



# OAKLAND POLICE COMMISSION

## AGENDA

December 27, 2017

6:30 PM

City Council Chamber, 3<sup>rd</sup> Floor

1 Frank H. Ogawa Plaza, Oakland California

- I. **Call to Order**  
(Thomas Lloyd Smith)
- II. **Roll Call and Determination of Quorum**  
(Thomas Lloyd Smith)
- III. **Open Forum** (2 minutes per speaker)  
(Thomas Lloyd Smith)
- IV. **Action—Approval of Draft Commission Meeting Minutes for December 13, 2017**  
(Thomas Lloyd Smith)
  - a. Discussion
  - b. Public Comment
  - c. Action
- V. **Discussion—Measure LL Enabling Ordinance**  
(Ryan Richardson)
  - a. Discussion
  - b. Public Comment
- VI. **Action—Rules and Procedures for Conducting Business**  
(Ginale Harris and Edwin Prather)
  - a. Discussion
  - b. Public Comment
  - c. Action
- VII. **Discussion—Oakland Police Commission Budget**  
(Stephanie Hom)
  - a. Discussion
  - b. Public Comment
- VIII. **Action—Executive Director Hiring Process, Community Police Review Agency**  
(Mubarak Ahmad, Ginale Harris and Mike Nisperos)
  - a. Discussion
  - b. Public Comment
  - c. Action

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6:30 PM

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- IX. Action—Staff Vacancies and Hiring, Community Police Review Agency**  
(Mike Nisperos)
  - a. Discussion
  - b. Public Comment
  - c. Action
  
- X. Action—Hiring Process, Oakland Police Commission Staff**  
(Ryan Richardson and Thomas Lloyd Smith)
  - a. Discussion
  - b. Public Comment
  - c. Action
  
- XI. Action—Creation of an Impact Binder**  
(Regina Jackson)
  - a. Discussion
  - b. Public Comment
  - c. Action
  
- XII. Recess (5 minutes)**
  
- XIII. Action—Commissioner Email, Business Cards, Badges/ID**  
(Ginale Harris and Edwin Prather)
  - a. Discussion
  - b. Public Comment
  - c. Action
  
- XIV. Action—Scheduling Sites for Community Meetings**  
(Regina Jackson)
  - a. Discussion
  - b. Public Comment
  - c. Action
  
- XV. Discussion—Topics for Orientation and Training Sessions**  
(Jose Dorado, Ginale Harris and Thomas Lloyd Smith)
  - a. Discussion
  - b. Public Comment

# **OAKLAND POLICE COMMISSION**

## **AGENDA**

**December 27, 2017**

**6:30 PM**

**City Council Chamber, 3<sup>rd</sup> Floor**

**1 Frank H. Ogawa Plaza, Oakland California**

- XVI. Discussion—Scheduling of Commissioner Ride Alongs with the Oakland Police Department**  
(Virginia Gleason)
  - a. Discussion
  - b. Public Comment
  
- XVII. Discussion—Police Accountability Systems**  
(Regina Jackson)
  - a. Discussion
  - b. Public Comment
  
- XVIII. Adjournment**

# ITEM 4

DRAFT



## CITY OF OAKLAND POLICE COMMISSION

### Meeting Minutes

Wednesday, December 13, 2017

6:30 PM – 9:36 PM

City Hall, 1 Frank H. Ogawa Plaza, Council Chamber  
Oakland, CA 94612

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#### 1. Roll Call and Determination of Quorum (Stephanie Hom)

The meeting started at 6:36 p.m.

Commissioners present: Mubarak Ahmad, José Dorado, Ginale Harris, Regina Jackson, Mike Nisperos, Edwin Prather, Thomas Lloyd Smith, Maureen Benson (Alternate), and Andrea Dooley (Alternate).

Staff present: Stephanie Hom

City Attorney Staff: Allison Dibley

#### 2. Police Commissioner Introductions (Stephanie Hom)

Ms. Hom reported that five biographies were submitted and included in the Agenda Packet. Allison Dibley (City Attorney Staff) is present, will give comments and is here to support the Commission. Chief of Police Anne Kirkpatrick, Assistant Chief of Police John Lois and Deputy Director Virginia Gleason are present tonight.

Commissioners gave introductions/comments.

Chief Kirkpatrick introduced herself and gave comments. [Agenda Item 11 moved here]

Ms. Hom announced that Interim Director Anthony Finnell and some of the staff (CPRB) are present; he will give comments later.

#### 3. Open Forum (Stephanie Hom)

Public comments were provided.

#### 4. Action – Election of Chair (Stephanie Hom)

Motion to select a Chair and Vice-Chair to hold the positions until February 2018, then reaffirm or select others was moved (R. Jackson) and seconded (J. Dorado). Motion passed (unanimous).

T. Smith and G. Harris were each nominated to the position of Chair.

**CITY OF OAKLAND  
POLICE COMMISSION**

**Meeting Minutes (Continued)**

**Wednesday, December 13, 2017**

6:30 PM – 9:36 PM

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Ms. Hom stated that there were no speakers signed up for public comment. Commissioner Dorado asked that the public be allowed to speak. Public comments were provided.

Motion to vote for G. Harris moved (J. Dorado) and seconded (M. Ahmad). Discussion by Commissioners. Motion amended to vote for either candidate moved (E. Prather), accepted (J. Dorado), and seconded (R. Jackson).

Thomas Lloyd Smith was elected Chair (5 ayes, 2 nays).

Ms. Hom asked Thomas Lloyd Smith to continue with the remainder of the meeting.

**5. Action – Election of Vice-Chair (Thomas Lloyd Smith, Police Commission Chair)**

Motion to have Ginale Harris as Vice-Chair moved (R. Jackson) and seconded (M. Nisperos). Public comments were provided. Motion passed (unanimous). Chair Smith mentioned that Ginale Harris be accepted by acclamation.

**6. Action – Determination of Regular Meeting Schedule (Allison Dibley)**

Motion to hold Commission meetings on the second and fourth Wednesdays of each month at 6:30 PM moved (M. Nisperos) and seconded (R. Jackson). Motion passed (unanimous).

**7. Discussion – Role of Alternates (Allison Dibley)**

Discussion by Allison Dibley. Public comments were provided.

**8. Discussion – Rules & Procedures for Conducting Business (Allison Dibley and Anthony Finnell)**

Discussion by Allison Dibley and Anthony Finnell.

**9. Discussion – Training and Orientation for Commissioners (Allison Dibley)**

Discussion by Allison Dibley.

**CITY OF OAKLAND  
POLICE COMMISSION**

**Meeting Minutes (Continued)**

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**10. Comments – Oakland Police Department (Anne Kirkpatrick)**

The item was moved and discussed during Police Commissioner Introductions (Agenda Item 2).

**11. Action – Report on Transition of Pending Business of the CPRB (Anthony Finnell)**

Discussion by Anthony Finnell. Motion to accept report moved (M. Nisperos) and seconded (M. Prather). The vote was 5-0-2, with two abstentions (G. Harris and R. Jackson). Motion passed.

**12. Adjournment**

The meeting was adjourned at 9:36 PM.

# ITEM 5

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBERS KALB AND GALLO

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**ADOPT AN ORDINANCE (1) ENABLING IMPLEMENTATION OF THE CITY CHARTER AMENDMENT CREATING THE OAKLAND POLICE COMMISSION AND THE COMMUNITY POLICE REVIEW AGENCY, (2) ESTABLISHING A CIVILIAN INSPECTOR GENERAL, AND (3) REQUIRING AN ANNUAL REPORT AND PRESENTATION BY THE COMMUNITY POLICING ADVISORY BOARD TO THE COMMISSION**

**WHEREAS**, On April 15, 1980, the City Council established the Citizens' Police Review Board (hereinafter, Board) with jurisdiction to review certain complaints alleging Oakland Police Department (hereinafter, Department) officer and park ranger misconduct, to conduct fact-finding investigations, and to make advisory reports to the City Administrator. On July 30, 1996, the City Council expanded the Board's jurisdiction to include complaints involving the excessive use of force, and bias based on an individual's legally protected status (race, gender, national origin, religion, sexual orientation or disability). In 2002, the City Council further expanded the Board's jurisdiction to include all complaints filed against police officers and park rangers, and expanded the Board's size from nine (9) members to twelve (12) members. The City Council also granted the Board the option of holding evidentiary hearings using three-member panels and permitted Board members to review confidential Oakland Police Department (hereinafter, Department) records in closed session. On November 12, 2002, the City Council passed Ordinance No. 12454 C.M.S., which further refined the Board's powers to include making recommendations to the City Administrator regarding litigated cases, and enlarged the amount of time for the Board to complete its investigations. However, the Board was not empowered to oversee Department policy or impose discipline; and

**WHEREAS**, In January 2003, the City entered into a Negotiated Settlement Agreement (hereinafter, NSA) with multiple plaintiffs who sued the City, alleging that Police Department officers violated plaintiffs' civil rights. Since implementation of the NSA, a federal monitoring team has audited – and continues to audit – the

Department's progress in complying with each of the fifty-two (52) tasks identified in the NSA; and

**WHEREAS**, While some important progress has been made in recent years, public perception persists that the Department and the City do not adequately hold its officers accountable for misconduct, leading to an erosion of public trust in this process; and

**WHEREAS**, Maintaining public trust and confidence in the Police Department is essential for the Department to be able to provide the highest level of service to the community. In order to increase the public trust and confidence in the Department, improvements should be made to the processes for providing Department oversight and accountability. Appointing qualified members of the public to a Police Commission (hereinafter, Commission), entrusting the Commission with oversight of the Department and requiring the Commission to hold public hearings all would increase public transparency, which in turn would build a higher level of trust and confidence in the services provided by the Department; and

**WHEREAS**, Major cities across the country, including New York City, Los Angeles, and San Francisco, as well as medium-size cities such as Albuquerque and Honolulu have civilian police bodies with varying degrees of oversight authority over their police departments. In recent years, more and more municipal jurisdictions have involved citizens in their law enforcement review systems, and highly publicized incidents of alleged or actual police misconduct and the years-in-the-making widespread public outrage over police misconduct, especially in African American communities, has brought the issue of civilian oversight to center stage in the United States; and

**WHEREAS**, The National Association for Civilian Oversight of Law Enforcement, a nonprofit organization dedicated to promoting greater police accountability through the establishment or improvement of citizen oversight agencies, provides various resources on its website, including recommended standards and practices, which include the Police Oversight Principles of European Partners Against Corruption, which provides numerous recommendations for police oversight bodies including that they: (1) have independence from the executive branch of government; (2) are sufficiently separate from the hierarchy of the police subject to their oversight; (3) are governed by persons who are not currently serving as police officers; (4) have adequate finances and resources to perform their functions; (5) have full investigative powers regarding police misconduct allegations; and (6) are representative of a diverse population; and

**WHEREAS**, On November 8, 2016, the City of Oakland's voters passed Measure LL to add Section 604 to the Oakland City Charter, setting up the establishment of the Police Commission and the Community Police Review Agency and disbanding the Citizens' Police Review Board; and

**WHEREAS**, An enabling ordinance is a vital companion for implementation of Measure LL, passed by the voters, because it provides more detailed information about the functions and duties of the Commission and Agency, and also because an enabling ordinance provides direction to the Commissioners and Agency staff regarding the operation of their respective entities; and

**WHEREAS**, While the Department currently has an in-house sworn Inspector General, one of the best models for on-going oversight of police discipline can be found in the City of Los Angeles' Office of Inspector General. The L.A. Inspector General is a civilian who is charged with conducting systemic reviews of the disciplinary process and reports directly to the City of Los Angeles' Police Commission to ensure a necessary level of independence. The creation of a civilian Inspector General reporting to the Commission came from the Christopher Warren Commission reforms following the protests and riots stemming in part from the Rodney King jury verdict; and

**WHEREAS**, The July 2016 Report of Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement, established in 2015 as an advisory body to the San Francisco District Attorney's office, recommended the establishment of an independent Office of the Inspector General for San Francisco's Police Department; and

**WHEREAS**, The establishment of the Commission creates an additional potential forum for the input of the Community Policing Advisory Board to be received;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** That the City Council hereby adopts the addition of Chapters 2.45 and 2.46 to the Oakland Municipal Code to enable the implementation of City Charter section 604 which establishes the Oakland Police Commission and the Community Police Review Agency, and to establish the Office of Inspector General and to appoint a civilian Inspector General who shall be responsible for its day-to-day operations.

**SECTION 2.** Title 2 of the Oakland Municipal Code is amended to add Chapter 2.45, *Oakland Police Commission*, which shall read as follows:

### **Chapter 2.45 - OAKLAND POLICE COMMISSION**

#### **2.45.010 – Definitions.**

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

“Ad hoc committee” shall mean a temporary committee formed by the Commission comprised of less than a quorum of Commission members to address a specific issue.

“Agency” shall mean the Community Police Review Agency.

“Appointing Authority” shall mean the Selection Panel established by section 604(c)(3) of the City Charter or the Mayor. “Appointing Authorities” shall mean both the Selection Panel and the Mayor.

“Chief” shall mean the Chief of Police of the Oakland Police Department.

“Commission” shall mean the Oakland Police Commission.

“Department” shall mean the Oakland Police Department.

“Misconduct” shall mean both a police officer’s affirmative act that violates, and/or his or her failure to act in violation of, the Department’s policies, procedures or directives, including without limitation the Department’s Manual of Rules.

“Serious Incident” shall mean a police officer-involved shooting, death or serious bodily harm caused by the action and/or inaction of a police officer, in-custody death, and/or on-duty or off-duty criminal conduct of a sworn Department employee which rises to the level of a felony or Serious Misdemeanor.

“Serious Misdemeanor” shall mean any misdemeanor crime that, if convicted, could preclude active law enforcement personnel, or a member or employee of the Department, from successfully fulfilling the responsibilities of their job classification. Examples include those crimes that involve violence, intimidation, threats, sexual offenses, theft, dishonesty, possession of drugs, purchase, ownership or possession of a firearm in violation of California Penal Code section 12021(c)(1), and those crimes where bias based on any legally protected characteristic is a motivating factor.

“Subject Officer” shall mean the Department sworn employee who is the subject of a complaint of alleged Misconduct.

**2.45.020 – Creation of Police Commission & Repeal of Citizens’ Police Review Board.**

Oakland City Charter section 604 has established the Oakland Police Commission. Effective the sixtieth day after the City Council’s confirmation of the first group of Commissioners and alternates, Ordinance No. 12454 C.M.S., which created the Citizens’ Police Review Board, shall be repealed.

**2.45.025 – Conflict of Interest.**

The following persons shall not be eligible to serve as a Commissioner or as a member of the Selection Panel:

- A. Any attorney who represents a person or entity with a pending claim or lawsuit against the Department; or

- B. Any attorney who represented a person or entity that filed a claim or lawsuit against the Department and that claim or lawsuit was finally resolved during the previous year.

This section shall not apply to the Selection Panel members already appointed on the effective date of this Chapter 2.45.

**2.45.030 – Selection Panel.**

- A. To the extent practicable and with the exception of the first Selection Panel previously formed under City Charter section 604(c)(3), the Mayor and the City Council shall use best efforts to appoint individuals to the Selection Panel who are broadly representative of Oakland’s diversity and who represent communities experiencing the most frequent contact with the Department.
- B. With the exception of the first Selection Panel previously formed under City Charter section 604(c)(3), Selection Panel members shall be residents of Oakland.
- C. The City Administrator shall post on the City's website the names of all Selection Panel members within four (4) business days of their appointment(s) being received by the City Clerk.
- D. The Selection Panel, with the assistance of the City Administrator, shall determine how to solicit candidates for the positions of Commissioner and alternate, and shall determine, consistent with City Charter section 604, what information candidates must submit as part of their applications.
- E. In accord with the City’s record retention schedule, the Selection Panel shall maintain all electronic communications to, from and/or copied to any Selection Panel member regarding any matters within the Selection Panel’s jurisdiction, and provide such communications to the City upon request.

**2.45.040 - Bylaws and Rules.**

The Commission may prepare its own Bylaws to govern its operations. Any such Bylaws shall be approved by a vote of not less than five (5) affirmative votes.

**2.45.050 – Designation of Alternates as Voting Members**

The Chair of the Commission may, in his or her discretion, designate an alternate as a temporary voting member if a Commissioner is absent from a meeting. Consistent with section 604 of the City Charter, there shall not be more than seven (7) voting members of the Commission at any given time.

**2.45.060 - Background Checks.**

In accordance with federal and state law, a background check shall be performed on the Mayor’s and the Selection Panel’s final candidates for the position of Commissioner and alternate before their names are submitted to the City Council for confirmation. The City

Administrator's Office shall retain an independent contractor to perform these background checks, which shall include:

- A. Verification of educational and employment background, and any other information that may be verified by a public records search.

The results of the background check identified in subsection (A) above shall be treated as public records.

**2.45.070 – Functions and Duties of the Commission.**

In addition to the powers and duties described in section 604 of the Oakland City Charter, the Commission shall:

- A. In accord with the City's record retention schedule, maintain all electronic communications to, from and/or copied to any Commissioner or alternate regarding any matters within the Commission's jurisdiction, and provide such communications to the City upon request.
- B. Maintain the confidentiality of its business, including without limitation, the confidentiality of documents it creates or receives as permitted by the California Public Records Act (Cal. Gov't Code sec. 6250, *et seq.*), to the extent required by state and local law. A Commissioner's failure to maintain such confidentiality, whether or not intentional, may be considered "gross misconduct in office" for purposes of City Charter section 604(c)(10).
- C. Review and comment on the education and training the Department provides its sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of post-traumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. The Commission shall provide any recommendations for more or different education and training to the Chief who shall respond in writing.
- D. Prepare and deliver to the Mayor, the City Administrator and the Chief by January 31 of each year, or such other date as set by the Mayor, a proposed budget for providing the education and training identified in subsection (C) above.
- E. Notwithstanding section 2.29.020 of the Oakland Municipal Code and in accordance with section 604(b)(10) of the City Charter, have the authority to remove the Chief, without the approval of the Mayor, by a vote of not less than five (5) affirmative votes and only after finding cause. For purposes of removing the Chief, "cause" shall be defined as any of the following:
  - 1. Continuing, intentional, or willful failure or refusal to perform the duties and responsibilities of the Chief of Police as required by any employment agreement with the City, the City Charter, the City's governing laws and regulations, or any laws, rules or regulations of any governmental entity applicable to the Chief's employment by the City or to City operations, including without limitation, the inability to perform the duties and responsibilities of the Chief of Police as aforementioned as a result of alcoholism or drug addiction; or

2. Gross neglect of duties, material violation of any duty of loyalty to the City, or material violation of City or Department policy, including without limitation any policies or procedures pertaining to harassment and discrimination, after the Chief has received written warning of the neglect or violation and the Chief has failed to cure the neglect or violation within twenty (20) days; or
  3. Conviction by, or entry of a plea of guilty or *nolo contendere*, in a court of competent and final jurisdiction for (a) any crime involving moral turpitude, (b) any felony offense, (c) any crime which is likely to have a material adverse impact on the business operations or financial or other condition of the City, or (d) any crime which has resulted in imprisonment; or
  4. Failure or refusal to cooperate with any investigation involving employees of the Department; or
  5. Obstruction of any investigation of Department employee misconduct or criminal activity; or
  6. Refusal, which shall include ongoing failure, to administer or enforce any Department policy or procedure; or
  7. A material act of dishonesty, fraud, embezzlement, self-dealing, or other act of moral turpitude; or
  8. A material breach of confidentiality; or
  9. Loss of any professional license or other certification required by state or local law to perform the duties of the position of Chief of Police.
- F. Within one hundred and eighty (180) days of the City Council's confirmation of the first group of Commissioners and alternates and on the anniversary of that date thereafter, notify the Chief regarding what information will be required in the Chief's annual report to the Commission which shall include, at a minimum, the following:
1. The number of complaints submitted to the Department's Internal Affairs Division (hereinafter, "IAD") together with a brief description of the nature of the complaints;
  2. The number of pending investigations in IAD, and the types of Misconduct that are being investigated;
  3. The number of investigations completed by IAD, and the results of the investigations;
  4. The number of training sessions provided to Department sworn employees, and the subject matter of the training sessions;
  5. Revisions made to Department policies;
  6. The number and location of officer-involved shootings;
  7. The number of Executive Force Review Board or Force Review Board hearings, and the results;
  8. A summary of the Department's monthly Use of Force Reports;
  9. Number of officers disciplined and the level of discipline imposed; and
  10. The number of closed investigations which did not result in discipline of the subject officer.

- G. Conduct an annual performance review of the Inspector General. The Commission shall determine the criteria for evaluating the Inspector General's and the Agency Director's job performance, and communicate those performance criteria, in addition to any other job performance expectations, to both the Inspector General and the Agency Director one full year before conducting any evaluation of their job performances. The Commission may, in its discretion decide to solicit and consider, as part of its evaluation, comments and observations from the City Administrator and other City staff who are familiar with the Inspector General's and the Agency Director's job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary.
- H. Request that the City Attorney submit semi-annual reports to the Commission and to City Council which shall include a listing and summary of:
1. To the extent permitted by applicable law, the discipline decisions that were appealed to arbitration;
  2. Arbitration decisions or other related results;
  3. The ways in which it has supported the police discipline process; and
  4. Significant recent developments in police discipline.
- I. Provide policy guidelines to the Agency Director for assistance in determining case prioritization.
- J. Make available on its website, to the extent permitted by law:
1. The Commission's annual report;
  2. The Chief's annual report;
  3. The Agency's reports;
  4. The Agency Director's monthly reports; and
  5. The Inspector General's annual report.
- K. Direct the Agency to investigate a Serious Incident when requested by the Mayor, the City Administrator, and/or the City Council by an affirmative majority vote.
- L. Review the Agency's dismissal and/or administrative closure of all complaints involving Class I offenses, including any Agency investigative file regarding such complaints, and, in its discretion and by five (5) affirmative votes, direct the Agency to reopen the case and investigate the complaint. For purposes of this subsection, the definition of "Class I offenses" shall be the same as the definition of "Class I offenses" in the Department's Discipline Policy.
- M. In order for the Commission to have all information necessary to fulfill its duties under City Charter section 604(f)(1), direct the Chief to:
1. Within forty-eight (48) hours of knowing or having a Reasonable Suspicion that a Serious Incident has occurred, notify the Chair of the Commission, the Agency Director and the Inspector General. For purposes of this subsection, "Reasonable Suspicion" shall mean that, from the totality of the circumstances, there is a specific, articulable, and objective basis for suspecting personnel of criminal activity. There must be specific facts beyond the mere allegation of criminal misconduct. The Commission shall also direct the Chief to provide a confidential status report to the Chair of the Commission, the Agency Director and the Inspector General within ten (10) calendar days of the date on which the

- Serious Incident occurred, and a second confidential status report to the Chair of the Commission, the Agency Director and the Inspector General within forty-five (45) calendar days of the date on which the Serious Incident occurred.
2. Brief the Commission Chair, the Agency Director and the Inspector General at least once a month regarding allegations of all Serious Incidents under investigation.
- N. In association with the Agency Director and in consultation with the Chief or the Chief's designee, establish rules and procedures for the mediation and resolution of complaints of Misconduct.
  - O. Receive any and all reports prepared by the Community Policing Advisory Board (hereinafter referred to as "CPAB") and consider acting upon any of the CPAB's recommendations for promoting community policing efforts and developing solutions for promoting and sustaining a relationship of trust and cooperation between the Department and the community.
  - P. Review and comment on the Department's policy and/or practice of publishing Department data sets and reports regarding various Department activities, submit its comments to the Chief, and request the Chief to consider its recommendations and respond to the comments in writing.
  - Q. Solicit and consider input from members of the public regarding the quality of their interactions with the Agency and the Commission.

**2.45.080 – Access to Documents.**

- A. Subject to applicable law, the Commission and the Inspector General shall have access to all Department files and records, with the exception of personnel records, and to all files and records of other City departments and agencies that are relevant and necessary to the performance of its duties.
- B. Subject to applicable law, the Commission shall have access to all Department files and records, with the exception of personnel records, and to all files and records of other City departments and agencies that are relevant to a Serious Incident. Notwithstanding the foregoing, the Commission shall have access to the personnel records necessary to perform its duties described in City Charter section 604(g)(3) and in section 2.45.070(K) of this Chapter of the Oakland Municipal Code.
- C. The Discipline Committees shall have access to all files, including personnel records, that are included in the Chief's and Agency's submissions, as described in City Charter section 604(g)(2) and in this Chapter 2.45.
- D. The Inspector General shall have access to all files, including personnel records, that are necessary to perform his or her duties as described in this Chapter 2.45.

**2.45.090– Meetings**

In conducting its meetings, the Commission shall comply with all requirements of the Brown Act, California Government Code section 54950, *et seq.*, and Article II of Chapter 2.20 of the Oakland Municipal Code.

- A. Consistent with City Charter section 604(d)(1), the Commission shall meet at least twice each month at an established time and place suitable to its purpose. Such meetings shall be designated regular meetings, and shall be held at City Hall. If the Commission determines, by a majority vote of those present at a regular meeting, that a second regular meeting in that month is not necessary, it shall provide public notice of the meeting cancellation as required by all applicable State and local laws. Video recordings of all open sessions of Commission meetings shall be aired on KTOP-TV10.
- B. Consistent with City Charter section 604(d)(1), at least twice each year, the Commission shall hold one of its regularly scheduled meetings at a location outside of City Hall. These offsite meetings shall be designated special meetings subject to the ten-day agenda notice requirement for purposes of Article II of Chapter 2.20 of the Oakland Municipal Code, and shall include an agenda item titled "Community Roundtable," or something similar. The purpose of the Community Roundtable agenda item shall be to solicit community testimony and other input in discussions regarding community policing, building trust between the community and the Department, and other similar and relevant subjects as determined by the Commission. The Commission shall consider inviting to each Roundtable individuals and groups familiar with the issues involved in building and maintaining trust between the Department and the community, including but not limited to representatives from the Department, members of faith-based groups, youth groups, advocacy groups, residents of neighborhoods that experience the most frequent contact with the Department and, to the extent practicable, formerly incarcerated members of the community.
- C. "Final actions," as defined by state and local open meeting laws, taken by the Commission in closed session shall be publicly reported with the vote or abstention on that action of every member present.

**2.45.100 - Office of Inspector General.**

Within one hundred and eighty (180) days after the City Council's confirmation of the first group of Commissioners and alternates, there shall be established, under the purview of the Commission, a civilian Office of Inspector General for the Department (hereinafter referred to as "OIG"). Within one (1) year after the City Council's confirmation of the first group of Commissioners and alternates, the Department's internal Office of Inspector General shall be renamed. The Commission shall be responsible for oversight of the OIG.

- A. The powers, functions and duties of the OIG shall be those assigned, authorized and directed by the Commission, and shall include conducting any audit or review of the Department necessary to assess the Department's performance and adherence to constitutional policing practices, and shall also include conducting any audit or review of the Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Commission to fulfill its duties under City Charter section 604(b)(4), (5) and (6).

- B. The Chief shall assign a sworn officer to act as a liaison from the Department to the OIG.
- C. The City shall allocate a sufficient budget for the OIG to perform its functions and duties as set forth in section 2.45.120 below, including budgeting one (1) full-time staff position comparable to the position of Police Program and Audit Supervisor. All OIG staff, including the Inspector General, shall be civil service employees in accordance with Article IX of the City Charter. All OIG staff shall report to the Inspector General. Except for the Inspector General, the Commission shall not have any authority to hire, supervise, evaluate or fire OIG staff.
- D. Within thirty (30) days after the first Inspector General is hired, the Policy Analyst then assigned to the Agency shall be transferred to the OIG.

**2.45.110 – Civilian Inspector General.**

- A. Within one (1) year of the City Council’s confirmation of the first group of Commissioners and alternates, the Commission, with the assistance of the Human Resources Management Department and in accordance with the City’s Civil Service Rules, shall prepare a job description and list of required qualifications for the position of civilian Inspector General. After all required approvals have been obtained for adding this position to the City’s Classification Plan (as defined by the City’s Civil Service Rules), the Commission, with the assistance of the City Administrator, shall be responsible for hiring the first and all subsequent civilian Inspectors General. The Inspector General shall be subject to a background check as described in section 2.45.060 above before hiring except that the results of the background check shall be submitted only to the Commission.
- B. Within ninety (90) days of his or her appointment, the Inspector General shall, at a minimum, receive the training described in City Charter section 604(c)(9) and in section 2.45.190(A) through (F) of this Chapter 2.45. The Commission may require any additional training it deems necessary for the Inspector General to perform the functions and duties of the OIG.
- C. The Inspector General shall report to the Commission, and may only be removed according to the City’s Civil Service Rules and any applicable memorandum of understanding between the City and a union, after an affirmative vote of five (5) members of the Commission. The City Administrator shall not have the authority to independently remove the Inspector General.
- D. The Inspector General shall be responsible for the day-to-day operations of the OIG, including but not limited to the supervision and direction of all OIG staff.
- E. The Inspector General shall be permitted to attend, as an observer, Executive Force Review Board, Force Review Board, and, to the extent permitted by law, *Skelly* hearings if he or she chooses to do so. The Inspector General shall not have any decision-making authority regarding the specific cases being heard, and shall maintain the confidentiality of the hearings as required by law. The Inspector General shall not be permitted to attend any Executive Force Review Board, Force Review Board, or *Skelly* hearing until he or she has completed the training identified in section 2.45.190(C).

**2.45.120 – Functions and Duties of the Office of Inspector General.**

The Commission shall have the authority to prioritize the functions and duties of the Office of Inspector General, which shall include, without limitation:

- A. Preparing an annual report, summarizing the results of the annual reviews of:
  - 1. The Department's processes and procedures for investigating alleged Misconduct;
  - 2. The Department's processes and procedures for determining the appropriate level of discipline for sustained findings of Misconduct;
  - 3. The Agency's processes and procedures for investigating alleged Misconduct;
  - 4. The Agency's processes and procedures for determining the appropriate level of discipline for sustained findings of Misconduct;
  - 5. Trends and patterns regarding Department training and education, and the Department's use of any early warning system(s);
  - 6. Training and/or policy issues that arise during the investigations of complaints; and
  - 7. Trends and patterns regarding use of force and officer-involved shootings.This annual report shall be presented to the Commission, the Mayor, the City Council's Public Safety Committee, the City Council and to the Chief and shall include, where appropriate, recommendations for changes in the processes and procedures that were reviewed.
- B. Monitoring and evaluating, on at least an annual basis, the number and percentage of sworn officers who have received in-service training on profiling and implicit bias, procedural justice, de-escalation, diplomacy, situational problem-solving, and work-related stress management, and make recommendations, as appropriate, to the Commission regarding changes to the Department's training programs.
- C. Developing and presenting a plan to the Commission to measure the performance of each element of the Department's discipline process.
- D. Completing all audits or reviews requested by the Mayor, the City Administrator, and/or the City Council by an affirmative majority vote. The Inspector General shall report all findings to the office that requested the audit or review.
- E. Monitoring, evaluating, and making recommendations regarding the Department's recruitment and hiring practices for sworn personnel.
- F. Monitoring, evaluating, and making recommendations regarding the Department's policies and procedures as requested by the Commission in furtherance of its duties under City Charter section 604(b)(4), (5) and (6).
- G. Monitoring, evaluating, and making recommendations regarding the Department's risk management practices.

**2.45.130– Establishment of the Discipline Committee.**

The Chairperson of the Commission shall appoint three (3) Commission members to serve on a Discipline Committee, and shall designate one of these three (3) Commission

members as the Chairperson. The Discipline Committees shall decide any dispute between the Agency and the Chief regarding the proposed or final findings or proposed or final level of discipline to be imposed on a Subject Officer.

- A. No Discipline Committee established by the Commission shall decide any dispute between the Chief and the Agency, as directed by section 604(g) of the City Charter, until each member of the Discipline Committee has completed: (1) orientation regarding Department operations, policies and procedures, including but not limited to discipline procedures for Misconduct, and (2) the training described in section 2.45.190(A) through (F).
- B. Membership in the Discipline Committees shall rotate for each police officer discipline or termination case, as determined by the Chairperson of the Commission.

**2.45.140 – Discipline.**

In accordance with section 604(g)(4) of the City Charter, all Department employees shall be afforded their due process and statutory rights, including *Skelly* rights, as follows:

- A. With respect to Misconduct that is given a Class I designation pursuant to the Department's Discipline Policy, the Chief and the Agency Director shall include probative videotape and/or audiotape from their respective investigations in their submissions to the Discipline Committee pursuant to City Charter section 604(g)(2). The Discipline Committee shall have the authority to require the Chief and the Agency Director to provide any additional videotape, audiotape, and/or documents (including without limitation any existing transcripts of subject officer or witness interviews) from the Agency's and the Department's investigation files that it deems relevant to its deliberations, and shall also have the authority to require the Chief and the Agency Director, or their non-attorney designees, to appear before the Discipline Committee to present their findings and recommendations and to answer questions.
- B. The record submitted to the Discipline Committee by the Chief regarding any Misconduct shall include the subject officer's history of discipline for the previous five (5) years. All documents submitted to the Discipline Committee by either the Agency Director or the Chief shall not include any redactions unless such redactions are required by law.
- C. After the investigation of a complaint has been completed and a decision has been made regarding the proposed findings and the proposed level of discipline (hereinafter referred to as the "Proposed Discipline"), either by agreement between the Chief and the Agency or by decision of the Discipline Committee, the Chief shall send a Notice of Intent to Impose Discipline or a Notice of Intent to Terminate to the Subject Officer. Consistent with City policy and applicable law, the Department shall offer the Subject Officer a *Skelly* hearing to be conducted by an assigned *Skelly* officer. After completion of the *Skelly* hearing, the *Skelly* officer shall issue his or her report which shall include his or her

recommendation regarding whether the Proposed Discipline should be affirmed or modified in any way.

- D. The *Skelly* report shall be submitted to the Chief and to the Agency Director if the Chief and the Agency Director agreed on the Proposed Discipline. The Chief and the Agency Director shall consider the *Skelly* report and consult with each other regarding the final set of findings and level of discipline to be imposed (hereinafter referred to as “Final Discipline”).
1. If the Chief and the Agency Director agree on the Final Discipline, the Chief shall send a Notice of Discipline or Notice of Termination to the Subject Officer.
  2. If the Chief and the Agency Director do not agree on the Final Discipline, the *Skelly* report shall be submitted to the Discipline Committee which shall decide the Final Discipline based solely on the record reviewed and considered by the Skelly Officer (which shall include the Notice of Intent to Discipline or Terminate with all attachments). The Discipline Committee shall also have the authority to require the Chief and the Agency Director, or their non-attorney designees, to appear before the Discipline Committee to present their recommendations and to answer questions. After determining the Final Discipline, the Discipline Committee shall direct the Chief to send a Notice of Discipline or Notice of Termination to the Subject Officer.
- E. The *Skelly* report shall be submitted to the Discipline Committee if the Discipline Committee decided the Proposed Discipline. The *Skelly* report shall also be submitted to the Chief and the Agency Director. The Discipline Committee shall consider the *Skelly* report in deciding the Final Discipline. After such determination, the Discipline Committee shall direct the Chief to send a Notice of Discipline or Notice of Termination to the Subject Officer.
- F. After the Final Discipline has been determined by either the agreement of the Agency Director and the Chief, or by the Discipline Committee, and to the greatest extent permitted by law, the complainant(s) shall be informed of the disposition of the complaint.
- G. The Discipline Committee shall maintain the confidentiality of all personnel and/or privileged information as required by State and local law. After the Discipline Committee has concluded its deliberations regarding the Proposed Discipline and/or the Final Discipline, it shall return all records and information it received to the party from which it received such records and information. Members of the Discipline Committee shall not retain copies of the records they receive from the Chief and the Agency, nor shall they publicly comment about, or discuss any personnel matter with anyone, including another member of the Discipline Committee, outside of Discipline Committee meetings, except as required by a valid subpoena. This subsection (G) shall not preclude any member of a Discipline Committee from participating in any grievance procedure, including without limitation testifying in an appeal before the Civil Service Board or an arbitration or other type of administrative hearing.

- H. The Subject Officer may appeal the imposition of discipline or termination to the Civil Service Board. In addition, the Subject Officer may grieve the imposition of discipline or termination as prescribed in a collective bargaining agreement.

**2.45.150– Establishment of Other Committees**

The Commission must obtain City Council approval prior to the creation of any other standing committee. A proposal to create a standing committee of the Commission must include information regarding the costs associated with staffing the standing committee, if any, and the costs of complying with noticing and reporting requirements resulting from its establishment. City Council approval shall not be required for creating temporary or *ad hoc* committees.

**2.45.160 - Public Statements of the Commission**

The Commission may authorize one of its members to issue statements to the public regarding the Commission's official business, to the extent such business is not confidential or privileged under State or local law, only after the statement has been approved by an affirmative vote of not less than four (4) votes in a public meeting. Commissioners may publicly discuss their roles as Commissioners and the Commission's public and official business for the purpose of educating the community provided they adhere to the notice requirements of the Brown Act and Oakland's Sunshine Ordinance.

**2.45.170 - Election of Chairperson.**

At the first regular meeting of each year, the members shall elect a chairperson and a vice-chairperson.

**2.45.180 - Staff assistance.**

- A. Within one hundred and eighty (180) days of the City Council's confirmation of the first group of Commissioners and alternates and on an ongoing basis as appropriate, the Commission shall provide the City Administrator with its proposal for the staff positions necessary to permit the Commission and the Agency to fulfill its functions and duties as set forth in this Chapter 2.45, Chapter 2.46, and as set forth in section 604 of the City Charter.
- B. Pursuant to City Charter section 604(e)(5) and, to the extent practicable, within one (1) week of the City Council's confirmation of the first group of Commissioners and alternates, the City Administrator shall assign an administrative staff person to provide administrative support to the Commission and to act as liaison between the Commission and the City Administrator's office.
- C. At a minimum, the City Council shall allocate the equivalent of an additional one-half of a full-time administrative position (0.5 FTE) to the City budget for the purpose of providing adequate administrative support for the Commission. The administrative staff person described in this subsection (C) shall be hired, to the extent practicable, within thirty (30) days of the effective date of this Chapter 2.45, and shall report to the Commission. In addition, this administrative staff

person may only be removed according to the City's Civil Service Rules and any applicable memorandum of understanding between the City and a union, after an affirmative vote of five (5) members of the Commission. Upon a vacancy, the Commission shall have the authority to fill this position. The City's Department of Human Resources Management shall provide timely assistance to the Commission for this purpose.

**2.45.190 – Commissioner Training**

Within three (3) months of appointment, or as soon thereafter as possible, each Commissioner and alternate shall:

- A. Become familiar with City Charter section 604 and with Chapters 2.45 and 2.46 of the Oakland Municipal Code.
- B. Receive training in basic principles of constitutional due process and administrative hearing procedures;
- C. Receive training in the legal requirements for maintaining the confidentiality of personnel records and other confidential documents or information;
- D. Receive briefing on the Negotiated Settlement Agreement in the case of *Delphine Allen, et al. v. City of Oakland*, and all related court orders for so long as they remain in effect;
- E. Receive information regarding constitutional civil rights guaranteed to all citizens as such rights are affected by law enforcement; and
- F. Receive training in the legal requirements of California's Political Reform Act (Cal. Gov't Code section 81000, *et seq.*), Oakland's Conflict of Interest Code (Oakland Municipal Code Chapter 3.16), California's Brown Act (Cal. Gov't Code section 54950, *et seq.*), Oakland's Sunshine Ordinance (Oakland Municipal Code Chapter 2.20), and California's Public Records Act (Cal. Gov't Code section 6250, *et seq.*).

In addition, within twelve (12) months of appointment, or as soon thereafter as possible, each Commissioner and alternate shall:

- G. Receive the training and orientation specified by section 604(c)(9) of the City Charter;
- H. Participate in a Department "ride-along" and attend a police academy curriculum designed for them by the Chief after consultation with the Commission. The curriculum shall be designed so that criminal background checks will not be required for attendance;
- I. Complete the Department's Implicit Bias Training, and Crisis Intervention Training;
- J. Complete Peace Officer Standards and Training (POST) Learning Domains 15 (Laws of Arrest) and 16 (Search and Seizure); and
- K. Receive training regarding racial equity.

The City Administrator shall assist the Commission in scheduling and facilitating all training and orientation required by this section and by section 604 of the City Charter. Within the Commission's budget there shall be a line item for attendance at conferences offered by organizations such as the National Association for Civilian Oversight of Law Enforcement ("NACOLE").

**2.45.200 - Hearings**

It shall be the sole and exclusive responsibility of the Commission to determine the order and conduct of any public hearing, consistent with applicable law.

**2.45.210 – Authority of Public Ethics Commission.**

If either the Commissioner or the Inspector General does not receive the files and records requested pursuant to section 604 of the City Charter or pursuant to this Chapter 2.45 within fifteen (15) business days of its request, the Public Ethics Commission shall have the authority to investigate allegations that the head of the offending City department or agency failed to provide the requested files or records as required by section 604 of the City Charter or this Chapter 2.45. Such requirements shall be subject to enforcement by the City in the same manner as violations of Chapter 2.25 of the Oakland Municipal Code.

**2.45.220– Reporting to City Council.**

The Commission shall submit its first annual, written report to the Mayor, City Council and the public within eighteen (18) months of the City Council's confirmation of the first group of Commissioners and alternates. The Commission's subsequent reports shall be submitted annually on or near the anniversary of that date.

**SECTION 3.** Title 2 of the Oakland Municipal Code is amended to add Chapter 2.46, *Community Police Review Agency*, which shall read as follows:

**Chapter 2.46 - COMMUNITY POLICE REVIEW AGENCY**

**2.46.010 – Definitions.**

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

“Agency” shall mean the Community Police Review Agency.

“Commission” shall mean the Oakland Police Commission.

“Department” shall mean the Oakland Police Department.

“Misconduct” shall mean both a police officer’s affirmative act that violates, and/or his or her failure to act in violation of, the Department’s policies, procedures or directives, including without limitation the Department’s Manual of Rules.

“Subject Officer” shall mean the Department sworn employee who is the subject of a complaint of alleged Misconduct.

#### **2.46.020– Creation**

Oakland City Charter section 604 has established the Community Police Review Agency. It is in the public interest to facilitate the Agency’s receipt of public complaints regarding the alleged Misconduct of police officers. Thus, some of the Agency staff should be located in a street-level or ground-floor, visible office that is accessible by public transportation. The Commission, in consultation with the Agency Director, shall determine the number of existing Agency staff who would work at such a location. Hours of operation for this location shall be clearly posted on the office door and inside the office. The address of this office location, together with hours of operation and a telephone number shall be posted on the City’s website and on the Agency’s website.

#### **2.46.030 – Functions and duties.**

In addition to the powers and duties prescribed in section 604 of the Oakland City Charter, the Agency’s functions and duties are as follows:

- A. Use the same complaint form as used by the Department in receiving all public complaints concerning alleged Misconduct, including complaints from Department non-sworn employees. All complaints, wherever filed, shall be date-stamped and numbered sequentially. A copy of the numbered and date-stamped complaint shall be provided to the complainant and to the Department’s Internal Affairs Division within one (1) business day of receipt.
- B. Make complaint forms available to the public by posting the forms and information about the complaint process on the Agency’s website and by accepting the online filing of complaints and attachments via the Agency’s website, and by making information about the complaint process available at other public locations to be determined by the Agency Director;
- C. Ensure that all investigators receive any necessary training in conducting fair and impartial investigations.
- D. Request the Commission to issue a subpoena, in accordance with City Charter section 604(b)(3), to compel a Subject Officer and any other sworn employee of the Department to fully cooperate with an Agency investigation. The Chief shall order all officers subject to any subpoena issued by the Commission to comply with all requirements of the subpoena.
- E. Videotape the interviews of all Subject Officers who are alleged to have committed a Class I offense. For purposes of this subsection, the definition of “Class I offense” shall be the same as the definition of “Class I offense” in the Department’s Discipline Policy.

- F. Request, without requiring, that the complainant(s) and witnesses of Class I allegations agree to be audiotaped or videotaped if, in the Agency's discretion, its investigation would benefit from such taping.
- G. In consultation with and upon the approval of the Commission, establish rules and procedures for the operation of its business including, but not limited to, procedures for the intake of complaints.
- H. No less than twice a year and as permitted by applicable law, issue a report to the Public Safety Committee which shall include the following information:
  1. The number of complaints submitted to the Agency together with a brief description of the nature of the complaints and the identification of the Council District from which the complaint originated;
  2. The demographic profiles of the complainants to the extent that information exists or is voluntarily provided by the complainants;
  3. The number of the Agency's pending investigations, and the types of police officer Misconduct that is being investigated;
  4. The number of investigations completed by the Agency, the results of the investigations, and the amount of time spent on the investigations;
  5. The number of officers for whom sustained findings of Misconduct were made and the level of discipline proposed;
  6. The number of closed investigations which did not result in sustained findings and/or discipline of the Subject Officer;
  7. The number of cases referred to mediation;
  8. The number of cases in which the Agency failed to meet (a) the one-hundred-and-eighty-day (180) goal specified by City Charter section 604(f)(3), and/or (b) the deadline specified by California Government Code section 3304; and
  9. The number of times a Department employee failed to comply with the Agency's request for an interview or for the production of documents, and the number of times a Department employee failed to comply with a valid subpoena, and whether discipline was imposed for any such non-compliance.

**2.46.040 – Agency Director.**

The Agency Director shall report to, and be supervised by, the Commission, and shall be responsible for the day-to-day operations of the Agency. The Agency Director's job responsibilities shall include, but not be limited to, the following:

- A. Identifying the staff positions, in addition to the position of Investigator, necessary to perform the Agency's functions and duties;
- B. Assigning complaints to investigators, consulting with investigators regarding, and monitoring the progress of, their investigations;
- C. Monitoring the workload of all Agency staff;
- D. Reporting to the Commission once a month regarding the Agency's pending cases. The following information shall be included in the Agency Director's monthly written report:

1. The case number;
  2. The name of the complainant;
  3. The initials of the investigator assigned to investigate the complaint;
  4. The date the complaint was filed with the Agency and the date the complaint was filed with the Department's Internal Affairs Division;
  5. The date by which the investigation must be completed if the Agency is to meet the one-hundred-and-eighty-day (180) goal specified by City Charter section 604(f)(3);
  6. The deadline by which the investigation must be completed, as specified by California Government Code section 3304;
  7. The date of the incident that is the subject of the complaint; and
  8. If City Charter section 604(f)(1) requires the Agency to investigate the complaint, whether the complaint involves uses of force, in-custody deaths, profiling based on any of the protected characteristics identified by federal, state, or local law, and First Amendment assemblies. If City Charter section 604(f)(1) does not require the Agency to investigate the complaint, a brief, general description of the type of complaint. This brief, general description must be similar in length and generality to the description of the types of complaints the Agency is required to investigate, as stated in City Charter section 604(f)(1); and
  9. The number of times the Department and/or Department employee has refused to comply with a written request for information or valid subpoena.
- E. Conducting annual job performance evaluations of all Agency staff;
- F. Responding to questions and issues raised by the public, as permitted by applicable law; and
- G. Any other duties assigned by the Commission, consistent with the Agency's powers and duties as described in section 604 of the City Charter and subject to any constraints imposed by the Agency's budget.

**2.46.050 – Background Checks.**

In accordance with federal and state law and consistent with section 604(e)(7) of the City Charter, background checks shall be performed on all new Agency investigators and on the Agency Director, before hiring. The City Administrator's Office shall retain an outside person or entity to perform these background checks, which shall include:

- A. Verification of educational and employment background, and any other information that may be verified by a public records search; and
- B. Results of a criminal records search.

The results of the background checks may be used solely for the purpose of evaluating the candidates for the Agency Director and for Agency investigator.

**2.46.060 – Mediation Program.**

Upon the agreement of the Chief, the Agency Director, the complainant(s) and the Subject Officer(s), the Agency Director shall appoint a qualified mediator with at least five (5) years of experience in mediating employment or other relevant disputes, from a conflict resolution company or association that employs mediators, to mediate a final and binding resolution of the complaint in accordance with the Commission's established rules and procedures. Any Commissioner, City employee, or former Department sworn officer shall not be appointed mediator. Both the Chief and the Agency Director must approve of any settlement offer before it is proposed to the subject officer and/or before any such offer is accepted.

**2.46.070 – Authority of Public Ethics Commission.**

If the Agency does not receive the files and records requested pursuant to section 604 of the City Charter or pursuant to this Chapter 2.45 within fifteen (15) business days of its request, the Public Ethics Commission shall have the authority to investigate allegations that the head of the offending City department or agency failed to provide the requested files or records to the Agency as required by section 604 of the City Charter or this Chapter 2.45. Such requirements shall be subject to enforcement by the City in the same manner as violations of Chapter 2.25 of the Oakland Municipal Code.

**SECTION 4.** Section 5.3 of the provisions establishing the Community Policing Advisory Board, as passed by Resolution No. 72727 and amended by Resolutions Nos. 73185, 73916, and, most recently, 79235, is hereby amended, to add, delete, or modify sections as set forth below (sections number and titles are indicated in capitalized **bold type**; additions are indicated by underscoring, deletions are indicated by strike-through type; portion of the provisions not cited or not shown in underscoring or strike-through type are not changed):

5.3 The Community Policing Advisory Board shall oversee, monitor, and report at least annually on the implementation of Resolution 72727 C.M.S. and shall provide an annual report of its recommendations to the Mayor, City Council, City Administrator, Police Commission and Chief of Police on further steps necessary to carry out its objectives. In addition, the Community Policing Advisory Board shall provide an annual presentation on its report to the Police Commission.

**SECTION 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 6. Effective Date.** This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

**IN COUNCIL, OAKLAND, CALIFORNIA,**

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,  
AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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

**LATONDA SIMMONS**

**City Clerk and Clerk of the Council  
of the City of Oakland, California**

Date of Attestation: \_\_\_\_\_

# ITEM 6

## CITY OF OAKLAND POLICE COMMISSION

### Resolution adopting Rules of Order for the Oakland Police Commission

#### Introduced by Oakland Police Commission Vice Chair Ginale Harris and Oakland Police Commissioner Edwin Prather

WHEREAS, the Police Commission of the City of Oakland hereby declares that the business before it is to be conducted in an orderly and efficient manner to facilitate sound Commission and public deliberation and decision making; and

WHEREAS, the following Rules of Order seek to provide for: (1) reasonable time for public input and comment on agenda items at Commission meetings; (2) thorough consideration of policy proposals, for problem-solving opportunities among staff, Commissioners and the public; and (3) an agenda that is managed more efficiently and effectively and for predictable discussion times for debate regarding agenda items in order to avoid long waits by the public as the Commission considers procedural, ceremonial and consent items; and

WHEREAS, in recognition of these goals, the Commission desires to establish Rules of Order for the conduct of Commission meetings; and

WHEREAS, the Brown Act (Government Code Section 54950, et seq.) authorizes the Commission to prescribe reasonable rules and regulations for conducting its meetings; now therefore be it

RESOLVED: That the Commission hereby adopts these Rules of Order in their entirety; and be it

FURTHER RESOLVED: That in accordance with the Oakland City Charter and the Oakland Municipal Code, the following are established as the Rules of Order for the conduct of Oakland Police Commission meetings:

#### Chapter 1 – Definition of Terms

Rule 1 Definition of Terms. The following terms, whenever used or referred to in this Resolution or in these Rules, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any resolution, ordinance, public hearing, motion or recommendation requiring official vote and approval of the Police Commission of the City of Oakland to be effective.
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Police Commission of the City of Oakland;
- C. "Agenda" means the agenda of the Police Commission of the City of Oakland;
- D. "Chair" shall mean the Chairperson of the Police Commission of the City of Oakland;
- E. "Charter" shall mean the Charter of the City of Oakland;
- F. "Commission" shall mean the Police Commission of the City of Oakland;
- G. "Commissioner" shall mean a sitting, active Commissioner of the Commission.
- H. "Committee" shall mean a Committee of the Commission;
- I. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a public hearing conducted by the Oakland Police Department, the subject of a committee of the Commission or a matter previously considered in closed session by the Commission, unless otherwise ineligible by law as a Consent Item.
- J. "Informational Item" shall mean an item of the agenda consisting only of informational report that does not require or permit Commission action.
- K. "Municipal Code" shall mean the Oakland Municipal Code;
- L. "Open Meeting Laws" shall mean California Government Code Section 54950, et seq. (commonly known as the "Brown Act") and Chapter 2.20 of the Oakland Municipal Code (commonly known as the "Oakland Sunshine Ordinance");
- M. "Rules" shall mean the Rules of Order of the Commission; and
- N. "Secretary" shall mean the Executive Secretary of the Commission.

## Chapter 2 – Organization and Meetings

Rule 2.1 Adoption of Rules of Order. The Commission's Rules of Order shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

When adopted, such Rules remain in effect unless suspended or amended as provided herein. The Chair may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

Rule 2.2 Amendment to Rules. All proposed amendments to the Rules shall be adopted by motion carried by an affirmative recorded vote of a majority of the Commission.

Rule 2.3 Election of Officers. At the first regular meeting of the Commission held in the month of February of each year, the Commissioners shall elect from among their

number a Chair and Vice Chair of the Commission, each to serve for a term beginning on the date of the first regular meeting held in the month of February, and ending one year thereafter or until the election of a new Chair or Vice Chair.

**Rule 2.4 Meetings and Rules of Procedures.** Except as otherwise determined by the Commission, regular meetings shall be held at 6:30 p.m. on the second and fourth Wednesdays of each month in the Chambers of City Hall, One City Hall Plaza, 3rd Floor, Oakland, California. Meetings shall conclude no later than 10:30 p.m., unless extended by majority vote of the members of the Commissioners in attendance. All proceedings shall be conducted under Open Meeting Laws, in conformance with the Oakland Municipal Code, the Brown Act and the Oakland Sunshine Ordinance. Acts by the Commission shall be expressed by motion or resolution. The Chair shall set the order of business for Commission meetings.

**Rule 2.5 Parliamentary Procedure.** The rules of parliamentary procedure as set forth in Robert's Rules of Order shall govern all meetings of the Commission unless otherwise provided herein.

**Rule 2.6 Motions.** If any Commissioner makes a motion, such motion shall not be debated, or further discussed or considered, or voted upon, until after a second to such motion is made by another Commissioner.

**Rule 2.7 Speaking. Time Limits for Commissioners.** No Commissioner shall speak for more than ten (10) minutes on any matter without the consent of the Chair or a majority of the sitting Commissioners in attendance.

**Rule 2.8 Alternative Meeting Place.** In the event the regular meeting venue is unavailable the Chair shall designate another appropriate venue as the Commission's temporary meeting location. The Commission may also select meeting venues outside of Oakland City Hall by motion carried by an affirmative recorded vote of a majority of the Commission. The Commission shall meet at least twice each year in locations other than City Hall.

**Rule 2.9 Special Meetings of the Commission.** The Chair, subject to the requirements of the Brown Act and the Oakland Sunshine Ordinance may call a special meeting of the Commission, separate from the Commission's regular meetings.

**Rule 2.10 Quorum.** Five sitting Commissioners of the Commission constitutes a quorum for the transaction of business.

**Rule 2.11 Voting.** Every official act of the Commissioner shall be adopted by majority vote. A majority vote shall mean a majority of all sitting Commissioners in attendance. All Commissioners present shall vote for or against each question brought to a vote, or may also abstain from voting.

Rule 2.12 Rights of Commissioners Less Than Quorum. In the absence of a quorum no information may be presented and no official action shall be taken by the Commissioners present expect to order a call of the Commission, to reschedule the same meeting, to recess or to adjourn.

Rule 2.13 Commission Chair. The Chair shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to that office. The Chair may create such committees to perform such advisory functions as he or she shall determine, and may appoint and remove such members from such committees.

Rule 2.14 Commission Vice Chair. In the absence or inability of the Chair to act, the Vice Chair shall take the place and perform the duties of the Chair.

Rule 2.15 Agenda Items. The agenda shall meet the requirements of Government Code Section 54954.2. For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5. The agenda shall contain a brief, general description of each item of business to be transacted or discussed during the meeting and shall avoid the use of abbreviations or acronyms not in common usage and terms whose meaning is not known to the general public. The agenda may refer to explanatory documents, including but not limited to, correspondence or reports, as included materials. A description of an item on the agenda is adequate if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item.

Any agenda item submitted to the Secretary for inclusion on the agenda of a regular or special meeting of the Commission must be approved by a sitting Commissioner. All items must be submitted before the close of business on Monday of the week prior to a regular Commission meeting. The Secretary shall promptly inform the Chair and Vice Chair of all such submitted agenda items. If the Chair determines that in the interest of maintaining a meeting of reasonable length, such item should not be included on the agenda for the meeting for which the item was submitted, such item may be omitted but shall be included on the agenda of the next regular meeting or of a special meeting. Except as provided by the Brown Act or Sunshine Ordinance, the Commission shall not act upon or discuss any item at the meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Commission may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.16 Consent Calendar. The Consent Calendar shall include those matters that have been the subject of a public hearing conducted by the Oakland Police Department, the subject of a committee of the Commission or a matter previously considered in closed session by the Commission. There will be no separate discussion of those items

unless a member of the Commission so requests, in which event the Commission shall remove and consider those items separately.

Rule 2.17 Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded before the next Commission meeting to the Mayor, the members of the Oakland City Council, the Chief of Police and all sitting Commissioners and Commissioner Alternates.

### Chapter 3 – Rules of Conduct

Rule 3.1 Public Comment. Members of the public are entitled to comment on any matter on the calendar prior to action being taken by the Commission on that item. Persons wishing to speak must complete a speaker card for each agenda item he/she wishes to speak on. Multiple agenda items cannot be listed on one speaker card.

Additionally, the agenda shall provide an opportunity for members of the public to address the Commission on items of interest to the public which are under the jurisdiction of the Commission and have not been the subject of public comment on other items on the agenda. The Chair will set a reasonable time limit for each speaker, which will typically be two (2) minutes, depending on the complexity of the item, the length of the agenda and the number of persons present to speak on the item. The Chair in his/her discretion may reduce each speaker's allotted time to one (1) minute if the Chair states all reasons justifying the reduction. Such reasons shall be based at least on consideration of the time allocated or anticipated for the meeting, the number and complexity of agenda items and the number of persons wishing to address the Commission and whether there will be sufficient time available during the meeting to consider all agenda items if all speakers are allowed two (2) minutes to speak.

Rule 3.2 Addressing the Commission. Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity, yelling and/or screaming. Members of the public should address their questions or remarks to the Commission. Individual Commissioners and Oakland Police Department personnel in attendance will respond to questions only when requested to do so by the Chair. Individual Commissioners Oakland Police Department personnel in attendance should refrain from entering into any debates or discussion with speakers during public comment.

Rule 3.3 Audience Conduct. The public has the right to criticize policies, procedures, programs, services, actions or omissions of the Oakland Police Department, the Commission or staff. However, persons in the audience should refrain from expressing vocal support, and shall not vocally oppose statements made by anyone, including, but limited to members of the public or Oakland Police Department personnel. Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras

and tape recording device may be brought into the Commission meeting; however, persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

**Rule 3.4 Permission to Remove Disruptive Persons.** The Chair shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

- A. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, or otherwise refusing to comply with the Commission Rules governing meetings;
- B. A preach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting;
- C. Disobedience of any lawful order of the Chair, which shall include, but be not limited to, an order to be seated; and
- D. Any other unlawful interference with the due and orderly course of the meeting.

#### Rule 4 – Proclamations

**Rule 4.1 Proclamations.** Individual sitting Commissioners may issue proclamations for the purpose of commendation, recognition or congratulation of any person, group, organization or event, or for the purpose of expressing sympathy, regret or sorrow on the death of any person, as to matters related to law enforcement. Such a proclamation shall be known as a “Commissioner Proclamation” and shall be in a form, which clearly identifies the Commissioner who has sponsored the proclamation. Other Commissioners may join in a particular proclamation, however, Commission approval is not required for the issuance of a Commissioner Proclamation.



The Police Commission  
CITY AND COUNTY OF SAN FRANCISCO

August 11, 2005

The Police Commission  
850 Bryant Street, Room 505  
San Francisco, CA 94103

Dear Commissioners:

At the meeting of the Police Commission on Wednesday, August 10, 2005, the following resolution was adopted:

LOUISE RENNE  
President  
GAYLE ORR-SMITH  
Vice President  
DOUGLAS CHAN  
Commissioner  
PETER KEANE  
Commissioner  
THERESA SPARKS  
Commissioner  
DR. JOE MARSHALL  
Commissioner  
JOE VERONESE  
Commissioner  
SERGEANT JOE REILLY  
Secretary

**RESOLUTION NO. 54-05**

**APPROVAL OF REVISIONS TO THE POLICE COMMISSION RULES OF ORDER**

RESOLVED, that the Police Commission adopts the revised Police Commission Rules of Orders, which states as follows:

**SAN FRANCISCO POLICE COMMISSION  
RULES OF ORDER**

**Chapter 1 - Definitions**

The following terms, whenever used or referred to in these Rules, shall have the following respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Administrative Code" shall mean the San Francisco Administrative Code.
- B. "Adopted" in connection with proposed resolutions shall mean and include adoption of such proposed resolutions by the Commission.
- C. "Charter" shall mean the Charter of the City and County of San Francisco.
- D. "Commission" shall mean the Police Commission of the City and County of San Francisco.
- E. "Committee" shall mean the Police Commission of the City and County of San Francisco.

- F. "Member" shall mean a member of the Commission.
- G. "Open Meetings Laws" shall mean California Government Code Section 54950 et seq. (commonly known as the 'Brown Act') and San Francisco Administrative Code Chapter 67 (commonly known as the 'Sunshine Ordinance').
- H. "President" shall mean the President of the Commission.
- I. "Rules" shall mean the Rules of Order of the Commission.
- J. "Secretary" shall mean the Executive Secretary of the Commission.

## **Chapter 2 - Organization and Meetings**

**Rule 2.1 - Adoption of Rules of Order.** The Rules of Order (Rules) shall be adopted by motion carried by an affirmative recorded vote of a majority of the members of the Commission.

When adopted, such Rules remain in effect unless suspended or amended as provided herein. The President may adopt temporary rules to address a specific situation or point of order in a Commission meeting where such situation or point of order is not covered in these Rules.

**Rule 2.2 - Amendment to Rules.** All proposed amendments to the Rules shall be by motion and shall require an affirmative vote of a majority of the members of the Commission.

**Rule 2.3 - Election of Officers.** At the last regular meeting of the Commission held before the 30<sup>th</sup> day of May of each year, or at a prior meeting, the date of which shall be fixed annually by the Commission, the members of the Commission shall elect from among their number a President and Vice President of the Commission, each to serve for a term beginning on the date of the first regular or special meeting held after the 30<sup>th</sup> day of May, and ending one year thereafter or until the election of a new President or Vice President. (*amended 01/05/05*)

**Rule 2.4 - Meetings and Rules of Procedures.** Except as otherwise determined by the Commission, regular meeting of the Commission shall be held at 5:30 p.m. every Wednesday of the month in Room 400 at the San Francisco City Hall. All proceedings shall be conducted in conformance with the San Francisco Charter, the Brown Act, and the Sunshine Ordinance. Acts by the Commission shall be expressed by motion or resolution.

**Rule 2.5 - Parliamentary Procedure.** The Rules of parliamentary procedure as set forth in *Robert's Rules of Order* shall govern all meetings of the Commission unless otherwise provided herein.

**Rule 2.6 - Alternative Meeting Place.** In the event the regular meeting place is unavailable, the President shall designate some other appropriate place as its temporary meeting place.

Rule 2.7 - Special Meetings of the Commission. The President, subject to the requirements of the Brown Act and Sunshine Ordinance may call a special meeting of the Commissioners.

Rule 2.8 - Quorum. The majority of the members of the Commission constitutes a quorum for the transaction of business.

Rule 2.9 - Voting. Every official act of the Commission shall be adopted by majority vote. A majority vote shall mean a majority of all members of the Commission. All members present shall vote for or against each question brought to a vote unless a member is excluded from voting by a motion adopted by a majority of the members present.

Rule 2.10 - Rights of Members Less Than Quorum. In the absence of a quorum no information may be presented and no official action shall be taken by the members present except to order a call of the Commission, to reschedule the same meeting, to recess or to adjourn.

Rule 2.11 - President. The President shall preside at all meetings of the Commission and shall perform all other duties necessary or incidental to the office. The President may create such committees to perform such advisory functions as he/she shall determine, and may appoint and remove as his/her pleasure, members from such committees.

Rule 2.12 - Vice President. In the absence or inability of the President to act, the Vice President shall take the place and perform the duties of the President.

Rule 2.13 - Agenda Items. Any agenda item submitted to the Secretary for inclusion on the agenda of a regular or special meeting must be approved by a Commissioner, Deputy Chief, Assistant Chief or the Chief of Police. Items submitted by the Office of Citizen Complaints must be approved by the OCC Director. All items must be submitted before the close of business on the Thursday preceding a regular Commission meeting. The Secretary shall promptly inform the President of all such submitted agenda items. If the President determines that in the interest of maintaining a meeting of reasonable length, such item should not be included on the agenda for the meeting for which the item was submitted, such item may be omitted but shall be included on the agenda of the next regular meeting or of a special meeting. Except as provided by the Brown Act or Sunshine Ordinance, the Commission shall not act upon or discuss any item at the meeting unless a description of the item appears on the posted agenda for that meeting. If an item arises after the agenda has been distributed, the Commission may add it to the agenda and consider the item in accordance with the procedures set forth under the Brown Act.

Rule 2.14 - Consent Calendar. The Consent Calendar shall include those matters that have been the subject of a public hearing conducted by the Department, a committee of the Commission or considered in closed session by the Commission. There will be no separate discussion of those items unless a member of the Commission or the public so requests, in which event the Commission shall remove and consider those items separately.

Rule 2.15 - Minutes of Proceedings. The Secretary shall record the proceedings of each meeting in the minutes of the Commission and a copy thereof shall be forwarded promptly to the Mayor and members of the Commission, as provided by Section 4.102.9 of the Charter.

### **Chapter 3 - Rules of Conduct**

Rule 3.1 - Public Comment. Members of the public are entitled to comment on any matter on the calendar prior to action being taken by the Commission on that item. In addition, the agenda shall provide an opportunity for members of the public to address the Commission on items of interest to the public which are under the jurisdiction of the Commission and have not been the subject of public comment on other items on the agenda. The President may set a reasonable time limit for each speaker, depending on the complexity of the item, the length of the agenda and the number of persons present to speak on the item.

Rule 3.2 - Addressing the Commission. Speakers must speak from the podium when addressing the Commission and shall speak clearly into the microphone. Speakers are to refrain from using profanity and/or yelling or screaming. Commissioners find it difficult to give serious consideration to any comments addressed in such a fashion. Members of the public should address their questions or remarks to the Commission. Neither Police personnel, OCC personnel nor Commissioners are required to respond to questions expect when requested to do so by the President. Individual Commissioners and Police personnel should refrain from entering into any debates or discussion with speakers during public comment.

Rule 3.3 - Audience Conduct. Persons in the audience may not express vocal support or opposition to statements made by members of the public, Police Department or OCC staff addressing the Commission. Applause and booing are prohibited. Members of the public may not display signs that impede the ability of the public or Commission to see or participate in the meeting or that endanger any meeting participants. Cameras and tape recording devices may be brought into the Commission hearing room; however, persons are prohibited from using flash, camera lights or other devices that may disrupt the meeting.

Rule 3.4 - Permission to Remove Disruptive Persons. The President shall possess the power and duty to order removed from the meeting room any person who commits the following acts after being warned that such conduct could lead to their removal:

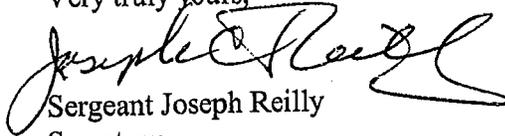
- (A) Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, or otherwise refusing to comply with the Commission Rules governing meetings;
- (B) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting;
- (C) Disobedience of any lawful order of the Commission President, which shall include an order to be seated;

(D) Any other unlawful interference with the due and orderly course of the meeting.

In addition to effecting the removal of any person or persons from the meeting who, in the opinion of the President, has violated the order and decorum of any meeting, the President may request Police personnel to place such person(s) under arrest for violation of Section 403 of the California Penal Code or any other applicable law, and may cause such person or persons to be prosecuted therefor, the complaint to be signed by the President or the Commission Secretary.

AYES: Commissioners Renne, Orr-Smith, Chan, Keane, Marshall, Sparks, Veronese

Very truly yours,



Sergeant Joseph Reilly

Secretary

San Francisco Police Commission

1497/rct

cc: Commissioners  
Ms. Lori Giorgi/City Attorney's Office

**RULES OF THE  
LOS ANGELES BOARD OF POLICE  
COMMISSIONERS**



**SEPTEMBER 15, 2015**

# LOS ANGELES POLICE COMMISSION

## Rules for Public Attendance and Participation at Meetings of the Board of Police Commissioners

### I. Purpose

The purpose of these rules is to establish an appropriate level of safety and efficiency in the meeting room of the Board of Police Commissioners ("Board") for Police Department stakeholders and other members of the public attending and/or addressing the Board. The ability of all interested persons attending public meetings to safely and efficiently participate in the business of the Commission and to observe the Board members in the performance of their duties is of paramount importance to the Board. The Board also has a compelling interest in the efficient transaction of business, free from actual disruption. Toward that end, the following rules have been promulgated to facilitate the conduct of public meetings in an open, orderly and efficient manner and in an environment safe for all persons in attendance.

### II. Access to the Police Headquarters Facility (PHF)

Visitors to the PHF must first check in at the front desk on the first floor. All visitors attending a meeting of the Board of Police Commissioners shall pass through the security screening (i.e., magnetometer, bag search), and obtain a visitor's pass which must be worn on the front of the torso and must be visible at all times while in the building.

All visitors to the PHF are required to remain in Public Areas at all times. Public Areas are: 1) the ground floor lobby; and 2) the Board room and adjacent entry corridor and lobby area restrooms. Visitors are not allowed in secured areas such as the elevator lobby, staff office areas, conference rooms and other work areas, unless accompanied at all times by a Police Department/Commission employee and for a specific invited business purpose.

### III. Access to the Board Room

Visitors to the PHF who desire to attend meetings of the Board shall not be required to register their names or otherwise provide any other information to enter into the Board room. Non-badged public meeting attendees must, however, display a visitor's pass. Where a public meeting attendee wishes to maintain his or her anonymity, he or she will not be required to write his or her name on the visitor's pass and such pass may remain blank, except for the designation "Police Commission."

Public meeting attendees shall be required to leave the PHF immediately following the adjournment of the public meeting and must exit the building from the ground floor lobby.

#### A. Capacity of the Board Room

Each member of the audience must be seated. Standees are not permitted in the Board room except for Police Department/Commission Sergeants-at-arms or authorized media representatives in possession of a Department-issued Press Pass.

## Rules for Public Attendance and Participation at Meetings

### of the Board of Police Commissioners

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Whenever the President anticipates that the number of persons attending a Board meeting may exceed the legal capacity of the Board Room, an alternate room within the PHF (overflow room), equipped with live audio of the meeting will be opened to the public, when available. Opportunities to address the Board will be made equally available to members of the public from both rooms, and the Rules set forth herein shall apply in both rooms.

#### B. Special Accommodations

The Police Commission is committed to ensuring equal access to its meetings. It is requested that individuals who require the services of a translator contact the Board Secretary no later than the day preceding the meeting. Whenever possible, a translator will be provided.

Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend.

#### **IV. Speaking Before the Board**

While the Board invites public participation in the business of the Commission, meetings of the Board are not traditional public forums where speakers have a right to speak freely on any topic of interest to the speaker. Meetings of the Board are regulated limited public forums and are strictly limited to topics directly concerning the subject matter or business of the Police Commission generally, or the individual agenda topics noticed for review.

##### A. Scope of Public Comment

Members of the public may address the Board orally at Board meetings on either: 1) specific agenda items of business, or 2) at the general Public Comment portion of the meeting. Public comment on an agenda item shall be taken prior to the Board taking action on such matter. Speakers on agenda items shall limit their comments to the specific agenda item of business.

Time will be allotted at every meeting for general Public Comment. During general Public Comment, members of the public may speak on matters within the subject matter jurisdiction of the Board. Speakers shall limit their comments to matters relating to the business of the Police Commission.

Members of the public who have submitted speaker cards for either an agenda item or general Public Comment shall address the Board from the podium.

##### B. Speaker Cards

A person wishing to address the Board on an agenda item or during general Public Comment is requested to complete and submit a speaker card to a Sergeant-at-Arms, who will deliver it to the Board secretary, for each agenda item on which he or she wishes to speak. No speaker cards will be accepted once public comment has begun on the specific agenda item for which a card is being submitted or, with respect to general Public Comment, once the general

Rules for Public Attendance and Participation at Meetings  
of the Board of Police Commissioners

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Public Comment period has commenced. Individuals will be called in the order in which the speaker cards were submitted by the Sergeant-at-Arms to the Board secretary.

C. Time Limits

Each person timely submitting a Speaker card shall be permitted to speak for a maximum of two (2) minutes on each item for which a card has been submitted. Where greater than ten (10) speaker cards are received for a particular item or for general Public Comment, the Presiding Officer may, in the exercise of his or her discretion, reduce the time limit for comment to one minute. Time cannot be ceded to another speaker, and an individual may speak only once during any individual agenda item, and once during general Public Comment.

V. **Decorum**

A. Persons Addressing the Board

Each person who addresses the Board shall do so only from the podium and shall refrain from speaking beyond the allotted time or making remarks which are not relevant to the specific agenda item for which public comment is being given.

Speakers shall direct all remarks to the Board as a whole.

B. Members of the Audience

No person in the audience at a Board meeting shall engage in any acts which cause an actual disruption of the meeting by preventing or impeding the Board's ability to accomplish its business in a reasonably efficient manner.

Signs, posters, banners or other display material which disrupt or otherwise impede the orderly conduct of the meeting or which create any obstruction to another person's attendance at or participation in the meeting are prohibited.

Members of the public or press attending a meeting of the Board may record and/or photograph the proceedings, unless such activities or the manner in which they are carried out cause a disruption of the meeting.

VI. **Enforcement**

The Presiding Officer shall be charged with enforcing the provisions of these Rules, with the assistance of Board staff, the Sergeants-at-Arms, and other necessary Police Department personnel.

A. Presiding Officer

The Presiding Officer at meetings of the Board shall be the President of the Board, or his/her designee. The Presiding Officer is charged with maintaining order during meetings and enforcing the provisions of these Rules including, but not limited to violations of:

Rules for Public Attendance and Participation at Meetings  
of the Board of Police Commissioners

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- The limitations on the scope of public comment set forth in Rule IV.A, above;
- The limitations on speaker time set forth in Rule IV.C, above; and
- The decorum requirements set forth in Rule V, above.

B. Warnings

The Presiding Officer shall request that a person who is breaching the Rules cease and desist from such conduct. In such a case, the Presiding Officer shall advise said individual(s) that a failure to cease and desist may lead to the termination of his or her remaining Public Comment time.

C. Removal For Actual Disruption

If, after being warned by the Presiding Officer, the individual(s) persist in causing an actual disruption of the meeting, the Presiding Officer may order the individual(s) to leave the meeting. If the individual(s) do not remove themselves, the Presiding Officer may order any law enforcement officer to facilitate the removal of the noncompliant individual(s) from the Board room.

Any person so removed shall be excluded from further attendance at the meeting from which he or she was removed.

Any person who resists removal from the Board room (or other area where a meeting is held) by a law enforcement officer may be subject to arrest for violation of the Penal Code or other applicable Los Angeles Municipal Code sections.

D. Recess Due to Inability to Restore Order

In the event that a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Presiding Officer may call for a recess, order the meeting room cleared and subsequently reconvene the meeting. Where the Board elects to proceed in this manner, only agenda items shall be considered, and representatives of the press or other news media not previously engaged in the disturbance shall be allowed to remain present and attend such session.

Adopted by a majority vote of the Board of Police Commissioners at a regular Commission meeting on September 15, 2015.

BOARD OF  
POLICE COMMISSIONERS  
Approved September 15, 2015  
Secretary Maria Silva

**ITEM 7**

**CITY OF OAKLAND  
CALIFORNIA**

**FISCAL YEAR 2017-19  
ADOPTED POLICY BUDGET**



# POLICE COMMISSION

## POLICE COMMISSION

On November 8, 2016, Oakland voters approved Measure LL with 83.19% (137,032 votes) in favor of the measure. Measure LL establishes: (1) A Police Commission to oversee the Police Department's policies and procedures, and (2) A Community Police Review Agency to investigate police misconduct and recommend discipline.

The Police Commission shall be established by October 6, 2017. In the meantime, the Citizens' Police Review Board continues as the civilian police oversight agency for the City of Oakland.

### MISSION STATEMENT

The Police Commission is established to oversee the Oakland Police Department in order to ensure that its policies, practices, and customs, conform to national standards of constitutional policing. The Community Police Review Agency strives community with an accessible forum to report cases alleged police misconduct.

### BUSINESS GOALS

- Develop an effective mediation program
- Become the "go-to" place for Oaklanders to file police misconduct complaints
- Be viewed as an Independent/Impartial Body
- Operate as an Independent/Impartial Body
- Conduct outreach (Develop Strategic Partnerships)
- Develop Policies, Procedures, and Bylaws
- Develop Staff Policy and Procedures
- Conduct timely investigations

Expenditures by Fund	FY 2015-16 Actuals	FY 2016-17 Unaudited Actuals	FY 2017-18 Adopted Budget	FY 2018-19 Adopted Budget
1010 General Purpose Fund (GPF)	\$0	\$0	\$2,341,733	\$2,723,724
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,341,733</b>	<b>\$2,723,724</b>
GPF Percent to Total Department	0.0%	0.0%	100.0%	100.0%
GPF Percent to Citywide GPF Expenditures	0.0%	0.0%	0.4%	0.5%

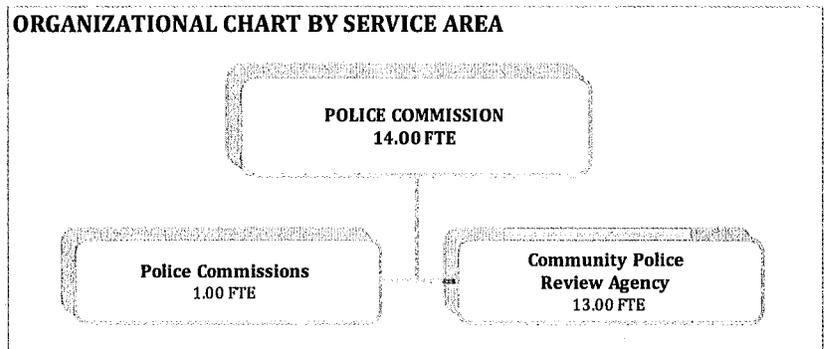
\* In FY 2015-17 Citizens' Police Review Board was part of the City Administrator's Office.

Service Area	FY 2016-17 Midcycle Authorized FTE	FY 2017-18 Adopted Budget FTE	FY 2018-19 Adopted Budget FTE
<b>Police Commission</b>	-	1.00	1.00
1010 - General Purpose Fund (GPF)	-	1.00	1.00
<b>Citizens' Police Review Agency</b>	-	13.00	13.00
1010 - General Purpose Fund (GPF)	-	13.00	13.00
<b>TOTAL</b>	-	<b>14.00</b>	<b>14.00</b>

\* In FY 2015-17 Citizens' Police Review Board was part of the City Administrator's Office.

Service Area	FY 2015-16 Actuals	FY 2016-17 Unaudited Actuals	FY 2017-18 Adopted Budget	FY 2018-19 Adopted Budget
Police Commission	\$0	\$0	\$58,878	\$93,872
Community Police Review Agency	0	0	2,282,855	2,475,048
Inspector General	0	0	0	154,804
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,341,733</b>	<b>\$2,723,724</b>

\* In FY 2015-17 Citizens' Police Review Board was part of the City Administrator's Office.



# POLICE COMMISSION

## SERVICE AREA

### POLICE COMMISSION

The Police Commission is a seven-member board (includes two alternate members) of Oakland residents who review allegations of misconduct committed by sworn members of the Oakland Police Department, review the Oakland Police Department's policies, procedures, customs, and General Orders, especially those governing the use of force, profiling based on any of the protected characteristics identified by federal, state, or local law, or First Amendment assemblies, or which contains elements expressly listed in federal court orders or federal court settlements.

### COMMUNITY POLICE REVIEW AGENCY

The Agency's immediate goal is to receive, review and prioritize all public complaints concerning the

<b>SIGNIFICANT CHANGES</b>			
	<b>FTE</b>	<b>FY 2017-18 Changes</b>	<b>FY 2018-19 Changes</b>
<b>General Purpose Fund (GPF)</b>			
Add 2.0 Complaint Investigator II and 1.0 Complaint Investigator III starting 1/1/18	3.00	\$230,565	\$477,846
Freeze 1.0 Complaint Investigator II	(1.00)	(\$73,015)	(\$151,325)
Add funding for legal support, training, etc. including start-up funds for additional positions	-	\$293,533	\$411,684
Add 0.5 Administrative Analyst effective 10/1/17	0.50	\$40,861	\$56,456
Add 0.5 Office Assistant II effective 1/1/18	0.50	\$18,154	\$37,627
<b>Organizational Changes</b>			
Transfer Citizens Police Review Board to Police Commission from City Administrator's Office	11.00	\$1,731,805	\$1,789,803

alleged misconduct or failure to act of all Police Department sworn employees, including complaints from Police Department's non-sworn employees. The Agency's duties include investigating public complaints involving uses of force, in custody deaths, profiling based on any of the protected characteristics

identified by federal, state, or local law, and First Amendment assemblies, and any other possible misconduct or failure to act of a Department sworn employee, as directed by the Police Commission.

## ITEM 8



CITY OF OAKLAND

**EXECUTIVE  
DIRECTOR,  
COMMUNITY POLICE  
REVIEW AGENCY  
(CPRA)**

Class Code:  
EM229

Bargaining Unit: UK1 - Executive Management  
Employees, Unrepresented

CITY OF OAKLAND  
Established Date: Jan 16, 2014  
Revision Date: Jan 10, 2014

**SALARY RANGE**

\$9,976.78 - \$14,965.11 Monthly  
\$119,721.36 - \$179,581.32 Annually

**DEFINITION:**

Under direction from the City Administrator, the Citizens' Police Review Board (CPRB) Executive Director plans, organizes and coordinates the activities in support of the CPRB consistent with the CPRB mission; oversees the process and review of citizen complaints; interacts with the public to promote the CPRB; and performs related work as assigned.

**DISTINGUISHING CHARACTERISTICS:**

This executive level, single incumbent position has overall responsibility for policy development, program planning, community relations, administration and operations of the CPRB. The incumbent is responsible for accomplishing departmental goals and objectives within general policy guidelines for major functional areas assigned and for special programs and projects. Pursuant to the Oakland Charter 902(f), this position is exempt from the regulations of the Civil Service Board.

The incumbent receives direction from the City Administrator and the CPRB and exercises direction over supervisory, professional, technical and other assigned staff.

**EXAMPLES OF DUTIES:**

*Duties may include, but are not limited to, the following:*

- Direct and manage a variety of full-scale investigations relating to citizen charges and complaints of alleged police officer misconduct. Ensure investigations are fair, thorough, complete and nonbiased.
- Coordinate policies and procedures relating to the CPRB activities; develop methods and procedures relative to the work of the CPRB.
- Evaluate and update CPRB policies, procedures, and operations.
- Recruit, orient, and train new CPRB members and other assigned staff consistent with the CPRB mission and goals.
- Manage, evaluate and provide training for all subordinate staff and the Board.
- Establish program evaluation benchmarks and deliverables.

- Assign cases to Complaint Investigators according to procedures and case jurisdiction; review and approve preliminary casework; prepare full investigative reports.
- Review and coordinate the preparation of a wide variety of full reports for presentation to the CPRB, City Council or any of its committees, the City Administration, or outside agencies.
- Represent the CPRB and serve as a CPRB advocate at conferences and a variety of community meetings with youth, parents, and community organizations.
- Create and direct programs to increase public visibility of the CPRB and the complaint process.
- Serve as the liaison between community groups, the CPRB, and the City Administration.
- Meet and collaborate with the Chief of Police and City Administration on policy issues and disciplinary matters.
- Coordinate the meet and confer process with the Chief of Police and City Administrator in matters related to the CPRB under the memorandum of understanding with the Oakland Police Officers' Association or any other impacted labor group.
- Monitor developments related to CPRB work; evaluate their impact on City operations and implements policy and procedure improvements.
- Review legislation, court cases (such as Copley) and legal opinions relevant to the work of the CPRB; present testimony during court proceedings.
- Secure and maintain highly confidential information, records, and files.
- Keep the City Administrator apprised of CPRB activities for successful conjunction of duties under the CPRB ordinance.

**MINIMUM QUALIFICATIONS:**

**Education:**

A Bachelor's degree from an accredited college or university in a field directly related to public administration, criminal justice or law enforcement. A Juris Doctorate degree, a license to practice law or a Private Investigator Certificate is highly desirable. Knowledge and experience with Copley law preferred.

**Experience:**

Five years of progressively responsible experience conducting civil, criminal or factual investigations that involved gathering, analyzing and evaluating evidence, conducting interviews with a variety of witnesses, and documenting information in written form. Applicable experience would include: criminal investigations conducted for a law enforcement or prosecuting agency; criminal defense investigations in the public sector; investigation of allegations of misconduct or ethical violations (especially involving public officials or police officers); investigations conducted in connection with litigation or hearings conducted by a government agency; personnel investigations; investigations related to abuse of civil or human rights and investigations and audits of fraud or abuse. Three years of supervisory experience is highly desirable.

**KNOWLEDGE AND ABILITIES:**

**Knowledge of:**

- Extensive knowledge of general legal principles, constitutional, criminal, and statutory law, as well as practice and procedures related to conducting employer-employee investigations and administrative hearings including Copley law and rules of evidence and due process.
- Considerable law enforcement knowledge, and the rules, laws and regulations thereof.
- Considerable knowledge of restorative justice and the civil rights of citizens.
- Considerable knowledge of organizational and management practices and methods, including goal setting; program development, evaluation, and implementation; budget development; and personnel management.
- Extensive experience supervising and directing subordinate professional and support staff, conducting staff meetings; evaluating, interpreting, and enforcing administrative / operational policies, practices and procedures; analyzing and solving problems of a complex nature; maintaining departmental and state safety standards.
- Considerable knowledge of personnel recruitment, management, employee relations, team building, budget development, and financial management.
- Extensive experience working directly with elected officials or an appointed board.

- The following qualifications are guidelines, as the appointing authority has discretion in filling positions in this exempt classification.

Ability to:

- Ability to make or recommend decisions on the basis of thorough consideration of all pertinent facts, laws, ordinances, court cases, city and departmental policies and regulations and relevant precedents.
- Ability to identify possible alternative solutions as well as foresee the likely advantages and disadvantages of such alternatives and to advise the City Council or CPRB on such.
- Ability to exercise sound and fair independent judgment within general policy guidelines.
- Ability to develop and implement goals, objectives, policies, procedures, work standards and internal controls.
- Ability to coordinate a variety of projects and activities inter-departmentally and with outside agencies; plan, organize, direct, and coordinate a variety of functional specialties with overlapping work areas.
- Ability to negotiate and to facilitate dialogue around a variety of issues with good consensus building skills.
- Ability to communicate effectively and persuasively in both oral and written form; speak in large and small group settings.
- Ability to analyze complex technical and administrative information; evaluate alternative solutions and recommend or adopt effective courses of action.
- Ability to maintain and exhibit discretion and integrity when handling sensitive information.
- Ability to develop and maintain positive relationships with community leaders and organizations, businesses, staff, and others contacted in the performance of duties.

**LICENSE OR CERTIFICATE / OTHER REQUIREMENTS:**

An incumbent in this position is expected to operate automotive vehicles in the performance of assigned duties. An individual appointed to this position will be required to maintain a valid California Driver's License throughout the tenure of employment.

NACOLE membership preferred.

Proficiency in a second language is highly desirable.

**CLASS HISTORY:**

Exempted date 03-16-2014; Reso #78422

Established 01-16-2014; Reso #44696

# ITEM 9



## ***AGENDA REPORT***

**TO:** OAKLAND POLICE COMMISSION

**DATE:** December 19 2017

**FROM:** Anthony Finnell

**SUBJECT:** Item IX – Discussion – Community Police Review Agency Vacancies and Hiring

The Community Police Review Agency has 14 budgeted full-time employee positions:

- Executive Director
- Policy Analyst
- Complaint Investigator III (VACANT)
- Complaint Investigator II (7 total with 2 VACANT)
- Intake Technician (3)
- Office Assistant II

The hiring process for the position of Complaint Investigator III has already begun.

*See attachment A to review the draft position announcement.*

One Complaint Investigator II position was frozen as part of the City of Oakland's Fiscal Year 2017-2019 Adopted Policy Budget (Budget).

*See attachment B, pages G-17 and G-18 from the Budget.*

The remaining Complaint Investigator II position was frozen as part of City Council Resolution No. 86958 C.M.S.

*See attachment C, No. 86958 C.M. S.*

### **RECOMMENDATION**

Staff recommends that the Oakland Police Commission accept this informational report on the CPRA's vacancies and hiring.

Anthony W. Finnell  
Interim Executive Director  
Community Review Police Agency

# ATTACHMENT A

**CITY OF OAKLAND**  
**invites applications for the position of:**  
**Complaint Investigator III**

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**SALARY:** \$7,696.50 - \$9,448.69 Monthly  
\$92,358.00 - \$113,384.28 Annually

**OPENING DATE:** 01/02/18

**CLOSING DATE:** 01/19/18 11:59 PM

**THE POSITION:**

Do you have experience with complex civil and criminal investigations? Do you have passion and interest in the work involved with police accountability?

The City of Oakland is currently recruiting to fill one Complaint Investigator III vacancy within the Community Police Review Agency.

Under general direction of the Community Police Review Agency Executive Director, serves as the first line supervisor for intake and investigations; performs investigations of complaints of alleged police misconduct which are filed with the Community Police Review Agency; compiles and analyzes facts and data for cases; acts as liaison between the Police Commission, City Administrator's Office, the City Attorney's office, and the Police Department; supervises and trains assigned staff; may act in the absence of the Executive Director; and performs related duties as assigned.

The ideal candidate for the position of Complaint Investigator III for the Community Police Review Agency should:

- Be able to supervise, mentor, train and guide assigned staff;
- Be able to handle a variety of different complainants respectfully;
- Be able to work with minimal supervision;
- Have proven ability to manage complex investigations in an unbiased manner;
- Understand police rules and regulations, case law, Constitutional matters, and police practices;
- Have passion and interest in the work and in the issues involved with police accountability;
- Be able to interview and examine witnesses and identify discrepancies in testimony and evidence;
- Have excellent written and oral communication skills to write detailed and thorough investigative reports; and
- Be able to articulate findings from the investigation in a clear and concise manner.

**This is a public contact position. Although no current vacancies require a specific language, the eligible list may be used to fill future vacancies that may require bilingual skills.**

**The eligibility list established from this recruitment may be used to fill other vacancies that occur within The City including Complaint Investigator II positions, if applicable.**

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#WORKOAKLAND See us on [Facebook](#)

## **EXAMPLES OF DUTIES:**

*Duties and responsibilities include, but are not limited to the following:*

- Supervise, train and evaluate agency intake technicians, investigators and attorneys.
- Consult with investigators on complex cases, coordinating investigative resources where applicable.
- Provide initial review of completed investigative reports.
- Investigate complaints filed with the Community Police Review Agency; facilitate mediation of complaints as appropriate.
- Analyze and compile facts and data for cases concerning police complaints; formulate objective recommendations based on critical analysis; interpret rules, laws and regulations pertaining to police conduct; develop, maintain, revise and provide Community Police Review Agency Executive Director with the comprehensive investigative plan and case status.
- Prepare a variety of complex written reports; attend meetings; make oral presentations to the Police Commission, City Council, and community groups and others.
- Consult and confer with Executive Director regarding the following: prioritization of cases for investigation; facts established in investigations; important issues that may arise in interpreting various laws; facts, trends and patterns identified through investigations; the recommended disposition and conclusion of cases.
- Respond to inquiries from community members, Police Officers, Community Police Review Agency, the media and other interested parties in a timely manner.
- Participate in community outreach activities and serve as a representative of the Community Police Review Agency to citizen groups, the police department, and other government agencies.
- Identify, actively seek out, and interview complainants, witnesses, technicians, sworn police personnel, dispatchers, medical personnel and others as necessary to complete thorough investigations; gather pertinent evidence material to complaints; assess Oakland Police Department, including Internal Affairs Division records, and maintain confidentiality; compile and summarize information collected.
- Maintain complete and accurate complaint files, conversation logs, closed files, media reports, police reports, computerized files and other related files and records; formulate report based on the evidence gathered; ensure that records are secured and confidential.
- Drive to various locations to conduct interviews, research complaints, access data and information and attend meetings.
- Participate in training new personnel; make recommendations regarding training and policy changes.
- Process Public Records Act requests in accordance with City policy and applicable laws, consulting and conferring with City Attorney and Executive Director as needed.

## **MINIMUM REQUIREMENTS FOR APPLICATION:**

*Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.*

### **Education:**

# ATTACHMENT A

Bachelor's degree from an accredited college or university in public administration, behavioral science, political science, or a related field.

Graduate or law degree preferred.

## **Experience:**

Five years of professional full-time paid experience in civil or criminal investigation or related field where the responsibility includes evidence gathering, evidence evaluation, and disposition recommendation. Experience supervising personnel to include training, mentoring, and evaluating personnel performance.

## **License:**

Individuals who are appointed to this position will be required to maintain a valid California Driver's License throughout the tenure of employment OR demonstrate the ability to travel to various locations in a timely manner as required in the performance of duties.

## **Other Requirements:**

Oral and written bi-lingual skills in Spanish, Mandarin or Cantonese are highly desirable. Other languages may be added to comply with the City's Equal Access Ordinance or other relevant legislation or department needs.

Incumbents will be expected to work nights and weekends as necessary.

**This position is subject to the successful completion of a background check.**

## **Knowledge of:**

- Principles, practices and techniques of conducting an investigation including conduct of interviews and interrogation, research and data investigation, analysis of information, and preparing thorough and objective recommendations.
- Laws of arrest, search and seizure, legal rights of citizens; principles of constitutional law; and Public Safety Officer's Bill of Rights.
- Public relations principles including public speaking and conflict mediation and techniques.
- Police department administration and organization; administrative hearing practices;
- English punctuation, syntax, language mechanics and spelling
- Principles and techniques necessary for the objective presentation of recommendations both in oral and written formats;
- Basic personal computer applications including word processing, databases and spreadsheets.
- Principles of supervision, training, and development.

## **Ability to:**

- Plan, organize and conduct thorough investigations of complex and sensitive matters in a timely manner.
- Maintain accurate records and files.
- Create comprehensive investigative operational plans.
- Interview effectively and analytically; follow-up on discrepancies; corroborate evidence and leads to other evidence suggested by complaint and defense.
- Use tact and diplomacy in interviewing individuals from diverse backgrounds while remaining calm and impartial during sensitive, confrontational, and stressful situations;

# ATTACHMENT A

- Compile and critically analyze information, facts, evidence and other data to evaluate testimony and analyze the credibility of the witness and the probative value of information obtained.
- Reason logically; apply rules and facts; draw conclusions and make supported recommendations. Operate a camera to photograph complainants' injuries and the scene of the incident if necessary. Read, comprehend, and analyze complex policies, rules, laws, reports, medical records and other pertinent documents.
- Interpret information regarding the case and process in lay person's terms.
- Maintain a high level of professionalism and ethical standards in approaching each case without preconceived biases.
- Communicate effectively orally and in writing; make verbal presentations to both large and small groups.
- Establish and maintain professional working relationships with employees, elected officials, boards and commissions, community groups and the general public.
- Handle stressful and sensitive situations with tact and diplomacy.
- Meet critical deadlines, manage time effectively and adapt quickly to changing priorities.
- Work with minimal supervision and direction.
- Work flexible hours as necessary including nights and weekends.
- Supervise, train and evaluate assigned staff.

## **SUPPLEMENTAL INFORMATION:**

### **The Selection Process**

**Stage I:** The first stage in the selection process will consist of a review of each applicant's employment application, current resume, and supplemental questionnaire for minimum qualifications (weighted pass/fail). Applications submitted without all required materials will not be given further consideration.

**Stage II:** The second stage will consist of subject matter experts evaluating and rating the completed supplemental questionnaires. Applicant responses to the supplemental questions must demonstrate the knowledge, skills and abilities listed in the qualifications section of this announcement. The evaluation of supplemental questions may be weighted 100% of an applicant's score (before residency and/or veteran points) and may determine rank on the eligible list. If a sufficient number of quality application packets are received, the supplemental screening may be followed by a third stage and the most qualified applicants will be invited to the next stage. Meeting the minimum qualifications does not guarantee advancement to Stage III.

**Stage III:** The third stage may consist of an oral examination that may be preceded by a brief written exercise (weighted 100%) and that will test the knowledge, skills and abilities listed in the qualifications section.

The ranked eligible list may be developed directly from the supplemental screening OR the results of Stage III. Candidates must earn a scale score of 70 in this examination process to be placed on the eligible list for employment consideration.

The City of Oakland reserves the right to modify the selection process as necessary to conform to administrative or business necessity.

### **How to Apply**

# ATTACHMENT A

Apply prior to the closing time of the job announcement and allow at least an hour to submit your application if you are a new user on the system. **APPLICATIONS ARE ACCEPTED ONLINE ONLY.** You may apply and view current openings by visiting our employment opportunities webpage at: <http://agency.governmentjobs.com/oaklandca/default.cfm>

If you do not have access to a computer, there are computer stations available at any City of Oakland Public Library. There are also work stations at the Human Resources Management Department, 150 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612. Work stations are available during regular business hours (normally 9:00 a.m. to 5:00 p.m.).

Our on-line application system is provided by NeoGov. If you have problems while applying online, please contact the Help Desk at (877) 204-4442.

You may also call the City of Oakland Human Resources Management Department during regular business hours at (510) 238-3112 for information.

**Date of Examination:**  
To Be Announced

**The City of Oakland is an EEO/ADA Employer.**

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## ADVISORIES

**Immigration and Reform Control Act:** In compliance with the Immigration and Reform Control Act of 1986 the City of Oakland will only hire individuals who are legally authorized to work in the United States.

**Exam Access Accommodation:** In compliance with local, state and federal laws and regulations, the City of Oakland will employ and promote qualified individuals without regard to disability. The City is committed to making reasonable accommodations in the examination process and in the work environment. Individuals requesting reasonable accommodations in the examination process must do so no later than five working days after the final filing date for receipt of applications, otherwise it may not be possible to arrange accommodations for the selection process. Such requests should be addressed to the Department of Human Resources Management, 150 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612-2019 or call (510) 238-3112 or TDD (510) 238-3254.

The City of Oakland is an EEO/ADA Employer.

<http://www2.oaklandnet.com/Government/o/HumanResources/index.htm>

150 Frank H. Ogawa Plaza - 2nd Floor  
Oakland, CA 94612  
(510) 238-3112

Position #18-AP144-01  
COMPLAINT INVESTIGATOR III  
CN

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# ATTACHMENT A

## Complaint Investigator III Supplemental Questionnaire

- \* 1. Each applicant must complete this supplemental questionnaire as part of the application and selection process. The information you provide will be reviewed and used to determine your eligibility to move forward in the selection process. Incomplete responses, false statements, omissions, or partial information may result in disqualification from the selection process. Do you agree to answer each supplemental question truthfully and that your responses can be verified from information included with the application?
- Yes  No
- \* 2. Do you have a Bachelor's degree from an accredited college or university in public administration, behavioral science, political science, or a related field?
- Yes  No
- \* 3. Do you have at least five years of professional full-time paid experience in civil or criminal investigation or related field where the responsibility includes evidence gathering, evidence evaluation, and disposition recommendation? Experience supervising personnel to include training, mentoring, and evaluating personnel performance.
- Yes  No
- \* 4. Where it was your primary role, please describe your paid professional experience conducting in-depth civil or criminal investigation where the responsibility includes: investigatory evidence gathering & evaluation, interviewing witnesses, and disposition recommendation. Also include the number of staff members you have managed/supervised. In your response, include the industry in which you worked and type of organization for which you worked.
- \* 5. Describe a situation where you needed to locate a reluctant witness for an investigation. Include the purpose and the scope of the investigation and your specific role; your understanding of why the witness was reluctant; the steps you took to locate the witness; the outcome of the investigation.
- \* 6. Describe a situation where you had an assignment and needed to manage staff/others with multiple deadlines for assignment completion. Include the purpose and the scope of the assignment and your specific role; your understanding of the significance of the assignment; the steps you took to make sure the staff/others completed the assignment by the deadline.
- \* 7. Describe a difficult and/or sensitive investigation, where you had a primary role, which involved conducting interviews to assist in the resolution of conflicting statements or testimony. Include the purpose and scope of the investigation and your specific role; what made the investigation difficult and/or sensitive; how you gathered and evaluated relevant physical and documentary evidence; how you conducted your interviews and dealt with the interviewees; how you documented and evaluated information gathered in the interviews; the outcome of the investigation.
- \* 8. This recruitment is being announced in accordance with Section 5.03 of the Civil Service Rules. The eligible list generated from this announcement will be used to fill positions that may or may not require bilingual skills. For positions in this classification requiring selective

# ATTACHMENT A

certification of bilingual skills, only the highest ranking candidates who demonstrate bilingual proficiency in the following languages: Spanish, Cantonese, and Mandarin, will be referred to the hiring department. Bilingual skills will be tested prior to a final offer of employment; screening for bilingual skills may be conducted on the same day as a written exam or oral board interview. Identify the language(s) for which you have bilingual conversational proficiency. If you do not have bilingual conversational proficiency in any of the identified languages, check the appropriate box. Although the current vacancy does not require bilingual skills, future vacancies may require such skills.

- Spanish
- Cantonese
- Mandarin
- I do not have bilingual conversational proficiency in any of the identified languages, but I am still interested in the position.

\* Required Question

DRAFT

# POLICE COMMISSION

## POLICE COMMISSION

On November 8, 2016, Oakland voters approved Measure LL with 83.19% (137,032 votes) in favor of the measure. Measure LL establishes: (1) A Police Commission to oversee the Police Department's policies and procedures, and (2) A Community Police Review Agency to investigate police misconduct and recommend discipline.

The Police Commission shall be established by October 6, 2017. In the meantime, the Citizens' Police Review Board continues as the civilian police oversight agency for the City of Oakland.

### MISSION STATEMENT

The Police Commission is established to oversee the Oakland Police Department in order to ensure that its policies, practices, and customs, conform to national standards of constitutional policing. The Community Police Review Agency strives community with an accessible forum to report cases alleged police misconduct.

### BUSINESS GOALS

- Develop an effective mediation program
- Become the "go-to" place for Oaklanders to file police misconduct complaints
- Be viewed as an Independent/Impartial Body
- Operate as an Independent/Impartial Body
- Conduct outreach (Develop Strategic Partnerships)
- Develop Policies, Procedures, and Bylaws
- Develop Staff Policy and Procedures
- Conduct timely investigations

Expenditures by Fund	FY 2015-16 Actuals	FY 2016-17 Unaudited Actuals	FY 2017-18 Adopted Budget	FY 2018-19 Adopted Budget
1010 General Purpose Fund (GPF)	\$0	\$0	\$2,341,733	\$2,723,724
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,341,733</b>	<b>\$2,723,724</b>
GPF Percent to Total Department	0.0%	0.0%	100.0%	100.0%
GPF Percent to Citywide GPF Expenditures	0.0%	0.0%	0.4%	0.5%

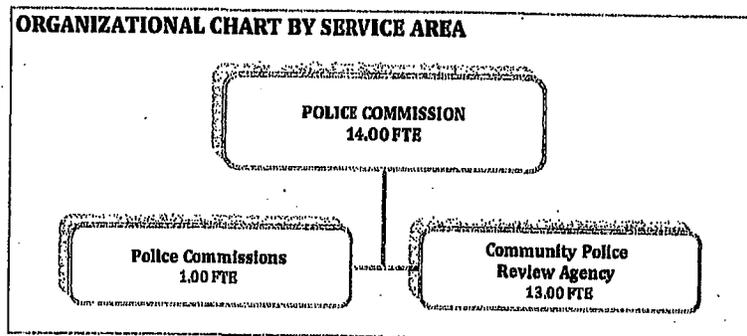
\* In FY 2015-17 Citizens' Police Review Board was part of the City Administrator's Office.

Service Area	FY 2016-17 Midcycle Authorized FTE	FY 2017-18 Adopted Budget FTE	FY 2018-19 Adopted Budget FTE
Police Commission	-	1.00	1.00
1010 - General Purpose Fund (GPF)	-	1.00	1.00
Citizens' Police Review Agency	-	13.00	13.00
1010 - General Purpose Fund (GPF)	-	13.00	13.00
<b>TOTAL</b>	<b>-</b>	<b>14.00</b>	<b>14.00</b>

\* In FY 2015-17 Citizens' Police Review Board was part of the City Administrator's Office.

Service Area	FY 2015-16 Actuals	FY 2016-17 Unaudited Actuals	FY 2017-18 Adopted Budget	FY 2018-19 Adopted Budget
Police Commission	\$0	\$0	\$58,979	\$93,972
Community Police Review Agency	0	0	2,282,855	2,475,048
Inspector General	0	0	0	154,804
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,341,733</b>	<b>\$2,723,724</b>

\* In FY 2015-17 Citizens' Police Review Board was part of the City Administrator's Office.



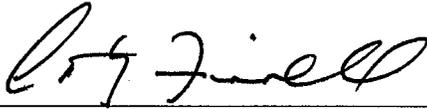


Lastly, Ms. Tom sent me the latest price quote from the vendor they use to purchase the badges and carrying case.

At this time, I am awaiting a final legal opinion on the process we need to follow to address this issue.

**RECOMMENDATION**

Staff recommends that the Oakland Police Commission accept this informational report on the status of Commissioner email, business cards and badges/id.



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Anthony W. Finnell  
Interim Executive Director  
Community Review Police Agency

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

EDMUND G. BROWN JR.  
Attorney General

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OPINION	:	No. 06-307
	:	
of	:	July 30, 2007
	:	
EDMUND G. BROWN JR.	:	
Attorney General	:	
	:	
MARC J. NOLAN	:	
Deputy Attorney General	:	
	:	

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THE HONORABLE ROD PACHECO, DISTRICT ATTORNEY, COUNTY OF RIVERSIDE, has requested an opinion on the following questions:

1. Does a sheriff's gift of an honorary badge to a private citizen violate California law?
2. Does a sheriff's gift of an honorary badge to a private citizen confer peace officer status on the recipient or give him or her the powers of a peace officer?
3. If a sheriff's gift of an honorary badge to a private citizen violates California law, would the sheriff or the county be subject to civil liability for an injury resulting from the recipient's subsequent misuse of the badge?

## CONCLUSIONS

1. A sheriff's gift of an honorary badge to a private citizen violates California law if (1) the badge falsely purports to be authorized, or would deceive an ordinary reasonable person into believing that it is authorized, for use by a peace officer or (2) the badge indicates membership in an organization whose name would reasonably be understood to imply that the organization is composed of law enforcement personnel when, in fact, less than 80 percent of the members of the organization are law enforcement personnel, active or retired, and the sheriff has knowledge of such fact.

2. A sheriff's gift of an honorary badge to a private citizen does not confer peace officer status on the recipient or give him or her the powers of a peace officer.

3. If a sheriff's gift of an honorary badge to a private citizen violates California law, the sheriff would be subject to civil liability for an injury resulting from the recipient's subsequent misuse of the badge if the injury was proximately caused by the sheriff's own negligent or wrongful act in providing the badge; the county would be subject to civil liability if the sheriff's negligent or wrongful act occurred within the scope of his or her employment.

## ANALYSIS

Peace officers are provided badges by their employing agencies so that they may identify themselves to the public and show their law enforcement authority. (See Gov. Code, § 26690 [sheriff and deputy sheriff]; Pen. Code, § 830.10 [uniformed peace officer]; Veh. Code, § 2257 [California Highway Patrol officer].)<sup>1</sup> We have previously concluded that a person who is not a peace officer, such as a county public defender's investigator, "may not display a peace officer's badge, a badge which falsely purports to be a peace officer's badge, or a badge which so resembles a peace officer's badge as would deceive an ordinary reasonable person into believing that it is being used by one who by law is given the authority of a peace officer." (68 Ops.Cal.Atty.Gen. 11, 15 (1985).) We have also recognized that a law enforcement official is not barred from creating "purely honorary positions, so long as no official status is sought to be conferred and no official or official-looking identification is authorized." (59 Ops.Cal.Atty.Gen. 97, 102 (1976).)

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<sup>1</sup> All further references to the Penal Code are by section number only.

Here, we are informed that a sheriff has distributed honorary badges to private citizens. We are asked three questions in connection with this practice: under what circumstances, if any, does the practice violate California law, would the recipients have peace officer status or powers, and would the sheriff or the county be civilly liable for any subsequent misuse of an honorary badge by a recipient?

1. Violation of California Law

In addressing the first question, we examine the provisions of two statutes. Subdivision (c) of section 538d provides:

Any person who willfully wears, exhibits, or uses, or who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this subdivision is subject to a fine not to exceed fifteen thousand dollars (\$15,000).<sup>2</sup>

Section 146c states in part:

Every person who designates any nongovernmental organization by any name, including, but not limited to any name that incorporates the term “peace officer,” “police,” or “law enforcement,” that would reasonably be understood to imply that the organization is composed of law enforcement personnel, when, in fact, less than 80 percent of the voting members of the organization are law enforcement personnel or firefighters, active or retired, is guilty of a misdemeanor.

Every person who solicits another to become a member of any organization so named, of which less than 80 percent of the voting members are law enforcement personnel or firefighters, or to make a contribution

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<sup>2</sup> Subdivision (c) of section 538e contains a similar prohibition with respect to badges that resemble those worn by “an officer or member of a fire department or a deputy state fire marshal.”

thereto or subscribe to or advertise in a publication of the organization, or who sells or gives to another any badge, pin, membership card, or other article indicating membership in the organization, knowing that less than 80 percent of the voting members are law enforcement personnel or firefighters, active or retired, is guilty of a misdemeanor.

In our 1985 opinion, 68 Ops.Cal.Atty.Gen. 11, *supra*, we focused upon whether a county public defender's investigator, a person who was not a peace officer, could display a badge in light of the prohibition of section 538d. While we were not concerned with the legality of the furnishing of the badge to the investigator, our prior discussion is helpful here in examining the scope of a sheriff's authority in giving honorary badges to private citizens. We stated that section 538d prohibited:

... (1) the display of a badge which "falsely purports to be authorized for the use of one who by law is given the authority of a peace officer" or (2) the display of a badge which "so resembles the authorized badge" of a peace officer "as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer." This paragraph would forbid a person who is not a peace officer from using a badge designed or inscribed in such a manner that it "falsely purports" to be the genuine article, e.g., a badge with the words "Police Officer." This paragraph also would prohibit the use of a badge which "resembles" an authorized peace officer's badge, e.g., a badge shaped or inscribed similarly to that of the sheriff's department's badge. Under this last provision the ultimate test is whether an "ordinary reasonable person" would be deceived by the use of the similar badge.

A county public defender's investigator may not display a peace officer's badge or a badge which on its face purports to be a peace officer's badge. We turn then to the question of when a badge "resembles" a peace officer's badge thus making its display illegal under section 538d.

The purpose of the prohibition is to prevent confusion among members of the general public as to the identity or authority of a person exhibiting a badge. In 27 Ops.Cal.Atty.Gen. 213, 214 (1956) we concluded that a private patrolman may wear a badge and cautioned that "it should be as distinguishable from those of the authorized peace officers as is possible so as not to cause confusion." [Citation.]

Peace officer badges are usually designed in the shapes of shields or stars or combinations of both such forms. The general public associates these

designs with police officers, sheriff's deputies and other law enforcement officers. County public defender's investigators' badges similarly fashioned would resemble peace officers' badges and would likely deceive an ordinary reasonable person into believing that the investigators have the authority of peace officers. In our view a county public investigator's badge should not be in the form of a shield or a star. It has been suggested that the inscription "Public Defender's Investigator" upon the face of a shield or star badge would preclude any possible misunderstanding on the part of an ordinary person. This, of course, would be a question of fact depending upon the opportunity or ability of the ordinary reasonable person to see or read the badge and to comprehend its function. Badges are often "flashed," i.e., briefly exhibited, and persons may react to a badge "through fear or respect." [Citation.] The circumstance under which it is displayed or any statements made by the person showing it will be factors in deciding whether such badge deceives someone into believing the one exhibiting it is indeed a peace officer.

(*Id.* at pp. 13-14, fns. omitted.)

Here, we presume that a sheriff would *not* provide to a private citizen an actual deputy sheriff's badge or an honorary badge that falsely purports to be authorized for peace officer use. Instead, we address whether an honorary badge may so resemble a genuine badge that an ordinary reasonable person would believe it is authorized for use by a peace officer. The factors we enumerated in our 1985 opinion are pertinent to that inquiry, i.e., whether the badge is in the shape of a shield or a star or similar design commonly associated with peace officer badges and whether the words on the badge indicate or disclaim official peace officer identity. Since the prohibition is designed "to prevent confusion among members of the general public as to the identity or authority of a person exhibiting a badge," we reaffirm our earlier view that an honorary badge should be "as distinguishable as possible" from badges used by peace officers. (68 Ops.Cal.Atty.Gen., *supra*, at p. 14; see 27 Ops.Cal.Atty.Gen., *supra*, at p. 214.) Stated differently, the more an honorary badge resembles an authorized peace officer badge in shape, markings, and other indicia that connote genuineness, the more likely the badge will deceive an ordinary reasonable person, and the more likely that a person furnishing or displaying the badge will be found to have violated section 538d.

It bears noting that, as we observed in our earlier opinion, "[t]he circumstance under which [the badge] is displayed or any statements made by the person showing it will be factors in deciding whether such badge deceives someone into believing the one exhibiting it is indeed a peace officer." (68 Ops.Cal.Atty.Gen., *supra*, at p. 14.) Here, because a sheriff who provides an honorary badge will not in most cases participate in its display by the recipient, we believe that, depending upon the circumstances, a recipient may

violate California law while the sheriff may not. For example, if the badge, when viewed in isolation, is of a shape and design that could not reasonably be mistaken for an authentic peace officer badge, the sheriff would not run afoul of section 538d, even if the recipient later were to display the badge for an improper purpose and did so in such a way, i.e., quickly and with an assertion of authority, that would deceive a member of the public into believing that the badge was authentic. We note that in the latter circumstances, the recipient would, in all likelihood, also be guilty of a misdemeanor under section 538d, subdivision (b)(2), which prohibits any person from wearing or using a false or misleading badge “for the purpose of fraudulently impersonating a peace officer or fraudulently inducing the belief that he or she is a peace officer.”

As for section 538d’s requirement that the person furnishing the badge must do so “willfully,” we find here that the sheriff need not intend to defraud or deceive for this element of the offense to be satisfied. “The word ‘willfully’ when applied to the intent with which an act is done or omitted means with a purpose or willingness to commit the act or to make the omission in question. The word ‘willfully’ does not require any intent to violate the law, or to injure another, or to acquire any advantage.” (§ 7, subd. (1).) In *People v. Johnson* (1998) 67 Cal.App.4th 67, 72, the court observed:

As a general rule, a statute proscribing willful behavior is a general intent offense. [Citations.] A statute which includes “willfully” language may nevertheless define a specific intent offense if the statute includes other language requiring a specific intent. [Citations.] However, “willfully” language without any additional specific intent language denotes a general intent offense. [Citations.] The only intent required for a general intent offense is the purpose or willingness to do the act or omission. [Citation.] The term “willful” requires that the prohibited act or omission occur intentionally. [Citation.]

As relevant to our question, section 538d prohibits any person from “willfully” providing a false or misleading badge to another but contains no other intent language. It thus describes a general intent offense; no specific intent or other mental state is required.

As for the word “falsely,” as used in section 538d, we find that it does not impose a requirement that the sheriff intend that the badge be used by the recipient in a manner similar to how a peace officer would use the badge. Rather than modifying or qualifying the sheriff’s intent, the word “falsely” describes one type of badge that would violate the statute – i.e., one that falsely purports to be authorized for peace officer use. As discussed above, one may violate the law by willfully providing a badge that so resembles a genuine badge that it would deceive an ordinary reasonable person. Given our assumption that a sheriff would not knowingly provide a genuine badge or one that falsely purports to

be authorized for peace officer use, our focus in this analysis is upon whether a sheriff may be subject to criminal liability for providing an honorary badge that is deceptive because of its resemblance to an official badge. Of course, if the honorary badge *did* falsely purport to be authorized, the gift of such a badge would violate the terms of section 538d.

We also find that the standard “as would deceive an ordinary reasonable person into believing that it is authorized,” as used in section 538d, is sufficiently definite to satisfy the applicable constitutional requirements. (See *Tobe v. City of Santa Ana* (1994) 9 Cal.4th 1069, 1106-1107 [penal statute must provide adequate notice of the conduct proscribed and not invite “arbitrary or discriminatory enforcement”].) In *Davis v. Municipal Court* (1966) 243 Cal.App.2d 55, the court rejected a vagueness challenge to section 146c, discussed below, that prohibits the designation of a nongovernmental organization by a name “including, but not limited to any name which incorporates the term ‘peace officer,’ ‘police,’ or ‘law enforcement,’ which would reasonably be understood to imply” that the organization was composed of peace officers. The court observed:

We do not agree that the phrase “reasonably be understood to imply” fails to meet the constitutional standard required. The rule is well established that although the words of a particular statute may not mean “the same thing to all people, all the time, everywhere,” they do not offend the requirements of due process if they “give adequate warning of the conduct proscribed and mark ‘ . . . boundaries sufficiently distinct for judges and juries fairly to administer the law . . . . That there may be marginal cases in which it is difficult to determine the side of the line on which a particular fact situation falls is not sufficient reason to hold the language too ambiguous to define a criminal offense . . . .’” [Citations.] The language complained of does give adequate warning of the conduct proscribed and does furnish a sufficiently distinct standard for the administration of the statute.

(*Id.* at p. 58.)

Similarly, here, we believe that the phrase “as would deceive an ordinary reasonable person into believing that it is authorized,” as used in section 538d, is sufficiently descriptive since it directly follows and refers to a badge “which so resembles” an authorized badge. This deception requirement may be understood to encompass the physical characteristics of the badge in question, such as its similarity to an authorized badge in shape, size, design, coloring, and markings. Thus, we find that the statutory language provides adequate notice of the conduct prohibited – i.e., providing or displaying an unauthorized badge that is likely to deceive – and does not invite arbitrary or discriminatory enforcement. (See *Tobe v. City of Santa Ana*, *supra*, 9 Cal.4th at p. 1107.)

Turning next to the requirements of section 146c, quoted above and as further analyzed in *Davis v. Municipal Court*, *supra*, 243 Cal.App.2d 55, we find that an honorary badge would come within the scope of this statute if the badge indicated membership in an organization designated by any name “that would reasonably be understood to imply that the organization was composed of law enforcement personnel, when, in fact, less than 80 percent of the voting members of the organization were law enforcement personnel or firefighters, active or retired.” The statute subjects “every person” to criminal liability who sells or gives to another such a badge, provided the person giving the badge does so with knowledge that the designated organization is not composed of the requisite number of law enforcement personnel. And consistent with our analysis of a similar standard used in section 538d, we do not find the “reasonably be understood to imply” standard to be so vague as to render the statute void for failure to provide adequate notice of the conduct it proscribes. (See *Davis v. Municipal Court*, *supra*, 243 Cal.App.2d at p. 58.)

We thus conclude in answer to the first question that a sheriff’s gift of an honorary badge to a private citizen violates California law if (1) the badge falsely purports to be authorized, or would deceive an ordinary reasonable person into believing that it is authorized, for use by a peace officer or (2) the badge indicates membership in an organization whose name would reasonably be understood to imply that the organization is composed of law enforcement personnel when, in fact, less than 80 percent of the organization are law enforcement personnel, active or retired, and the sheriff has knowledge of such fact.

## 2. Peace Officer Status and Powers

We next consider whether a sheriff’s gift of an honorary badge to a private citizen confers peace officer status on the recipient or gives him or her the powers of a peace officer. We conclude that such a gift would not confer such status or powers.

Attaining the status of a “peace officer” depends upon a lawful appointment to a statutorily designated peace officer position. (See, e.g., 86 Ops.Cal.Atty.Gen. 112, 113, 117 (2002).) In this regard, section 830 provides:

Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer. The restriction of peace officer functions of any public officer or employee shall not affect his or her status for purposes of retirement.

“This chapter” (§§ 830-832.9) includes specific references to various full-time and reserve law enforcement officers, but a private citizen’s possession of an honorary badge does not make the person a holder of any of those enumerated positions.<sup>3</sup>

Section 830 also specifies that a person appointed as a peace officer, whatever the particular classification, must meet all applicable “standards imposed by law.” For example, Government Code section 1031 requires peace officer candidates to meet certain “minimum standards,” including the possession of “good moral character as determined by a thorough background investigation” *before* attaining peace officer status. (See *County of Riverside v. Superior Court* (2002) 27 Cal.4th 793, 806 [“If the minimum standards are to have any real meaning, a candidate has to meet the standards *prior to* becoming a peace officer”].) The mere receipt of an honorary badge would not satisfy such legal standards.

Nor would an individual possessing an honorary badge have the authority to exercise peace officer powers, such as the powers to arrest, serve a search warrant, or carry a concealed weapon. As we have previously observed, the proper exercise of such powers depends upon, among other things, whether the officer has satisfied applicable training requirements. (See 86 Ops.Cal.Atty.Gen. 112, 113-115 (2003); 85 Ops.Cal.Atty.Gen. 203, 207 (2002); 80 Ops.Cal.Atty.Gen. 293, 294-295 (1997); see also 51 Ops.Cal.Atty.Gen. 110, 112 (1968).) Significantly, section 832 provides in relevant part:

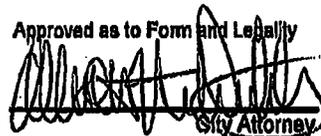
(a) Every person described in this chapter as a peace officer shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training. On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of any peace officer whose employing agency prohibits the use of firearms.

(b)(1) Every peace officer described in this chapter, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the course of training described in subdivision (a).

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<sup>3</sup> Because we are concerned with the gift of an honorary badge, we may assume that a sheriff who provides such a badge to a private citizen would not intend to appoint the recipient to an actual peace officer position or classification or bestow upon the recipient any sort of official status. (Cf. 59 Ops.Cal.Atty.Gen., *supra*, at pp. 101-103 [appointment of reserve or special deputy sheriffs]; see also 56 Ops.Cal.Atty.Gen. 390, 391-394 (1973); 31 Ops.Cal.Atty.Gen. 121, 122-125 (1958).)

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality  
  
City Attorney

2011 OCT 11 OAKLAND CITY COUNCIL

RESOLUTION NO. 86858 C.M.S.

**RESOLUTION TO RESCIND RESOLUTION NO. 86489 C.M.S. AND ADOPT A RESOLUTION TO WAIVE THE MULTIPLE-STEP SOLICITATION PROCESS REQUIREMENTS AND AUTHORIZE THE CITY ADMINISTRATOR, OR DESIGNEE, TO ENTER INTO A CONTRACT WITH OUTSYSTEMS OR AN OUTSYSTEMS CERTIFIED PARTNER - DOITLEAN FOR THE PURCHASE OF PROFESSIONAL SERVICES TO BUILD AND MAINTAIN THE CITIZENS' POLICE REVIEW BOARD DATABASE AND CASE MANAGEMENT SYSTEM FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED-TEN THOUSAND DOLLARS (\$410,000)**

**WHEREAS**, the current Citizens' Police Review Board's (hereafter "CPRB") database system consists of a series of 15 Microsoft ACCESS databases, separate from one another, each containing inconsistent data making it extremely difficult to compare one year's data with another in a meaningful manner; and

**WHEREAS**, the CPRB does not have a case management system in place; and

**WHEREAS**, implementing a new database and case management system will allow the CPRB to implement a single scalable technology that consolidates many silos of information with advanced search capabilities and better collaboration and information sharing with stakeholders within the City of Oakland; and

**WHEREAS**, Outsystems is a development tool/environment currently being utilized in ITD with a proven track record of success in implementing large scale technology solutions for governmental agencies; and

**WHEREAS**, in consultation with the City's Information Technology Department it has been determined the most efficient and cost-effective method to develop the CPRB's database and case management system would be to utilize the Outsystems platform with customization to address the specific needs of the CPRB; and

**WHEREAS**, the CPRB staff is seeking authorization to rescind Resolution No. 86489 C.M.S. which awarded an increase to the contract to Microsoft Corporation to purchase professional services, software and license to build the CPRB database and case management system, in an amount not to exceed \$130,000.00; and

**WHEREAS**, for the acquisition of a computerized or automated system comprised of software, computer hardware, and/or equipment and/or technical support and maintenance services, Oakland Municipal Code (OMC) section 2.04.042 requires a multiple-step solicitation process

which includes soliciting proposals, requiring vendor demonstrations when appropriate and feasible, and evaluating and rating proposals and performance in demonstrations on the basis of uniform criteria to be determined by the City Administrator on a case-by-case basis; and

**WHEREAS**, OMC section 2.04.042.D permits the City Council to waive the multiple-step solicitation process upon a recommendation of the City Administrator and a finding and determination that it is in the City's best interest to do so; and

**WHEREAS**, and the City Administrator recommends that the City Council make a finding and determination to waive the requirements of OMC section 2.04.042 and authorize the City Administrator to enter into a hardware and/or software purchase agreement; and

**WHEREAS**, as set forth in the Agenda Report accompanying this Resolution, it is in the best interests of the City to waive the multiple-step solicitation process requirements for the development of the CPRB's database and case management system because the City has existing contracts with Outsystems and a certified Outsystems' partner – DoItLean; thus this process will save a considerable amount of time and financial resources, resulting in a more efficient flow of complainant information between OPD and the CPRB; and

**WHEREAS**, the cost of the Outsystems platform and professional services shall not exceed \$410,000 which includes one-time costs of \$350,000 for system development and \$60,000 of on-going maintenance and support costs for the first two years; and

**WHEREAS**, this will not impact the general fund as \$100,540 of one-time funding will be reallocated from the Microsoft contract and is available in the General Purpose Fund (1010), Citizens' Police Review Board Org (02211), Services: Misc Contract Account (54919), CPRB Investigations Project (1000106); and

**WHEREAS**, the CPRB will freeze the vacant Complaint Investigator II position through June 30, 2019 and use the funds to provide one-time funding of \$223,831 for this project; and

**WHEREAS**, the remaining funding of \$85,629 is available in the General Purpose Fund (1010), Community Police Review Agency Org (66211), Contract Contingencies Account (54011), DP660 Administrative Project (1003737). Altogether, these amounts equal the \$350,000.00 cost provided by ITD to complete the project, plus the first and second year's recurring cost estimate of \$30,000.00 per year (\$60,000.00 total) for maintenance and support, for a total cost of \$410,000. therefore be it

**RESOLVED**, that pursuant to the Oakland Municipal Code Section 2.04.042.D, the City Council hereby finds and determines that it is in the best interests of the City to waive the multiple-step solicitation process requirements for the acquisition of a computerized or automated system comprised of software, computer hardware, and/or equipment and/or technical support and maintenance services, ; and be it

**FURTHER RESOLVED**, that based on the recommendations of the City Administrator, the City Council authorizes the City Administrator, or designee, to enter into a contract with Outsystems

or an Outsystems certified partner – DoItLean, for the purchase of professional services to build and maintain the Citizens' Police Review Board database and case management system in an amount not to exceed four hundred-ten thousand dollars (\$410,000.00); and be it

**FURTHER RESOLVED**, that based on the recommendations of the City Administrator, the City Council authorizes the City Administrator or designee to execute any amendments or modifications to said agreement except for those related to an increase in total compensation or the allocation of additional funds, and provided that such amendments or modifications shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

**FURTHER RESOLVED**, that, based on the accompanying Agenda Report, the City Council finds and determines that the goods and services provided pursuant to the agreements authorized hereunder are of a professional, scientific, or technical and temporary in nature, and shall not result in a loss of employment or salary by any person having permanent status in the competitive civil service; and be it

**FURTHER RESOLVED**, that the cost of the Outsystems platform and professional services, including the first and second year's recurring cost estimate of \$30,000.00 per year (\$60,000.00 total), shall not exceed \$410,000 and that \$100,540 of funding will be reallocated from the Microsoft contract and is available in the General Purpose Fund (1010), Citizens' Police Review Board Org (02211), Services: Misc Contract Account (54919), CPRB Investigations Project (1000106); and be it

**FURTHER RESOLVED**, that \$223,831 of funding for this project will come from freezing the vacant Complaint Investigator II position through June 30, 2019 and using the funds to provide one-time funding; and be it

**FURTHER RESOLVED**, that the remaining funding of \$85,629 will come from the General-Purpose Fund (1010), Community Police Review Agency Org (66211), Contract Contingencies Account (54011), DP660 Administrative Project (1003737).

IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 07, 2017

**PASSED BY THE FOLLOWING VOTE:**

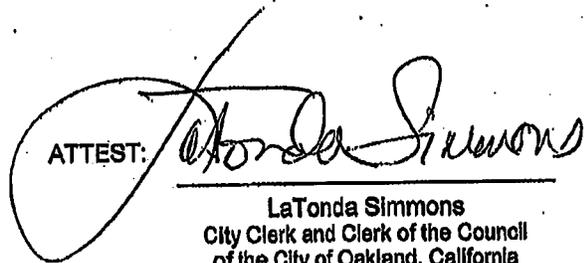
AYES – BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID – 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

ATTEST:



LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**ITEM 10**

CITY OF OAKLAND

# OFFICE ASSISTANT I, PPT

Class Code:  
SS151Bargaining Unit: SD1 - Local 1021 Office and  
Technical EmployeesCITY OF OAKLAND  
Revision Date: Nov 22, 2011**SALARY RANGE**

\$17.73 - \$21.74 Hourly

**DEFINITION:**

To perform a wide variety of general clerical and/or operational support duties; type forms, memorandas, correspondences, reports; perform data entry; assist callers and visitors by supplying information personally or directing information requests according to established procedures; sort, log and maintain records and other documents; perform basic payroll duties.

**DISTINGUISHING CHARACTERISTICS:**

This is a classification whose incumbents perform routine and repetitive duties according to established procedures and changes in procedures or exceptions to rules, explained in detail as they arise. Receives close supervision from supervisory staff within a well-established framework of standard policies and procedure. May receive technical direction from Administrative Assistant I.

**EXAMPLES OF DUTIES:**

- Perform general clerical duties related to assigned functional area.
- Receive telephone inquiries and counter requests, directing calls to the appropriate information source; represent the City to all callers and visitors in a professional and effective manner.
- Type and proofread labels, forms, envelopes and file cards; perform general filing.
- Operate basic office equipment; duplicate materials.
- Follow basic office procedures; inventory and maintain supplies; check invoices and packing slips.
- Sort, distribute and route mail.
- Assist the public in filling out forms and by supplying information concerning fees, permits, legal requirements, procedures and business' or services of the departments.
- Perform related duties as assigned.

**MINIMUM QUALIFICATIONS:**

*Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.*

**Education:**

Equivalent to the completion of the twelfth grade.

**Experience:**

None required.

**KNOWLEDGE AND ABILITIES:**

Knowledge of:

- Correct English usage, spelling, grammar and punctuation.

- Alphabetizing.

Ability to:

- Deal tactfully and effectively with the public.
- Learn the organization, procedure and operation details of the City.
- Type accurately.
- Understand and follow oral and written instructions.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

**LICENSE OR CERTIFICATE / OTHER REQUIREMENTS:**

None required.

**CLASS HISTORY:**

Established: 08-13-1992; CSB Reso #44266



CITY OF OAKLAND

# OFFICE ASSISTANT II

## PPT

Class Code:  
SS154Bargaining Unit: SD1 - Local 1021 Office and  
Technical EmployeesCITY OF OAKLAND  
Revision Date: Sep 21, 2017**SALARY RANGE**\$20.35 - \$24.98 Hourly  
\$39,682.50 - \$48,711.00 Annually**DEFINITION:**

Under direction, performs a wide variety of general clerical and/or operational support duties; types forms, memoranda, correspondences, reports; performs data entry; assists callers and visitors by supplying information personally or directing information requests according to established procedures; sorts, logs and maintains records and other documents; performs basic payroll duties; and performs related duties as assigned.

**DISTINGUISHING CHARACTERISTICS:**

This is a classification in which incumbents are distinguished from the Office Assistant I level by performing the full range of Office Assistant duties. Incumbents make decisions regarding changes in procedures and exceptions to rules, where there are minimal consequences of error. Incumbents receive general supervision from the supervisory and/or management staff within a framework of standard policies and procedures and may receive technical direction from Administrative Assistant I.

**EXAMPLES OF DUTIES:**

*Duties may include, but are not limited to the following:*

- Utilize word processors, type, proofread and process a variety of documents including general correspondences, council and commission reports, memos, fliers and statistical charts from rough drafts, dictaphone recordings or verbal instructions.
- Use a word processor to input or retrieve data such as in the maintenance of mailing lists and participant or client registrations; design and develop flyers and brochures.
- Determine proper spelling, grammar, and paragraphing; develop proper formats for forms, charts and reports; edit and review documents as necessary; print final documents and distribute; operate peripheral office automation equipment.
- Maintain petty cash, daily cash and daily revenue records; submit daily records to Finance Department.
- Maintain employee time cards; check account number charges and time-off requests; file daily attendance reports.
- Perform a variety of general accounting operations including payroll, receivables, payables and bank deposits.
- Input and retrieve data from the computer; maintain general mailing lists, class registrations and other information; design flyers and brochures.
- Perform non-police/fire radio dispatch, operate 2-way radio, dispatch people, equipment or vehicles to locations; prioritize calls; follow general customer service procedures.
- Process City maintenance service requests; maintain files and notify supervisors of incomplete work orders.
- Process purchase orders; type purchase and check requisitions.
- Make reservations for City facilities; maintain master calendar; type reservation contracts.
- Maintain centralized department records including contracts, project files, tract maps, plans and specifications.
- Receive and process applications for permits and licenses.

**MINIMUM QUALIFICATIONS:**

*Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.*

**Education:**

Equivalent to the completion of the twelfth grade.

**Experience:**

One year of experience performing standard clerical duties including some public contact.

**KNOWLEDGE AND ABILITIES:**

Working knowledge of:

- modern office methods and equipment including business correspondences and filing.
- Word processing equipment and use.
- Correct English usage, spelling, grammar and punctuation.
- Public contact skills.

**Ability to:**

- Deal tactfully and effectively with the public.
- Learn the organization, procedure and operation details of the City.
- Proofread typed material; type accurately.
- Perform clerical work including maintenance of appropriate records and extract data from these records for report purposes.
- Learn the operation of the City's word processing equipment and software.
- Understand and follow both oral and written instructions.
- Perform routine mathematical calculations accurately.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

**LICENSE OR CERTIFICATE / OTHER REQUIREMENTS:**

None required.

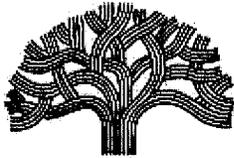
**OTHER REQUIREMENTS**

Proof of ability to type 35 words per minute may be required for positions responsible for a high volume of word-processing duties.

**CLASS HISTORY:**

Revised: 11-08-2007; CSB Reso#: 44498

Established: 08-13-2003; CSB Reso#: 44266



CITY OF OAKLAND

# ADMINISTRATIVE ANALYST I, PPT

Class Code:  
AP104Bargaining Unit: TW1 - Local 21 Admin, Prof,  
Technical & OtherCITY OF OAKLAND  
Established Date: Jun 27, 1996  
Revision Date: Jan 3, 2013

## SALARY RANGE

\$4,960.72 - \$6,090.73 Monthly  
\$59,528.64 - \$73,088.76 Annually

### DEFINITION:

To perform professional budgetary, personnel, and administrative work in support of division or department operations; and to supervise assigned staff.

### DISTINGUISHING CHARACTERISTICS:

#### SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Management Assistant, Administrative Analyst II, Division Manager, or Administrative Services Manager.

### EXAMPLES OF DUTIES:

*Duties may include, but are not limited to the following:*

- Assist in developing and monitoring the division or department budget.
- Assist in performing division or departmental recruiting, classification, training, payroll, employee relations and personnel rules and regulations; act as division or departmental liaison with the Personnel Department.
- Assist in administering grant programs; develop and monitor required procedures.
- Assist in developing and implementing computer systems and applications.
- Perform division or department fiscal operations including payroll, accounts payable and receivable, purchase orders, loan servicing and loan accounts, and review and development of fiscal policies, procedures and handling of funds.
- Assist in developing policies and procedures for departmental operations; assist in development of short and long term planning.
- Assist in reviewing and preparing City Council agenda materials; prepare staff reports.
- Assist in preparing and analyzing complex reports.
- Develop and maintain record maintenance systems.
- Participate in public information projects.
- Perform related duties as assigned.

### MINIMUM QUALIFICATIONS:

#### EDUCATION AND EXPERIENCE

*Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable:*

**Education:**

Bachelor's degree from an accredited college or university in public or business administration, economics, accounting, or related field.

**Experience:**

One year of experience performing responsible administrative work.

**KNOWLEDGE AND ABILITIES:**

Knowledge of:

- Principles, practices and methods of administrative and organizational analysis.
- Applications and implementation of computer systems.

Ability to:

- Establish, evaluate and implement administrative/operational policies, practices and procedures.
- Coordinate functions and activities between departments and outside agencies.
- Prepare and analyze complex reports.
- Communicate effectively and persuasively in both oral and written form.
- Analyze and solve problems.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

**LICENSE OR CERTIFICATE / OTHER REQUIREMENTS:**

None required.

**CLASS HISTORY:**

Established: 06-27-1996; CSB Reso#: 44358



CITY OF OAKLAND

# ADMINISTRATIVE ANALYST II, PPT

Class Code:  
AP102Bargaining Unit: TW1 - Local 21 Admin, Prof,  
Technical & OtherCITY OF OAKLAND  
Revision Date: Sep 17, 2012

## SALARY RANGE

\$5,743.02 - \$7,051.45 Monthly  
\$68,916.24 - \$84,617.40 Annually

### DEFINITION:

To perform professional budgetary, personnel, and administrative work in support of division or department operations; and to supervise assigned staff.

### DISTINGUISHING CHARACTERISTICS:

Receives general supervision from the Management Assistant, Division Manager, Director, Deputy Director, or Administrative Services Manager. Exercises direct and indirect supervision over Administrative Analyst I and assigned technical and clerical personnel.

### EXAMPLES OF DUTIES:

- Assist in developing and monitoring the division or department budget.
- Perform division or departmental recruiting, classification, training, payroll, employee relations and personnel rules and regulations; act as division or departmental liaison with the Personnel Department.
- Administer grant programs; develop and monitor required procedures.
- Supervise and evaluate assigned personnel in administrative, personnel, payroll or assigned program functions.
- Develop and implement computer systems and applications.
- Perform division or department fiscal operations including payroll, accounts payable and receivable, purchase orders, loan servicing and loan accounts, and review and development of fiscal policies, procedures and handling of funds.
- Develop policies and procedures for departmental operations; assist in development of short and long term planning.
- Assist in reviewing and preparing City Council agenda materials; prepare staff reports.
- Prepare and analyze complex reports.
- Assist in negotiating and administering contracts.
- Develop and maintain record maintenance systems.
- Direct and participate in public information projects.
- Perform related duties as assigned.

### MINIMUM QUALIFICATIONS:

*Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.*

#### Education:

Bachelor's degree from an accredited college or university in public or business administration, economics, accounting, or related field. A Master's degree is desirable.

#### Experience:

Three years of experience performing progressively responsible administrative work.

**KNOWLEDGE AND ABILITIES:**

Knowledge of:

- Budget development and administration.
- Principles, practices and methods of administrative and organizational analysis.
- Applications and implementation of computer systems.

Ability to:

- Establish, evaluate and implement administrative/operational policies, practices and procedures.
- Prepare and administer a complex budget system.
- Coordinate functions and activities between departments and outside agencies.
- Prepare and analyze complex reports.
- Communicate effectively and persuasively in both oral and written form.
- Analyze and solve problems.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

**LICENSE OR CERTIFICATE / OTHER REQUIREMENTS:**

None required.

**CLASS HISTORY:**

Established: 6-27-1996; CSB Reso#: 44358

**CITY OF OAKLAND  
POLICE COMMISSION**

**Resolution adopting Identification for the Oakland Police Commission**

**Introduced by Oakland Police Commission Vice Chair Ginale Harris and  
Oakland Police Commissioner Edwin Prather**

WHEREAS, the Police Commission of the City of Oakland hereby declares that it is necessary to facilitate the necessary identification of Commissioners in the public and in the field; and

WHEREAS, the Commission hereby declares the best manner in which to accomplish the identification of its Commissioners is to provide stars and identification cards to sitting Commissioners.

RESOLVED: That the Commission hereby adopts this Resolution to provide stars and identification cards to the seven sitting Commissioners; and be it

FURTHER RESOLVED: That the stars shall be in gold in color with the City of Oakland mark, and shall also clearly be marked "COMMISSIONER" so as not to be confused upon inspection with the stars of the Oakland Police Department, and be referred to as Commissioner Star(s); and be it

FURTHER RESOLVED: That each sitting Commissioner shall pay the cost of his or her own star, as the stars will be the property of the Commissioner. Each Commissioner shall be issued a sequential numerical star with Commissioner Star No.1 issued to Thomas Smith, Chair of the Commission, Commissioner Star No. 2 issued to Ginale Harris, Vice Chair of the Commission, and the remaining Commissioner Stars issued in alphabetical order, Commissioner Star No. 3 issued to Commissioner Mubarak Ahmad, Commissioner Star No. 4 issued to Commissioner Jose Dorado, Commissioner Star No. 5 issued to Commissioner Regina Jackson, Commissioner Star No. 6 issued to Commissioner Mike Nisperos and Commissioner Star No. 7 issued to Commissioner Edwin Prather; and be it

FURTHER RESOLVED: That each sitting Commissioner be issued an identification card consistent with identification cards currently issued by the City of Oakland.

# ITEM 11



## AGENDA REPORT

**TO:** OAKLAND POLICE COMMISSION

**DATE:** December 20 2017

**FROM:** Anthony Finnell

**SUBJECT:** Item XIII – Discussion – Update on Commissioner Email, Business Cards, Badges/ID

### **Commissioner Email**

On Friday, December 15, 2017, a community member who has purchased the domain names “*oaklandpolicecommission.org* and *oaklandpolicecommissioner.com*”, contacted me offering to provide both domain names, free of charge to the City of Oakland Police Commission. I provided the gentleman’s contact information to the City of Oakland Department of Information Technology CIO (DIT CIO), who in turn has assigned it to an analyst to contact the gentleman and complete the work necessary to transfer and secure the domain(s). I contacted IT to check the status of the project on Tuesday, December 19, 2017, and the analyst was out sick. I spoke with the DIT CIO on Wednesday, December 20, 2017, and he stated, after consulting with the City Administrator, the Police Commission email address will be “oaklandcommission.org”.

### **Commissioner Business Cards**

The business card orders are ready for processing. We are waiting on the email addresses to be established before the orders are placed. The official Police Commission address will be:

City of Oakland Police Commission  
City Hall  
1 Frank H. Ogawa Plaza  
Oakland, CA 94612

### **Commissioner Badges/ID**

I am currently consulting with the City Attorney’s Office and staff from the San Francisco Police Commission (SFPC) on the process for obtaining badges and/or identification cards for commissioners. I spoke with Risa Tom from the SFPC and she told me the SFPC started issuing badges to the commissioners in 2004. It is primarily used along with an ID which is issued by SFPD, to visibly identify commissioners when they show up on the scene of police activity.

I asked what the process was for a commissioner to show up to the scene of police activity such as an OIS. Ms. Tom said the commissioners contact the secretary of the commission which is a sergeant from SFPD who will then contact communications and advise the incident commander that a commissioner is on the way to their location and to allow them to cross the line into the scene.

Meeting Date – December 27, 2017

(2) Every peace officer described in Section 13510 or in subdivision (a) of Section 830.2 may satisfactorily complete the training required by this section as part of the training prescribed pursuant to Section 13510.

(c) Persons described in this chapter as peace officers who have not satisfactorily completed the course described in subdivision (a), as specified in subdivision (b), shall not have the powers of a peace officer until they satisfactorily complete the course.

The receipt of an honorary badge would not constitute compliance with these specified training prerequisites for exercising peace officer powers.

We thus conclude in answer to the second question that a sheriff's gift of an honorary badge to a private citizen does not confer peace officer status on the recipient or give him or her the powers of a peace officer.

### 3. Civil Liability

As discussed above, we presume for purposes of this opinion that a sheriff who provides an honorary badge to a private citizen would not *intend* for it to be used in an unlawful manner, i.e., to impersonate a peace officer, and likewise would not intend that it be displayed in a manner that results in injury to another person. The final question to be resolved is whether a sheriff or the county, as the employing agency, would be subject to civil liability for an injury resulting from a private citizen's subsequent misuse of an honorary badge that is unlawfully deceptive within the meaning of section 538d or section 146c. For example, may civil liability be imposed if the recipient uses the badge to falsely imprison another person? We conclude that the sheriff would be subject to civil liability for an injury suffered in connection with a recipient's subsequent misuse of the badge if the injury is proximately caused by the sheriff's own negligent or wrongful act in providing the badge; the county's civil liability would depend upon whether the sheriff's negligent or wrongful act occurred within the scope of his or her employment.

The tort liability of public officials, such as a sheriff, and the agencies that employ them, such as a county, is governed by the California Tort Claims Act (Gov. Code, §§ 810-998.3; "Act"), which "confine[s] potential governmental liability to rigidly delineated circumstances." (*Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1127-1128, quoting *Brown v. Poway Unified School Dist.* (1993) 4 Cal.4th 820, 829.) Except as otherwise provided by statute, a public employee is liable for injuries caused by his or her acts or omissions to the same extent as a private person. (Gov. Code, § 820, subd. (a).) "To

establish liability in negligence, it is a fundamental principle of tort law that there must be a legal duty owed to the person injured and a breach of that duty which is the proximate cause of the resulting injury. [Citation.]” (*Jacoves v. United Merchandising Corp.* (1992) 9 Cal.App.4th 88, 114.)

“Although a statute that provides solely for a criminal penalty does not *create* a civil liability, the significance of the statute in a civil suit for negligence involves its formulation of a standard of conduct that the court then adopts in the determination of such liability. [Citation.]” (*Michael R. v. Jeffrey B.* (1984) 158 Cal.App.3d 1059, 1067.) Stated differently, while the violation of a criminal statute does not, in itself, establish that a person alleged to have been negligent actually owed a duty to the person ultimately injured, or that the person’s actions were the proximate cause of the injury ultimately suffered (see, e.g., *Richards v. Stanley* (1954) 43 Cal.2d 60, 62-63; *Hyde v. Avalon Air Transport, Inc.* (1966) 243 Cal.App.2d 88, 92), such a violation may give rise to a presumption of negligence if, under the circumstances, the person’s injuries resulted from an act that the criminal statute was designed to prevent and the person was within the class for whose protection the statute was adopted (Evid. Code, § 669; *Quiroz v. Seventh Ave. Center* (2006) 140 Cal.App.4th 1256, 1285-1286; *Galvez v. Frields* (2001) 88 Cal.App.4th 1410, 1420). As we have previously concluded, the purpose of the prohibition of section 538d is “to prevent confusion among members of the general public as to the identity or authority of a person exhibiting a badge” (68 Ops.Cal.Atty.Gen., *supra*, at p. 14), and we believe that a similar purpose is evident from the text of section 146c.

While the Act provides immunity for a public employee’s discretionary acts (Gov. Code, § 820.2), a sheriff would clearly lack the discretion to provide a deceptive badge to a private citizen in violation of California law.<sup>4</sup> Of course, to prevail on a claim for damages here, the injured party must also establish that the sheriff’s negligence or other wrongful action was a proximate cause of the injury. (See *Talbott v. Csakany* (1988) 199 Cal.App.3d 700, 706-707 [proximate cause required entrusting another with means of causing injury that was not otherwise available].) Assuming proximate cause is established, however, the immunity generally provided to public employees from liability for the actions of third parties is unavailable. (Gov. Code, § 820.8 [“Except as otherwise provided by statute, a public employee is not liable for an injury caused by the act or omission of another person. Nothing in this section exonerates a public employee from liability for injury

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<sup>4</sup> And, although this discussion concerns private citizen recipients of honorary badges, we note that even law enforcement personnel are not immune from liability for false arrest or false imprisonment. (See Gov. Code, § 820.4; *Asgari v. City of Los Angeles* (1997) 15 Cal.4th 744, 752-753; *Sullivan v. County of Los Angeles* (1974) 12 Cal.3d 710, 719.)

proximately caused by his own negligent or wrongful act or omission.”).<sup>5</sup> In other words, while the sheriff would be immunized from liability for the acts of the badge recipient for actions brought against the sheriff under a theory of vicarious liability, he or she would be potentially liable based upon his or her own negligent conduct in providing the badge.

As for the potential vicarious liability of the county as the sheriff’s employing governmental agency, “[a] public entity is liable for injury proximately caused by an act or omission of an employee . . . within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee . . . .” (Gov. Code, § 815.2, subd. (a); see *Lisa M. v. Henry Mayo Newhall Memorial Hospital* (1995) 12 Cal.4th 291, 296; *Sullivan v. County of Los Angeles* (1974) 12 Cal.3d 710, 717; *Ross v. San Francisco Bay Area Rapid Transit Dist.* (2007) 146 Cal.App.4th 1507, 1514; *Hoblitzell v. City of Ione* (2003) 110 Cal.App.4th 675, 680-681; 59 Ops.Cal.Atty.Gen., *supra*, at pp. 103-104.) Thus, if the sheriff’s negligence were shown, the determination of the county’s liability would depend upon whether, in the particular circumstances, the sheriff had acted within the scope of his or her employment in giving the honorary badge to the private citizen. An employee’s act or omission is “within the scope of his employment” if it is “typical of or broadly incidental to” or “a generally foreseeable consequence of” the public entity’s work or enterprise. (*Lisa M. v. Henry Mayo Newhall Memorial Hospital*, *supra*, 12 Cal.4th at pp. 297-301; *Farmers Ins. Group v. County of Santa Clara* (1995) 11 Cal.4th 992, 1003-1007; *Hoblitzell v. City of Ione*, *supra*, 110 Cal.App.4th at pp. 681-686.)

We thus conclude in answer to the third question that if a sheriff’s gift of an honorary badge to a private citizen violates California law, the sheriff would be subject to civil liability for an injury resulting from the recipient’s subsequent misuse of the badge if the injury was proximately caused by the sheriff’s own negligent or wrongful act in providing the badge; the county would be subject to civil liability if the sheriff’s negligent or wrongful act occurred within the scope of his or her employment.

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<sup>5</sup> Whether this or other Act immunities or defenses might apply, or whether any legal duty or proximate cause could conceivably be shown, in the situation where a *non-deceptive* honorary badge is furnished, which the recipient later uses to cause an injury, is beyond the scope of this opinion.

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

EDMUND G. BROWN JR.  
Attorney General

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OPINION	:	No. 07-1001
	:	
of	:	August 17, 2009
	:	
EDMUND G. BROWN JR.	:	
Attorney General	:	
	:	
MARC J. NOLAN	:	
Deputy Attorney General	:	
	:	

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THE HONORABLE JAMES F. PENMAN, PROSECUTING CITY ATTORNEY FOR THE CITY OF SAN BERNARDINO, has requested an opinion on the following question:

May a badge that resembles a peace officer's badge be provided to and displayed by a public employee who is not a peace officer, but who has been granted limited peace officer powers in order to perform his or her official duties, for use as identification in the course and scope of those official duties?

## CONCLUSION

A badge that resembles a peace officer's badge may be provided to and displayed by a public employee who is not a peace officer, but who has been granted limited peace officer powers in order to perform his or her official duties, for use as identification in the course and scope of those official duties, provided that the badge accurately identifies the public employee by his or her specific limited-powers position.

## ANALYSIS

In 2007, we concluded that giving an honorary badge to a private citizen who has no peace officer authority would violate California law, specifically Penal Code section 538d(c),<sup>1</sup> if the badge so closely resembles a genuine peace officer badge that it is likely to deceive "an ordinary reasonable person" into believing that the holder is a peace officer.<sup>2</sup> In that opinion, we noted that the gift of such a badge does not confer peace officer status on the recipient, nor does it give him or her any of the authority or powers of a peace officer.<sup>3</sup> The question now arises how our 2007 opinion would affect, if at all, public employees or officers who are not classified as "peace officers," but who nonetheless possess limited peace officer powers.

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1 Penal Code section 538d(c) states:

Any person who willfully wears, exhibits, or uses, or who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this subdivision is subject to a fine not to exceed fifteen thousand dollars (\$15,000).

2 90 Ops.Cal.Atty.Gen. 57, 64 (2007), employing the terminology of Penal Code section 538d(c).

3 *Id.* at 64-66.

In the case at hand, a charter city has authorized a number of its employees to exercise limited peace officer powers pursuant to Penal Code section 836.5.<sup>4</sup> Among them are environmental control officers, the director of water reclamation, environmental control technicians, city attorney investigators, parking district security officers, code compliance officers, refuse field inspectors, the director of animal control, animal license checkers, animal shelter attendants, animal health technicians, animal control officers, business license inspectors, and parking enforcement officers. The city has granted all of the designated classifications the authority to issue citations for violations of the laws they are charged with enforcing, and has granted many (but not all) of them the authority to make arrests for such violations.<sup>5</sup> In light of our 2007 opinion, we are asked whether these employees may properly possess and display badges that resemble those issued to full-status peace officers. For the reasons that follow, we conclude that such badges may be provided to and displayed by these limited-powers officers for use in the course and scope of their duties.

We have previously distinguished between attaining the *status* of a peace officer versus securing the authority to exercise peace officer *powers*, such as the power to arrest, issue citations, serve search warrants, or carry a concealed weapon.<sup>6</sup> On the one

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4 Penal Code section 836.5 states, in relevant part:

(a) A public officer or employee, when authorized by ordinance, may arrest a person without a warrant whenever the officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of the officer or employee that is a violation of a statute or ordinance that the officer or employee has the duty to enforce.

. . . .

(d) The governing body of a local agency, by ordinance, may authorize its officers and employees who have the duty to enforce a statute or ordinance to arrest persons for violations of the statute or ordinance as provided in subdivision (a).

5 The animal control officers listed above actually derive their citation and arrest authority under Penal Code section 830.9. However, as discussed below, the distinction is not material to our ultimate conclusion.

6 See 86 Ops.Cal.Atty.Gen. 112, 113-115 (2003); 85 Ops.Cal.Atty.Gen. 203, 207 (2002); 80 Ops.Cal.Atty.Gen. 293, 294-295 (1997); see also 51 Ops.Cal.Atty.Gen. 110, 112 (1968).

hand, attaining peace officer status, and with it the general authority and responsibility to enforce all laws, depends upon appointment to a statutorily-defined peace officer position, such as a local police officer or sheriff's deputy.<sup>7</sup> On the other hand, there are certain categories of public employees and officers who do not occupy statutorily-defined peace officer positions, but who may exercise only those peace officer powers deemed necessary for the performance of their duties.<sup>8</sup> This opinion is concerned with members of this latter group.

Several provisions of the Penal Code and other codes prohibit the fraudulent impersonation or attempted impersonation of peace officers and other public officers.<sup>9</sup> For purposes of this opinion, however, we will assume that the limited-powers officers in question will not be impersonating anyone, but will instead use their badges only for the purpose of truthfully representing themselves as officers with limited powers. We will also assume that the badges these officers display will accurately identify them by their specific limited-powers positions, but we recognize that, to a member of the general public who is not familiar with the legal distinction between peace officer *status* and peace officer *powers*, a badge of this sort might reasonably appear to be the badge of a full-status peace officer.<sup>10</sup> Acting on these assumptions, then, we find that the only statutory provision that might prohibit these limited-powers officers from using such badges is Penal Code section 538d(c), which defines a badge-related offense that does *not* require a fraudulent intent to impersonate.<sup>11</sup> Section 538d(c) provides in relevant part:

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<sup>7</sup> See Pen. Code §§ 830.1-830.6. Peace officers must also undergo and pass an appropriate course of training before they may actually exercise peace officer powers. See 85 Ops.Cal.Atty.Gen. at 207-209; 80 Ops.Cal.Atty.Gen. at 296-297.

<sup>8</sup> See, e.g., Pen. Code §§ 830.7, 830.8, 830.9, 830.11, 836.5; see also Corp. Code § 14502. Again, any applicable training requirements must be met in order to exercise the particular peace officer powers granted.

<sup>9</sup> See, e.g., Pen. Code §§ 146a-146d, 538d(a), (b)(1), (b)(2); Veh. Code § 27.

<sup>10</sup> The request for this legal opinion states that the charter city in question issues badges to its limited-powers officers that clearly designate the title of the officer's position (e.g., "Code Compliance Officer"), but that the badges could reasonably be mistaken as peace officer badges.

<sup>11</sup> As mentioned earlier, we have previously construed section 538d(c) as prohibiting the issuance of a deceptive badge to a private citizen who has no peace officer powers. 90 Ops.Cal.Atty.Gen. at 64.

Any person who willfully wears, exhibits, or uses, or who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of *one who by law is given the authority of a peace officer*, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of *one who by law is given the authority of a peace officer*, is guilty of a misdemeanor . . . .<sup>12</sup>

To interpret the cited language, we use accepted principles of statutory construction. Our overriding purpose is to ascertain the intent of the Legislature in order to effectuate the true purpose of the law. In doing so, we look first to the plain language of the statute and try to give effect to the usual, ordinary meaning of the words, at the same time not rendering any language mere surplusage.<sup>13</sup>

Examining the plain language of section 538d(c), we see that the statute addresses itself not only to those who deceive others into believing that the badge-holder is a “peace officer,” but also to those who deceive others into believing that the badge-holder has “*the authority of*” a peace officer. The phrase “one who by law is given the authority of a peace officer” has existed in the statute since it was enacted in 1945.<sup>14</sup> We believe that the phrase must be interpreted to include not only full-status peace officers, but also those who have been “given the authority of” a peace officer, even though they are not appointed to statutorily-defined peace officer positions. To conclude otherwise would render the phrase “given the authority of” mere surplusage, which is an interpretation that we must avoid.<sup>15</sup> Furthermore, with respect to peace officer powers, the Legislature has repeatedly made precise and detailed distinctions between those who have full peace officer status and those who have only the authority to exercise limited peace officer powers,<sup>16</sup> so we may reasonably conclude that the more expansive phrase was used

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12 Emphasis added.

13 *Pang v. Beverly Hosp., Inc.*, 79 Cal. App. 4th 986, 994 (2000); see *Pasadena Metro Blue Line Const. Auth. v. P. Bell Tel. Co.*, 140 Cal. App. 4th 658, 663-664 (2006).

14 1945 Stat., ch. 1274, § 1.

15 *Goodman v. Williams*, 107 Cal. App. 4th 294, 301 (2003); *Pang*, 79 Cal. App. 4th at 994.

16 See Pen. Code §§ 830-832.9, 836.5.

deliberately here. In short, the statute prohibits the display of a badge that falsely represents the bearer to have the authority of a peace officer, whether or not the bearer is a full-status peace officer. It follows that the law *permits* the display of a badge that *truthfully* represents the bearer to have the authority of a peace officer, whether or not the bearer is a full-status peace officer.

If there were any doubt about the validity of this construction, we believe that a review of the relevant legislative history would lay it to rest.<sup>17</sup> Significantly, the 1945 bill that gave rise to the statute was amended to change the original, unmodified phrase “peace officer” to the more expansive phrase “one who by law is given the authority of a peace officer.”<sup>18</sup> In addition, legislative committee reports pertaining to recent amendments<sup>19</sup> show that the statute is intended to protect the public from people falsely asserting peace officer authority because, among other dangers, such deceptions can facilitate home-invasion robberies, false imprisonment, and child molestation.<sup>20</sup> As a practical matter, there is no need to protect the public from legitimate limited-powers officers identifying themselves in the course and scope of their duties. Indeed, a contrary interpretation of the statute would frustrate the public’s ability to confirm the identity of limited-powers officers who are acting within their legal authority, and could thereby frustrate these officers in the performance of their official duties.<sup>21</sup> “In the end, we must select the construction that comports most closely with the apparent intent of the Legislature, with a view to promoting rather than defeating the general purpose of the

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17 See *Day v. City of Fontana*, 25 Cal. 4th 268, 272 (2001) (where statute’s terms are ambiguous, legislative history can aid in understanding Legislature’s intent).

18 Compare Assembly 1087, 1945 Reg. Sess. (as amended April 24, 1945), with Assembly 1087, 1945 Reg. Sess. (as amended June 8, 1945) and 1945 Stat., ch. 1274, § 1.

19 2000 Stat., ch. 430, § 1 (Sen. 1942); 1998 Stat., ch. 279, § 1 (Sen. 1390) (increasing penalties, and adding reference to uniforms as instruments of impersonation).

20 See Sen. Rules Comm., Office of Sen. Floor Analyses, 3d reading analysis of Sen. 1942, 1999-2000 Reg. Sess. (as amended July 6, 2000); Sen. Comm. on Public Safety, Analysis of Sen. 1942, 1999-2000 Reg. Sess. (as amended March 28, 2000).

21 For example, Penal Code section 841 requires in most instances that a person making an arrest inform the person to be arrested “of the intention to arrest him, the cause of the arrest, *and the authority he or she has to make it.*” (Emphasis added.)

statute, and avoid an interpretation that would lead to absurd consequences.”<sup>22</sup> We are confident that our construction of section 538d(c) is consistent with this approach.

Finally, we note that our reasoning is not limited to public officers or employees who derive their peace officer authority from Penal Code section 836.5. For example, we are told that the animal control officers at issue in this request are granted their citation and arrest powers under Penal Code section 830.9. Our reasoning and conclusions apply equally to them, and to other limited-powers officers who are similarly situated.<sup>23</sup>

Therefore, we conclude that a badge that resembles a peace officer’s badge may be provided to and displayed by a public employee who is not a peace officer, but who has been granted limited peace officer powers in order to perform his or her official duties, for use as identification in the course and scope of those official duties, provided that the badge accurately identifies the public employee by his or her specific limited-powers position.

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<sup>22</sup> *Torres v. Parkhouse Tire Servs.*, 26 Cal. 4th 995, 1003 (2001).

<sup>23</sup> We *do* distinguish, however, between limited-powers peace officers performing their official duties and private citizens who, under the circumstances described in Penal Code section 837, may legally effect what is often called a “citizen’s arrest.” Unlike the officers described in this opinion, private citizens who choose to make a citizen’s arrest under Penal Code section 837 do not hold any governmental authority deriving from official status or training, so our reasoning regarding the legitimacy of using a peace officer-type badge to assert or confirm such authority does not apply to them.

**CITY OF OAKLAND  
POLICE COMMISSION**

**Resolution adopting Identification for the Oakland Police Commission**

**Introduced by Oakland Police Commission Vice Chair Ginale Harris and  
Oakland Police Commissioner Edwin Prather**

WHEREAS, the Police Commission of the City of Oakland hereby declares that it is necessary to facilitate the necessary identification of Commissioners in the public and in the field; and

WHEREAS, the Commission hereby declares the best manner in which to accomplish the identification of its Commissioners is to provide stars and identification cards to sitting Commissioners.

RESOLVED: That the Commission hereby adopts this Resolution to provide stars and identification cards to the seven sitting Commissioners; and be it

FURTHER RESOLVED: That the stars shall be in gold in color with the City of Oakland mark, and shall also clearly be marked "COMMISSIONER" so as not to be confused upon inspection with the stars of the Oakland Police Department, and be referred to as Commissioner Star(s); and be it

FURTHER RESOLVED: That each sitting Commissioner shall pay the cost of his or her own star, as the stars will be the property of the Commissioner. Each Commissioner shall be issued a sequential numerical star with Commissioner Star No.1 issued to Thomas Smith, Chair of the Commission, Commissioner Star No. 2 issued to Ginale Harris, Vice Chair of the Commission, and the remaining Commissioner Stars issued in alphabetical order, Commissioner Star No. 3 issued to Commissioner Mubarak Ahmad, Commissioner Star No. 4 issued to Commissioner Jose Dorado, Commissioner Star No. 5 issued to Commissioner Regina Jackson, Commissioner Star No. 6 issued to Commissioner Mike Nisperos and Commissioner Star No. 7 issued to Commissioner Edwin Prather; and be it

FURTHER RESOLVED: That each sitting Commissioner be issued an identification card consistent with identification cards currently issued by the City of Oakland.



# POLICE STRATEGIES

## STRATEGIC SOLUTIONS FOR LAW ENFORCEMENT

Our mission at Police Strategies is to use data and technology to drive policing reform. We have decades of experience working within law enforcement agencies and all levels of government. We know first-hand the challenges that police officers, command staff and policy makers face today and we have a proven track record of developing effective strategies to address complex problems.

We help agencies find effective and economical ways to use their own data to develop evidence-based strategies and solutions. By assisting police departments and local governments in the assessment and evaluation of current policies, practices and training, we identify areas for improvement and then craft practical and affordable solutions that can be easily implemented. We are partnered with Seattle University to bring the highest level of scientific research into our projects.

We provide our clients with diagnostic tools for identifying issues, a comprehensive plan of action to resolve problems and the ongoing support needed to ensure continuing success. Our suite of analytical systems includes: the Police Force Analysis System<sup>SM</sup> (P-FAS), the Police Accountability Analysis System<sup>SM</sup> (P-AAS), the Police Stop Analysis System<sup>SM</sup> (P-SAS), and the Police Management Analysis System<sup>SM</sup> (P-MAS).

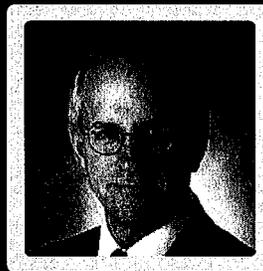
### THE TEAM



Chief Mike Sanford



Kathryn Olson



Bob Scales



Chief John Diaz (Ret.)



Dr. Matt Hickman

### POLICE STRATEGIES

13197 Madison Ave NE

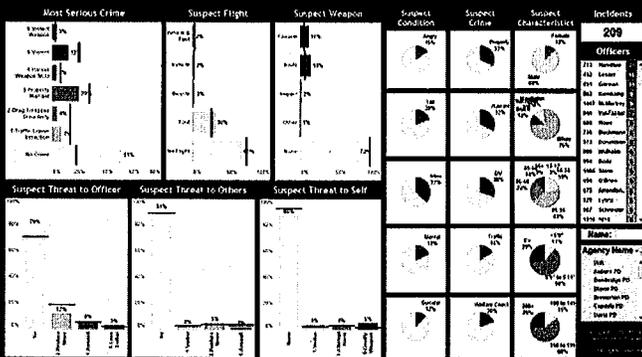
Bainbridge Island, WA 98110

Phone: (206) 915-8683

Email: [bob@PoliceStrategies.com](mailto:bob@PoliceStrategies.com)

Website: [www.PoliceStrategies.com](http://www.PoliceStrategies.com)

# POLICE FORCE ANALYSIS SYSTEM<sup>SM</sup>

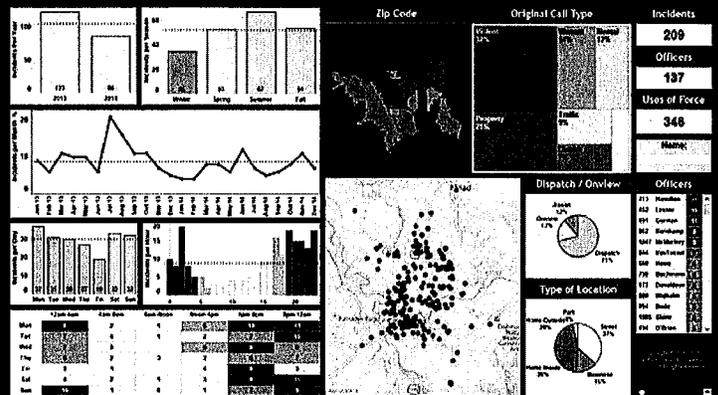


## Data Driven Risk Management

The Police Force Analysis System<sup>SM</sup> (P-FAS) uses an agency's existing incident reports to assess the probability that uses of force are reasonable and necessary. P-FAS is a sophisticated strategic warning system that incorporates relational databases and powerful data visualization tools. P-FAS can be used to identify trends and patterns, evaluate risks, detect potential problems and craft effective solutions.

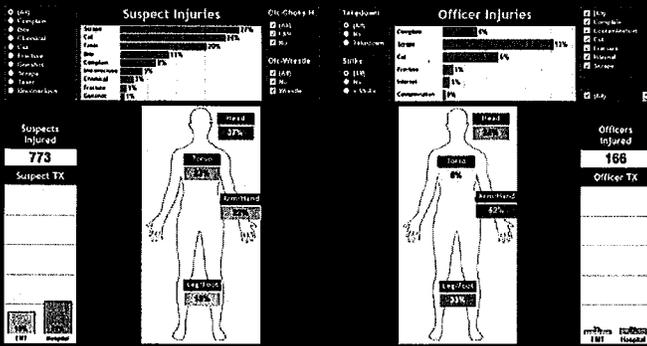
## Promotes Transparency

P-FAS satisfies many of the recommendations from the President's Task Force on 21st Century Policing that call for a better use of data and technology to increase transparency, build community trust and support innovation. Law enforcement agencies can use P-FAS to decrease inappropriate uses of force, increase internal accountability, and educate and engage the community about force issues.



## Evidence-Based Best Practices

P-FAS identifies an agency's strengths as well as areas that may need improvement. P-FAS evaluates the effectiveness of training programs and the impacts of new policies. P-FAS stimulates problem solving and encourages the development of evidence-based models and best practices. The Police Force Analysis Network<sup>SM</sup> provides force statistics from multiple agencies which permits benchmarking with comparable organizations.



## Affordable and Cost Effective

The P-FAS pricing model is based upon on the size of the agency, the type and number of use of force reports to be coded, and the customized options selected. P-FAS can accept an agency's incident reports in any format, so there is no need to invest in expensive IT systems or change existing forms or records management practices. P-FAS provides powerful analytical tools that any sized agency can afford.

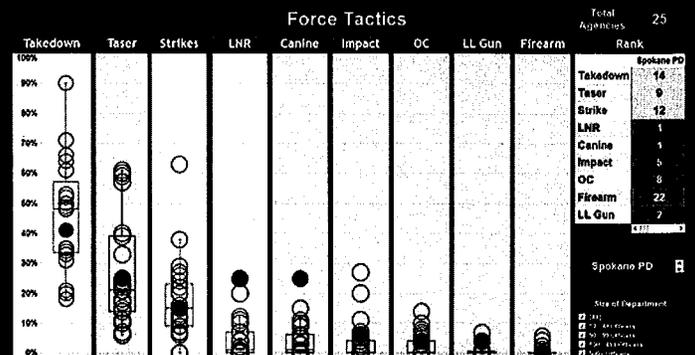


Table 36  
**USE OF FORCE, 2016**  
 Jurisdictions That Reported Zero Incidents

County and jurisdiction		
Alameda County	Del Norte County	Kings County
Probation Department	Crescent City	Probation Department
Alameda		Hanford
Emeryville	El Dorado County	Lemoore
Livermore	District Attorney	
Oakland	Probation Department	Lake County
	Placerville	Sheriff's Department
Pleasanton	South Lake Tahoe	Probation Department
San Leandro		
CSU Hayward	Fresno County	Lassen County
Oakland Housing Authority	District Attorney	Sheriff's Department
	Probation Department	Probation Department
Amador County	Coalinga	
Sheriff's Department	CSU Fresno	Los Angeles County
District Attorney	Firebaugh	Arcadia
Probation Department		Baldwin Park
	Fowler	Bell Garden
Butte County	Kerman	Cal Poly - Pomona
Sheriff's Department	Kingsburg	Claremont
District Attorney	Mendota	
Probation Department	Orange Cove	
Butte Comm. College		Covina
CSU Chico	Reedley	CSU Dominguez Hills
	Sanger	CSU Long Beach
Gridley-Biggs	Selma	CSU Northridge
Oroville		El Camino College
	Glenn County	El Segundo
Calaveras County	Probation Department	Glendale Comm. College
Sheriff's Department		Irwindale
District Attorney	Humboldt County	La Verne
Probation Department	Probation Department	Long Beach Fire Dept. - Invest.
Angels Camp	Ferndale	
	CSU Humboldt	
Colusa County		Los Angeles Harbor-Port
District Attorney	Imperial County	Los Angeles Unified Sch. Dist.
Probation Department	Sheriff's Department	Los Angeles World Airport
Colusa	Probation Department	Monrovia
Williams	El Centro	Montebello
	Imperial	
Contra Costa County		Pasadena Comm. College
Sheriffs Department	Inyo County	Santa Monica College
Probation Department	Probation Department	Sierra Madre
Brentwood	Bishop	Signal Hill
Contra Costa Comm. College		UC Los Angeles
El Cerrito	Kern County	
Hercules	District Attorney	Vernon
Martinez	Bear Valley	
Moraga	Ridgecrest	Madera County
Oakley	Stallion Springs	Sheriff's Department
Pinole	Tehachapi	Probation Department
San Ramon		Chowchilla

(continued)