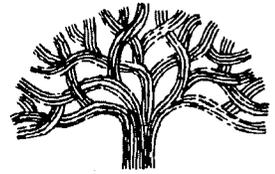


FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND



2019 OCT 11 AM 8:33

CITY HALL FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

REBECCA KAPLAN
Council President
atlarge@oaklandnet.com

(510) 238-7008
FAX: (510) 238-6910
TDD: (510) 839-6451

Date: October 10, 2019
To: Members of City Council and Members of the Public
From: Council President Kaplan
Re: File No. 18-2228, Public Safety Committee
Receive An Informational Report On The Proposed Resolution On The City Council's Own Motion Submitting To The Voters At The Proposed City Of Oakland Special Election For March 3, 2020, A Proposed Amendment To The City Charter To Strengthen The Independence Of The Oakland Police Commission, And Directing The City Clerk To Take Any And All Actions Necessary Under The Law To Prepare For And Conduct A March 3, 2020 Special Election

Dear Colleagues on the City Council and Members of the Public,

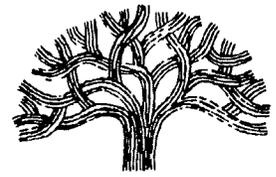
Attached please find the following initial draft documents for the purposes of discussion for the informational report for the October 22, 2019 Public Safety Committee:

1. Draft memo for a proposed amendment to the city charter to strengthen the independence of the Oakland Police Commission; and
2. Draft Resolution for a proposed amendment to the city charter to strengthen the independence of the Oakland Police Commission.

Sincerely,

Rebecca Kaplan
Council President

Public Safety Committee
October 22, 2019
Item: ____



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

REBECCA KAPLAN
Council President
atlarge@oaklandnet.com

(510) 238-7008
FAX: (510) 238-6910
TDD: (510) 839-6451

Date: October 10, 2019
To: Members of City Council and Members of the Public
From: Council President Kaplan
Re: File No. 18-2211
Resolution On The City Council's Own Motion Submitting To The Voters At The Proposed City Of Oakland Special Election For March 3, 2020, A Proposed Amendment To The City Charter To Strengthen The Independence Of The Oakland Police Commission, And Directing The City Clerk To Take Any And All Actions Necessary Under The Law To Prepare For And Conduct A March 3, 2020 Special Election

Dear Colleagues on the City Council and Members of the Public,

OVERVIEW AND PROCESS

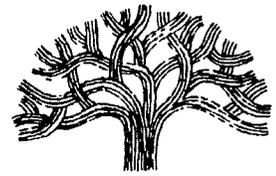
Attached please find an initial DRAFT DOCUMENT for a measure to strengthen the Police Commission. To be clear, this document is not final and needs to be vetted by the city attorney to form and legality. I believe this INITIAL DOCUMENT is a starting point in this very important conversation, and have opted to include language by the community that I am requesting legal analysis of, and I am aware it will require further consultation. We expect discussion to take place at the Public Safety committee on October 22nd and at the Rules committee on October 31st. We also look forward to robust feedback to guide the drafting of this document as well.

RECOMMENDATION

I am asking my colleagues to adopt a Resolution on the city council's own motion submitting to the voters at the proposed City of Oakland election, a proposed amendment to the city charter to strengthen the independence of the Oakland police commission.

LEGISLATIVE SUMMARY

This legislation is being offered to enhance police accountability and improve public trust in Oakland's police department and strengthen the independent Police Commission.



REBECCA KAPLAN
Council President
atlarge@oaklandnet.com

(510) 238-7008
FAX: (510) 238-6910
TDD: (510) 839-6451

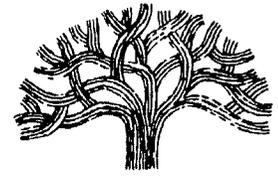
The primary concepts of the Ballot Measure that are under consideration are as follows:

1. Allows the Commission to propose changes to any OPD policy, instead of being restricted to current subject matter limitations, subject to approval by the City Council;
2. Allows the Commission to hire and fire the heads of the Agency and the Office of Inspector General and to hire or contract for attorneys;
3. Strengthen the Commission's review of the Police Department budget to reflect the community's priorities;
4. Strengthen the Office of Inspector General and assigning minimum legal staffing for the Commission;
5. Ensure that no person appointed to the position of Interim Chief of Police shall simultaneously hold other employment with the city;
6. Transfers the power of the mayor to appoint commissioners to the Selection Panel;
7. All Commissioners shall also receive training from the Department of Race and Equity;
8. Eliminate age requirements thereby allowing for the Selection Panel to designate a youth;
9. Assign the Ethics Commission as the party to initiate investigations of Commissioners, if needed, not the city administrator; and
10. Permits the creation of a Commission Disciplinary Panel even if the Chief of Police and the Agency agree on discipline of an officer and allows the Panel to conduct an evidentiary hearing if it chooses.

Also under consideration but not yet in the draft document is consideration for compensation for police commissioners given the time and effort everyday citizens put into this commission.

ANALYSIS

While the city and the Oakland Police Department ("OPD") have made strides to address the Negotiated Settlement Agreement, public mistrust in our police force remains significant and the belief persists that some police officers are not properly held accountable for misconduct. Maintaining public trust and confidence in OPD is necessary for the Department to be able to provide the highest level of service to the community. In order to increase the public trust and confidence in OPD, improvements are necessary to our existing charter to ensure a functional police commission that is independent of our city administration. The City Administration holds the responsibility of supervising and managing the Oakland Police Department; therefore, a potential conflict can arise if it also oversees the civilian body that is overseeing OPD. Major cities across the country, such as New York City, Los Angeles, and San Francisco, have civilian police commissions with varying degrees of oversight authority over their police departments. In recent years, more and more law enforcement jurisdictions have increased the involvement of civilians in their review systems.



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

REBECCA KAPLAN
Council President
atlarge@oaklandnet.com

(510) 238-7008
FAX: (510) 238-6910
TDD: (510) 839-6451

FISCAL IMPACT

In the approved fiscal year 2019-21 biennial budget, codified in Resolution 87759 C.M.S., the Police Commission was allotted 17 FTEs at an estimated \$4,227,362. However, the described minimum staffing levels may require additional FTEs subject to discussion with the Department of Finance. This consideration is being submitted to the Finance Department for analysis.

PUBLIC OUTREACH

The development of the legislation was initiated at the request of community groups, including Coalition for Police Accountability (“CPA”), the Anti-Police Terror Project (“AFTP”), Ella Baker Center, and many others. Our office attended a publicly held forum hosted by CPA on September 11, 2019. We look forward to attending another public forum hosted by community groups on October 16, 2019 as well as receiving input from the public at noticed committees on October 22nd and October 31st.

COORDINATION

We obtained input and information relevant to the legislation from the Coalition for Police Accountability, the Anti-Police Terror Project, the Executive Director of the CPRB, from police commissioners, and others. The City Attorney's office will be consulted in the development of the legislation, and we are requesting meetings with the City Administration and Chief of Police.

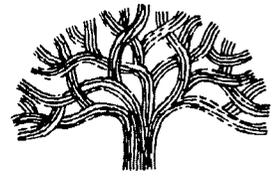
SUSTAINABLE OPPORTUNITIES

Economic. There are no significant economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: Establishment of an independent and strengthened Police Commission will result in increased civilian oversight of the Police Department and increased accountability. Given that our Department of Race and Equity seeks to ensure that “racial disparities have been eliminated and racial equity has been achieved,” ensuring that our police department has effective civilian oversight will help address documented abuses of civil rights as they pertain to Black and Latinx communities and other communities with disproportionate contact with the department.

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

REBECCA KAPLAN
Council President
atlarge@oaklandnet.com

(510) 238-7008
FAX: (510) 238-6910
TDD: (510) 839-6451

For questions regarding this report, please email Bobbi Lopez, Policy Director for the Council President, at blopez@oaklandca.gov.

Sincerely,

Rebecca Kaplan
Oakland City Council President

Rules Committee
October 31, 2019
Item: _____