



City of Oakland

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
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Clerk

Meeting Minutes - DRAFT *Special Public Safety Committee

*Oakland City Hall, 1 Frank H. Ogawa Plaza,
Oakland, California, 94612*

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, June 14, 2016

4:00 PM

Sgt. Mark Dunakin Room - 1st Floor

****PLEASE NOTE CHANGE IN TIME****

*The Oakland City Council Public Safety Committee convened at 4:40 p.m., with
Councilmember Brooks presiding as Chairperson.*

Roll Call / Call To Order

Present 4 - Noel Gallo, Dan Kalb, Abel J. Guillén, and Desley Brooks

1 Approval Of The Draft Minutes From The Committee Meeting Of May 24, 2016

[15-1104](#)

**A motion was made by Gallo, seconded by Guillén, that this matter be Received
and Filed. The motion carried by the following vote:**

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

2 Determination Of Schedule Of Outstanding Committee Items

[15-1105](#)

**A motion was made by Gallo, seconded by Guillén, that this matter be Approved
as amended to withdraw item 4 from the agenda, schedule item 1 Police
Recruiting on the Pending List from June 28, 2016 to July 12, 2016 Public Safety
Committee, and order items on this agenda as follows: 5, 6, 3, and to hear
speakers on item 4. The motion carried by the following vote:**

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

Subject: Monthly Recruiting And Staffing Level Report

From: Oakland Police Department

Recommendation: Receive A Monthly Informational Report From The Police
Department On Recruiting And Police Staffing Levels Over The Last 30 Days

[15-1207](#)

**This City Resolution was Scheduled.to the *Public Safety Committee to be heard
7/12/2016**

- 5 Subject: OPD-BHCS Crisis Response MOU Amendment
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, or Designee, To Enter Into An Intergovernmental Memorandum of Understanding (MOU) Between The Alameda County Health Care Services Agency, Behavioral Health Care Services (BHCS) And The Oakland Police Department (OPD) To Continue To Implement The Mobile Evaluation Team (MET) Program
[15-1084](#)

There were 2 speakers on this item.

This City Resolution was Approve the Recommendation of Staff, and Forward.to the Concurrent Meeting of the City Council/Geological Hazard Abatement District Board to be heard 6/21/2016

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

- 6 Subject: Alameda Safe Drug Collection and Disposal Agreements
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Enter Into A Kiosk Services Agreement and Take-Back Services Agreement With The Alameda MED-Project LLC To Implement The Safe Drug Disposal Kiosk Collection Program
[15-1085](#)

There was 1 speaker on this item.

A motion was made by Gallo, seconded by Guillén, that this matter be Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the City Council/Geological Hazard Abatement District Board, to be heard 6/21/2016. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

- 3 Subject: Police Commission Charter Amendment Measure
From: Councilmembers Noel Gallo And Dan Kalb
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 8, 2016 Statewide General Election 1) A Proposed Amendment To The City Charter To Create The Oakland Police Commission, The Community Police Review Agency, And A Process For Police Discipline And 2) A Proposed Enabling Ordinance Relating To The Oakland Police Commission And The Community Police Review Agency, And Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Election
[15-1035](#)

Councilmembers Kalb and Gallo distributed a revised resolution with the following 18 changes:

- 1. Eliminates a "Whereas" clause referencing Los Angeles and San Francisco.*
- 2. Adds the following to the end of Charter Section 604(b)(9): "This provision shall not apply to any recruitment for the position of Chief of Police that is pending at the time of the Commission's first meeting."*
- 3. Adds the following to the end of Charter Section 604(e)(6): "in consultation with the City Administrator."*
- 4. Adds the following to the end of Charter Section 604(e)(7): "The Chief of Police may assign a sworn officer to act as a liaison from the Department to the Inspector General."*
- 5. Adds the following to the beginning of Charter Section 604(f)(1): "Beginning sixty (60) days after the City Council's confirmation of the first group of Commissioners and alternates,"*
- 6. Adds the following parenthetical notation to Charter Section 604(f)(2): "(IAD)."*
- 7. Replaces Charter Section 604(g) ("Adjudication") with a revised form of the Alternative Adjudication Section previously submitted as Attachment A to the Resolution. The major ways in which current version of 604(g) differs from the previous submission is: (a) requires disclosure of the disposition of arbitration cases on discipline; (b) In lieu of the Police Commission determining the arbitrators used, the Commission would select a list of 20 arbitrators, from which the City Attorney's office and Police Officers' Association would each strike 6 names, with the resultant 8 names being the publicly disclosed list.*
- 8. Adds to Ordinance Section 2.45.020(C): "and the Chief of Police"*
- 9. Adds to Ordinance Section 2.45.020(E): "one hundred and eighty (180)" (instead of 150 days).*
- 10. Adds to Ordinance Section 2.45.020(E)(5): "the Mayor,"*
- 11. Adds Ordinance Section 2.45.020(E)(6): "Conducting an annual review of trends and patterns regarding Department training and education, and the Department's use of the Internal Personnel Assessment System (IPAS) and other early warning system(s). The Police Auditor shall also monitor the number and percentage of sworn officers who have received adequate training on profiling and implicit bias, procedural justice, de-escalation training, and work-related stress management."*
- 12. Adds Ordinance Section 2.45.020(F): "Direct the Inspector General to develop and present a plan to the Commission to measure the performance of each element of the Department's discipline process."*
- 13. Adds Ordinance Section 2.45.020(M): "Monitor and evaluate the Department's recruitment and hiring practices for sworn personnel."*
- 14. Adds to Ordinance Section 2.45.040 that the submission to the City Council must be within three days of the Commission's vote and that the Council has 90 days, instead of 60, to approve or reject the Commission's rules and procedures.*

- 15. Adds to Ordinance Section 2.45.060 “the Agency” and “Chapter 2.46.”
- 16. Adds Ordinance Section 2.45.075, which provides clarifying details about the arbitration selection process described in the Charter Amendment.
- 17. Adds to the end of Ordinance Section 2.45.080: “consistent with applicable law and any adopted Memorandum of Understanding between the City and the employee association(s) representing sworn Oakland police officers.”
- 18. Adds to the end of Ordinance Section 2.46.030: “in consultation with the City Administrator”

In addition, the committee approved inclusion of the following components from the Campbell, Reid and Guillen document handed out on the floor:

Item 2 - “Delete all open deliberation of Police Chief Selection process.” Instead, request amendment wherein to select a Chief of Police, Commission forms a Search Committee of three to four Commissioners. All sensitive and/or identifying documentation about candidates for the Chief of position shall remain confidential to Search committee members only. Alternatively, all sensitive and/or identifying documentation about candidates for the Chief position shall remain confidential to Commissioners only.” – accepted such that the language will be refined with the assistance of the City Attorney

Item 3 - “For The Purposes of this charter amendment, “serious Incident” shall be defined as officer-involved shooting, death, or serious bodily harm caused by the action and/or inaction of a police officer, and/or criminal activity by an Oakland Police Department employee, whether on-duty or off-duty. Employee shall include sworn officers, as well as staff, technicians and all other civilian staff” to the ordinance and additionally adding a definition section to the ordinance;

Item 5 “The commission shall communicate its decision to the complainant, if there is one, to the greatest extent permitted by law.”;

Item 6 as modified on the floor to read: “The Office of the IG shall complete all audits or reviews requested by any of the following: an affirmative vote of the majority of the commissions, a request by the Mayor, a request by the City Administrator, or by affirmative vote of the majority of the City council. The IG shall report findings to the requestor.”; and

Item 9 as limited to add two trainings to section 2.45.020 – a)Oakland Police department’s Procedural Justice Training Implicit bias Training and Crisis intervention Training, and 2)Peace Officer Standards and Training Domains 15 and 16 trainings on arrest search and seizure procedures.

Item 10 – to be added to the ordinance “Add Amended Section 5: The following reporting and transparency mechanisms shall apply in the City of Oakland with the passage of this Charter Amendment.

A. Regular Reporting to Community

At least quarterly and as permitted by law, the IG shall report to the Commission and to City Council, and include the following information in each report, as permitted by law:

1. Complaint and disciplinary data, summarizing the work of the Agency, the Commission and the Police Department’s Internal Affairs Division, including but, including but not limited to:

- a. The number of total complaints;
- b. The Date of each complaint or Serious Incident, whether or not there is a related complaint;
- c. Whether or not the Police Department recommended discipline:
- d. Whether or not supervisory accountability was assessed:
- e. Whether or not that discipline was sustained:
- f. The final disciplinary action taken, if different from what the Oakland Police Department had recommended; and
- g. The most recent discipline matrix for viewers’ reference. For those complaints or Serious Incidents which are closed and for which discipline has been

implemented, the Commission shall report on whether the discipline was less than what is recommended using the Oakland Police Department's discipline matrix as well as previous sanctions, closely evaluating and comparing levels of discipline across cases.

2. The IG shall report to the Commission and to the City Council on all trends and/or patterns in OPD training, education and the Oakland Police Department's use of the IPAS early warning systems. Specifically, the IG shall inform the Commission and the City Council of the percentage of officers that have received training for:

- a. Procedural Justice;*
- b. Implicit Bias;*
- c. Crisis Intervention and De-escalation Training; and*
- d. Job-related Stress Management*

Along with this data, the IG shall provide insight into any trends and/or patterns it sees about connections or the absence of connections between (1) training and/or education (2) involvement in allegations of Serious Incidents; and (3) sustained findings of Serious Incidents.

B. Establish "Right to Know" Policy

1. When a Serious Incident is alleged or appears to have occurred, the Chief of Police shall notify the Commission Chair, the Agency Director and the IG immediately. The Chief shall then provide two status reports to the Commission Chair, the Police Commission's investigatory Agency Director and the IG in the coming days and weeks. The first will take place within 10 days of the incident date. The second status report will take place within 45 days of the incident.

2. When sharing information with the public, the Commission shall work closely with the Mayor and the City Administrator to evaluate the City of Oakland's capacity to waive certain exemptions to public records requests, to the extent allowable by law.

3. After the Commission has been briefed by the the Chief of Police, and worked closely with the Mayor and the City Administrator to evaluate privilege waivers and records exemptions, the Commission shall share as much information with the public as it legally is able to at the earliest possible date. The notification will be posted on the City of Oakland website, and made accessible on the Commission webpage, accessible by Equal Access standards." – accepted such that the language will be refined with the assistance of the City Attorney. The committee further noted that the remaining elements of the Campbell, Guillen and Reid proposal will be a continuing dialogue with the authors and directed the City Administrator to proceed with meet and confer to the extent necessary.

A motion was made by Kalb, seconded by Gallo, that this matter be Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 7/5/2016. The motion carried by the following vote:

Aye: 3 - Gallo, Kalb, and Brooks

No: 1 - Guillén

- 4** Subject: Establishing The Office Of Independent Police Oversight And Monitoring
From: Councilmembers Campbell Washington, Guillén And Reid
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion A Proposed Charter Amendment And City Ordinance To Be Voted Upon At The Municipal Election To Be Held On November 8, 2016 That Would (1) Establish The Office Of Independent Police Oversight And Monitoring ("Office"); (2) Establish A Police Commission ("Commission"); (3) Create The Position Of Independent Police Monitor To Audit Allegations Of Police Misconduct, To Take Disciplinary Action And To Create Hiring, Training And Education Policies, And To Set Minimum Staffing Requirements For The Support Of The Office And Commission; (4) Set Standards And/Or Metrics For Transparency And Police/Community Relations; And (5) Repeal Ordinance No. 12454 C.M.S., Which Establishes And Prescribes The Powers And Duties Of The Citizens' Police Review Board ("CPRB") And Directing The City Clerk To Fix The Date For Submission Of Arguments And To Provide Notice And Publication In Accordance With The Law And Authorizing Certain Other Election Activities
[15-1037](#)

There were 11 speakers on this item.

A motion was made by Gallo, seconded by Guillén, that this matter be Withdrawn with No New Date. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

Open Forum (TOTAL TIME AVAILABLE: 15 MINUTES)

There were 8 speakers on Open Forum

Adjournment

There being no further business, the committee adjourned the meeting at 7:16 pm in memory of the 49+ individuals who lost their lives in the tragic event that occurred in Orlando, Florida.

*** In the event of a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however no final City Council action can be taken.**

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