procedures
11 set forth in the Ordinance. Accordingly, it is the duty of every Board member to be familiar with and
12 abide by both the Ordinance and these Bylaws. To the extent these Bylaws are inconsistent with the
13 Ordinance (which may be amended from time to time), the Ordinance shall control.

14 **ARTICLE II – NAME**

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

16 **ARTICLE III – LOCATION**

17 The location of the Board shall be the City of Oakland, California. The official mailing
18 address of the Board shall be:

19 **CITIZENS' POLICE REVIEW BOARD**
20 **250 Frank H. Ogawa Plaza**
21 **6TH Floor, Suite 6302**
22 **Oakland, CA 94612**

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

26 **ARTICLE IV – PURPOSE**

27 It is the duty of the Board to investigate and review certain complaints regarding the conduct
28 of Oakland police officers and park rangers and thereafter deliver in timely manner advisory reports
to the City Administrator regarding the facts of and a recommended disposition of these complaints.

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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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
5 five (5) regular meetings in a calendar year shall constitute cause for removal from the Board. A
6 member 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
8 perform duties.

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

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14 "Members of boards and commissions shall be appointed by the Mayor subject to
15 confirmation by the affirmative vote of five members of the Council and may be removed for cause,
16 after hearing, by the affirmative vote of at least six members of the Council."

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

25
26 **Section 5. Board member training.**

- 27 a. Within nine (9) months of appointment, each Board member must complete the
28 following:

- i. Oakland Police Department Citizens' Police Academy
- ii. Oakland Police Department "ride-along" program
- b. Citizens' Police Review Board Policies and Procedures training
- c. Police policy and procedure, law, and public policy training as determined by the Executive Director.

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

Section 7. Filing of Board vacancies in timely manner. A vacancy on the Board will exist whenever a member is incapacitated, 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. Council members make recommendations to the Mayor who will then make appointments to the Board which is then confirmed by the Council in order to facilitate satisfaction of the quorum requirements of the Board.

ARTICLE VI – 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 officers 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 serves at the discretion of

1 the Board and can be removed from the capacity as Board Chair at any time with a motion from a
2 Board member, properly seconded and determined by a majority vote.

3 The Chairperson shall:

- 4
- 5 a. Be the presiding officer at all regular and special meetings of the Board and shall be
6 authorized to call special meetings.
- 7 b. Establish such ad hoc committees of the Board, not otherwise created by these By-Laws and
8 Rules, as may be necessary or desirable for the Board to conduct its business.
- 9
- 10 c. Appoint the chair and members of all committees of the Board and specify the duties of such
11 committees except as such duties may be expressly set forth in these By-Laws and Rules or be
12 altered or modified by the Board. All such appointments shall continue at the Chairperson's
13 discretion, provided that a chair of a committee established by these By-Laws shall not be
14 removed by the Chairperson except upon a majority vote of the members of the Board. The
15 Board, by a majority vote of its members, may recommend to the Chairperson the name of a
16 member to be considered by the Chairperson for appointment as the chair or a member of a
17 committee.
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- 19 d. Serve as an ex-officio member of all committees of the Board.
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- 21 e. Perform all duties incident to such office and such other duties as may be prescribed by these
22 By-Laws and Rules, or delegated to the Chairperson by the members from time to time.
- 23
- 24 f. Decide on all points of order and procedure during the meetings, in consultation with Board
25 Counsel, and the Chairperson's decision shall be final unless overruled by a majority vote of
26 the members.
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- 28 g. Appoint a Parliamentarian to assist the Chairperson.

1 h. Be the principal spokesperson on behalf of the Board and may designate another member of
2 the Board as a media liaison officer to assist the Chairperson with respect to media relations.
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4 **Section 3. Powers and duties of the Vice-Chairperson.** The Vice-Chairperson shall serve
5 in such capacity for a period of one (1) year, except in the event of a vacancy. In the absence of the
6 Chairperson, or the Chairperson's resignation, incapacity, disqualification, removal, or inability to
7 perform the duties of the office of the Chairperson, the Vice-Chairperson shall perform the powers
8 and duties of the Chairperson and, when as acting Chairperson, shall have all the powers and duties
9 and be subject to all the restrictions upon the Chairperson. The Board shall determine by a majority
10 vote if the Chairperson has demonstrated a continued refusal to fulfill the powers and duties of the
11 office. When the Vice-Chairperson succeeds to the office of Chairperson in the event of resignation,
12 death, disqualification, removal, or by a vote of the Board as authorized in this section, he or she shall
13 complete the term of the Chairperson. In the event the Vice-Chairperson notifies the Board in writing
14 that he or she is unwilling to accept the responsibilities of the Chairperson for any reason, then both
15 the office of Chairperson and Vice-Chairperson shall be deemed vacated and the Board shall proceed
16 to nominate and elect a Chairperson and Vice-Chairperson at a special meeting to be called by the
17 Executive Director as soon as practicable after the Vice-Chairperson provided the Board with such
18 written notification. The Board shall nominate and elect a new Chairperson and Vice-Chairperson to
19 serve when the special meeting is conducted.
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23 ARTICLE VII – OFFICIAL STATEMENTS OF THE BOARD

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

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

18 **Section 1. Regular monthly meetings.** The Board shall hold regular meetings on the
19 second (2nd) and fourth (4th) Thursday in each month, with the exception of the month of August.
20 The regular meeting will be held in the City Council Chambers of the City of Oakland and begin at
21 6:15 p.m. The Chair or his or her designee shall send a copy of the proposed agenda for each
22 regular monthly meeting to each member at least seven (7) days prior to such meeting. At the
23 completion of the roll call at a regular monthly meeting, a member may request an item to be added
24 to the agenda by motion and such item shall be so added upon a vote of a majority of members
25 provided that such action is taken in accordance with the Brown Act; or the item will be brought up
26 at a later meeting. Except with respect to issues raised during the public discussion period or in
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1 response thereto, care shall be taken by members to avoid discussions of non-agenda items. The
2 Chair shall be diligent in the enforcement of the provisions of this section so that meetings of the
3 Board shall be conducted in an orderly manner.

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

13 **Section 3. Public notice of Board meetings.** The Board shall give public notice of
14 regular monthly meetings and special meetings. The meeting notification requirements of the
15 Open Meetings Law of the State of California shall apply to the regular monthly meetings, special
16 meetings, and emergency meetings.

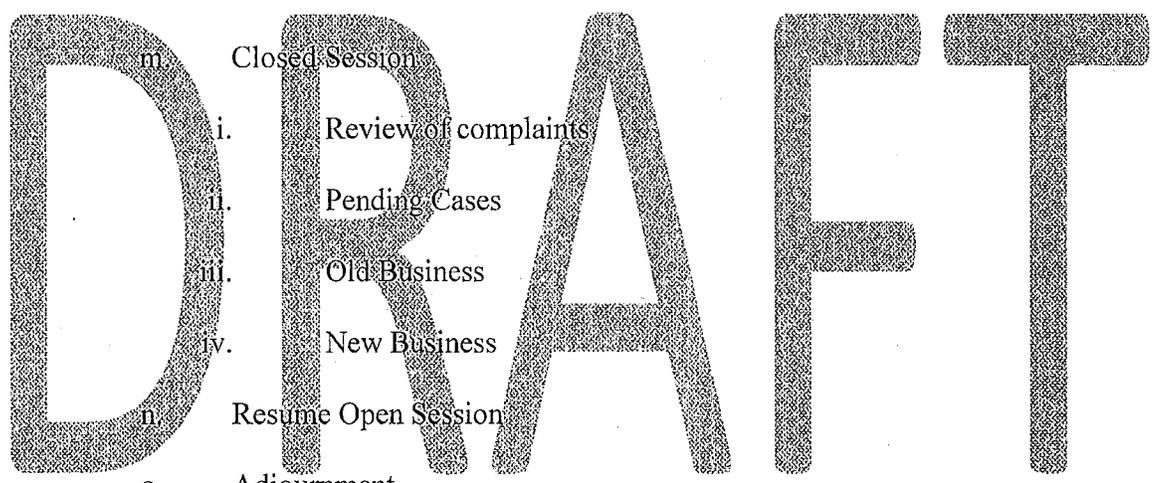
17 **Section 4. Agenda form of the Board.** The regular order of business at regular,
18 special, and/or emergency meetings shall be as follows in this standard format:

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23 Regular Monthly Meetings

- 24 a. Call to order
25 b. Roll call
26 c. Acceptance of minutes of last regular meeting of Board
27 d. Changes to agenda
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- e. Public Forum
- f. Presentations
- g. Board member announcements
- h. Report from the Chair
- i. Director's report
- j. Committee reports
- k. Old Business
- l. New Business
- m. Closed Session
 - i. Review of complaints
 - ii. Pending Cases
 - iii. Old Business
 - iv. New Business
- n. Resume Open Session
- o. Adjournment



Special Meetings

- a. Call to Order.
- b. Reading of the notice of the meeting and roll call
- c. Public comment
- d. Transaction of the business for which the meeting was called and recommendations.
- e. Call of Closed Session if warranted.
- f. Adjournment

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

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

4 **Section 6. Public comment allowed.** The public is welcomed to address the Board
5 regarding items that do not appear on the agenda but that are within the subject matter jurisdiction
6 of the Board. Time shall be made available for open public comment at all meetings of the Board,
7 exclusive of those portions of a meeting conducted in Closed Session. The Chair may establish a
8 reasonable time limit for public comment based upon the scope of the agenda established for the
9 particular meeting, not to exceed three (3) minutes per person. The Chair, or the Board, upon
10 motion approved by a majority of its members, may provide for an extension of the time period for
11 a period as specified in the motion. Public comment related to an agenda item shall be limited to
12 the substance of the agenda item.
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15 **Section 7. Making of motions.** Motions may be made or seconded by any member of
16 the Board, including the Chair.

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18 **Section 8. Confidentiality of privileged information.** Members of the Board shall
19 maintain the confidentiality of all confidential or privileged information received in the course
20 of their service on the Board, in accordance with the provisions of State and local law. Members
21 shall return all confidential investigative reports or packets to CPRB staff for proper destruction.
22 Members shall maintain a thorough knowledge of the legal protection accorded by State and
23 local law to the privacy of police records, including the penalties for the violations of laws
24 which guarantee the security of such records and the individual's rights of privacy and
25 confidentiality.
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28 Except as expressly authorized by the Chair or the Board in the furtherance of members'

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

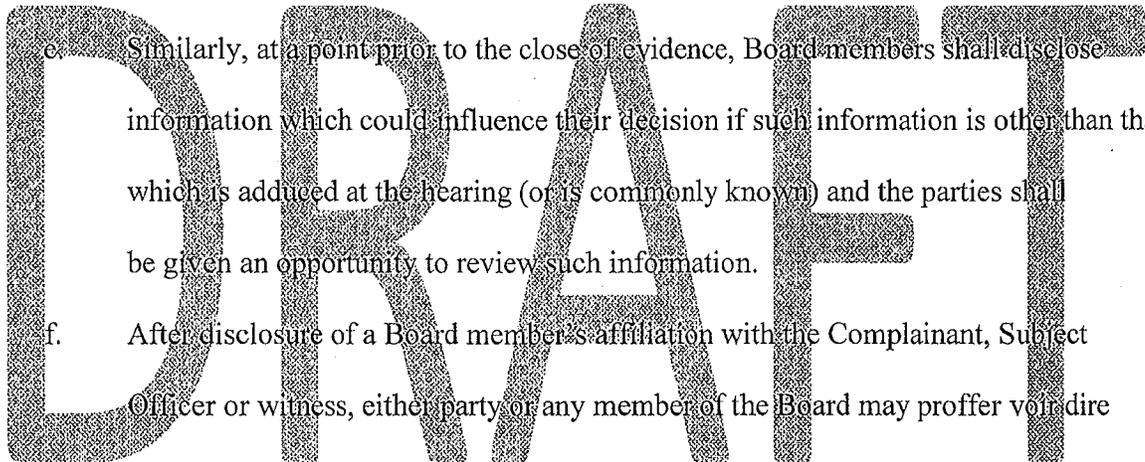
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14 **Section 9. Recommendation for removal of a member for violation of provisions**
15 **relating to confidential and private information.** The Board, by a vote of at least six members,
16 may recommend to the City Council the removal of a member from the Board for cause as
17 outlined in Article IV, Section 4 of the Bylaws, based upon a violation of the provisions of Section
18 8 of this article or, any provision of the local ordinance and state law that guarantees the security of
19 confidential records or the rights of privacy for individuals.

20
21 **Section 10. Conflicts of interest; member recusal.** A Board member shall recuse him or
22 herself from hearing any case in which:

- 23
24 a. She/he feels that she/he cannot be fair and impartial;
25 b. It is likely that she/he will be perceived as not being fair and impartial;
26 c. A party (Complainant or the Subject Officer) or any witness whose credibility is an
27 issue, is
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- i. A relative, by blood or marriage through the third degree; or
- ii. Someone, regarding who the Board member, through prior experience with the witness or party in any capacity other than through service as a Board member, has formed an opinion about whether or not that person is credible.
- d. In every case in which the Complainant, Subject Officer or any witness is known to a Board member, the Board member shall disclose at the time of the hearing, prior to the commencement of the hearing, the nature and extent of the Board member's relationship to the Complainant, Subject Officer or the witness.
- e. Similarly, at a point prior to the close of evidence, Board members shall disclose information which could influence their decision if such information is other than that which is adduced at the hearing (or is commonly known) and the parties shall be given an opportunity to review such information.
- f. After disclosure of a Board member's affiliation with the Complainant, Subject Officer or witness, either party or any member of the Board may proffer voir dire questions, limited to the bias and impartiality, to the Legal Advisor. If the questions are determined by the Legal Advisor to be relevant and material to a determination of bias or impartiality, the Legal Advisor will elicit response from the Board member in question.
- g. At the conclusion of the voir dire, either party or any Board member may object to the Board member in question hearing the case.
- h. The Board member shall be recused by an affirmative vote of a majority of the members of the Board if the record establishes a
 - i. Reasonable likelihood that an ordinarily prudent person in the same



1 relationship to the party or witness would be biased for or against the
2 Complainant or the Subject Officer, or;

- 3 ii. Reasonable likelihood that an ordinarily prudent person would, under the
4 circumstances of familiarity with a party or witness, give greater or lesser
5 weight to the testimony of any witness than they would if the witness were a
6 stranger.
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8 **Section 11. Voting.** Five members of the Board shall constitute a quorum. The Board shall
9 take no action at a meeting other than to recess or adjourn in the absence of a quorum. Except as
10 otherwise provided herein, the affirmative vote of no fewer than the majority of members present, is
11 required for adoption of any action or motion, other than disciplinary findings. An affirmative vote
12 of no fewer than five members is required for adoption of any disciplinary finding.. Upon request of
13 any member, voting on a motion or resolution shall be by roll call and will be recorded by yeas and
14 nays. Every member of the Board who is present, including the Chairperson, is required to cast a
15 vote upon each motion. A member who abstains shall state the reason for abstention.
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18 **Section 12. Roberts Rules of Order.** The rules of the current edition of Roberts Rules of
19 Order Newly Revised shall govern the Board in all cases to which they are applicable and in which
20 they are not inconsistent with these By-Laws and any special rules or order the Board may adopt.
21 The application of Roberts Rules of Order may be suspended by the Chair for all or any part of a
22 Board meeting unless suspension is objected to by a majority of the members of the Board.
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24 **ARTICLE IX – COMMITTEES**

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

- 26 a. By-laws and Rules
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28 b. Community Outreach

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

1 **Section 2. Old Business.** Under the agenda item of old business, the Board shall consider
2 any unfinished business from previous meetings and members may seek such clarifications of
3 actions taken by the Board at a previous meeting as the members shall deem helpful.
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5 **Section 3. New Business.** Under the agenda item of new business, the Board shall
6 consider any matters noticed by the Chair under this item as set forth in the mailed agenda as well
7 as any item of new business may be removed from the agenda at that regular meeting by majority
8 vote of the members.
9

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

12 **Section 5. Conclusion of Closed Session.** At the conclusion of its business in any closed
13 session, the Board shall recess and return to the regular order of the agenda.
14

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16 **ARTICLE XI – PUBLIC ACCESS TO BOARD RECORDS AND CONDUCT OF**
17 **OPEN MEETINGS**

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

19 **ARTICLE XII – MISCELLANEOUS PROVISIONS**

20 **Section 1. Annual report of the Board.** No less than twice each year the Board
21 shall issue a detailed statistical report to the Public Safety Committee regarding complaints
22 filed with the Board, the processing of these complaints and their dispositions. The annual
23 report for the previous year shall be presented to the Board for approval no later than the first
24 meeting in April; the semi-annual report for the current year shall be presented to the Board
25 for approval no later than the first meeting of October of the same year.
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27 **Section 2. Complaints of Misconduct.** It is the policy of the Board to encourage those
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1 who have experienced misconduct by a police officer including but not limited to an alleged use of
2 excessive force or a violation of any individual's rights through the action of a police officer, to
3 submit such complaints in writing to the Board or to the Department. Violation of a person's civil
4 rights shall include complaints pertaining to sexual orientation. Complaints alleging excess use of
5 force and violation of civil rights shall be given highest priority of consideration by the Board. The
6 Board will make every effort to ensure that no adverse consequences will result to any person or
7 witness as a result of submittal or filing of a complaint
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9 **Section 3. Advisory opinions of the Board prohibited.** Neither the Board nor any member
10 shall render any advisory opinion to any person or persons with respect to the preparation of a citizen
11 complaint or to any police officer who is the subject of or who may become the subject of a
12 complaint investigation. This does not preclude Board members from providing information to
13 individuals on complaint filing procedures. All Board members shall remain impartial and unbiased
14 in the performance of their duties while serving on the CPAB. Comments, made both in open
15 sessions and during closed sessions of Board hearings/meetings, should remain neutral and not in any
16 way show bias.
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19 End of Bylaws
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ATTACHMENT 3

City of Oakland
Police Commission – Orientation and Initial Training

Objective: Provide appointed Police Commissioners to first Oakland Police Commission an orientation and initial training on serving on a public Board/Commission, as well as information about the current OPD structure, policies, and procedures that the Police Commission can use in making informed decisions.

Serving on a Commission

<i>Subject</i>	<i>Training Method Options</i>	<i>Length</i>
California Brown Act & Oakland's Sunshine Ordinance	In person	
California Public Records Act	In person	
Public Ethics	Video	

Measure LL Specific

<i>Subject</i>	<i>Training Method Options</i>	<i>Length</i>
National Standards of Constitutional Policing	In person	
Best Practices for Conducting Investigations		
OPD Internal Investigations & Police Discipline	In person	
Department Use of Force Policy & Pursuit Policy / Force Science	Classroom, PowerPoint	4 hours
Body Worn Camera Policy	PowerPoint, with follow up Q & A (at a Police Commission meeting or one-on-one)	30 minutes
Police Officer Bill of Rights	In person	
Office of Inspector General – Overview of responsibilities	WebEx, narrated PowerPoint, or in Person	30 minutes
Negotiated Settlement Agreement	In person	
Procedural Justice	In person	1 hour
Implicit Bias	In person	
OPOA	In person	

<i>Subject</i>	<i>Training Method Options</i>	<i>Length</i>
Risk Management (including conflict resolution) & Stop Data Collection	WebEx or in Person	30 – 60 min
Laws of Arrest / Search & Seizure	Classroom, PowerPoint	2 hours
MILO (Shoot/Don't Shoot)	In person	2 hours

DRAFT

ATTACHMENT 4



AGENDA REPORT

TO: OAKLAND POLICE COMMISSION

DATE: November 18, 2017

FROM: Anthony Finnell

SUBJECT: Report on Pending Business of the Citizens' Police Review Board

Measure LL, Section (e) Budget and Staffing, item 3, states in part, "*Within sixty (60) days of the City Council's confirmation of the first group of Commissioners and alternates, the Oakland Citizen's Police Review Board (hereinafter Board) shall be disbanded and its pending business transferred to the Commission and to the Agency.*" The Board currently has the following pending business:

Intake Section

The Intake Section consists of three (3) Intake Technicians who, under general supervision by the Executive Director, use a full range of clerical and technical skills to perform intake and examination of allegations of misconduct and/or citizen's complaints; compile and organize facts and data for cases; assist with the preparation of investigative reports for meetings; coordinate with sworn and civilian staff and the general public; access and maintain complex internal automated records systems; and perform related duties as assigned. The Intake Section is currently processing 72 citizen complaints.

See attachment A to review the types of allegations for the complaints in the Intake Section. See attachment B to review intake procedures.

Investigation Section

The Investigation Section consists of five (5) complaint investigators with the title of Complaint Investigator II. Current staff vacancies consist of two (2) Complaint Investigator II positions and one (1) Complaint Investigator III position. I anticipate filling the Complaint Investigator III position by late winter, 2018. Once filled, the Complaint Investigator III will serve primarily in a supervisory role with a smaller caseload.

Complaint Investigator II's maintain an average of six (6) to twelve (12) open cases at a time, depending on the complexity of the investigations. The Investigation Section currently has thirty-nine (39) pending cases, of which three (3) are currently tolled while awaiting adjudication of the criminal and/or civil litigation. The number of active investigations will increase as the twenty-four (24) Measure LL mandated complaints, as well as the six (6) serious/criminal complaints are assigned to investigators.

Meeting Date – December 13, 2017

See attachment C to review the investigative procedures.

See attachment D for a list of pending and tolled cases currently assigned for investigation.

Policy Analysis

The Board Policy Analyst has forged a relationship with the OPD counterpart to insure Board policy recommendations are included in the overall OPD policy review and development. The Board Policy Analyst, along with one of the investigators have been meeting regularly with OPD, specifically to review and revise the body-worn camera, otherwise known as PDRD, policy. They will also be included in the review and revision of other OPD policies, specifically those relating to uses of force, arrest, searches, and crowd management (protest activity).

See attachment E for a list of Board policy recommendations and their status from 2001-2016.

Database and Case Management

The City of Oakland's Information Technology Department (ITD) has begun development of a new database and case management system for the Board. This system was designed with consideration of the future needs of the Community Police Review Agency (CPRA). It is expected to be completed by March 2018. Once completed we will have the capabilities to access information more efficiently, as well as record and document information in a more uniform manner, which will result in better reporting and analysis. This system will integrate with our website and allow complainants an opportunity to login to provide information on their complaint and view the 'dashboard' to see where their complaint is in the investigative process.

RECOMMENDATION

Staff recommends that the Oakland Police Commission accept this informational report on the Board's pending business and its transition to the CPRA, and provide direction, as appropriate.

Anthony W. Finnell
Interim Executive Director
Community Review Police Agency

Attachment A

The following chart lists the types of allegations for the complaints in the Intake Section:

Allegation Types	
PERFORMANCE OF DUTY	19
PROFILING/DISCRIMINATION*	7
USE OF FORCE*	17
RUDENESS/DEMEANOR	15
FAILURE TO ACCEPT COMPLAINT	1
SERVICE COMPLAINT	1
GENERAL CONDUCT	2
CARE OF PROPERTY	1
CRIMINAL - THEFT	1
CRIMINAL - HIT AND RUN	1
FAILURE TO PROVIDE ID	1
IMPROPER SEARCH	1
DOMESTIC VIOLENCE	1
SEXUAL HARASSMENT	1
HARASSMENT	3

*MEASURE LL MANDATED	24
SERIOUS/CRIMINAL	6
OTHER CITIZEN COMPLAINTS	42

Attachment B

WALK-IN COMPLAINT INTAKE Order 5.0

Administrative General

The purpose of this Order is to set forth Community Police Review Agency (CPRA) policy regarding the receipt of citizen's complaints of police misconduct by sworn and non-sworn members of the Oakland Police Department (OPD).

Section I. Complaints of Misconduct – Sworn Members of the Oakland Police Department

When a citizen comes into the CPRA to file a complaint of alleging police misconduct or a complaint alleging police misconduct is received by the CPRA, the Intake Technician shall do the following:

- A. Conduct an initial consultation to ascertain the circumstances of the complaint by speaking with the complainant at the time the complainant walks into the CPRA office or by telephoning the complainant when the complaint is received via fax, mail, or online;
- B. If the complainant is a walk-in then provide the complainant with the Complaint pamphlet and assist with the completion of the Complaint Form, if necessary;
- C. Advise the complainant that IAD will receive a copy of their complaint and any supporting documentation;
- D. Advise the complainant of their right to file with IAD;
- E. Obtain a recorded statement from the complainant and any witnesses present, if necessary;
- F. After the initial consultation, send the completed complaint form (and any associated documentation) to IAD with a request for a complaint number and 3304 date *within 24 hours of receipt via fax or email (per the preference of the IAD Commander) if one has not already been assigned*;
- G. Create a file of the complaint and corresponding documentation;
- H. Enter the appropriate information into the CPRA Complaint Database on the day received;
 - a. Case Number
 - b. 3304 Date
 - c. Complainant last name

- d. Complainant first name
- e. Complainant middle initial
- f. Complainant Sex (M/F)
- g. Complainant Race (Asian, Black, Hispanic, White, Middle Eastern, Native American, Pacific Islander, Other)
- h. Complainant Date of birth (xx/xx/xxxx)
- i. Complainant address
- j. City
- k. State
- l. Zip
- m. Home phone number
- n. Work/Cell phone number
- o. Last name of person assisting complainant in completing form (i.e. minor, translator, etc.), if applicable
- p. First name of person assisting complainant in completing form (i.e. minor, translator, etc.), if applicable Address
- q. Relationship to complainant
- r. Address of person assisting complainant in completing form (i.e. minor, translator, etc.), if applicable
- s. City of person assisting complainant in completing form (i.e. minor, translator, etc.), if applicable
- t. State of person assisting complainant in completing form (i.e. minor, translator, etc.), if applicable
- u. Zip of person assisting complainant in completing form (i.e. minor, translator, etc.), if applicable

- v. Home phone number of person assisting complainant in completing form (i.e. minor, translator, etc.), if applicable
 - w. Work/Cell phone number of person assisting complainant in completing form (i.e. minor, translator, etc.), if applicable
 - x. Date complaint was received (xx/xx/xxxx)
 - y. Time complaint was received (xx:xx am/pm)
 - z. First Initial and last name of person receiving complaint
 - aa. Date complaint filed/sent to IAD
 - bb. Method of filing (Walk-in, phone, fax, online)
 - cc. Location of occurrence (address)
 - dd. City (if outside of Oakland)
 - ee. State (if outside of Oakland)
 - ff. Day of occurrence
 - gg. Date of occurrence
 - hh. Time of occurrence
 - ii. Identity of officer(s) involved (enter in narrative format; include name, badge/serial number, race, sex, and other identifiers such as car number)
 - jj. Narrative of incident in words of complainant
 - kk. Was the complainant injured (Yes/No)
 - ll. Identity of witnesses to incident (enter in narrative format; include name, address, phone numbers)
- I. Attempt to locate appropriate documents to:
- a. Link the complaint to an incident;
 - b. Identify witnesses; and
 - c. Identify personnel.

-
- J. Evaluate and determine the nature of the information collected as to whether there is:
- a. An allegation of a Manual of Rules (MOR) violation;
 - b. Criminal violation;
 - c. Service Complaint;
 - d. No MOR violation; or
 - e. No Jurisdiction.
- K. Prepare a memorandum documenting the steps above and any additional information obtained during the intake process and preliminary investigation.
- L. Give the complaint file to the CPRA Executive Director for case assignment.
- M. The complaint will be assigned for resolution in the following manner:
- a. Complaint Investigator – formal investigation;
 - b. Mediation – Class 2 complaints only as determined by AGO 4.0;
 - c. Summary Findings – An abbreviated internal review in which a finding can be reached without conducting a formal internal investigation because a finding can be determined with no or minimal follow-up and based on the existing documentation, evidence, statements, and crime information data (e.g. Offense Report, Use of Force Report, PDRD video footage, complainant statement, radio purge).
- N. Send a Complaint Notification Report, as notification, via email to the subject officer, immediate supervisor, and first-level supervisor if there is an allegation of an MOR violation. Include a copy of the sent notification email in the complaint file.
- O. Send a letter to the complainant, advising them of the following:
- a. Letter of Acceptance – Their complaint is assigned to an investigator. Include the investigator's name, telephone number and email address.
 - b. Letter of Denial – Their complaint was not assigned and explain the reason for non-acceptance (i.e. No Jurisdiction, Service Complaint, No MOR violation, etc.)

- c. Request for Mediation – Asking if they would like to resolve their complaint via mediation (See AGO 4.0 for additional information regarding the Mediation process).

Section II. Complaints of Misconduct – Non-Sworn Members of the Oakland Police Department

When a citizen comes into the CPRA to file a complaint of allegation of misconduct against a non-sworn member of the Oakland Police Department, the Intake Technician shall do the following:

- A. Conduct an initial consultation to ascertain the circumstances of the complaint;
- B. Provide the complainant with the Complaint pamphlet and assist with the completion of the Complaint Form, if necessary;
- C. Advise the complainant that IAD will receive a copy of their complaint and any supporting documentation to complete the investigation;
- D. After the initial consultation, send the completed complaint form (and any associated documentation) to IAD *within 24 hours of receipt via fax or email (per the preference of the IAD Commander)*;
- E. Enter the appropriate information into the CPRA Complaint Database on the day received;
- F. Prepare a memorandum documenting the steps above and any additional information obtained during the intake process and preliminary investigation.
- G. Give the complaint file to the CPRA Executive Director for review.

Attachment C

INVESTIGATIVE PROCEDURES Order 3.2

Administrative General

The purpose of this Order is to set forth Community Police Review Agency (CPRA) policy regarding investigative procedures.

Phase 1 – Preliminary Considerations and Fact Gathering

- A. Know when an investigation is warranted
 - 1) In response to a formal complaint;
 - 2) When it is required by law;
 - 3) When a major incident has occurred, (e.g. OIS, In-custody death, etc., even if no wrong-doing is suspected); and
 - 4) When information is received that warrants an investigation in the absence of a formal complaint.

- B. Case Assignment Considerations
 - 1) The investigator's availability to promptly perform the investigation;
 - 2) The investigator's training, thoroughness, organizational skills, and demeanor;
 - 3) The investigator's ability to understand and analyze the issues and subject matter (investigative scope);
 - 4) The investigator's ability to evaluate and determine credibility and relevancy of the evidence; and
 - 5) The investigator's ability to prepare a thorough report of the facts of the incident.

- C. Prep for Interviews – preliminary information and documentation needed
 - 1) Formal complaint;
 - 2) Statements, records, emails, etc.;
 - 3) Applicable policies referenced in allegations;
 - 4) Notices sent to parties involved;
 - 5) PDRD footage; and
 - 6) CAD information and audio.

Phase 2 – Conducting Interviews

- A. Identify Witnesses
 - 1) By way of complaint, complainant, and/or other witnesses;
 - 2) Through a neighborhood canvas; and
 - 3) By searching related documents such as police reports, CAD reports, and/or statements.

B. Interview Order

- 1) Complainant(s);
- 2) Witness(es) (civilian);
- 3) Witness(es) (sworn member); and
- 4) Subject officer(s).

C. Interview Guidelines

- 1) Admonitions
 - a) Introduction;
 - b) Duty to conduct Investigation (in general terms);
 - c) Interviewee's role (complainant, witness, subject officer, etc.);
 - d) Advice of recording;
 - e) Cooperation policy (General Order);
 - f) Representative's role (as an observer only in the investigation/interview process); and
 - g) Competence of Interviewee (determine their ability to understand the investigation/interview process).
- 2) General Background
 - a) Determine interviewee's personal history and/or work history.
- 3) Substantive Questions
 - a) Start with broad, open-ended, non-leading questions;
 - b) Move towards more specific, focused questions about the allegations;
 - c) Hearsay is acceptable;
 - d) Clarify any related documents; and
 - e) Ask tough or sensitive questions after rapport has been established.
- 4) Closing items
 - a) Ask for any other potential witnesses;
 - b) Ask to provide any information that has not already been requested or discussed which may be relevant or pertinent to the outcome of the investigation;
 - c) Review and confirm each "follow-up" item and set a time frame in which these items will be produced; and
 - d) Confirm interviewee's contact information.

D. Interview Techniques and Procedural Checklist

- 1) Set aside adequate time for interview;
- 2) Conduct interviews in a non-threatening and private setting;
- 3) Document start time and stop time of each interview;

- a) Include day, date, and names of all present during interview.
- b) Note times, duration, and purpose of breaks during interview.
- 4) Take notes and highlight key facts;
- 5) Use an interview outline;
- 6) Seek corroborating information from key witnesses;
- 7) Seek to resolve inconsistent statements; and
- 8) Provide interviewee with your contact information.

Phase 3 – Make a Determination

A. Access Credibility of Complainant(s), Witness(es), and Subject Officer(s)

This is necessary to resolve inconsistent statements. The investigator will need to determine the:

- 1) Inherent plausibility of one version or another;
- 2) Demeanor and/or attitude of interviewee;
- 3) Motive to lie;
- 4) Presence of corroborating documentary or eye-witness evidence;
- 5) Interviewee's ability to perceive, recollect, and/or communicate relevant facts;
- 6) Interviewee's opportunity to observe and/or perceive relevant facts;
- 7) Interviewee's character for honesty or dishonesty; and
- 8) Prior statements or conduct that is consistent or inconsistent with other witness statements.

B. Analyze the Facts

- 1) Summarize interview statements;
- 2) Analyze document information;
- 3) Resolve credibility issues.

C. Prepare the Final Report

- 1) Purpose of Final Investigation Report
 - a) To thoroughly and accurately document the facts; and
 - b) To establish evidence for use in litigation or other future proceeding.
- 2) The Management of an Investigation Report
 - a) The Investigative Report is a confidential document;
 - b) The Investigative Report shall not be disseminated to any person except on the advice of counsel and as authorized or required by law; and when
 - c) Parties, through separate notice, have been informed of the completion and outcome of the investigation.
- 3) Report Contents
 - a) Introduction, table of contents;
 - b) Investigation methodology and/or procedure;
 - c) Investigation background to include witness(es) interviewed, documentation examined, relevant personnel policies reviewed, and other

- relevant evidence, statements, or documentation examined;
- d) Chronology of key events;
- e) Credibility assessment; and
- f) Analysis (summary of information from witness(es), subject officer(s) and documentation examined).

CITIZENS' POLICE REVIEW BOARD
 PENDING CASES
 as of December 8, 2017
 (Total Cases - 39)

Attachment D

CASE #	COMPLAINANT	INV.	DATE COMPLAINT FILED	3304	DATE OF INCIDENT	PRIORITY	BRIEF DESCRIPTION OF COMPLAINT	Notes
ACTIVE - 36 CASES								
17-0004	Maurice Simmons	ED	1/9/17 (CPRE) 1/3/17 (IAD)	1/3/2018	12/21/2016	#1 Racial Profiling	C alleges racial profiling; he was stopped and searched for no reason. C also alleges the officer told him "I am off probation. I can do whatever I want."	Investigation Pending
17-0036	John Doe ¹	AL	1/19/17 (CPRE) 1/17/17 (IAD)	1/16/2018	1/17/2017	#2 Improper Detention	C alleges officer inappropriately touched him during a search.	Investigation Pending
17-0078	CPRB	AL	1/31/17 (CPRE) 1/31/17 (IAD)	1/30/2018	12/1/2016	#3 Others: Service/Response/Reporting	C alleges the investigator conducted a sub-standard Internal Affairs investigation.	Investigation Pending
17-0113	Belinda Mepp	ED	2/13/17 (CPRE) 2/10/17 (IAD)	2/10/2018	12/12/2016	#2 Improper Search	C alleges officers were rude when they spoke to her in an aggressive tone. C also alleges a sergeant and an officer slandered her son by calling him a habitual liar. C also alleges officers destroyed her property before and during the search, and that officers searched her backyard before getting a warrant.	Investigation Pending
17-0132	OPD - OIS	AL	2/21/17 (CPRE) 2/17/17 (IAD)	2/17/2018	2/17/2017	#1 Force/Bodily Injury	Fatal OIS.	Investigation Pending
17-0145	Melissa Tuggles	AL	2/22/17 (CPRE) 2/19/17 (IAD)	2/17/2018	2/18/2017	#2 Improper Detention	C alleges planting of evidence, care of property, use of force, and demeanor.	Investigation Pending
17-0199	Allain Barfield	KT	3/10/17 (CPRE) 3/10/17 (IAD)	3/9/2018	2/17/2017	#2 Improper Detention	C alleges officer was arrogant when he stated, "I am not wrong." C alleges the officer towed his vehicle for no reason.	Investigation Pending
17-0203	Jacqueline Dubose, Travis Robbins, Mysunn Turner	AL	3/14/17 (CPRE) 3/12/17 (IAD)	3/10/2018	3/11/2017	#3 Others: Service/Response/Reporting	Cs allege officer was rude and did not like his demeanor.	Investigation Pending
17-0285	Michelle Lee	NG	4/4/17 (CPRE) 4/2/17 (IAD)	4/1/2018	4/2/2017	#2 Improper Detention	C alleges officer unlawfully searched her.	Investigation Pending
17-0299	Marcos Canseco	AL	4/6/17 (CPRE) 4/4/17 (IAD)	4/2/2018	4/3/2017	#1 Force/Bodily Injury	C alleges officer stopped him for no reason and pointed a gun at him for no reason.	Investigation Pending
17-0340	Luis Gutierrez / Hugo Lopez	NG	4/18/17 (CPRE) 4/14/17 (IAD)	4/13/2018	4/14/2017	#3 Others: Service/Response/Reporting	C alleges harassment by officers.	Investigation Pending

¹ The CPRB does not identify complainants alleging sexual assault and/or sexual contact or domestic violence with OPD officers.

CITIZENS' POLICE REVIEW BOARD
 PENDING CASES
 as of December 8, 2017
 (Total Cases - 39)

Attachment D

CASE #	COMPLAINANT	INV.	DATE COMPLAINT FILED	3304	DATE OF INCIDENT	PRIORITY	BRIEF DESCRIPTION OF COMPLAINT	Notes
17-0343	Kendall Colton	KT	4/18/17 (CPRB) 4/15/17 (IAD)	4/13/2018	4/14/2017	#3 Others: Service/Response/Reporting	C alleges officer harassed him.	Investigation Pending
17-0358	CPRB	AL	4/20/17 (CPRB) 4/20/17 (IAD)	4/17/2018	4/18/2017	#3 Others: Service/Response/Reporting	Officer failed to appear for a scheduled interview with a CPRB investigator, pursuant to the rules and policy as outlined in OPD DGO M 3.2.	Investigation Pending
17-0391	John Lacombe	ED	5/4/17 (CPRB) 4/28/17 (IAD)	4/27/2018	10/20/2016	#3 Others: Service/Response/Reporting	C alleges that OPD falsified that they came to his home in response to a false alarm.	Investigation Pending
17-0404	Jose Barajas	KT	5/4/17 (CPRB) 5/1/17 (IAD)	5/1/2018	Unknown	#1 Force/Bodily Injury	C alleges officer assaulted him.	Investigation Pending
17-0461	Juliana Rogers	ED	6/2/17 (CPRB) 5/18/17 (IAD)	5/3/2018	5/4/2017	#2 Improper Detention	C alleges officer threatened to put her house under siege if she did not cooperate with the search. C alleges officer illegally searched her home.	Investigation Pending
17-0499	Shane Ghost	KT	6/5/17 (CPRB) 6/1/17 (IAD)	5/31/2018	6/1/2017	#1 Force/Bodily Injury	C alleges improper use of force. C alleges his handcuffs were too tight.	Investigation Pending
17-0546	Andre Perkins	NG	6/21/17 (CPRB) 6/19/17 (IAD)	6/17/2018	6/18/2017	#3 Others: Service/Response/Reporting	C alleges officers were disrespectful by using profanity.	Investigation Pending
17-0563	Natasha Williams	JS	6/21/17 (CPRB) 6/19/17 (IAD)	6/18/2018	6/19/2017	#1 Force/Bodily Injury	C alleges excessive use of force and performance of duty.	Investigation Pending
17-0564	Madonna Billups	NG	6/28/17 (CPRB) 6/21/17 (IAD)	6/14/2018	6/15/2017	#3 Others: Service/Response/Reporting	C alleges officer was nude and failed to document statement on his report.	Investigation Pending
17-0565	Marvin Andrews and Myette Ward	KT	6/28/17 (CPRB) 6/22/17 (IAD)	6/7/2018	6/6/2017	#2 Improper Detention	C alleges officers violated his 13th and 14th Amendment Rights when they confined him in the back of the patrol vehicle. C alleges officers denied him medical assistance. C alleges officers lied about the purpose for searching his home. C alleges officers illegally searched his fiancé. The C felt officers kidnapped him because they placed him in the back of the patrol vehicle. C alleges officers made him participate in a line-up. C alleges officers will not release his property. C alleges officers damaged his bed frame during the search. C alleges he was questioned without being offered legal assistance.	Investigation Pending
17-0585	Justin Jackson	NG	7/5/17 (CPRB) 6/27/17 (IAD)	6/26/2018	6/27/2017	#1 Force/Bodily Injury	C alleges use of force by officers.	Investigation Pending

¹ The CPRB does not identify complainants alleging sexual assault and/or sexual contact or domestic violence with OPD officers.

CITIZENS' POLICE REVIEW BOARD
 PENDING CASES
 as of December 8, 2017
 (Total Cases - 39)

Attachment D

CASE #	COMPLAINANT	INV.	DATE COMPLAINT FILED	3304	DATE OF INCIDENT	PRIORITY	BRIEF DESCRIPTION OF COMPLAINT	Notes
17-0588	Adante Pointer	KT	7/5/17 (CPRB) 6/28/17 (IAD)	6/27/2018	12/26/2016	#1 Force/Bodily Injury	C alleges that during a traffic stop, officers pointed guns at him. C alleges illegal search and detention.	Investigation Pending
17-0595	Belinda Mapp	KT	7/5/17 (CPRB) 6/30/17 (IAD)	6/27/2018	6/28/2017	#1 Force/Bodily Injury	C alleges excessive force (tased). C alleges excessive force (firearms). C alleges officers destroyed property during a search warrant.	Investigation Pending
17-0645	Luis Marshall	AL	7/18/17 (CPRB) 7/13/17 (IAD)	7/12/2018	7/21/2016	#1 Force/Bodily Injury	C alleges use of force by officer. C alleges officers were racially biased (harassment and discrimination).	Investigation Pending
17-0672	Hugo Lopez	JS	7/18/17 (CPRB) 7/17/17 (IAD)	4/13/2018	7/4/2015	#1 Force/Bodily Injury	C alleges an unknown officer struck him on the knee with the patrol car door.	Investigation Pending
17-0695	Taytiana Brown	JS	7/28/17 (CPRB) 7/24/17 (IAD)	7/21/2018	7/22/2017	Others #3: Service/Response/Reporting	Questions and concerns regarding OPD's response at the scene of a possible fatal shooting.	Investigation Pending
17-0802	Darius Mendoza	ED	8/29/17 (CPRB) 8/22/17 (IAD)	8/19/2018	8/20/2017	#1 Force/Bodily Injury	C alleges excessive use of force by officer.	Investigation Pending
17-0803	Cedric Thomas	KT	8/29/17 (CPRB) 8/22/17 (IAD)	8/20/2018	8/21/2017	#2 Improper Detention	C alleges officer unlawfully searched him and his vehicle. C alleges officer embarrassed him in front of everybody by telling him to put his hands on his head.	Investigation Pending
17-0811	Elise Gaylord	JS	9/12/17 (CPRB) 8/25/17 (IAD)	8/21/2018	8/22/2017	#2 Improper Detention	C alleges an unknown officer took approximately \$4000.00 from her bedroom when a search warrant was conducted. C alleges her front door was damaged during the execution of the search warrant.	Investigation Pending
17-0827	Jamyd Smith	NG	8/31/2017 (CPRB) 8/30/17 (IAD)	8/31/2018	8/29/2017	#3 Others: Service/Response/Reporting	C alleges a care of property allegation.	Investigation Pending
17-0859	Jane Doe ¹	ED	9/8/17 (CPRB) 9/7/17 (IAD)	9/5/2018	9/6/2017	#1 Force/Bodily Injury	C alleges racial profiling, rudeness, and wrongful arrest. C alleges an officer from an unnamed agency raped her.	Investigation Pending
17-0963	OPD - ICD (In-Custody Death)	AL	9/28/17 (CPRB) 9/28/17 (IAD)	9/27/2018	9/28/2017	#1 Force/Bodily Injury	CPRB generated investigation into in-custody death of a subject after being tased.	Investigation Pending
17-1036	Jane Doe ¹	ED	11/2/17 (CPRB) 11/1/17 (IAD)	10/31/2018	10/26/2017	#1 Force/Bodily Injury	This complaint contains allegations of domestic violence.	Investigation Pending
17-1122	Hofer, Brian, et.al.	JS	11/7/2017 (CPRB) 10/13/17 (IAD)	10/12/2018	Unknown	#3 Others: Service/Response/Reporting	This is a complaint against Chief of Police Kirkpatrick.	Investigation Pending

¹ The CPRB does not identify complainants alleging sexual assault and/or sexual contact or domestic violence with OPD officers.

CITIZENS' POLICE REVIEW BOARD
 PENDING CASES
 as of December 8, 2017
 (Total Cases - 39)

Attachment D

CASE #	COMPLAINANT	INV.	DATE COMPLAINT FILED	3304	DATE OF INCIDENT	PRIORITY	BRIEF DESCRIPTION OF COMPLAINT	Notes
17-1130	OPD	AL	11/9/17 (CPRE) 11/9/17 (IAD)	11/6/2018	11/7/2017	#3 Others: Service/Response/Reporting	No complaint at this time. A review for proper procedure.	Investigation Pending
THE FOLLOWING CASES HAVE BEEN TOLLED DUE TO PENDING LITIGATION. THESE ARE STILL OPEN DUE TO POSSIBILITY OF HOLDING A POTENTIAL HEARING AFTER LITIGATION IS COMPLETE. TOLL-RELATED CASES = 3								
14-0744	John Reed	NG	10/15/14 (CPRE) 10/7/14 (IAD)	10/6/2015	4/11/2014	#2 Improper Detention	Complainant alleges he was falsely accused of a shooting and arrested. C alleges his son's mother's home was searched illegally (Officer's gun drawn, etc. around his 3 year-old son).	Tolled - C in custody facing charges as a result of the arrest that lead to this complaint (Docket # 175169).
16-0703	Ryan Oliver	NG	8/5/16 (CPRE) 8/3/16 (IAD)	8/2/2017	8/3/2016	#1 Force/Bodily Injury	C alleges excessive use of force.	Tolled - C is pending criminal charges as a result of the arrest he filed a complaint about.
17-0283	Jane Doe ¹	KT	4/4/17 (CPRE) 3/30/17 (IAD)	3/9/2018	3/30/2017	#1 Force/Bodily Injury	C alleges an officer coerced her via duress/fear to engage in sexual intercourse with him, after which he paid her.	Tolled - Pending the outcome of the criminal investigation.

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Attachment E

2001 Policies/ Incidents	Recommendations	OPD Response	Status
OPD Hearing Attendance	1. The police department should revise General Order M-3 to provide clear direction to officers about their obligation to cooperate with CPRB, including giving interviews and attending Board hearings. The General Order should specify the grounds for being relieved from compliance with the CPRB subpoena to attend a hearing, e.g., for illness or injury and the procedures that must be followed.	Included in final draft of the General Order M-3.2.	Adopted
2002 Policies/ Incidents	Recommendations	OPD Response	Status
5150 Policies	1. The police department should immediately train and inform its officers that if an officer is unsure of whether a person meets the criteria of section 5150, the officer has the option of telephoning the psychiatric emergency room at the John George Psychiatric Pavilion to obtain an expert medical opinion. All officers would be given cellular phones for this purpose.	Training complete, but unable to provide cellular phones.	Adopted in Part (The treatment of 5150 calls was substantially changed with the introduction of the OPD Crisis Intervention Program, DGO O-1.1 10/3/2014)

	<p>2. The police department should begin tracking information about 5150 detentions to determine the circumstances under which such detentions are made, the locations of these detentions, and the training needed by officers to correctly use section 5150 to detain individuals.</p>	<p>Declined – the current training is satisfactory given limited resources.</p>	<p>Not adopted (The treatment of 5150 calls was substantially changed with the introduction of the OPD Crisis Intervention Program, DGO O-1.1 10/3/2014)</p>
	<p>3. The police department should work with the Alameda County Behavioral Health Department, the Alameda County Sheriff's Department, community groups, and other interested parties to develop closer working relationships, to share resources, and to develop processes and procedures to address 5150 issues. Workshops should be publicly noticed and open to the public and should commence immediately.</p>	<p>Training is being conducted with a member of the Alameda County Health Department/Mental Health Crisis Response Team as a co-instructor.</p>	<p>Adopted in Part (The treatment of 5150 calls was substantially changed with the introduction of the OPD Crisis Intervention Program, DGO O-1.1 10/3/2014)</p>

	4. The police department should expand its officer training on mental illness and 5150 detentions to 40 hours. The 40-hour training program should occur post-Academy and should include training on distinguishing mental illness from mental retardation, which is not a ground for a 5150 detention.	The sergeants' training has been completed and the officers are receiving their training through continual professional training courses.	Adopted in Part (The treatment of 5150 calls was substantially changed with the introduction of the OPD Crisis Intervention Program, DGO O-1.1 10/3/2014)
Searching Residences	1. Officers should be required to fill out a "notification" form when conducting warrantless searches. The chief of police should issue a special order revising departmental training bulletin I-O.3, which is entitled, <i>Legal Aspects of Searching Residences</i> , for the purpose of implementing this recommendation.	This recommendation will be considered in the issuing of business cards to all officers and in the future during the accreditation process.	Not Adopted
2003 Incidents	Recommendations	OPD Responses	Status
Anti-War Demonstrations	1. The police department should eliminate its use of wooden dowel.	Included in OPD Training Bulletin III-G	Adopted
	2. The police department should end its practice of using the sting grenade.	Included in OPD Training Bulletin III-G	Adopted

	3. The CPRB Executive Director and the Chief of Police should collaborate with community representatives to further work on revising OPD's crowd control policy.	Included in OPD Training Bulletin III-G	Adopted
Towing	1. The police department should draft a comprehensive training bulletin regarding procedures to be followed when vehicles have been towed – taking into consideration the age of the individual, the location of the tow, and the ability of the individual to relocate to a safe location. The training bulletin should also include the directive that an officer should offer the individual and passengers transportation to the Eastmont Substation or the Police Administration Building, whichever is closer, if leaving the individual or their passengers at the location of the tow would place them at risks of harm.	Included in Special Order No. 8098	Adopted
2004 Policies/ Incidents	Recommendations	OPD Responses	Status
Carijama Festival	1. At the pre-incident planning meetings, include the Fire Department and ambulance personnel to support OPD's efforts to manage large crowds. The Board recognizes the vital role the ambulance and fire personnel play in situations of this nature	Included OPD Training Bulletin III-G	Adopted

	2. Utilize "First Aid Stations fixed and/or mobile and/or ambulance and fire personnel play in situations of this nature.	Included in OPD Training Bulletin	Adopted
	3. Include, in the crowd control policy, considerations of: occupied buildings in the area, businesses, e.g. hospital, schools, senior centers, family restaurants, vehicular traffic, and age, health and mobility of those present.	Included in OPD Training Bulletin III-G	Adopted
	4. Officers must establish a presence commencing at the start of the event by having more community centered policing (e.g. talking with crowd) and by attempting to penetrate the crowd given officer safety. Private security must be part of the pre-incident planning meetings.	Included in OPD Training Bulletin III-G	Adopted
	5. In the pre-incident planning conduct a risk analysis of the event to determine the sufficient number of law enforcement and public safety personnel.	Included in OPD Training Bulletin III-G	Adopted
	6. As standard procedure, consider the use of multiple arrests before deploying chemical agents.	Included in OPD Training Bulletin III-G	Adopted

	<p>7. Dispersal orders need to be given in a manner reasonably believed to be heard and understood by the intended audience including: documentation of the orders at time given and clear instructions on where people are to disperse when public transit is unavailable. Also included in the recommendations is the Oakland Police Department should obtain a better public-address system and repeat their dispersal orders every city block.</p>	Included in OPD Training Bulletin III-G	Adopted
2005 Policies/ Incidents	Recommendations	OPD Responses	Status
Ruses	<p>1. The Board recommended OPD develop a policy regarding the creation, management, and implementation of ruses.</p>	Declined	Not Adopted
2006 Policies/ Incidents	Recommendations	OPD Responses	Status
Landlord/Tenant	<p>1. The Board recommended OPD provide training to its officers on the landlord/tenant law.</p>	Initial training occurred in officer line-ups and more formal training is being developed	Adopted in Part
2007 Policies/ Incidents	Recommendations	OPD Response	Status
Vehicle Pursuits Policy	<p>The CPRB engaged the public in a discussion on police vehicle pursuits in a policy hearing held on February 8, 2007. At this hearing, the Board proposed six policy recommendations to improve Oakland Police Department's policy on police vehicle pursuits. Those recommendations are summarized as the following:</p>		

	<p>1. OPD should develop a more restrictive vehicle pursuit policy to permit the pursuit of fleeing suspects for “violent felonies only” based on a standard of reasonable suspicion. An exception should be mad for all misdemeanors firearm related violations. Officer can pursue under this exception based on a standard of probable cause.</p>	<p>Included in OPD Department General Order J-4 (May 30, 2007) Pursuits may be initiated when there is a reasonable suspicion that a person committed a felony or a firearms related offence, or is a dangerous driver under the influence (DUI) and when there is no immediate unreasonable threat to the public or the officer. The person must clearly exhibit intent to avoid arrest by refusing to stop.</p>	<p>Adopted in Part</p>
	<p>2. OPD should increase the number of hours spent on teaching critical decision-making skills.</p>	<p>Included in Departmental General Order J-4</p>	<p>Adopted</p>
	<p>3. OPD should review methods of officer accountability and compliance with pursuit policies.</p>	<p>Included in Departmental General Order J-4</p>	<p>Adopted</p>

	<p>4. OPD should review its pursuit tactics and technology for effectiveness and identify new technologies used by other jurisdictions.</p>	<p>Included in Departmental General Order J-4 (helicopter support) and Training Bulletin III-B.9 (May 30, 2007)</p>	<p>Adopted</p>
	<p>5. OPD should review the adequacy of its data collection and analysis regarding police pursuits.</p>	<p>Included in Departmental General Order J-4</p>	<p>Adopted</p>
	<p>6. CPRB proposed the creation of a Vehicle Pursuit Task Force with representatives from the CPRB, Community Police Advisory Board (CPAB), and People United for a Better Oakland (PUEBLO) as well as other community participants. The Task Force was formed to consider and officer opinions on the proposed recommendations.</p>	<p>The task force met for three meetings and created recommendations.</p>	<p>Adopted</p>

Officer Recusal Policy	An officer should consider the possible appearance of impropriety in dealing with situation where he or she may be personally involved. In civil or criminal matters where an officer has a personal interest, the officer should consider recusing himself from participating in the investigation of the case if he/she is on duty and should consider calling a superior officer to handle the matter. When an officer is off-duty and deciding whether to become personally involved in an incident or call in which he/she has a personal interest, he/she should consider calling a sergeant or superior officer to respond to the scene to avoid the appearance of impropriety.		Adopted
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2008 Policies/ Incidents	Recommendations	OPD Response	Status
<p>The following three recommendations were accepted by the Board on June 26, 2008. These recommendations were offered after an evidentiary hearing was held on an in-custody death complaint.</p>	<p>These recommendations are offered as additions to current police department policies</p> <p>Introduction To ensure the safety of both peace officers and prisoners, and always maintain control, prisoners should always be positioned properly within the vehicle for transporting.</p> <p>General Procedures Certain procedures always apply when positioning prisoners for transportation.</p> <ul style="list-style-type: none"> · Prisoners should be placed in and removed from a vehicle in a way that maintains control and advantage over the prisoner. · A second officer, if available, should act as a cover officer while the prisoner is being placed in the vehicle. 		

	<p>1. Prisoners should be seated in an upright position and wear seat belts during transportation. Seat belts help restrain the prisoner and increase the safety of the prisoner in case of an accident and decrease the likelihood of the prisoner gaining access to contraband or a weapon hidden on their person.</p>	<p>The use of safety belts for prisoners was not accepted because of the safety concerns for the officer while reaching across the prisoner's body during seat belting and the cost of installing seat belts in the back seat of many OPD vehicles.</p>	<p>Not Adopted.</p>
	<p>2. Proper placement of the prisoner in the vehicle is crucial for officer and prisoner safety purposes. Prisoners should be positioned in the vehicle to:</p> <ul style="list-style-type: none">a. Ensure the safety and welfare of the officers and prisoners.b. Allow for clear observation of the prisonersc. If transporting officers does not have a partner or cover officer to assist with transport, the prisoner should be placed in the right rear passenger seat. If the transporting officer has a partner or cover officer to assist with transport, the prisoner should be placed in left the left rear passenger seat.		<p>Adopted</p>

	<p>3. Peace officers must observe prisoners closely while transporting them. When transporting a prisoner: a. An officer should assume that any prisoner could do any of the following: escape, attempt to destroy concealed evidence, and be a potential threat to officer safety. b. If available, have a backup or cover officer in the vehicle to closely monitor the prisoner during transport.</p>		<p>Adopted</p>
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2009 Policies/ Incidents	Recommendations	OPD Response	Status
Availability of Less Lethal Weapons	1. Bean bag rounds and the accompanying 12 gauge shotguns should be made available to and carried by all Oakland Police Department patrol sergeants and other designated personnel.	Not Noted	Adopted in Part
Availability of Less Lethal Weapons From the City Administrator Lineup Training on Domestic Disputes (potential gender bias)	2. OPD should make a concerted effort to train and equip all patrol sergeants and other designated personnel in the use of "Drag Stabilizer Flexible Baton Rounds" (bean bag rounds) which are fired from a 12-gauge shotgun.	Not Noted	Status Unknown
	The City Administrator recommends that the Chief of Police work with CPRB in designing additional domestic violence training at line-ups.		
2010 Policies/ Incidents	Recommendations	OPD Response	Status
Language Access to OPD Services	OPD to provide language access services when encountering a limited English proficient (LEP) person consistent with federal, state, and local laws.		
Police Response to Sexual Assaults – Minors	1. If parents themselves are suspects, they should not be present during the child's interview	Included in Training Bulletin VIII-R.	Adopted

Police Response to Sexual Assaults – Minors No Covert Recordings	2. If parents are overly emotional and frighten the child, they should not be present during the interview.	In majority of cases, officers obtain a probable cause statement from the victim.	Pending
	3. Officers should never conduct the interview alone.	An in-depth interview is left for the child abuse investigator, who coordinates with the victim, the victim's family, Child Protective Services, and the Child Abuse Listening and Interviewing Coordinator Center. Interviews are taped and recorded. The Negotiated Settlement Agreement mandates that the Internal Affairs Division of OPD record interviews.	Not Adopted
	There should be NO covert recordings when a complainant specifically requests than interview is not recorded.		
Vehicle Pursuits	Vehicle pursuits should only be initiated for violent felonies and violent firearm offences	OPD adopted a new vehicle pursuit policy on January 2011 which does not include CPRB's recommendation.	Not Adopted

2011 Policies/ Incidents	Recommendations	OPD Response	Status
Maintain Updated Community Resource Lists Define what constitutes a "pattern of misconduct"	1. Replace old pamphlets with those from SEEDS Community Resolution Center.	Adopted in Full	Adopted
	2. Update the TF 3083 Resource Guide.		
	3. Mention the changes at the line-up training		
	4. Amend DGO M-3.1 to provide a quantitative definition of a "pattern of misconduct."		
Align OPD police on dog shootings with ASPCA recommendations	Adopt a training bulletin on the use of force against animals	Not Adopted	Not Adopted/Further Review Pending
Require Validation of CORPUS data	1. Adopt a training bulletin on the verification of parole status based on the Alameda County Sheriff's Department Training Bulletin 07-13.	Not Adopted	Not Adopted/Pending
	2. Discuss at line-up training.	Adopted in part	Adopted in part
Retrain Officers to Recognize Hate Crimes	1. Require officers to review relevant policies and take an examination.	Adopted in Full	Adopted
	2. Give training at line-ups.		
	3. Consider inclusion at next in-service training.		

2012 Policies/ Incidents	Recommendations	OPD Response	Status
Custody of Bicycles	<p>Revise OPD Departmental General Order J-1, section B, to include the following language, underlined below:</p> <p><i>"B. <u>If an arrested person has possession of a bicycle that is not connected with the offense, the arresting officer shall attempt to get the arrestee's permission to release it to a responsible person and get the name and address by some identifying document of the person to whom the bicycle was released, and include this information in the police report.</u> If such arrangements cannot be made, the officer shall take the bicycle in for safekeeping, note that information on the arrest and offense reports, and order an extra copy of the report package for the Bicycle Unit."</i></p>	Not Noted	Not Adopted as of 12/16/15 revision of DGO K 4.1
Use of Canines	<p>When K-9 officers make an announcement to release a dog to perform a search they will:</p>	Not Noted	Exists in Part
	<p>1. Make the announcement at each residence location as the canine begins searching that area, allowing people and children to enter their homes and to retrieve their pets safely.</p>		

	2. Make the announcement loud enough so that people in proximity to the canine can reasonably hear it. Use the PA system in patrol cars when available.		
Obsolete Brochure	Officers should stop distributing the pamphlet on Conciliation Forums of Oakland, as the organization no longer exists and the phone number has been disconnected. Officers should obtain updated information from SEEDS Community Resolution Center and distribute its brochure in cases of neighbor disputes.	Not Noted	Adopted
Hate Crimes	1. OPD officers should receive additional training and information about the existing OPD Departmental policy related to hate crimes.	Not Noted	Status Unknown
	2. Information about the OPD hate crime policy should be distributed throughout the police department.	Not Noted	Status Unknown
Clarity and Accuracy in Reporting	1. Police officers should not write, "No witnesses" in a report unless they are certain of that fact. An officer should list all witnesses in her report. If the officer does not know whether there were witnesses, she should either refrain from commenting on the presence of witnesses or write, "no known witnesses."	Not Noted	Status Unknown

	<p>2. When an officer of evidence technician is tasked with photographing an individual, they should ensure that the photographs capture any injuries that individual sustained. For example, the photographer should remove spit masks covering an individual's face, if doing so does not violate privacy or create safety risks.</p>	Not Noted	Status Unknown
	<p>3. Use of Force reporting should contain specific information about not only what kind of force was used, but also how that force was employed and why it was necessary.</p>		
2013 Policies/ Incidents	Recommendations	OPD Response	Status
Participation in OPD's Major Incident and Force Review Board	OPD Department General Order k-4.1, Force Review and Executive Force Review Board should be amended to include the CPRB Executive Director as a non-voting member of OPD's Major Incident Board of Review and Force Review and Executive Force Review Boards.	N/A	Pending
Policy and Training Recommendations Arising out of Occupy Oakland as of 3/19/13			
In Re Susie Cagle case #12-0158	1. Recommendation that OPD and the City of Oakland work on updating their definition of the Press		

	2. Recommendation Reiterated for an OPD Policy to be developed regarding videotaping, photographing, and filming of officers by the general public.		
Chanin & Burris (In Re Hargraves case #11-1177)	1. Recommendation that OPD expand the instances when a PDRD must be activated by an Officer		
	2. Recommendation that OPD develop a separate PDRD MOR Violation		
	3. Training Recommendation that OPD develop a training document for commanders, with the highlights of crowd control policy rules and regulations for delivery prior to engagement with protestors		
In Re Kayvan Sabehgi case #11-1179	1. Training Recommendation for IAD Investigators re: preconceived notions of officer misconduct		
	2. Reiteration of Policy Recommendation for the use of PDRDs		
	3. Reiteration of policy recommendation for omitting a lone mass use of force report writer		
	4. Policy recommendation for the mass use of force policy to be in writing		

In Re Scott Campbell Case #11-1193	1. Recommendation for in-depth K-3 Policy training on the use of force in line-in-the-sand order situations and immediate threats		
2014 Incidents	Recommendations	OPD Response	Status
Cross-Jurisdiction Misconduct Reporting	In process TEVELSON: REWRITE/REVISE REQUEST (2/11/16)	N/A	Not Adopted
Limiting Officers with Problematic Complaint Histories from Certain Planned Crowd Control Assignments	Under discussion	N/A	Pending
Special Committee on Post-Copley Hearing Procedures	Establish a process that the board members can more actively engage in the discussion and selection of cases for hearing	According to CPRB, "...Ordinance N. 12454, the CPRB members had the ability to provide input in the selection of cases for hearing. This policy change gives the opportunity for the board to engage in and participate more in the discussion for cases selected for hearing."	Process confirmed by City Ordinance.

2015 Incidents	Recommendations	OPD Response	Status
<p>Interrupted PDRD footage/lack of pertinent footage (CPRB 12/10/2015 re Davis, #15-0032) (CPRB 5/12/16 re Lupian, #15-0483)</p>	<p>Requested clarification regarding when PDRDs are to be activated or deactivated and the exceptions as to when officers must have their PDRDs on under OPD policy, DGO I-15.1. In particular, has training been provided to clarify 1) whether the serving of a search or arrest warrant, which requires the PDRD activation, includes all activity from the arrival on the scene (i.e., before presenting the search/arrest warrant) to the officers' departure; and 2) what is deemed to be a discussion of "administrative, tactical or law enforcement sensitive information" necessitating the deactivation of PDRDs.</p>		<p>Emails to Training and IAD; 4/19/16 letter to Chief Whent</p> <p>Adopted as part of revised PDRD policy DGO I 15.1 7/16/15</p>
<p>Video surveillance in the PAB lobby (CPRB 12/10/2015 re McNaulty, #14-0996)</p>		<p>THIS IS NOT A POLICY MATTER</p>	<p>N/A</p>
2016 Incidents	Recommendations	OPD Response	Status
<p>Removal of hijab by a male officer (CPRB 1/28/2016 re Zelko, #15-0191)</p>	<p>New policy regarding search of religious headwear</p>		<p>4/19/16 letter with draft policy to Chief Whent</p>

<p>Insufficient filming of pre- and post-search sites (CPRB 2/11/2016 re Dorsey, #15-0189)</p>	<p>New/revised policy regarding required (not encouraged) filming/documentation of properties, pre- and post-search... (see Training Bulletin IV-O "Investigative Procedure for Search Warrant Service") AND require steps to improve the quality of video taken by officers (e.g., lighting, pace)</p>		<p>4/19/16 letter to Chief Whent</p>
<p>Documentation and recordkeeping during multijurisdictional searches (CPRB 2/11/2016 re Dorsey, #15-0189)</p>	<p>New policy re multijurisdictional searches to improve the documentation of the role(s)/task(s) of each entity/staff; and the preservation or listing of supporting documents (warrants, police reports, PDRDs, other recordings, photographs, and operational plans) for multijurisdictional operations</p>		<p>4/19/16 email from AF to K. Coleman</p>
<p>No ability to review affidavits in support of search warrants allegedly obtained illegally/improperly (CPRB 2/11/2016 re Carson/Lewis, #15-0185) (CPRB 2/11/2016 re Kessee-Bridges, #15-0222)</p>	<p>THIS IS A MATTER TO DISCUSS WITH THE DISTRICT ATTORNEY, NOT OPD.</p>		<p>N/A</p>

<p>Witness statements (CPRB 2/25/2016 re J. Lopez, #15-0247)</p>	<p>TRAINING ISSUE (for Executive Director Finnell to follow up): Observations or other details not provided by a witness should not be included in his/her official witness statement; those details should be included in the supplemental portion of the officer's police report THIS IS NOT A POLICY MATTER</p>		<p>N/A</p>
<p>Police identification (CPRB 3/24/2016 re City Administrator response to CPRB recommendations re B. Jones, #15-0221)</p>	<p>Revised policy requiring officers to provide badge numbers <i>as soon as feasibly possible</i> when requested by a civilian</p>		<p>N/A</p>
<p>Police documentation of basis for a stop (CPRB 4/14/2016 re McGee, #15-0604)</p>	<p>Documentation of the basis for a police stop (e.g., PDRD videotape of a non-functioning brake light) could refute allegations of police misrepresentations and/or racial profiling by demonstrating the specific facts and circumstances that support reasonable suspicion or probable cause for stops</p>		<p>4/19/16 letter to Chief Whent</p>

Oakland Police Commission

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Language access: statements given in a foreign language (CPRB 5/12/16 re Lupian, #15-0483)	An oral statement provided in a foreign language by a person with limited English proficiency should be written in the person's primary language/language spoken before obtaining his/her review and signature. (See Training Bulletin VIII-R "Language Access")		5/###/16 letter to Chief Whent
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