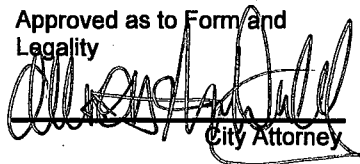


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Approved as to Form and  
Legality  
  
City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION NO. 87804 C.M.S.

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**RESOLUTION ADOPTING OAKLAND POLICE DEPARTMENT  
GENERAL ORDER R-02, SEARCHES OF INDIVIDUALS ON  
SUPERVISED RELEASE AS RECOMMENDED BY THE OAKLAND  
POLICE COMMISSION**

**WHEREAS**, the Oakland Police Department (OPD) has a responsibility to serve all the people of Oakland, and to treat all members of the public with respect; and

**WHEREAS**, The Oakland Police Commission (Commission) was created by the voters of Oakland in 2016 to be the voice of the community in matters of police policy and practice; and

**WHEREAS**, both the Commission and the OPD recognize that individuals who are searched and other community members can view both searches and unprompted inquiries as to an individual's supervised release status as intrusive; and

**WHEREAS**, both the Commission and the OPD seek to build community trust through transparency of Department operations by requiring officers to document articulable facts supporting a decision to search; and

**WHEREAS**, OPD is in agreement with the Police Commission that there are systemic biases in criminal justice which can be exacerbated by court-mandated programs such as supervised release; and

**WHEREAS**, on August 23<sup>rd</sup>, 2018, a draft of this policy was presented to the full Police Commission at a regular meeting which began a process culminating at the December 14, 2018 City Council meeting, where the Council rejected drafts of R-02 from both the Commission and the OPD, and the City Council directed OPD and the Commission to collaborate further and return to City Council; and

**WHEREAS**, Article VI, Section 604(b)(4) grants the Commission authority to make changes to policies, procedures, customs or General Orders which govern, among other things, profiling based on any protected characteristics identified by federal, state or local law or which contain elements expressly listed in federal court orders or federal court settlements which pertain to the

Department; and

**WHEREAS**, on January 24<sup>th</sup>, 2019, OPD presented a new draft of R-02 to the Police Commission in an attempt to bridge the gap between the two versions which had been submitted to the Council; the Commission formed an ad-hoc committee to coordinate policy discussions with OPD which met on February 11, 2019; and

**WHEREAS**, following the ad-hoc committee meeting OPD produced a revised DGO R-02 draft policy, which was sent to the Commission; the Commission discussed DGO R-02 at several regular meetings, and on April 11<sup>th</sup> 2019 the Commission voted to adopt a version of the policy – different in several respects from the version produced by OPD; and

**WHEREAS**, the Commission's April 11, 2019 vote triggered the required submission of changes to OPD's policies to the City Council under Charter section 604(b)(4); and

**WHEREAS**, OPD and the ad-hoc committee continued to meet and discuss policy differences but could not resolve all differences before the Commission's regular meeting on May 9<sup>th</sup>, 2019 at which time the Commission voted to adopt a version of the policy – different not only from OPD's proposal but also from the version adopted on April 11, 2019 – as the Commission's official version; and

**WHEREAS**, the Commission believes the OPD's version of Departmental General Order R-02 provides insufficient emphasis on the harms of unprompted inquiries as to an individual's supervised release status; and

**WHEREAS**, the Commission believes that the OPD's version of Departmental General Order R-02 fails to provide the specificity in mandated timelines and definitions required for appropriate disciplinary action for violations of the policy's intent; therefore be it

**RESOLVED:** That the City Council recognizes that OPD consistently needs to balance building community trust in conjunction with the need to address crime; and be it

**FURTHER RESOLVED:** That the Commission and the OPD recognize that building community trust requires transparency and good judgment in the application of law enforcement tools such as supervised release searches; and be it

**FURTHER RESOLVED:** That the City Council adopts the Commission's version of Department General Order R-02, "Searches of Individuals on Supervised Release" attached hereto as **Attachment A**; and be it

**FURTHER RESOLVED:** That any further changes to the OPD Department General Order R-02 must be adopted in accordance with City Charter Section 604(b) of the City Charter, Powers and Duties of the Police Commission.

IN COUNCIL, OAKLAND, CALIFORNIA,

**JUL 0 9 2019**

PASSED BY THE FOLLOWING VOTE:

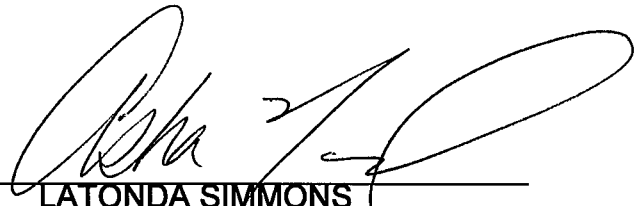
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO  
AND PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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