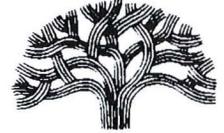


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2016 APR -7 PM 5:42

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara J. Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TTY/TDD: (510) 238-3254

April 12, 2016

**PUBLIC SAFETY COMMITTEE**

City Council  
Oakland, California

**Re: April 12, 2016 Public Safety Committee – Scheduled Report on  
Police Training, Policy and Accountability**

Dear Chairperson Brooks and Members of the Public Safety Committee:

As you may be aware the City Administration, Oakland Police Department (“OPD”) and Office of the City Attorney (“OCA”) will present to the Council quarterly public reports on police training, policy and accountability beginning on May 17, 2016. We will not provide reports to the Public Safety Committee for the following reasons:

- (1) The Court has specifically raised questions about the City Council’s role and commitment regarding sustainability and accountability of the OPD and OCA.
- (2) The Council is the appropriate body to receive the reports given number (1) above, and given its legislative, policy making, budgeting and contracting authority. Accordingly, the Court’s investigator, Ed Swanson, recommended that the full Council receive quarterly reports.
- (3) Consistent with past practice, matters involving *Delphine Allen v. City of Oakland* and the NSA go directly to Council.
- (4) The Council has a standing closed session item on *Delphine Allen v. City of Oakland* to facilitate discussion of the NSA and the City’s obligations under the settlement agreement.
- (5) This Office, OPD and City Administration will be able to discuss those confidential matters that are within the scope of the *Delphine Allen v. City of Oakland* litigation exception immediately preceding the public reports to the Council.

Chairperson Brooks and Members of the Public Safety Committee:

April 12, 2016

Re: **April 12, 2016 Public Safety Committee – Scheduled Report on Police Training, Policy and Accountability**

**Page 2**

- (6) The public quarterly reports to the Council will provide the information that we can present publicly regarding police training, policy and accountability without prejudicing the City's interests or violating the City's obligations under the law. The information provided will also be consistent with the investigator Swanson's recommendation.
- (7) Neither this Office, nor the OPD or City Administrator can publicly provide significant portions of the items that were scheduled to be provided to the PSC because (i) the information would disclose confidential attorney-client privileged advice, (ii) disclosure of attorney-client privileged communications regarding potential infirmities in OPD policies would undercut the City in personnel proceedings, (iii) information would reveal confidential personnel-related information, (iv) the information could reveal the identity of officers who are the subject of discipline.

We look forward to delivering the first quarterly report on Police Training, Policy and Accountability with the City Administration and OPD in May.

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

1883920v2