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2015 SEP 17 PM 12: 57

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Sean Whent  
Chief of Police

**SUBJECT:** OPD Response and Progress  
Regarding YAC Recommendations

**DATE:** August 27, 2015

City Administrator Approval:

Date:

9/17/15

## RECOMMENDATION

**Staff recommends that the Public Safety Committee:**

**Accept this informational report of the Oakland Police Department's (OPD) List of: 1) Accomplished or Implemented Youth Advisory Commission (YAC) Recommendations; and 2) Five Recommendations of which OPD and the YAC will collaborate to implement.**

## EXECUTIVE SUMMARY

This informational report shows where and how OPD has implemented the YAC recommendations and where OPD has not fully implemented the recommendations, but would like to collaborate, or continue to collaborate with the YAC on implementation.

## BACKGROUND / LEGISLATIVE HISTORY

The YAC Report titled "Oakland Youth Advisory Commission Recommendations: Accountable and Effective Policing In Oakland," dated April 6, 2015, written in conjunction with the Human Services Department (HSD), explains:

"The Oakland Youth Advisory Commission is a group of up to 25 young people between the ages of 13 to 21 who are nominated by City Council members and appointed by the Mayor. The Commission was created to advise City Officials about issues related to youth in the City of Oakland. Moreover, this body was created to ensure that City Officials make informed decisions and create progressive youth policy by hearing directly from youth in the respective Council Districts throughout the city. Since the welfare of our community will increasingly be in the hands of the generations to come, it is critical to allow this alternative and crucial perspective in the City's decision-making process."

The YAC report also explains that young people, on average, come into contact with law enforcement in Oakland in greater numbers than residents of all ages. Therefore, Oakland police and public safety policy makers should hear directly from young people who have an

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important perspective to offer. In fact, YAC members and diverse youth agencies came together at City Hall prior to the publication of the YAC Report to discuss public safety challenges and possible solutions. Additionally, YAC members met with OPD Chief Sean Whent to advise the YAC as they produced the recommendations in the final report presented to the Public Safety Committee on June 23, 2015. The report recognizes that there have been significant reforms occurring within OPD in recent years, and offers several recommendations to contribute to the process of building a better city.

The YAC and HSD presented their report with OPD recommendations to the Public Safety Committee on June 23, 2015. The Public Safety Committee made a motion that OPD return to the Public Safety Committee with a list of: 1) YAC recommendations which OPD has already implemented; and 2) five YAC recommendations of which OPD and the YAC can collaborate to implement.

### **ANALYSIS AND POLICY ALTERNATIVES**

The YAC report lists the “Top Five Youth Recommendations” and 17 Additional Youth Recommendations.” Of the Top Five Youth Recommendations, OPD has implemented the following:

**Recommendation #1a:** Trainings: There should be a committee formed to update officer-training curriculum and re-establish the purpose of policing in communities of color.

**Response:** OPD leadership understand that Oakland is a very diverse city and that all sworn officers need to be skilled in policing strategies that show a respect for, and an understanding of, diverse communities, as well as the social-economic challenges faced by many Oakland residents. Additionally, OPD leadership believes that officers must have an understanding of historic conflicts between OPD and diverse communities in Oakland. OPD in 2014 developed a Procedural Justice Training Project, which was developed as part of the Ceasefire Crime Reduction Strategy, to ensure that all officers are prepared to serve the public with this comprehensive understanding. Ceasefire has three major goals; reduce shootings and homicides, decrease recidivism (repeating or returning to criminal behavior), and strengthen police-community relationships. Procedural Justice means that organizations will conduct day-to-day policing with fairness and transparency. In the context of policing and the law, procedural justice refers to ensuring that all people are treated fairly with due process. In the context of policing in Oakland, procedural justice means that OPD officers will interact with the public in a manner that respects people’s civil liberties just as officers are entrusted to maintain public safety and apprehend individuals when they commit criminal acts. The practical principles taught in the class are intended to help officers both personally and professionally. These principles include:

1. Giving people a voice (listening)
2. Being fair/unbiased (in your decision-making)
3. Being respectful (in your treatment of people)
4. Providing a trustworthy process



In addition to building better relationships with community members, practicing these principles promotes cooperation and support for an officer's efforts to improve safety. As Chief Whent explains in a tri-fold flier for the OPD Procedural Justice Training **(Attachment A)**: "There are historical divides between several communities in our City and the Police Department. Acknowledging these issues exist, understanding our important role in improving relationships, and dedicating ourselves to finding innovative solutions are important steps towards progress."

Procedural Justice is largely based on the research of Yale professors Tracey Meares and Tom Tyler. The evidence-based training was developed for Oakland by OPD, the Chicago Police Department, and the Ceasefire Community Partnership, and has been POST<sup>1</sup> certified. The first official class was held in May 2014. By the end of June 2015, OPD had conducted 50 classes and trained over 850 sworn staff in 12 jurisdictions – in addition to all OPD sworn staff (except those on long-term leave). Other area police agencies now look to OPD to help train their officers as OPD has invested resources and time to develop OPD expertise in implementing procedural justice best practices. All OPD staff participants were asked to evaluate both the course material and instructors resulting in a 93% positive overall rating. Oakland is the only city presenting this training where sworn staff and community members partner in the training development and delivery.

Currently, OPD is developing Module II of the Procedural Justice Training Program. The Module II Program objectives are:

1. The role cynicism plays in procedural justice.
2. The importance of public support for policing efforts.
3. How law enforcement-community relations can impact public support.
4. How citizen and law enforcement expectations can conflict and cause harm to police-community relations (this module is taught by community members).

**Recommendation #2:** Demilitarize the Oakland Police Department: OPD should not use weapons used in war (e.g., tanks, military trucks, other military weaponry, etc.) against the residents and citizens of Oakland. Take the money spent on military weapons and put it into Restorative Justice Initiatives.

**Response:** OPD does not have military weapons used in war such as tanks, military trucks or other military weapons. Like many police agencies in the United States, OPD does maintain a Special Weapons and Tactics "SWAT" unit, dedicated to apprehending violent individuals armed with guns or other lethal weapons. Sworn OPD officers and SWAT unit members have access to armored vehicles, or armored personnel carriers (APC), as well as guns, which are necessary at times to apprehend armed and dangerous individuals. APCs differ from military tanks as tanks tend to have larger, longer gun barrels are generally bigger with stronger armor, and have a caterpillar track as opposed to wheels. Also, APCs help police with transport to and from a dangerous location, whereas a tank is intended to stay on the battlefield and take part in the action.

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<sup>1</sup> POST stands for "California Commission on Police Officer Standards and Training."



Neither OPD nor any OPD officers have access to tanks or any military-grade weapons found in the military for use in warfare.

**Recommendation #4:** The City of Oakland should hold "Know your Rights" community forums and trainings throughout the city for residents and distribute resources like the book "Encounters with Police: A Black Man's Survival Guide" or other materials that instruct citizens on the proper ways to safely navigate encounters with law enforcement officers (e.g., words and movements that trigger officers, what directions you must follow when instructed by officers, ect...). Awareness, education, and prevention pamphlets and materials should be distributed at community events, City of Oakland sites, buildings and offices, schools, community centers, etc. throughout the city.

**Response:** Earlier this year, OPD's Neighborhood Services Division offered its first Youth Citizen's Police Academy – an amended form of the popular Citizen's Police Academy that OPD offers to interested members of the public. The regular academy is designed to allow the public to better understand how OPD functions and operates. The Youth Citizen's Police Academy in particular included visits to the OPD dispatch center and crime lab and meetings with SWAT, K9, and motor/traffic unit leaders. Additionally, an entire session in the six-session youth-oriented course is titled "What to do when you are stopped by the police?" In this class the instructors and youth participants discussed why police officers may want to stop and question people, the legal rights of the public, and how to most effectively approach such situations to stay safe while respecting the necessary role of law enforcement.

The Youth Citizen's Police Academy was developed for youth ages 14-22. OPD and the City of Oakland conducted outreach with local non-profit organizations, the Chief's Youth Advisory Board (see response to Recommendation #2 on page #5), the YAC and all councilmembers to find participants. OPD's Neighborhood Services Division will offer both the Youth Citizen's Police Academy and regular Citizen's Police Academy in the coming months but OPD's Neighborhood Services is prepared to offer the "What to do when you are stopped by the police?" component to the YAC if and when this class is desired.

In addition to the Youth Citizen's Police Academy, OPD has partnered with OUSD and the Alameda County Public Defender's Office in the "Know Your Rights" project called L.Y.R.I.C. (Learn Your Rights In California). This innovative program educates students about their Constitutional rights by practicing how to safely interact with police while exercising their rights. In the program, teams of two attorneys go to local high schools and lead interactive presentations with students to discuss casual encounters, detentions, searches and arrests by police officers.



Of the Additional 17 YAC, OPD has implemented the following:

**Recommendation #1:** Explore and understand the history of policing in the U.S. as it relates to communities of color and explore the ways police have interacted historically with certain communities in the past.

**Response:** See Response to Top Five Youth Recommendations #1a (Trainings) above.

**Recommendation #2:** Create a Youth Citizens' Police Review Board (YCPRB) and create youth advisory councils for all law enforcement agencies (i.e. OPD, BART, Probation, OUSD Police, etc.).

**Response:** The City of Oakland does not have any authority over the operations of BART, Probation, or OUSD police. The following response focuses on OPD and the City of Oakland:

OPD Chief Sean Whent created his own Youth Advisory Board shortly after becoming the chief in 2014. Chief Whent created this advisory board in close collaboration with East Oakland's Youth Uprising. Youth Uprising has provided interested youth to participate in the committee, which periodically advises Chief Whent on policing policies and their impact on youth and people of color, specifically in marginalized neighborhoods that suffer from high levels of crime. Chief Whent would be honored if members of the current YAC would like to also participate in this on-going ad-hoc committee.

Oakland's Community Police Review Board (CPRB) and Community Police Advisory Board (CPAB) both offer opportunities for direct youth involvement. Oakland's CPRB is tasked with helping residents file misconduct complaints they feel they have been treated inappropriately by the police. As their Mission Statement explains: the CPRB "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." One (1) of the nine (9) regular members and one (1) of the three alternates must be under 25 years of age at the time of the appointment. The CPRB therefore is not a "youth advisory council," but through this structure, the City has shown that the youth voice is important and a necessary component of the CPRB.

The Community Police Advisory Board (CPAB) is another official city advisory board which is not officially composed of youth members, but could benefit from youth involvement. The CPAB's role in the City is to: 1) provide recommendations to the Mayor, City Council, and City staff on steps to improve community policing; 2) serve as advisors to the Chief of Police and police command staff on community policing matters; 3) maintain communication between OPD and the neighborhood Crime Prevention Councils and Neighborhood Watch groups and Merchants Watch groups; 4) assist in educating and informing the public about community policing; and 5) authorize Neighborhood Crime Prevention Councils and mediate disputes. The CPAB consists of appointees from each councilmember, two neighborhood watch members, members from the Oakland Housing Authority and OUSD, and three members appointed by the



Mayor's Office. The CPAB could benefit from a stronger youth presence as youth can add depth and perspective to policy discussions.

Joe DeVries, the CPAB administrative staff presented before the YAC five times in 2013-2014 regarding issues of Public Safety including a session where they provided input on what they would like to see in a Chief of Police. Mr. DeVries also presented information on the Wasserman Safety Plan to about 70 youth at Laney College. The CPAB is currently refining its definition for community policing and the City encourages youth and YAC members to come to CPAB meetings to contribute. It is also a volunteer opportunity for youth over 18 years of age to seek out a councilmember or the Mayor for appointment consideration to the CPAB.

**Recommendation #7:** Create citywide databases: a. Document victims of officer involved homicides and brutality (Provide data break down by race, religion, neighborhood, socio-economic status, etc.). b. Officer with histories of brutality and misconduct (Provide statistics of misconduct).

**Response:** OPD expects all officers to practice ethical and constitutionally valid policing – and hold all officers accountable for violating any OPD policies. OPD uses a database system known as the internal personal assessment system (IPAS) to give supervisors an array of information about their officers' on-the-job behavior. Supervisors can review variables such as number of sick days taken, number of Internal Affairs investigations, and number of excessive force complaints received. The system is a supervisory tool – appropriate, corrective action is taken when officers demonstrate a pattern or practice of misconduct. Officers are provided opportunities to change behavior and ongoing trainings are also designed to help officers improve their skills and patterns of behavior. Officers who are unwilling or unable to change their conduct face discipline up to and including termination for demonstrated patterns of misconduct.

Victims' identities and all related information is documented by OPD in cases where officers have been suspected or proven to be guilty of homicide, brutality, or lesser cases of abuse. Such information will be entered into OPD's IPAS system and not publicly available; OPD shares information with parties who have a right and need to know. OPD considers the rights victims' rights to privacy in determining how such information should be disseminated. Additionally, the Peace Officer Bill of Rights (Government Code 3300, et. seq.) provides that officers have a right to privacy as investigations occur. However, general statistics on OPD-wide Internal Affairs investigations of officer misconduct are available in each year's OPD Annual Report.

**Recommendation #12:** Change the target practice images from black face/image to another color.

**Response:** The OPD target practice image (**Attachment B**) is not an image of a black face. The target practice image is a very generic image of a white head and torso against a black background

**Recommendation #15:** Implement structures/systems for police to safely, securely and confidently hold each other accountable and acknowledge any misconduct.



**Response:** As a matter of policy and practice, OPD personnel are prohibited from concealing or suppressing investigations into officer misconduct. Training Bulletin V-T.3 (Reporting Misconduct, enacted 2006) (**Attachment C**) states:

**Reporting misconduct is not an act of betrayal, it is an act of integrity.**  
*Department personnel have a responsibility to adhere to agency standards of conduct, policies, rules, and procedures. Failure to do so threatens the integrity and ethics of our profession. We all must be held accountable for tolerating and participating in the so-called "code of silence" (principle of placing loyalty to fellow members/employees above reporting misconduct). Personnel are required to take action when they witness or learn of behavior that violates the Department's standards of conduct. This does not mean that every misstep, mistake, or instance of poor judgment must be reported to a supervisor. Such zealousness could cause more harm than good. However, it does mean that personnel must draw the line when an act or pattern of behavior by other personnel threatens the rights of citizens and/or the well-being and reputation of Department personnel and the Department.*

*Each member and employee of the Department is a stakeholder in the effort to preserve and enhance the reputation of the Department and their personal pride as members and employees of the law enforcement profession. Personnel cannot subscribe to the notion that silence and secrecy will serve their individual or collective interests. Experience has clearly demonstrated that these attitudes only serve to build barriers within the Department and alienate members, employees, supervisors, and managers from one another and the public. Unfortunately, the mistakes and misdeeds of a few often have serious repercussions for everyone.*

*A high regard for integrity and personal accountability must be emphasized to ensure the development and maintenance of a professional organizational image. We must all be ever vigilant to demonstrate that our behavior reflects the professional standards of conduct in the Law Enforcement Code of Ethics.*

The OPD Manual of Rules (MOR) provides a means for OPD members and employees to report police misconduct confidentially. Section 175.35, Confidential Reporting of Police Misconduct, states:

*Any member or employee of the Department may confidentially report potential police misconduct directly to the commander of the Internal Affairs Division (IAD). The member or employee reporting the alleged misconduct shall clearly indicate to the IAD commander that confidentiality for the report is sought pursuant to this confidential provision. Confidential reports may be made in person, by telephone or in writing. Confidential reports will be documented by the IAD commander and kept in a secure repository, accessible only to the IAD commander. The case shall be investigated without disclosure of the complainant's name unless and until such disclosure is required by law.*



In short, OPD values good officers and has a department-wide atmosphere and policy that put honesty and integrity first in order to maintain public trust. These policies show that the Department does not encourage police officers to keep quiet about injustice even if the unjust person is a friend. Those officers who would otherwise hesitate to report misconduct due to a fear or a sense of loyalty may report such misconduct confidentially.

**Recommendation #16:** Prioritize funding and invest in community based youth programs.

**Response:** In many ways OPD and the City of Oakland prioritize funding and invest in community-based youth programs. OPD-specific investments include the work of the Police Activities League and the Our Kids Mentoring Program (explained further below). City of Oakland-specific programs include Oakland Fund for Children and Youth as well as other programs in the City's Department of Human Services, Parks and Recreation and other departments that prioritize funding for youth-based programs.

OPD's Police Activities League (PAL): Oakland PAL's motto is: "getting to kids before they get into trouble." PAL offers educational and recreational programs that provide a common platform for positive interaction between Oakland's youth and police officers, thereby fostering a mutual bond of respect, understanding, and trust; to guide youth toward responsible, mature, and informed citizenship; to encourage the principles of good will, friendship, and sportsmanship. Through PAL, OPD officers connect with youth through after school support (most recently at Verdese Carter Park), gang resistance education programs at area schools, participating in the Explorers program (to learn more about careers in law enforcement as well as leadership) as well as many additional programs.

Our Kids (OK) Mentoring Program: The OK Mentoring Program galvanizes police, the school system, faith-based communities, parents and community organizations. The goal of the program is to provide a road map for responsible citizenship for at risk African American youth. In 2013 the Oakland Police Foundation provided \$15,000 to fund the program and in 2015 the Alameda County District Attorney's Office of Gang Diversion provided \$160,000 to continue the program's operations within the City of Oakland. The program provides one-on-one mentoring by police officers, designated as Program Coordinators, and other trained youth mentors to program participants at target schools in Oakland. Frick and Elmhurst Middle schools are the lead sites based on the identification of significant numbers of at-risk African American male students. The program leverages the unique training and expertise of the police officers to address issues associated with three youth categories: "severely at-risk," "moderately at-risk," and "at-risk." These categories are a result of day-to-day exposure to identified environmental risk factors. Student referrals come from school principals, parents, and agencies associated with the aforementioned schools. The program has a current enrollment of 150 students.

Oakland Fund for Children and Youth: Beyond the programs directly supported by OPD, the City of Oakland also prioritizes funding and invests in community based youth programs. Oakland's Fund for Children and Youth (OFCY) ([www.ofcy.org](http://www.ofcy.org)), established in 1996, when Oakland voters passed the Kids First! Initiative (Measure K), supports



direct services to youth under 21 years of age. OFCY funds programs that: 1) support the healthy development of young children; 2) help children and youth succeed in school and graduate high school; 3) prevent and reduce violence, crime and gang involvement among children; and 4) help youth transition to a productive adulthood. In a special election in 2009 Measure D replaced Measure K and reauthorized funding OFCY for an additional twelve years (2010-2022). OFCY sets aside 3% of the City's unrestricted General Fund and requires a three-year strategic plan to guide the allocation of funds.

Of the Top Five Youth YAC Recommendations, OPD is ready to collaborate with the YAC to implement the following recommendations:

**Recommendation #1c:** Youth Lead Trainings-Youth will produce training materials and co-facilitate police trainings.

- i. Teach officers about the culture and lived experience of Oaklanders. Youth want officers to receive real targeted legitimate training so that officers have a real understanding of the communities they police. Training video produced by youth will include their thoughts and perspectives and the history of that community. The video will be an ongoing effort to present their "humanity so that officers can see them as humans". Officers need real sustained cultural sensitivity training.
- ii. Additional videos, workshops, presentations, pamphlets and other materials will be produced for officers that will include information about how officers can engage and communicate respectfully with young people to mitigate confrontation. Young people are community members and deserve respect as well. Although youth are not the authority figure, the relationships between officers and youth should not feel adversarial or necessarily authoritative in nature. In theory it is, but, it should feel like a relationship of mutual respect for one another. The materials will address language and other triggers that might agitate young people.

**Response:** As mentioned above on pages 2-3 in response to Recommendation #1a, OPD police officer trainee trainings include procedural justice components that cover Oakland history and components designed to instill best practices in community engagement. Additionally, OPD works with East Oakland's Youth Uprising on a "Community" component of the academy trainings. However, OPD is interested in further developing this aspect of officer training so that all new officers truly understand different community perspectives and have insight into Oakland's unique history. OPD is therefore ready to meet with YAC members to discuss where a youth-developed training and video could become part of the standard trainee program.

**Recommendation #3:** Youth should serve on the police hiring panels and committees (e.g. oral board panels, etc).

**Response:** OPD and Oakland's Human Resources and Management Department are currently discussing strategies for ensuring strong community input in the evaluation of police officer trainee applicants. Currently, the City requires that each oral panel consist of a sworn (or retired) officer, a civilian employee, and a community representative. OPD and the City are currently exploring ways to increase the community input on these oral panels. After more internal discussion that considers capacity, timing, and other related organizational issues, OPD would like to meet with the YAC in January or February of



2016 to continue the discussion as to how OPD could utilize youth on the police oral interview panels.

Of the 17 Additional Youth Recommendations, OPD is ready to collaborate with the YAC to implement the following recommendations following:

**Recommendation #5:** Police should be required to live in the community “x” number of days a week (e.g., firefighters to live at fire stations). Additionally, there should be a more diverse police force. The police force does not reflect the population of people it comes in contact with. Most of the high crime areas in Oakland are in communities of color. Many believe this is a contributing factor to the built up tension between the community and OPD. Many of the officers are not from Oakland and come into Oakland to police residents and then go home. This does not lead to vested interests in a community or sustained relationships with residents. Therefore, the City of Oakland and OPD need to actively recruit and train homegrown Oakland natives to become police officers who are from the community and are willing to live in the community so they remain an integral part of the community (economically and socially). Use Teach Tomorrow in Oakland’ (TTO) Model. This program recruits, trains, and provides assistance and support to homegrown teachers from Oakland to teach in Oakland schools.

**Response:** The following is from the “Informational Report Regarding Oakland Police Department (OPD) Efforts to Attract and Recruit Applicants with Work or Life Experience in Oakland or Similar Cities,” dated May 1, 2015, which was presented to the Public Safety Committee on May 26, 2015:

*“The Oakland Police Department (OPD) expects each police officer to uphold the mission of OPD and maintain high standards of professionalism, ethics, honesty and integrity. As three recent reports presented to the Public Safety Committee on African American Recruitment (dated February 5, 2015, March 16, 2015 and April 7, 2015) explain, the recruitment and training process is designed to find applicants whose personal histories illustrate that they share and practice these values. By recruiting officers with connections to Oakland or communities similar to Oakland, OPD can better ensure that applicants will have an awareness and appreciation of people from diverse backgrounds.*

*The California Constitution, Article 11 on Local Government, Section 10b states:*

*“A city or county, including any chartered city or chartered county, or public district, may not require that its employees be residents of such city, county, or district; except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location.” Also, the California Government Code, Section 50083 states: “No local agency or district shall require that its employees be residents of such local agency or district.”*

*These laws restrict the City of Oakland’s authority to hire applicants for the position of police officer, or any other position, because of where they choose to reside. However, OPD does have the legal authority and capability to expedite the background process for well qualified applicants who the City Administrator’s Office (CAO) and OPD leadership believe will have the life experience to connect with diverse Oakland residents; the CAO and OPD believe that applicants who currently live in Oakland, have lived in Oakland, or*



*who can demonstrate life experience from similar communities will be well-positioned to serve as OPD officers where they regularly interact with the public and help OPD as an organization foster strong relationships with communities across the City."*

*Beyond the prioritization system for background investigations, OPD is committed to utilizing varied recruiting efforts to ensure that many qualified applicants from diverse backgrounds apply to be Oakland police officers. As outlined in the March 16, 2015 supplemental report on African American Recruitment, OPD is now employing the following approaches:*

- *Recruiting at Historically Black College and University Alumni Associations and Other Organizations*
- *Better noticing to the public of test dates*
- *More media outreach*
- *Outreach of OPD officers to community events*
- *Creating an internship program(s)*
- *Expanding OPD's Cadet Program to fast-track more Oakland high school students who show an interest in working at OPD*
- *OPD Mentoring for at-risk youth*
- *Participation in the Merritt College Law and Justice Program*
- *Outreach and Partnership with African American Churches*
- *Partnering with the Black Officers Association*
- *Reaching out to African American Publications*
- *Outreach and Partnership with African American Churches*

**Recommendation #9:** There should be real and sustained youth input in budgeting decisions as it relates to policing. Make sure youth have real and meaningful youth input on budget decisions and the process around policing should be transparent.

**Response:** In addition to the response above on pages 2-3 for Recommendation #1a (Trainings – Chief's Youth Advisory Board), OPD recommends that YAC members consider participating in other Oakland government organizations:

- Oakland's Budget Advisory Committee (BAC), which meets monthly to advise the City Council on expenditures, revenues, and financial policies, for example. The BAC's advice generally takes the form of informational reports submitted to the Finance and Management Committee of the City Council. The BAC would benefit from having a greater youth perspective as to how the City's budget priorities should be considered.
- The Oakland City Council meets regularly the first and third Tuesday of each month; councilmembers and the public would benefit from hearing directly from youth members on pertinent budget and policy issues.

**Recommendation #13:** Add more youth seats on citizens review boards and commissions. Youth should be paid to sit on boards and commissions.

**Response:** As mentioned above with Recommendation #2 on pages 4-5, OPD Chief Sean Whent currently supports an ad-hoc Youth Advisory Board composed exclusively

of young people. Additionally, OPD believes that other City boards such as the CPAB (pages 4-5 above), BAC and other boards would benefit from a greater level of youth participation. OPD is willing to participate in citywide discussion on how best to increase youth participation.

In terms of compensation, the City of Oakland considers participation in civic boards to be a voluntary role. OPD and the City of Oakland recognize the hardship that volunteering time can create for residents of any age with limited financial means. However, OPD is not currently aware of funding sources for stipends or transit passes.

### **FISCAL IMPACT**

No additional staff will be required to implement the recommendations in this report. However, the report does mention that OPD and the City are exploring how modest forms of support (such as bus transportation) can be sponsored – no current revenue source has yet to be identified for this program.

### **PUBLIC OUTREACH / INTEREST**

This report contains information of public interest as it directly relates to public safety and how the police department can build relationships of trust with diverse communities and young people within the City of Oakland.

### **COORDINATION**

The Office of the City Attorney was consulted in preparation of this report.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** There are no economic opportunities identified in this report.

**Environmental:** No environmental opportunities have been identified.

**Social Equity:** This report provides valuable information to the Oakland community regarding efforts to ensure that OPD officers are well prepared to build relationships with diverse residents from all parts of Oakland.



**ACTION REQUESTED OF THE CITY COUNCIL**

Accept this informational report of the Oakland Police Department's (OPD) List of: 1) Accomplished or Implemented Youth Advisory Commission (YAC) Recommendations; and 2) Five Recommendations of which OPD and the YAC will collaborate to implement.

For questions regarding this report, please contact Bruce Stoffmacher, Legislation Manager, OPD Research and Planning, at (510) 238-6976.

Respectfully submitted,



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Sean Whent  
Chief of Police  
Oakland Police Department

Reviewed by:  
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OPD, Office of the Chief of Police,  
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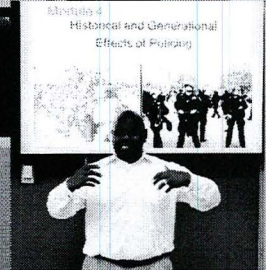
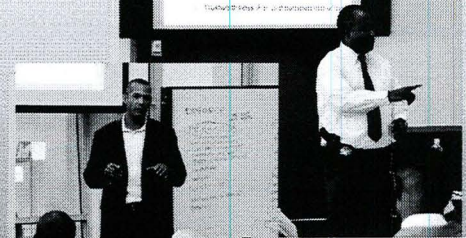
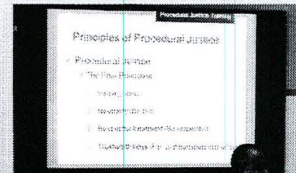
***Attachment A: OPD Procedural Justice Training***

***Attachment B: OPD Target Practice Image***

***Attachment C: Training Bulletin V-T.3 (Reporting Misconduct, enacted 2006)***

Oakland Police Department

# Procedural Justice Training



*Trust:  
earned not given....*

Oakland Police Department

## A Message from OPD Chief Sean Whent

Increasing community partnerships and trust building is one of our leading priorities. An engaged community willing to work together with the Police Department to prevent and solve crimes will lead to a safer Oakland.



There are historical divides between several communities in our City and the Police Department. Acknowledging these issues exist, understanding our important role in improving relationships, and dedicating ourselves to finding innovative solutions are important steps towards progress.

I am confident that the insight gained during this course will assist us as we work to create positive relationships within the community we serve. We are well on our way to ushering in a new era of policing in Oakland and creating an environment where people are free to live, work, and thrive.



 \* This training is certified by the Commission on Police Officers Standards and Training (POST) whose mission it is to continually enhance the professionalism of California law enforcement in serving its communities.

For more information, please contact:

### Oakland Police Department

Ceasefire Oakland  
2651 73rd Avenue  
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<http://www2.oaklandnet.com/Government/o/OPD/index.htm>



## Procedural Justice

Developed as part of the Ceasefire Strategy, this training project received significant support from the Chicago Police Department. It was developed in Oakland by the OPD and the Ceasefire Community Partnership. The first official class was held in May of 2014. By the end of 2014, OPD had conducted over 25 classes, trained almost 400 sworn staff and the course had become POST\* certified.

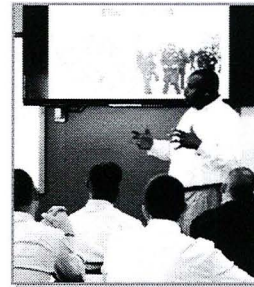
The goal of this training is for officers to understand the principles of *Procedural Justice* and incorporate them into their professional work environment. These principles include giving people a **voice, fair treatment, respect**, and providing a **trustworthy process**.

Largely based upon the research of Yale professors Tracey Meares and Tom Tyler, *Procedural Justice* is the understanding that when police officers engage in fair and respectful treatment, the public is more likely to view their authority as legitimate. This builds better relationships with community members and promotes cooperation and support for an officer's efforts to improve safety.

Procedural Justice, a major component of the OPD's community policing philosophy, enhances the Department's ability to effectively engage with *all* communities in Oakland.

## Partnership

**A**uthentic partnership between the Oakland Police Department and community members will create opportunities to heal our past and begin to conceptualize a new way forward.



Legitimate policing is imperative to sustain the important work of bringing healing to the city and providing safety to all of its citizens. Commitment to restoring the invisible humanity of those affected by or involved in crime, enables a safe community for residents and those serving to ensure its prosperity.

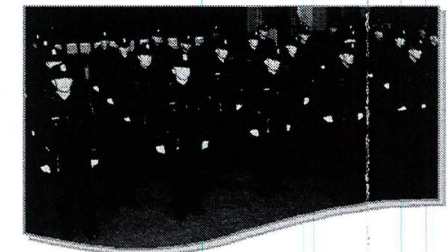
As clergy and community leaders who steward the development of moral equity, we are committed to working with the Oakland Police Department in this course that leads to fair and just policing. Our hope is that through this partnership, we will commit to our shared truth that all life has value.

- Ben McBride, Cityteam Director & Ceasefire Community Partner

## Training Goals

The purpose of our training is to provide information that will help the officer:

- Understand the relationship of Procedural Justice and Legitimacy and how they relate to *effective* policing
- Gain a healthier understanding of the human dynamic, perceptions and expectations
- Practice safer and more effective policing
- Identify individual behaviors that do not reflect policing in a procedurally just way
- Apply Procedural Justice to real life encounters and improve the relationships between the police and the community
- Increase Police Legitimacy and officer safety



*Attachment A*

OPD Target Practice Image





# TRAINING



# BULLETIN

Effective Date:  
2 Jun 06

Index Number: V-T.3  
Alpha Index: Reporting Misconduct

*"Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy."*

## REPORTING MISCONDUCT

***Reporting misconduct is not an act of betrayal, it is an act of integrity.***

Department personnel have a responsibility to adhere to agency standards of conduct, policies, rules, and procedures. Failure to do so threatens the integrity and ethics of our profession. We all must be held accountable for tolerating and participating in the so-called "code of silence" (principle of placing loyalty to fellow members/employees above reporting misconduct). Personnel are required to take action when they witness or learn of behavior that violates the Department's standards of conduct. This does not mean that every misstep, mistake, or instance of poor judgment must be reported to a supervisor. Such zealotry could cause more harm than good. However, it does mean that personnel must draw the line when an act or pattern of behavior by other personnel threatens the rights of citizens and/or the well being and reputation of Department personnel and the Department.

Each member and employee of the Department is a stakeholder in the effort to preserve and enhance the reputation of the Department and their personal pride as members and employees of the law enforcement profession. Personnel cannot subscribe to the notion that silence and secrecy will serve their individual or collective interests. Experience has clearly demonstrated that these attitudes only serve to build barriers within the Department and alienate members, employees, supervisors, and managers from one another and the public. Unfortunately, the mistakes and misdeeds of a few often have serious repercussions for everyone.

A high regard for integrity and personal accountability must be emphasized to ensure the development and maintenance of a professional organizational image. We must all be ever vigilant to demonstrate that our behavior reflects the professional standards of conduct in the Law Enforcement Code of Ethics.

### **MOR 314.48 – Reporting Violations of Laws, Ordinances, Rules or Orders**

Members and employees who become aware that other members or employees violated laws, ordinances, rules of the Department, or disobeyed orders, which rise to the level of a Class I violation or a Class II violation which indicate a pattern of misconduct or a single Class II violation which threatens the rights of private persons and/or the well-being and reputation of Department personnel and/or the Department, shall within 24 hours or sooner if practical, report the offense, orally or in writing, to his/her supervisor.

Members and employees who know of actions or behavior of other members or employees, which are considered Class II violations and do not indicate a pattern of misconduct and do not threaten the rights of private persons and/or the well-being and reputation of Department personnel and/or the Department, may address the misconduct through non-disciplinary corrective action.

If the witness member or employee believes the incident is so grave and serious that it must be reported immediately to the Chief of Police, the chain of command may be bypassed. Severe discipline shall be imposed, up to and including termination, for failure to comply with these reporting requirements.



### Reporting Misconduct

When a member/employee observes misconduct, he/she shall take action. In most cases, observed misconduct shall be reported to the member's/employee's supervisor or directly to IAD. However, for certain Class II offenses, members/employees may use discretion, and if appropriate, address the misconduct directly with the member/employee committing the MOR violation, rather than reporting it to a superior or the Internal Affairs Division.

***NOTE: If a member/employee becomes aware that a private person (e.g. suspect, witness, etc.) wishes to make a complaint, then the officer shall notify his/her supervisor or commander.***

Types of misconduct that shall be reported when observed by Department Personnel (MOR 314.48):

- All Class I offenses; and
- Class II offenses that indicate a **pattern of misconduct** OR a **single** Class II offense which threatens the **rights of private persons and/or the well being and reputation** of Departmental personnel and/or the Department.

Types of Class II misconduct that may be addressed in a non-disciplinary manner by the observing member/employee and/or the member's/employee's supervisor, when he/she becomes aware of the misconduct (MOR 314.48):

- Class II offenses that **DO NOT** indicate a pattern of misconduct; and
- **DO NOT** threaten the rights of private persons; and/or
- the well-being and reputation of Departmental personnel; and/or
- the Department.

Supervisors may use discretion about initiating an administrative investigation when they are notified by another member/employee of a Class II offense(s) committed by a subordinate if there is no pattern of misconduct. The supervisor may choose to take non-disciplinary corrective action for infractions reported by members/employees where there is no pattern of misconduct and he/she believes this to be the best method for correcting the behavior.

If the supervisor believes the Class II offense(s) to be a pattern of misconduct he/she shall initiate an investigation.

Supervisors should always take immediate action to correct behavior even if they **DO** initiate an administrative investigation, unless such action would compromise an investigation.





### **Class I Offenses**

Class I offenses are the most serious allegations of misconduct and, if sustained, shall result in serious disciplinary action up to and including dismissal and may serve as the basis for criminal prosecution.

#### **Examples**

- a. Use of excessive force, unnecessary and/or unlawful force;
- b. Fabrication or destruction of evidence, including the planting of inculpatory evidence;
- c. Untruthfulness, including perjury;
- d. Knowingly and intentionally filing a false police report;
- e. Insubordination;
- f. Commission of a felony or serious misdemeanor (Examples of serious misdemeanors include those crimes that involve violence, intimidation, threats, sexual offenses, theft, dishonesty, possession of drugs, violations of California Penal Code Section 12021(c) (1), and those crimes where bias is a motivating factor);
- g. Bias or harassment, actions of a retaliatory nature, or failure to take reasonable steps to prevent retaliation;
- h. Solicitation or acceptance of gifts or gratuities specified in the Manual or Rules;
- i. Use of position for personal gain;
- j. Knowingly or should have reasonably known that he/she made a false arrest or illegal detention;
- k. Failure to report others who commit any Class I offense or a single Class II offense that indicates a pattern of misconduct or threatens the rights of private persons and/or the well-being and reputation of Department personnel and/or the Department;
- l. Failure to detect a pattern of misconduct;
- m. Failure of a supervisor/manager to properly supervise, and/or take corrective action for misconduct that he/she knew or reasonably should have known about;
- n. Failure to properly identify self, including refusing to provide name, deliberate concealment of a badge or name plate; and
- o. Obstructing the Internal Affairs investigation process.

**REQUIRED ACTION** – Observing member/employee shall report the misconduct to their supervisor within 24 hours or sooner, if practical, and can be reported directly to the IAD or the Chief of Police if the member/employee believes it to be necessary or appropriate.

#### **Scenario**

While interacting with a private person, a member makes a comment of a discriminatory nature, such as derogatory comments regarding age, race, gender, sexual orientation, or religion directed at the person. The observing member/employee must report the misconduct to their supervisor and/or directly to IAD.



**Class II Offenses:** Class II offenses shall include all minor misconduct offenses.

**Class II Offenses – Mandatory Reporting to a Supervisor Requirement**

**Examples**

- a. Pattern of rude conduct;
- b. Pattern of failing to stop at a red light while driving; and
- c. Intentional disregard for Departmental policies (e.g. an officer purposefully fails to fill out a stop data form.)

**REQUIRED ACTION** – Observing member/employee shall report the misconduct to their supervisor.

**Scenario demonstrating a mandatory reporting requirement to a supervisor**

Officer 1 observes officer 2 shout a profanity at a private person. Officer 1 shall report the misconduct to a supervisor.

The supervisor can either initiate an investigation or if there is no pattern of misconduct, choose to handle the conduct via non-disciplinary corrective measures. If the supervisor uses non-disciplinary corrective measures and the behavior continues, the supervisor shall initiate an investigation. All non-disciplinary corrective measures **must be documented**. Appropriate forms of documentation include a Letter of Discussion, Performance Deficiency Notice (PDN) and Performance Appraisal Form.

**Class II Offenses – Reporting Discretion allowed**

**Examples**

- a. One instance of using profanity not directed at a private person; and
- b. One instance of conducting personal business while on-duty.

**REQUIRED ACTION** – Observing member/employee shall either speak with the member/employee committing the misconduct or report the misconduct to their supervisor.

**Scenarios demonstrating optional reporting to a supervisor**

- 1. An officer uses profanity in the presence of other persons, but does not direct it towards anyone, and it is not a pattern of misconduct, the witness officer is not obligated to report it. However, the witness officer shall speak with the subject officer (peer correction) and advise him or her that such conduct is unprofessional and future misconduct may establish a pattern of misconduct which would trigger a mandatory reporting requirement.
- 2. Officer 1 observes officer 2 conducting personal business on-duty. Specifically, officer 2 has spent 30 minutes of on-duty time on his personal cellular phone to facilitate a loan application process. Officer 1 has not observed officer 2 behave this way in the past. This type of misconduct is not directed at a person and does not threaten the rights of private persons and/or the well-being and reputation of the Department. The witness officer shall speak with the subject officer (peer correction) as in scenario “1” above.





### **Formal Investigations vs. Non-Disciplinary Corrective Measures**

There are different ways in which misconduct by members/employees may be discovered and the action taken is dependent upon the severity of the allegation and the way in which it was discovered.

#### An internal investigation shall be initiated in the following situations:

- All allegations of misconduct reported by any private person;
- All allegations of Class I misconduct reported by OPD personnel;
- All allegations of Class II misconduct reported by OPD personnel, which indicate a pattern of misconduct.

#### Informal Complaint Resolutions

The Informal Complaint Resolution process may be used to resolve allegations of Class II offenses from any source that DO NOT indicate a pattern of misconduct. (See DGO M-3.1 Informal Complaint Resolutions)

#### Non-disciplinary corrective action imposed by a supervisor may be used in the following situations:

- Class II offenses reported by OPD personnel that DO NOT indicate a pattern of misconduct.

When deciding the proper response to misconduct, remember that *some* action is *always* required. Misconduct in any form shall not be ignored. The purpose of this Training Bulletin is to simplify the discussion regarding what is the required response. Members and employees should reference this policy and related General Orders (M-3 series) to help determine the appropriate response.