

OAKLAND POLICE COMMISSION

AGENDA

January 10, 2018

6:30 PM

Hearing Room 1, 1st 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. Discussion—Oakland Police Department Report**
(Police Chief Anne Kirkpatrick & Commission Liaison Virginia Gleason)
 - a. Discussion
 - b. Public Comment
- V. Action—Approval of Draft Commission Meeting Minutes for December 13, 2017 & December 27, 2017**
(Thomas Lloyd Smith)
 - a. Discussion
 - b. Public Comment
 - c. Action
- VI. Action—Amendment to Rules and Procedures for Conducting Business**
(Ginale Harris and Edwin Prather)
 - a. Discussion
 - b. Public Comment
 - c. Action
- VII. Action—Executive Director Hiring Process, Community Police Review Agency**
(Mubarak Ahmad, Ginale Harris and Mike Nisperos)
 - a. Discussion
 - b. Public Comment
 - c. Action
- VIII. Action—Hiring Process, Oakland Police Commission Staff**
(Thomas Lloyd Smith and Regina Jackson)
 - a. Discussion
 - b. Public Comment
 - c. Action
- IX. Action—Request for Qualifications for Legal Services: Community Police Review Agency**
(Ryan Richardson and Allison Dibley)

- a. Discussion
 - b. Public Comment
 - c. Action
- X. Recess (5 minutes)**
- XI. Discussion—Oakland Police Department Report**
(Police Chief Anne Kirkpatrick & Commission Liaison Virginia Gleason)
- a. Discussion
 - b. Public Comment
- XII. Discussion—Oakland Police Commission Budget**
(Stephanie Horn and Anthony Finnell)
- a. Discussion
 - b. Public Comment
- XIII. Action—Schedule for Orientation and Training Sessions**
(Jose Dorado, Ginale Harris and Thomas Lloyd Smith)
- a. Discussion
 - b. Public Comment
 - c. Action
- XIV. Action—Commissioner Email, Business Cards, Badges/ID**
(Anthony Finnell, Ginale Harris, Edwin Prather, and Thomas Lloyd Smith)
- a. Discussion
 - b. Public Comment
 - c. Action
- XV. Discussion—Impact Binder**
(Regina Jackson)
- a. Discussion
 - b. Public Comment Action
- XVI. Action—Scheduling Sites for Community Meetings**
(Regina Jackson)
- a. Discussion
 - b. Public Comment
 - c. Action
- XVII. Adjournment**

**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**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.

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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.

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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.



**CITY OF OAKLAND
POLICE COMMISSION**

Meeting Minutes¹

Wednesday, December 27, 2017
6:30 PM – 10:50 PM
City Hall, 1 Frank H. Ogawa Plaza, Hearing Room 1
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I. Call to Order (Chair Thomas Lloyd Smith)

The meeting started at 6:30 p.m.

II. Roll Call and Determination of Quorum (Thomas Lloyd Smith)

Commissioners present: Mubarak Ahmad, José Dorado, Ginale Harris, Regina Jackson, Mike Nisperos, Edwin Prather, Thomas Smith. Quorum was met.

Maureen Benson (Alternate), and Andrea Dooley (Alternate).

City staff present: Stephanie Hom, Deputy City Administrator
Ryan Richardson, Deputy City Attorney, City Attorney's Office
Virginia Gleason, Police Commission/OPD Liaison
Juanito Rus, Policy Analyst, Community Police Review Agency

III. Open Forum (Thomas Lloyd Smith)

Public comments were provided by the following:

Elise Bernstein regarding seating positions of Alternate Commissioners and Alternate Commissioner participation.

Rashidah Grinage regarding live vs replay of Police Commission meeting by KTOP.

Michael Tigges regarding public comment.

Rosa Maria Garcia regarding IAD/OPD activities and supervision.

Discussion was held about the seating positions for Alternate Commissioners.

IV. Action – Approval of Draft Commission Meeting Minutes for December 13, 2017 (Thomas Lloyd Smith)

a. Discussion

Commissioner Nisperos said that we accept the draft and not approve the Minutes.

¹ These minutes are a summarization of the actions and comments of the City of Oakland Police Commission for Wednesday, December 27, 2017.

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Meeting Minutes (Continued)

Wednesday, December 27, 2017

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b. Public Comment

Public comments were provided by the following:

Rashidah Grinage regarding the absence of public comments
Mariano Contreras regarding public comments being reflected in minutes.

c. Action

A motion was made by Commissioner Nisperos that we accept the Minutes and not approve the Minutes until the next Commission meeting. It was seconded by Commissioner Jackson. The motion passed. The vote was 5-0-2, with Commissioners Jackson and Ahmad abstaining.

**V. Discussion – Measure LL Enabling Ordinance
(Ryan Richardson)**

a. Discussion

Ryan Richardson gave an update as to the status of the Enabling Ordinance, a general overview of what the Enabling Ordinance is designed to achieve, and then lastly make a recommendation that as you are scheduling your trainings - the City Attorney's Office is prepared to provide a more substantive training and frequently ask questions as it relates to the Draft Ordinance, Charter Amendment, Sunshine Ordinance, and Brown Act and recommended that when you get to your discussion on training that you prioritize that piece of the training so you can be informed as to what tools are at your disposal to get your work done.

Vice-Chair Harris said they have a copy of the Measure in the room if members want to refer to/look at.

A motion was made that we ask the City Council to refrain from acting finally on the Ordinance until we have had an opportunity to study/evaluate and provide them comments and that we be given 45 days in which to do that, and if we can do it sooner, the better (M. Nisperos) and seconded by (R. Jackson). The motion passed. The vote was 6-0-1, with Commissioner Ahmad abstaining.

Discussion followed regarding the bargaining units which represent department employees besides the OPOA as well as the provision for a 45-day opportunity to provide commentary on ordinances impacting the Police Commission.

b. Public Comment

Public comments were provided by the following:

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Rosa Maria Garcia regarding the approval process for minutes.
Rashidah Grinage regarding meet and confer process and issues specific to meet and confer with OPOA and provisions within enabling ordinance which are subject to bargaining.
Michael Tigges regarding meet and confer with OPOA regarding the ordinance.
Lorelei Bosserman regarding the meet and confer process.
Bruce Schneider regarding the enabling ordinance and disciplinary committee composition.
Elise Bernstein regarding disciplinary committee and its importance.
Mr. Richardson regarding the meet and confer process.

Discussion followed regarding the stage in the process when an ordinance goes to arbitration

**VI. Action – Rules and Procedures for Conducting Business
(Ginale Harris and Edwin Prather)**

a. Discussion

Commissioner Prather reported on the Rules of Order. We modeled them after the San Francisco Police Commission Rules of Order and the City Council's Rules of Order. We presented these rules to the City Attorney's Office and did not get a redlined version back until after the agendas were posted. I would like to make edits here orally to the draft version so we have a more finalized version to consider for a vote.

Commissioner Jackson read aloud Rule 2.8 (Alternative Meeting Place). I thought that we wanted to proactively identify meeting places in the community and not just if the room was unavailable. Commissioner Prather said that references that if for example there is a water leak, we can move to another room in the building. Commissioner Prather referenced 2.4 - that our meeting should be in this room every second and fourth Wednesdays each month; Rule 2.8 says that the Commission may also select meeting venues outside of Oakland City Hall by motion carried..

Commissioner Nisperos referenced Rule 2.3 (Election of Officers) and on Page 15 of the Proposed Ordinance – Election of Officers; Says it will on the first meeting of the year - January. Whereas this one says held in February. Commissioner Prather asked Mr. Richardson for clarification. Mr. Richardson said that the draft ordinance has you selecting officers each January. That ordinance is not in effect yet and you are free now to elect your officers when you want and once it passes, and it has something different, and in the hierarchy of legislation it will trump your date.

Commissioner Prather read aloud the redlines/changes to the document as members followed along on their copies. He will make a redlined version available as part of this packet consistent with the Brown Act available to members.

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Comments from Police Commissioners.

b. Public Comment

Public comments were provided by the following:

John Jones, III regarding alternate commissioners sitting at the dais.
Rashidah Grinage regarding opportunity for public to speak to matters involving cases for closure prior to entering closed session.
Elise Bernstein regarding resolution of alternate commissioner seating.
Lorelei Bosserman supporting comments by R. Grinage
Rosa Maria Garcia regarding transparency to constituents.

c. Action

Motion to move the resolution as amended orally (N. Nisperos) and seconded (R. Jackson). Motion passed (unanimously).

Commissioner Prather said that he will draft language/Rule and present it at the next meeting regarding the topic of Alternates.

**VII. Discussion – Oakland Police Commission Budget
(Stephanie Hom)**

a. Discussion

Stephanie Hom reviewed the Oakland Police Commission Budget as listed in Item 7 in the Agenda Packet. Discussion followed regarding the overall budget for the Police Commission and funds already spent. Ms. Hom will defer that matter to the Chair to have the Interim Director of the Community Police Review Agency to provide the report.

Rashidah Grinage inquired about the two half-staff positions and why we don't have staff since Measure LL was passed last year. Ms. Hom explained the hiring process and they are civil service positions. They have requested the Eligibility Lists for each of those Classifications.

b. Public Comment

Public comments were provided by the following:

Rashidah Grinage regarding Police Commission staff status, legal counsel and the legal counsel RFQ and CPRA Executive Director job description.
Rosa Marie Garcia regarding Police Commission budget.

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**VIII. Action – Executive Director Hiring Process, Community Police Review Agency
(Mubarak Ahmad, Ginale Harris and Mike Nisperos)**

a. Discussion

Commissioner Nisperos spoke about opening the position of CPRA Executive Director.

b. Public Comment

No Public comment

c. Action

Motion to move that the Chair appoint an Ad Hoc Committee to work with the City Administrator's Office to come up with a job description for Executive Director, publish it and seek out applicants (M. Nisperos) and seconded (R. Jackson). Motion passed (unanimously).

**IX. Action – Staff Vacancies and Hiring, Community Police Review Agency
(Mike Nisperos)**

a. Discussion

Commissioner Nisperos requested that hiring of CPRA staff be frozen until a permanent Executive Director has been selected.

Commissioner Prather would like to hear something from the Agency in how that would affect them in doing business. Is someone here to speak on that issue tonight. Policy Analyst Rus stated that the only new open position this year that has not been frozen which is a supervisory Investigator III position. He understands that the position was included in the budget this year. A lot of that work has been done by the Executive Director. The remainder of the positions are frozen. One of two Investigator positions was frozen by the Council. A database system is being developed/funds used for the other Investigator position. Commissioners would like to have the cost of the new database system.

b. Public Comment

Public comments were provided by Rashidah Grinage regarding freezing other positions to offset additional cost of database management system and the investigator/police officer ratio, per Measure LL.

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c. Action

Motion to move to freeze all hiring of CPRA staff by the Interim Director until the permanent Director has been selected (M. Nisperos) and seconded (M. Ahmad).
Motion passed (unanimously).

**X. Action – Hiring Process, Oakland Police Commission Staff
(Ryan Richardson and Thomas Lloyd Smith)**

a. Discussion

Ms. Hom provided information on the hiring process for Police Commission staff, as well as budgeting information. Discussion followed regarding combining current open part-time positions to one full time position which is more senior.

b. Public Comment

Rashidah Grinage regarding lack of ordinance and CPRA current staff options.
Elise Bernstein regarding Measure LL and Police Commission being a community backed initiative.
Lorelei Bosserman thanking the Police Commission and offering her support.
Michael Tigges asked the Police Commission to seek assistance from the Agency and offered his continued support to the Police Commission.
Joe Marshall regarding the need for staff assistance.

c. Action

Review the possibility of combining the two budgeted part-time positions into one full-time, more senior position by using the Police Commission budget to obtain adequate staffing.

**XI. Action – Creation of an Impact Binder
(Regina Jackson)**

a. Discussion

Interim Executive Director Finnell is to direct staff to assist in the creation of an impact binder.

b. Public Comment

No public comment.

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c. Action

Motion to recommend that Interim Executive Director Finnell direct his admin to help us with the creation of the impact binder by our next meeting (Jan. 10, 2018) by R. Jackson) and seconded by (T. Smith).

Motion passed (unanimously).

XII. Recess (5 minutes)

**XIII. Action – Commissioner Email, Business Cards, Badges/ID
(Ginale Harris and Edwin Prather)**

a. Discussion

Commissioner Prather presented a proposal to the Police Commission and spoke on the need for Police Commissioner badges and ID cards, jackets and the need for immediate identification for the Police Commissioners.

Virginia Gleason discussed scheduling Police Commissioners for obtaining photographs for identification badges/cards.

Discussion by Police Commissioners.

b. Public Comment

Public comments were provided by the following:

Rashidah Grinage regarding Police Commissioners IDs and badges. Also commented on Police Commissioners duties as per Measure LL.

Terri McWilliams regarding Commissioner Harris' recent interaction with the police, commissioner IDs, and badges.

Lorelei Bosserman regarding badges and stars.

Joe Marshall regarding SF Police Commissioner star and ID cards for the Police Commissioners.

Elise Bernstein regarding Police Commissioners IDs, badges and duties.

Joe Marshall regarding personal experience with badge/star and ID for him as an SF Police Commission.

Comments from Police Commissioners discussing the need for them to be on the scene of police incidents.

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c. Action

Motion to vote on badge or ID by (M. Ahmad) and seconded by (M. Nisperos). Motion passed with six yes votes and one no vote (M. Ahmad)

Clarification to determine if the Police Commission will have a badge or ID.

Motion to adopt proposal drafted by Commissioners Prather and Harris which was included in the agenda packet in its entirety made by (E. Prather) and seconded by (J. Dorado). Motion passed with six yes votes and one abstain (M. Ahmad).

Question raised regarding badges and ID for Alternate Commissioners. Clarification was needed. Motion was made for Alternate Commissioners would receive badges and ID cards by (G. Harris) and seconded by (E. Prather). Motion passed (unanimously).

Discussion followed regarding Police Commissioner email and security for email accounts. Will form an Ad Hoc committee, working with legal counsel to determine what options are available to the Police Commission.

Requested to see a draft of all business cards before they go to print.

Motion to direct Interim Executive Director Finnell to send us recommended finalized drafts of the business cards within the next week so that it can be published in the agenda by (R. Jackson) and seconded by (T. Smith). Motion passed (unanimously).

**XIV. Action – Scheduling Sites for Community Meetings
(Regina Jackson)**

a. Discussion

Commissioner Jackson discussed holding Police Commission meetings away from City Hall and in the community, with consideration for all the logistics required to hold community meetings.

Reminder to make sure there are translation services available when holding community meetings.

Suggestion from staff to create an Outreach Committee as a standing committee for the Police Commission.

b. Public Comment

Public comments were provided by the following:

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Joe Marshall regarding the structure of community meetings held by the SF Police Commission.

Elise Bernstein regarding the purpose of the Police Commission outreach meetings being to hear from the community.

Rashidah Grinage regarding the differences between the Oakland Police Commission and other commissions, the need for Commissioners to explain their role and function and to listen to the public.

c. Action

Motion to have Police Commissioners submit recommendations of community places prior to the next agenda packet deadline in order to calendar them out by (R. Jackson) and seconded by (J. Dorado). Motion passed with six yes votes and one abstain (M. Ahmad).

**XV. Discussion – Topics for Orientation and Training Sessions
(Jose Dorado, Ginale Harris and Thomas Lloyd Smith)**

a. Discussion

Commissioner Dorado spoke about NCPC's and their function and the relationship to the purpose of community policing.

Motion to hold required training at the next meeting by (M. Nisperos) and seconded by (T. Smith). Comments from legal counsel and the motion was withdrawn. Instead a motion was made to select one or more of the commissioners to work with the City Attorney's office to schedule trainings by the next meeting (Jan. 10, 2018) by (M. Nisperos) and seconded by (T. Smith).

Suggestion made to create an Ad Hoc committee to of trainings, community meetings, and required reports by Alt. Commissioner Dooley.

Motion passed (unanimously).

b. Public Comment

Public comments were provided by the following:

Rashidah Grinage – Comments regarding Saturday retreats (CPRB model). Also read from Measure LL required training for Police Commissioners.

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**XVI. Discussion – Scheduling of Commissioner Ride Alongs with the Oakland Police Department
(Virginia Gleason)**

a. Discussion

Virginia Gleason will reach out to each commissioner via email to schedule ride-alongs.

b. Public Comment

No Public Comments.

**XVII. Discussion – Police Accountability Systems
(Regina Jackson)**

a. Discussion

Commissioner Jackson provided information regarding a police force analysis system.

Discussion from other commissioners.

Motion to direct Interim Executive Director Finnell to follow-up and identify specifically what information or data do they collect, why there is not even one use of force case for 2016, what the current system or systems are and what the capacities ensure that community reports can also be uploaded by (R. Jackson) and seconded by (T. Smith). Motion passed (unanimously).

b. Public Comment

No Public Comment.

XVIII. Adjournment

The meeting was adjourned at 10:50 p.m.

ITEM VI

ORIGINAL VERSION APPROVED 12.27.17
PROPOSED AMENDMENT 1.10.18

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 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. "Committee" shall mean a Committee of the Commission;
- H. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item;
- I. "Informational Item" shall mean an item of the agenda consisting only of informational report that does not require or permit Commission action.
- J. "Municipal Code" shall mean the Oakland Municipal Code;
- K. "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");
- L. "Rules" shall mean the Rules of Order of the Commission; and
- M. "Secretary" shall mean the individual designated as 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 in the City Council Chambers of City Hall, One Frank H. Ogawa 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, which shall be seconded and passed by a majority vote. 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 or a majority of Commissioners, 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 (5) Commissioners shall constitute a quorum. If a quorum is not established by the sitting Commissioners in attendance, the Chair may designate one or more alternate members to establish a quorum and cast votes.

Rule 2.11 Voting. Every official act of the Commission shall be adopted by majority vote. A majority vote shall mean a majority of sitting Commissioners or Commissioner Alternates in attendance and constituting a quorum. 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 except to order a call of the Commission, to reschedule the 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. Consistent with Oakland Municipal Code chapter 2.45, 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 and of Oakland Municipal Code section 2.20.030(A). For closed sessions, the agenda shall meet the requirements set forth in Government Code Section 54954.5 and of Oakland Municipal Code section 2.20.030(A). Any agenda item submitted to the Secretary for inclusion on the agenda of a regular or special meeting of the Commission must have been 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 the Oakland 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 and Oakland's Sunshine Ordinance.

Rule 2.16 Consent Calendar. The Consent Calendar shall include those matters that have been the subject of a public hearing conducted by a standing 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 that item from the Consent Calendar 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.

Rule 2.18 Commissioner Alternates. Commissioner Alternates shall be allowed to attend meetings in open session, shall be accommodated the same seating as sitting Commissioners and shall be allowed to participate in open session discussions including the asking of questions of any presenters or Commission staff members. Commissioner Alternates do not vote unless designated by the Chair, in the Chair's sole

discretion, to establish a quorum, in which case, a Commissioner Alternate may temporarily cast a vote.

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 Chair. Other Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department who are in attendance, will respond to questions only when requested to do so by the Chair. Commissioners and City of Oakland staff members, including members and employees of the Oakland Police Department, 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 the Commission's staff. However, persons should not vocally oppose statements made by anyone, including, but limited to members of the public or Oakland Police Department personnel, while they speak. 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 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 breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
- C. Disobedience of any lawful order of the Chair, which shall include, but be not limited to, an order to be seated.

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.

ORIGINAL VERSION APPROVED 12.27.17

**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 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. "Committee" shall mean a Committee of the Commission;
- H. "Consent Item" shall mean, for the purposes of the Commission's agenda, those matters that have been the subject of a committee of the Commission or a matter previously considered and voted on in closed session by the Commission, unless otherwise ineligible by law as a Consent Item;
- I. "Informational Item" shall mean an item of the agenda consisting only of informational report that does not require or permit Commission action.
- J. "Municipal Code" shall mean the Oakland Municipal Code;
- K. "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");
- L. "Rules" shall mean the Rules of Order of the Commission; and
- M. "Secretary" shall mean the individual designated as 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 City Council Chambers of City Hall, One Frank H. Ogawa 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, which shall be seconded and passed by a majority vote. 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 or a majority of Commissioners, 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 (5) Commissioners shall constitute a quorum. If a quorum is not established by the sitting Commissioners in attendance, the Chair may designate one or more alternate members to establish a quorum and cast votes.

Rule 2.11 Voting. Every official act of the Commission shall be adopted by majority vote. A majority vote shall mean a majority of sitting Commissioners or Commissioner Alternates in attendance and constituting a quorum. 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 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.

Consistent with Oakland Municipal Code chapter 2.45, 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.

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COMMUNITY POLICE REVIEW AGENCY (CPRA) EXECUTIVE DIRECTOR

DRAFT

DEFINITION

Under policy direction from the Oakland Police Commission, the Citizens' Police Review Agency (CPRA) Executive Director (the "Agency Director") is responsible for planning, developing and implementing all functions and activities of the investigation unit of the Community Police Review Agency and related support staff based on effective responsiveness to the public and other client needs; implementing goals and objectives and ensuring the enforcement of applicable laws, ordinances and regulations; preparing and presenting reports to the Oakland Police Commission, the Mayor, the City Council, the Chief of Police and other boards and commissions on activities, issues and needs of the Community Police Review Agency.) To promptly; impartially and fairly conduct investigations of civilian complaints of police misconduct or failure to perform a duty; and performs related work as assigned.

DISTINGUISHING CHARACTERISTICS

The Executive Director of the Community Police Review Agency shall be hired by the City Administrator from among two (2) or three (3) candidates submitted by the Commission. Reporting to the Oakland Police Commission, the Agency Director functions at an executive management level, and is responsible for all functions and activities of the Community Police Review Agency. The Agency Director is responsible for accomplishing departmental goals and objectives within policy guidelines for major functional areas assigned and for special programs and this position is exempt from the regulations of the Civil Service Board, pursuant to the Oakland Charter 902(f).

The Commission shall periodically conduct a performance review of the Agency Director. The Agency Director shall be classified as a Department head, and shall have the authority to hire and fire Agency staff, in consultation with the City Administrator.

The Agency Director receives direction from the Oakland Police Commission and makes decisions critically affecting the diverse functions of the Community Police Review Agency; manages organizational changes; and provides direction to Senior Investigators who are responsible for day-to-day supervision of the investigators in the Community Police Review Agency.

EXAMPLES OF DUTIES - *Duties may include, but are not limited to, the following:*

Directs the development and implementation of the Community Police Review Agency's goals, policies, and strategic plans; manages the allocation of resources and service levels to meet client needs. Manage a variety of full-scale investigations relating to citizen allegations and complaints of alleged police officer misconduct. Ensure investigations are fair, thorough, complete and nonbiased.

Oversee the operation of the Community Police Review Agency's operations, activities and programs; set objectives and monitor the performance of subordinate staff engaged in defined activities.

Assign cases to complaint investigators according to procedures and case jurisdiction, review and

approve preliminary case work; prepare full investigative reports. Set investigative standards for subordinate staff; and update the Community Police Review Agency policies, procedures, and operations. Review and evaluate the results of investigations.

Recruit, orient, manage, evaluate and provide training for all subordinate staff and the Oakland Police Commission and other assigned staff consistent with the CPRA mission and goals.

As required by caseload volume or special circumstances, intake investigations and prepare appropriate reports.

Serve as a liaison with Oakland Police Department Personnel on Investigations. Establish program evaluation benchmarks and deliverables.

Monitor the organizational structure, staff assignments, service levels, and administrative systems required to accomplish the Community Police Review Agency's mission and objectives in an efficient and effective manner; direct the identification and analysis of opportunities for service enhancements. Assign cases to Complaint Investigators according to procedures and case jurisdiction; review and approve preliminary casework; prepare full investigative reports.

Prepare, review and coordinate the preparation of a wide variety of full reports for presentation to the Oakland Police Commission, City Council or any of its committees, the City Administration, or outside agencies.

Oversee the operation of the Office Assistants activities and programs; set objectives, supervise the Office Assistant I and II, and monitor the performance of subordinate staff engaged in define activities. Represent the CPRA and serve as a CPRA advocate at conferences and a variety of community meetings with the public which may include youth, parents, and community organizations and partners.

Create, and implement direct programs to increase public visibility of the CPRA and the complaint process in the community and within the Community Police Review Agency.

Direct the development and implementation of the operational budget; monitors expenditures to ensure adherence to the approved budget;

Develop statistical, quarterly and annual reports to present to the Oakland Police Commission.

Meet and collaborate with the Chief of Police, Oakland Police Commission, and Oakland City Administration, on policy issues and disciplinary matters.

Coordinate the meet and confer process with the Chief of Police and City Administrator, and the Oakland Police Commission in matters related to the CPRA under the memorandum of understanding with the Oakland Police Officers' Association or any other impacted labor group.

Review legislation, court cases (such as Copley) and legal opinions relevant to the work of the CPRA; present testimony during court proceedings.

Secure and maintain confidential information, records, and files.

Keep the Oakland Police Commission apprised of CPRA activities for successful conjunction of

duties under the CPRA ordinance.

QUALIFICATIONS

Knowledge of: federal, state, and local rules and regulations pertaining to civilian oversight of law enforcement, modern management and financial principles and practices; and procedures for conducting civil, criminal or factual investigations that involve gathering, analyzing and procedures for evaluating evidence, conducting interviews with witnesses and documenting information in written form.

Applicable experience includes: criminal investigations conducted for a law enforcement or a prosecuting agency; criminal defense investigations in public or private sectors; investigating allegations of misconduct or ethical violations (especially involving public officials or police officers); investigations conducted in connection with litigation or civil rights investigations, investigations of human rights abuses; and investigations of audits of fraud or abuse.

Ability to: provide strong leadership skills; direct subordinate staff engaged in investigations; exercise administrative ingenuity, independent analysis, adaptability and judgment on highly specialized investigations with difficult, complicated choices of action; make recommendations and present them effectively to commissions, boards, committees, other agencies and public; apply the principals and practices of public administration, financial and personnel management; clearly interpret all applicable laws, ordinances and codes; direct research, survey techniques and statistical methods; communicate effectively with subordinates, the Oakland Police Commission, other city employees, the general public, members of civic organizations, or other agencies; provide guidance in a calm, effective manner in crisis situations. Knowledge of restorative justice and knowing the civil rights of citizens.

SPECIAL REQUIREMENTS

Ability to plan, conduct and supervise complex and difficult investigations, including those involving serious allegations of misconduct (such as officer involved shootings and in custody deaths), investigations involving large number of complaints, witnesses or officers, high profile investigations and those involving multiple law enforcement agencies or significant policy issues.

Ability to train, advise, motivate and mentor new and veteran investigators on an individual level and through a formal and ongoing training program.

Ability to review the work of investigators to ensure that the investigation is thorough and the factual findings and analyses are sound.

Knowledge of criminal justice procedures, investigative techniques, and issues involving police and civilian oversight practices and police-community relations.

Commitment to civilian oversight of law enforcement

Ability to set an example of professionalism, ethical conduct, and commitment to a quality work product.

Ability to implement investigative procedures and standards consistent with best practices for civilian oversight agencies to ensure that investigations are fair, prompt, and unbiased.

Ability to communicate effectively, both orally and in writing, with the Community Police Review Agency staff, members of the Oakland Police Department, the Oakland Police Commission, elected and appointed officials, government managers, and members of the diverse communities served by the office of Community Police Review Agency and the Oakland Police Department.

Ability to develop and maintain positive relationships with community leaders and organizations, businesses, staff, and others contacted in the performance of duties.

EDUCATION AND EXPERIENCE

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

Education:

A Bachelor's degree from an accredited college or university, an undergraduate major or an advanced degree in a field directly related to public administration, criminal justice or law is preferred.

Experience:

A minimum of two years supervisory experience; and 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. Possession of a law degree from an accredited law school may be substituted for two years of investigative experience described above.

LICENSE OR CERTIFICATION

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.

OTHER DESIRED QUALIFICATIONS

Proficiency in a second language is highly desirable.

DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY

Established:	01/16/2014	CSB Resolution #:	44696	Salary Ordinance #:	
Exempted:	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	Exemption Resolution #:	78422		
Revision Date:	01/02/2018	CSB Resolution #:			
Re-titled Date:	04/21/2017	CSB Resolution #:	TBD	Salary Ordinance #:	13440
Previous title(s): Citizens' Police Review Agency(CPR) Executive Director)					

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Open RFQs:

1. [Request for Qualifications for Legal Services / Outside Counsel](#)

The Office of the Oakland City Attorney is responsible for providing all legal services for the City of Oakland and Oakland Redevelopment Agency, as well as all City boards and commissions and certain joint powers authorities. The City Attorney retains outside counsel for three types of matters/cases: (1) cases that require specialized expertise that our Office does not have in-house; (2) cases that present conflict of interest issues; and, (3) cases that we cannot handle due to lack of capacity due to reductions to the City Attorney's budget. The City of Oakland engages outside counsel only through the Office of the City Attorney.

The City Attorney requests detailed information regarding the qualifications of attorneys or law firms interested in providing legal services to the City of Oakland to establish a list of qualified attorneys or law firms from which outside counsel may be selected.

To submit your qualifications, please respond to the following RFQ: [RFQ for Outside Counsel](#)

For information about the selection process, please read the City Attorney's [Outside Counsel Selection Policy](#).

2. [Request for Qualifications for Legal Services / Outside Counsel for Affirmative Litigation](#)

The Community Lawyering and Civil Rights Unit (CLCR) of the Office of the City Attorney prosecutes social justice cases in areas such as affordable housing and discrimination, wage theft, economic and civil rights. CLCR works closely with the public, government entities, and civil rights and community-based organizations to identify and address issues that impact Oakland residents. The Unit seeks to ensure that all residents are treated fairly and with dignity.

To submit your qualifications, please respond to the following RFQ: [RFQ Outside Counsel Affirmative Litigation](#)

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[Qualifications](#)

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[Information](#)

[Report a public](#)

[nuisance](#)

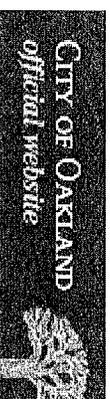
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[Attorney](#)

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[City Attorney](#)

<http://www.oaklandcityattorney.org>



For information about the selection process, please read the City Attorney's [Outside Counsel Selection Policy](#).



3. Request for Qualifications for Legal Services / Public Ethics Commission

The City Attorney wishes to retain several qualified firms to provide outside counsel services to the City Attorney's Office or in conjunction with the City Attorney's Office to the Public Ethics Commission on matters within the Commission's jurisdiction. These areas include, but are not limited to, state and local laws regarding conflicts of interest, nepotism, cronyism, bribery, fair process (bribery, nepotism, improper influence, etc.), "revolving door" employment restrictions, perks of office and misuse of City resources, campaign contributions, public financing of campaigns, use of public resources on campaigns, lobbyist registration, gift restrictions, Oakland City Charter section 218 which prohibits Council interference with administrative affairs, open meeting laws, public records laws, whistleblower protections, ethics training, hearing procedures and other public ethics-related issues.

To submit your qualifications, please respond to the following RFQ: [RFQ for Public Ethics Counsel](#)

For more information, please visit the City of Oakland's [PEC Website](#).

For information about the selection process, please read the City Attorney's [Outside Counsel Selection Policy](#).

4. Request for Qualifications for Legal Services / Community Police Review Agency

The City Attorney wishes to retain a qualified firm or individual to provide legal services, in conjunction with the City Attorney's Office, to Oakland's newly-formed Citizen's Police Review Agency ("CPRA"). Specifically, outside counsel will advise and assist the CPRA in investigating allegations of police misconduct and in determining appropriate levels of discipline.

To submit your qualifications, please respond to the following RFQ: [RFQ Community Police Review Agency](#)

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12/31/2017

Oakland City Attorney - Job Opportunities

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City Hall, 6th Floor, 1 Frank Ogawa Plaza, Oakland, CA 94612

ITEM XI

Department
Fund and Desc

Police Commission
1010 - General Fund: General Purpose

Org and Desc	Project and Desc	Acct and Desc	Prog and Desc	Rev/Exp Expense	Values
	1003737 - DP660 Police Commission	51111 - Civilian: Regular	IP06 - CITIZENS POLICE REVIEW BOARD	15,890	19,577
		51122 - Temporary: Regular Part Time	IP06 - CITIZENS POLICE REVIEW BOARD	10,548	21,098
		51511 - Civilian: Paid Leave Charge	IP06 - CITIZENS POLICE REVIEW BOARD	7,853	12,080
		51611 - Civilian: Retirement Accrual	IP06 - CITIZENS POLICE REVIEW BOARD	12,410	21,666
		51613 - Civilian: Fringe Benefits Accrual	IP06 - CITIZENS POLICE REVIEW BOARD	12,177	19,451
	1003737 - DP660 Police Commission Total			58,878	93,872
	1000106 - CPR8-INVESTIGATIONS	52213 - Minor Computer Hardware and Softw:	IP06 - CITIZENS POLICE REVIEW BOARD	7,500	3,750
		54511 - Legal Fees	IP06 - CITIZENS POLICE REVIEW BOARD	142,000	142,000
		55112 - Commercial Transportation	IP06 - CITIZENS POLICE REVIEW BOARD	9,000	9,000
		55114 - Per Diem and Lodging	IP06 - CITIZENS POLICE REVIEW BOARD	15,250	15,250
		55212 - Registration and Tuition	IP06 - CITIZENS POLICE REVIEW BOARD	15,650	15,650
	1000106 - CPR8-INVESTIGATIONS Total			189,400	185,650
	1003737 - DP660 Police Commission	51111 - Civilian: Regular	IP06 - CITIZENS POLICE REVIEW BOARD	737,594	808,176
		51122 - Temporary: Regular Part Time	IP06 - CITIZENS POLICE REVIEW BOARD	46,763	46,763
		51313 - Allowance: Auto Flat (1 2 Partially 3)	IP06 - CITIZENS POLICE REVIEW BOARD	4,200	4,200
		51428 - Premium: Bilingual	IP06 - CITIZENS POLICE REVIEW BOARD	4,680	4,680
		51511 - Civilian: Paid Leave Charge	IP06 - CITIZENS POLICE REVIEW BOARD	232,968	253,931
		51611 - Civilian: Retirement Accrual	IP06 - CITIZENS POLICE REVIEW BOARD	369,863	457,334
		51613 - Civilian: Fringe Benefits Accrual	IP06 - CITIZENS POLICE REVIEW BOARD	361,249	408,836
		51911 - Adjustments: Miscellaneous Payroll Ac	IP06 - CITIZENS POLICE REVIEW BOARD	(40,861)	
		52211 - Stationery and Office Supplies	IP06 - CITIZENS POLICE REVIEW BOARD	20,000	20,000
		52212 - Minor Furniture and Office Equipment	IP06 - CITIZENS POLICE REVIEW BOARD	6,000	3,000
		52614 - Books	IP06 - CITIZENS POLICE REVIEW BOARD	1,200	1,200
		52911 - Bottled Water and Food for Human Cc	IP06 - CITIZENS POLICE REVIEW BOARD	3,500	3,500
		53116 - Telephone	IP06 - CITIZENS POLICE REVIEW BOARD	6,000	6,000
		53220 - Leasehold Improvements	IP06 - CITIZENS POLICE REVIEW BOARD	69,264	10,000
		53312 - Public Relations	IP06 - CITIZENS POLICE REVIEW BOARD	10,000	3,500
		53314 - Advertising and Promotion	IP06 - CITIZENS POLICE REVIEW BOARD	5,000	5,000
		53611 - Postage and Mailing	IP06 - CITIZENS POLICE REVIEW BOARD	5,000	5,000
		53719 - Miscellaneous Services	IP06 - CITIZENS POLICE REVIEW BOARD	12,000	12,000
		54011 - Contract Contingencies (Budgetary On	IP06 - CITIZENS POLICE REVIEW BOARD	120,000	120,000
		55219 - Miscellaneous Educational Expenditur	IP06 - CITIZENS POLICE REVIEW BOARD	15,000	15,000
		56111 - Special Setups	IP06 - CITIZENS POLICE REVIEW BOARD	23,183	22,917
		56113 - Facilities: General Support	IP06 - CITIZENS POLICE REVIEW BOARD	72,066	73,471
		56123 - City Accounting Services	IP06 - CITIZENS POLICE REVIEW BOARD	947	948
		56124 - City Contract Compliance Dept-Purcha	IP06 - CITIZENS POLICE REVIEW BOARD	3,782	3,782
		56311 - Printing	IP06 - CITIZENS POLICE REVIEW BOARD	3,366	3,366
		62235 - Overhead: Project Recoveries (Budget	IP06 - COST OF LIVING ALLOWANCE	721	1,794
	1003737 - DP660 Police Commission Total			2,093,455	2,289,398
	1003737 - DP660 Police Commission	51911 - Adjustments: Miscellaneous Payroll Ac	IP06 - CITIZENS POLICE REVIEW BOARD	154,804	154,804
	1003737 - DP660 Police Commission Total			154,804	154,804
Grand Total				2,341,733	2,723,724

Catego	Account & Desc	Values					
		Sum of APPN	Sum of YTD	BALAN	Sum of AVAIL	Sum of Projection	Sum of Variance
O&M	52211 - Stationery and Office Supplies	\$20,000	\$1,042		\$17,237	\$20,000	\$0
	52212 - Minor Furniture and Office Equipment (No Ass	\$6,000	\$0		\$6,000	\$6,000	\$0
	52213 - Minor Computer Hardware and Software (No /	\$7,500	\$239		\$7,261	\$7,500	\$0
	52614 - Books	\$1,200	\$0		\$1,200	\$1,200	\$0
	52911 - Bottled Water and Food for Human Consumpti	\$3,500	\$1,235		\$2,265	\$3,500	\$0
	52919 - Supplies: Miscellaneous and Commodities	\$1,000	\$0		\$559	\$1,000	\$0
	53116 - Telephone	\$6,000	\$0		\$6,000	\$0	\$6,000
	53219 - Rental: Miscellaneous	\$2,000	\$0		\$2,000	\$2,000	\$0
	53220 - Leasehold Improvements	\$69,264	\$0		\$69,264	\$69,264	\$0
	53312 - Public Relations	\$7,000	\$0		\$7,000	\$7,000	\$0
	53314 - Advertising and Promotion	\$5,000	\$0		\$5,000	\$5,000	\$0
	53611 - Postage and Mailing	\$5,000	\$0		\$5,000	\$5,000	\$0
	53719 - Miscellaneous Services	\$12,000	\$487		\$4,513	\$5,000	\$0
	54011 - Contract Contingencies (Budgetary Only)	\$120,000	\$0		\$12,000	\$12,000	\$0
	54511 - Legal Fees	\$142,000	\$0		\$142,000	\$142,000	\$0
	55112 - Commercial Transportation	\$9,000	\$1,271		\$7,729	\$9,000	\$0
	55114 - Per Diem and Lodging	\$13,750	\$2,004		\$11,746	\$13,750	\$0
	55119 - Miscellaneous Travel Expenditures (Tips, Parki	\$1,500	\$375		\$1,125	\$1,500	\$0
	55212 - Registration and Tuition	\$15,650	\$2,780		\$12,870	\$15,650	\$0
	55219 - Miscellaneous Educational Expenditures	\$15,000	\$0		\$15,000	\$15,000	\$0
	56111 - Special Setups	\$23,183	\$5,796		\$17,387	\$23,183	\$0
	56113 - Facilities: General Support	\$72,066	\$12,011		\$60,055	\$72,066	\$0
	56123 - City Accounting Services	\$947	\$0		\$947	\$947	\$0
	56124 - City Contract Compliance Dept-Purchasing Sen	\$3,782	\$0		\$3,782	\$3,782	\$0
	56311 - Printing	\$3,336	\$0		\$3,336	\$3,336	\$0
O&M Total		\$565,678	\$27,239		\$536,276	\$559,678	\$6,000
Overhead Recoveries	62235 - Overhead: Project Recoveries (Budgetary Only)	\$721	\$0		\$721	\$721	\$0
Overhead Recoveries Total		\$721	\$0		\$721	\$721	\$0
Personnel & OH	51111 - Civilian: Regular	\$753,484	\$276,544		\$476,940	\$829,632	-\$76,148
	51122 - Temporary: Regular Part Time	\$57,311	\$0		\$57,311	\$0	\$57,311
	51212 - Civilian: Other Overtime	\$0	\$5,124		-\$5,124	\$15,373	-\$15,373
	51231 - Civilian: Comp Time Earned 1.5x	\$0	\$3,741		-\$3,741	\$11,223	-\$11,223
	51313 - Allowance: Auto Flat (1, 2, Partially 3)	\$4,200	\$1,750		\$2,450	\$4,200	\$0
	51428 - Premium: Bilingual	\$4,680	\$1,903		\$2,777	\$5,710	-\$1,030
	51511 - Civilian: Paid Leave Charge	\$240,821	\$64,184		\$176,637	\$192,551	\$48,270
	51611 - Civilian: Retirement Accrual	\$382,273	\$125,361		\$256,912	\$376,083	\$6,190
	51613 - Civilian: Fringe Benefits Accrual	\$373,426	\$122,287		\$251,139	\$366,861	\$6,565
	51821 - Disability: Paid to Employees	\$0	\$155		-\$155	\$465	-\$465
	51911 - Adjustments: Miscellaneous Payroll Adjustmen	-\$40,861	\$0		-\$40,861	\$0	-\$40,861
Personnel & OH Total		\$1,775,334	\$601,049		\$1,174,285	\$1,802,097	-\$26,763
Grand Total		\$2,341,733	\$628,288		\$1,711,282	\$2,362,496	-\$20,763



AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anthony W. Finnell
Executive Director

SUBJECT: Citizens' Police Review Board
Database and Case Management
System

DATE: September 26, 2017

City Administrator Approval

Date:

RECOMMENDATION

Staff Recommends The City Council 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).

EXECUTIVE SUMMARY

Adoption of this Resolution will rescind Resolution No. 89489 authorizing the City Administrator to enter into a contract with Microsoft Systems for the creation and maintenance of a new Citizens' Police Review Board¹ (CPRB) database and case management system based on the Oakland Police Department's PRIME system; and 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 such a system for an amount not to exceed four hundred-ten thousand dollars (\$410,000).

The Information Technology Department Chief Information Officer (ITD CIO) has recommended utilizing the Outsystems development platform currently licensed by ITD and securing professional services to build the System based on a thorough review of CPRB needs and issues with the existing PRIME infrastructure. Upon adoption of this resolution the project could be completed within 12 weeks, at a cost not to exceed four hundred ten thousand dollars (\$410,000.00). This process will save a considerable amount of time and financial resources, and result in a more efficient flow of complainant information between OPD and the CPRB. The City has an existing contract with Outsystems to design case management systems for other

¹ The City of Oakland is in the process of implementing a Police Commission. Once the Police Commission is seated, the Citizens' Police Review Board (CPRB) will be replaced by the Community Police Review Agency (CPRA). For purposes of clarity, all references to the CPRB, within this document, shall apply to the CPRA once it becomes functional.

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city departments. The CPRB also has approved funding to build the CPRB case management system.

BACKGROUND / LEGISLATIVE HISTORY

The Citizens' Police Review Board was originally created by Ordinance No. 9916 C.M.S., on April 15, 1980, for the purpose of reviewing certain complaints of conduct by police officers, conducting fact-finding investigations of these complaints, and thereafter making advisory reports to the City Administrator of the facts of these complaints. The CPRB is currently using multiple Microsoft ACCESS databases to collect information. This process has been determined to be inadequate and non-existent as a case management system. This has resulted in inaccurate reporting, data collection, and overall inefficiencies in case management.

The City Council adopted Resolution No. 86489 C.M.S. (***Attachment A***) on November 29, 2016, awarding an increase to the contract to Microsoft Corporation to purchase professional services, software and license to build the System, in an amount not to exceed \$130,000.00. Phase 1 of the project began January 17, 2016 with the hiring of a business analyst to review the business requirements for the CPRB. Phase 1 concluded on March 31, 2016 with the business analyst delivering a detailed report which outlined the complete business solution needed by the CPRB to report on statistics and demographics of complaints, warehouse the data, interface with Oakland Police Department (OPD) Internal Affairs Division (IAD), and to provide overall case management for CPRB investigators and supervisors.

Phase 2 of the project consisted of building the System. The original plan was to use the City of Oakland's existing contract with Microsoft Corporation to build PRIME. The System would be created largely by copying PRIME and customizing it to fit the specific requirements of CPRB – and to also write new software to exchange certain, select information between the IAD part of PRIME and the CPRB System.

ANALYSIS AND POLICY ALTERNATIVES

During a meeting with the Information Technology Department Chief Information Officer (ITD CIO) on June 27, 2017, it was determined the original plan to build the Citizens' Police Review Board's (CPRB) database and case management system (System) on the Oakland Police Department's PRIME platform was not feasible and an alternate plan of action was necessary.

ITD has re-assessed the functional requirements for a CPRB System and is recommending a new approach which will allow:

- The project to be completed quickly due to utilizing the Outsystems Rapid Application development platform, professional services, and ITD personnel for development;
- Give ITD more flexibility to adapt to *minor* refinements in CPRB requirements that may result from seeing and testing the pre-production versions of the System;
- Most importantly, this new approach will allow ITD to maintain and enhance the System quickly and cost effectively in the future as CPRB's requirements evolve;

- A complete business solution for registering, investigating, and reporting on allegations of officer misconduct by members of OPD;
- A complete data capture solution that will replace 15 existing Microsoft ACCESS databases currently being used by the CPRB for data collection and reporting; and
- The CPRB to replace the paper intensive records for data collection and reporting.

Implementation of this approach will increase the total expenditure to \$410,000 from the \$130,000 authorized by Resolution No. 89489 for a CPRB case management system based on the OPD PRIME system. However, based on the review by the ITD CIO, the cost estimate for the original plan was insufficient, and had the CPRB proceeded with the Microsoft contract for a modification of the PRIME system the cost would have exceeded the budgeted amount by far more.

The details of the recommended approach are as follows:

- Develop the System on the Outsystems' platform and with professional services augmenting the ITD staff;
- Complete the project in approximately 12 weeks;
- Collaborate with ITD on the project management of Outsystems;
- Fully utilize the detailed requirements already gathered last year to inform the project's scope;
- Overall estimated CPRB cost for the Outsystems platform and professional services- \$350,000; and
- Approximate CPRB annual recurring cost for Outsystems platform maintenance and support- \$30,000 per year (\$60,000 total) FY 2017-2018 and FY2018-2019.

ITD plans to use the Outsystems platform for multiple projects in the City, so ITD will be taking care of the contract as long as CPRB can secure the additional project funding. In the interest of transparency, ITD also advised that the total acquisition cost for the platform and for the annual support and maintenance will likely be higher, but the above numbers are just for CPRB's estimated cost (i.e., it is ITD's intent to split the *total* costs up among all the City stakeholders making use of the platform, so this is CPRB's estimated share). It is critical that the CPRB have a functioning case management system.

Request for Waiver of Advertising, Competitive Bidding and Request For Proposals/Qualifications Requirements

OMC Section 2.04.050 requires advertising and competitive bidding for contracts when the City purchases services, supplies, and equipment, or a combination thereof, such as the purchase of products, software and related equipment, when the purchase amount exceeds \$50,000.00 and requires the award to the lowest responsible, responsive bidder if award is made. OMC section 2.04.051.A requires staff to conduct a competitive Request For Proposals/Qualifications or other multiple-step solicitation processes for the procurement of professional services. OMC Section 2.04.050 I.5 provides an exception to the advertising and competitive bidding requirement, and similarly, OMC 2.04.051.B authorizes the City Council to waive the RFP/Q requirement, upon a finding that it is in the best interests of the City to do so.

It is in the best interests of the City to waive advertising and competitive bidding and the RFP/Q requirements for the development of the System because the City has an existing contract with Outsystems, which is a development tool/environment currently being utilized in ITD. ITD plans to utilize this technology with the OPD Personnel Database as well. The CPRB System will be designed with customization to fit the specific needs of the CPRB. It will take at least 6 months to do an RFP process and the CPRB is in critical need to have this system up and running. If the CPRB must wait for the RFP and the system to be built out then it could easily double the time span. This process will save a considerable amount of time and financial resources, and result in a more efficient flow of complainant information between OPD and the CPRB. The City has an existing contract with Outsystems to design case management systems for other city departments. The CPRB also has approved funding to build the CPRB case management system.

FISCAL IMPACT

On November 29, 2016, Resolution No. 86489 C.M.S. was adopted authorizing funding of \$130,000.00 be added to the Microsoft contract previously authorized under Resolution No. 85222 C.M.S. The additional funding would cover the expense related to building the CPRB case management system on the PRIME platform. The proposed resolution seeks authority to rescind Resolution No. 86489 C.M.S. and enter into a contract in an amount not to exceed \$410,000 with Outsystems for the development of CPRB's database and case management system.

The one-time funding of \$100,540 remaining from the \$130,000 previously earmarked for the Microsoft contract is available in the General Purpose Fund (1010), Citizens' Police Review Board Org (02211), Services: Misc Contract Account (54919), CPRB Investigations Project (1000106) and will be reallocated towards the Outsystems contract. 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. 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). 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.

PUBLIC OUTREACH / INTEREST

This item does not require any additional public outreach, beyond posting on the City of Oakland website.

COORDINATION

This report was prepared in coordination with the City Administrator's Office, the City Attorney's Office, ITD and the Budget Bureau.

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SUSTAINABLE OPPORTUNITIES

Economic: There are no identifiable economic opportunities associated with this report.

Environmental: There are no identifiable environmental opportunities associated with this report.

Social Equity: The Citizens' Police Review Board strives to provide the community with a public forum to voice its concerns on policy matters and individual cases alleging police misconduct, through a mechanism of independent, impartial, fair, and transparent civilian oversight. The ability to capture and analyze our data more effectively will prove beneficial to all stakeholders going forward.

ACTION REQUESTED OF THE CITY COUNCIL

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 – DoltLean, 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).

For questions regarding this report, please contact Anthony W. Finnell, Executive Director, at afinnell@oaklandnet.com or (510) 238-7401.

Respectfully submitted,

Anthony W. Finnell
Executive Director, CPRB

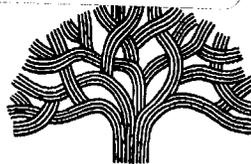
Reviewed by:
Andrew Peterson, Chief Information Officer
ITD

Prepared by:
Anthony W. Finnell, Executive Director
Citizens' Police Review Board (CPRB)

Attachment (A): Resolution No. 86489 C.M.S.

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October 24, 2017

CITY OF OAKLAND
POLICE COMMISSION



ANDREA DOOLEY
Alternate, Oakland Police Commissioner

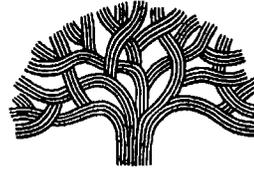
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CITY OF OAKLAND
POLICE COMMISSION



EDWIN PRATHER
Oakland Police Commissioner

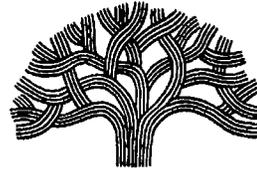
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CITY OF OAKLAND
POLICE COMMISSION



JOSE DORADO
Oakland Police Commissioner

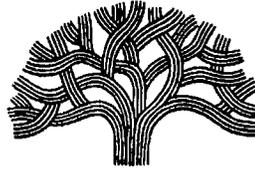
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CITY OF OAKLAND
POLICE COMMISSION



MUBARAK AHMAD
Oakland Police Commissioner

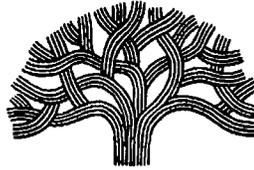
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CITY OF OAKLAND
POLICE COMMISSION



MAUREEN BENSON
Alternate, Oakland Police Commissioner

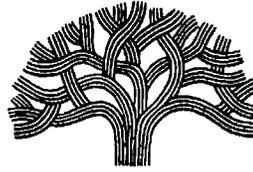
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CITY OF OAKLAND
POLICE COMMISSION



MIKE NISPEROS
Oakland Police Commissioner

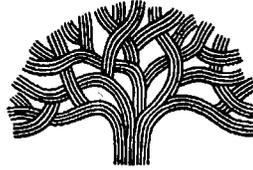
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CITY OF OAKLAND
POLICE COMMISSION



REGINA JACKSON
Oakland Police Commissioner

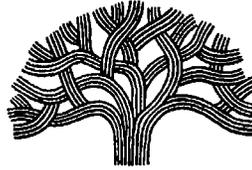
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CITY OF OAKLAND
POLICE COMMISSION



GINALE HARRIS
Vice Chair, Oakland Police Commission

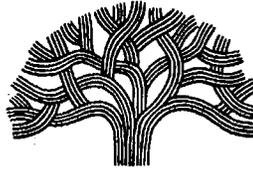
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CITY OF OAKLAND
POLICE COMMISSION



THOMAS LLOYD SMITH
Chair, Oakland Police Commission

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