



POLICE COMMISSION

250 FRANK H. OGAWA PLAZA, SUITE 6302 • OAKLAND, CALIFORNIA 94612

November 30, 2022

Councilperson Nikki Fortunato Bas
President, Oakland City Council
Via email to nfbas@oaklandca.gov

Dear Honorable President Bas and City Council,

Thank you for your ongoing collaborative effort to advance constitutional police reform in Oakland, as well as your invitation to the Oakland Police Commission (“Commission”) to continue to play a role in the Oakland City Council’s (“Council”) approval of a recent set of use policies submitted by the Oakland Police Department (“OPD”) and approved by the Commission at our October 13, 2022 meeting.

Consistent with our shared approach to modifying and considering approvals of OPD’s Militarized Equipment Ordinance (OMC § 9.65.00) (“Ordinance”) submissions, the Council heard certain proposed revisions from members of the public to the approved use policy submissions at your November 1, 2022 meeting. The Council directed that before the City Council consider final approval of the submission, the Commission have an opportunity to weigh in and incorporate these proposals from the public.

This is a new area of important policymaking for the Council and Commission to coordinate, so we are interpreting our role under the Charter and the Municipal Code, with the assistance of counsel. Our reading of this Ordinance is that under Municipal Code Section 9.65.020, the Council has power and authority to take up the Commission’s recommendation as follows: “The City Council shall consider the police commission's recommendation within one hundred and twenty (120) days of the commission's vote on the department's proposed changes and may approve or reject the decision. If the council does not approve or reject the commission's decision, the commission's decision will become final.” While the codified Ordinance does not technically entail back and forth between our respective legislative bodies, the Commission responds as a partner in public safety, and as a courtesy, hereby takes the Council up on its invitation to provide a second response on this important topic.

The Commission’s Military Equipment Ad Hoc Committee (“Ad Hoc Committee”) met twice since the City Council’s November 1st meeting. The Ad Hoc Committee discussed the City Council’s request and the public’s proposal regarding these six topics: assault rifles, less lethals, robots, definition of "barricaded subject," definition of "high-risk search warrant," and coordination with outside agencies. We hereby confirm that the Militarized Equipment Ad Hoc Committee’s original report out to the full Commission properly reflected prior consideration of the substantive areas raised by the public, which were referred to us on November 1, 2022. The

Commission therefore proceeds with its recommendations that the Council received at its November 1st meeting. The only exception is the need for a written definition of “high-risk search warrant” which OPD said it will present to the Commission for consideration in the new year.

To explain the Commission’s process under the Ordinance that previously addressed these proposals: prior to the Commission’s October 13, 2022 approval of the submissions to City Council, the Ad Hoc Committee heard from the members of the public who submitted this same proposal as well as other important stakeholder inputs, and the Ad Hoc formulated a series of recommendations for the full Commission to consider and approve. Next, the Commission modified and/or approved Use Policies at its October 13, 2022 meeting, and finally, the Commission gave direction to the Ad Hoc Committee to coordinate with OPD, render certain final revisions, and then report back to the City Council with versions ready for Council consideration.

The Commission will continue to monitor closely the implementation of these policy recommendations through OPD’s annual reporting along with our investigations and review boards, as these policies are designed for a certain purpose now and could always be revised as Oaklanders and OPD experience their implementation.

Moving forward, Commissioner David Jordan will report to the City Council at its meetings on December 6, 2022, when we understand the Council’s Militarized Equipment approvals are anticipated to be raised for a final vote.

We appreciate the Council’s dedication to ensuring that the Commission continues to serve as a forum of residents of Oakland to influence and impact transformational reform of our City’s Police Department.

Thank you.

Sincerely,



Tyfahra Milele
Chair
Oakland Police Commission