



CITY OF OAKLAND



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October 10, 2017

Public Safety Committee
HONORABLE CITY COUNCIL
Oakland, California

Re: Fourth Report from the City Attorney Regarding Arbitration Decisions, Efforts to Support the Police Discipline Process, and Recent Developments in Police Discipline.

Dear Chairperson Brooks and Members of the Public Safety Committee:

I. INTRODUCTION

This is the City Attorney's fourth report regarding arbitration decisions, efforts to support the police discipline process, and recent developments in police discipline. This report provides information on arbitration results and other developments related to police accountability from February 24th through October 5th of 2017.

II. ARBITRATION DECISIONS SINCE LAST REPORT

GRIEVANT & VIOLATION	CITY'S DISCIPLINE	ARBITRATOR'S DECISION	OUTCOME	DECISION DATE
Officer A Supervision Violation	2 Days	Upheld City's finding and reduced discipline	Written Reprimand	3-30-2017

III. OCA'S EFFORTS TO SUPPORT THE POLICE DISCIPLINE PROCESS

OPD Trainings

OCA conducted the following trainings of OPD personnel involved in the discipline process:

- April 26, 2017 - Trained OPD command staff regarding the pre-discipline *Skelly* process; and
- June 1, 2017 - Trained new Internal Affairs investigators on policies and best practices for conducting investigations.

Facilitation of the Swanson Barron Investigation

OCA facilitated the gathering, review, and production of documents and other information in response to Edward Swanson's and Audrey Barron's requests related to their most recent investigation and report in *Delphine Allen v. City of Oakland*. OCA collected and reviewed over 50,000 pages of documents from numerous OCA and OPD custodians, participated in and helped facilitate dozens of interviews, and provided general assistance to the investigators.

Policy Revisions

OCA provided technical and legal support to OPD in its revisions to the following investigations procedures:

- Department General Order M-4.1 – Criminal Investigations Involving Active Law Enforcement, or a Member or Employee of the Department
- Training Bulletin V-T.1 – Internal Investigations Procedures

IV. CONCLUSION

OCA's now provides advice to OPD on a regular and ongoing basis. Training of personnel regarding their roles in the discipline process is standard and ongoing, as new personnel move into relevant positions. Moreover, the number and frequency of discipline arbitrations has decreased markedly over the past two years. In each of the past two reports, OCA has had just one arbitration decision to report. In order to make each report more informative, OCA will begin providing this report on a semi-annual rather than a quarterly basis. We ask that the City Council accept this informational report.

Respectfully submitted,
BARBARA J. PARKER, City Attorney
RYAN RICHARDSON, Special Counsel
VERONICA HARRIS, Deputy City Attorney

