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Explanations and Information about the Oakland Police Commission Ballot Measure Proposal for Submission to Stakeholders for “Meet and Confer” Prior to Potential Placement on November 3, 2020 Ballot

On May 12th, the Council is NOT voting to put these amendments on the November ballot. After months of discussion in committee, the vote on May 12th will be whether these proposed amendments will move to the Meet and Confer process. At that time, all of the impacted unions, including the Police union, will have the opportunity to weigh in on the amendments. After Meet and Confer, it will return to the council to vote on whether to put it on the ballot, it will be the voters who ultimately decide. We are still subject to federal monitoring. The community still needs to be involved to ensure that Oaklanders’ civil rights are protected and the police are responsive to community needs.

There is a history of injustice and litigation regarding misconduct. In 2003, multiple officers were found guilty of violating primarily African American residents, planting drugs, framing innocent residents and racial profiling. Since 2003, the Oakland Police Department (OPD) has been ordered to follow the Federal Court’s Negotiated Settlement Agreement (NSA). Court supervision of OPD has been costly and ongoing for years, and is expected to continue until we can demonstrate local independent oversight sufficient to respond to allegations of wrongdoing.

[\(https://www.oaklandca.gov/resources/oakland-police-negotiated-settlement-agreement-nsa-reports/\)](https://www.oaklandca.gov/resources/oakland-police-negotiated-settlement-agreement-nsa-reports/)

In recent years, leaders of the Oakland Police Administration were found to be covering up a sex trafficking scandal in which many Officers were using an underage minor, which forced the removal of the Police Chief at the time, three chiefs in a week, and disclosure in the press about false statements that had been made about it. (<https://www.eastbayexpress.com/oakland/the-real-reason-why-oakland-fired-its-police-chief/Content?oid=4826701>)

In 2016, the voters of Oakland, by over 80%, supported Measure LL, which was the creation of the civilian oversight commission of OPD. By this time, the OPD had been under federal monitoring for over a decade and a half. Civilian oversight boards had been successfully created in other cities to help bring accountability to policing and restore community trust in those police departments. It was with this awareness that voters approved Measure LL by over 80%. In nation wide data, it has been shown that the lack of systems of accountability is associated with higher instances of police misconduct. An well-functioning independent police commission can help improve relations, save money, provide a path out of Federal Court control and into community control -- and create a better OPD better able to solve and prevent crime, benefitting the entire City. (<https://theappeal.org/just-6-percent-of-columbus-police-officers-account-for-half-of-all-force-reports/>)

In order to have the professional staff who report to them, to enable the fulfillment of the work of the Police Commission, the Council voted to enable the Commission to hire an independent Inspector General. However, the former City Administrator did not allow the Police Commission to supervise

that position, insisting that the position must be hired by and report to the Administrator. Since the Oakland Chief of Police acts under direction of the City Administrator, and since the former Administrator had also served as former Chief of Police, it became apparent that in order to avoid any conflicts of interest on the part of the City Administrator's office, it should not attempt to supervise the Commission's professional staff.

We were informed that ensuring this independence of professional staff, we should amend the ballot measure. In the proposed amendments, the OIG will be professionally staffed by a person with the expertise to do the investigative and administrative work that the position demands, who will be the OPC and will be an independent of the Police chain of command.

The Inspector General ("OIG") will review compliance with the Negotiated Settlement Agreement, which the City has been subject to since 2003. The OIG reviews allegations of police misconduct to ensure they are thoroughly investigated by an objective third party. It is important to note that any changes to the OIG do not have any fiscal impact because the position is ALREADY in the budget.

The City Council remains responsible for policy making in the City of Oakland. The Police Chief and Administrator remain responsible for day to day management of the Oakland Police Department. The Commission does not have, and is not proposed to have, management authority over the day-to-day operations of OPD. The proposed amendments provide an extra level of scrutiny for policies in regard to the "use of force, use of force review boards, or profiling based on any of the protected characteristics identified by federal, state or local law, or First Amendment assemblies, or which contain elements expressly listed in federal court orders or federal court settlements which pertain to the Department and are in effect this Charter 604 takes effect." After the City is no longer subject to federal monitoring, there is a process to recommend changes to the Council if the Inspector General and Commission (by a strong super-majority) believe an additional area is in need of oversight. The final decision continues to rest with Council. The Chief has the power to act immediately, on a temporary basis, to take actions that are needed to respond to public safety emergencies.

The Commission is not an unchecked authority. The Commission cannot unilaterally act to fire a Chief of Police without cause, that power rests with the Mayor. There are nine specific circumstances when the commission can terminate a Chief, and it comes after the Commission determines whether there is a finding of cause.

<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3Ac871d1bb-b43c-43ac-a60b-6a38ecf39375> Further, there are two checks to balance the Commission authority. The first is the Commission itself. In certain instances, the Commission can vote to remove another commissioner. In the proposed amendments, the Public Ethics Commission has the authority to investigate all allegations which, if true, could justify the cause of removal of a Commissioner, and refer those findings to the Council. The Council may suspend or remove a commissioner for cause.

It is time to move beyond both misconduct and federal monitoring, toward a system of meaningful local community solutions, with professional staff to independently investigate, and improve community relations. It is time to move beyond rumor and untruths. An independent and well-organized civilian police commission is an essential step on the road toward that goal.

[\(https://draketalkoakland.com/2020/05/07/the-police-commission-rumors-a-tale-of-two-cities/\)](https://draketalkoakland.com/2020/05/07/the-police-commission-rumors-a-tale-of-two-cities/)

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