



OAKLAND POLICE COMMISSION

AGENDA

September 13, 2018

6:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland California

I. Call to Order

Thomas Lloyd Smith

II. Roll Call and Determination of Quorum

Thomas Lloyd Smith

III. Welcome, Purpose and Open Forum (2 minutes per speaker)

Thomas Lloyd Smith will welcome and call public speakers.

The purpose of the Oakland Police Commission is to oversee the Oakland Police Department's policies, practices and customs to meet or exceed national standards of constitutional policing and to oversee the Community Police Review Agency that investigates police misconduct and recommends discipline.

**IV. Approval of Draft Commission Meeting Minutes
for July 26th 2018**

Thomas Lloyd Smith will offer the draft minutes for approval by the Commission.

- a. Discussion
- b. Public Comment
- c. Action

V. Oakland Police Department Report (~30 minutes)

The Commission shall maintain the confidentiality of ongoing investigations. Chief Anne Kirkpatrick will report on all publicly disclosable information about (1) the police involved shooting of Josh Pawlik on March 11, 2018, (2) the in custody death of Marcellous Toney on September 28, 2017, and (3) the citation and arrest of Najari Smith, Founder and Executive Director of Rich City Rides. The Chief will also report on OPD's vehicle towing policy and impact on the economically disadvantaged and homeless residents and OPD's Police Academy graduation and failure for Police Officer Trainees by gender, race and ethnicity for the last ten OPD Police Academies including what plans, if any, OPD has for supporting Police Officer Trainees from underrepresented backgrounds in meeting the graduation standards.

- a. Discussion
- b. Public Comment

VI. Determination of IAD 13-1062

The Commission does not have jurisdiction to review the closure of an Internal Affairs Investigation, and therefore cannot undertake the review of, IAD 13-1062. A case closure statement is attached.

- a. Discussion
- b. Public Comment
- c. Action

VII. OPD Departmental General Order R-02: Searches of Individuals on Probation or Parole

Individuals on probation with certain court-imposed search clauses and individuals on parole/PRCS (Post-Release Community Supervision) may be subject to warrantless searches by law enforcement. The intent of this policy is to enhance the effectiveness of Oakland Police Officers while also reminding them to use their best judgment on when to use probation and parole/PRCS searches. The Commission will consider recommendations for revisions to the policy pursuant to section 605 (b)(6) of Measure LL.

- a. Discussion
- b. Public Comment
- c. Action, if any

VIII. Commission Policy Review Process

The Commission will review, discuss and formulate a policy review process submitted by Alternate Commissioner Maureen Benson to handle incoming policy proposals from OPD.

- a. Discussion
- b. Public Comment
- c. Action, if any

IX. Recess (~6 minutes)

X. Executive Director Recruiting Process for the Community Police Review Agency

The Personnel Ad Hoc Committee will provide an update on the Executive Director recruiting process.

- a. Discussion
- b. Public Comment
- c. Action, if any

XI. Administrative Analyst Selection and Placement

The Commission will report on the placement of the Administrative Analyst for the Oakland Police Commission.

- a. Discussion
- b. Public Comment
- c. Action, if any

XII. Oakland Police Commission Retreat II: Prioritization of Agenda Items

The Commission engage in planning for its second retreat including prioritization of items for a proposed agenda, scheduling, training sessions, facilitators, and location.

- a. Discussion
- b. Public Comment
- c. Action, if any

XIII. Authorize the Continued Investigation of Cases Formally Under Investigations by the CPRB

Interim Director Finnell has requested that the Commission direct the Community Police Review Agency (“CPRA” or “Agency”) to continue investigating complaints of possible misconduct or failure to act of a Department sworn employee which investigations were commenced by the Citizens Police Review Board prior to the establishment of the Agency.

- a. Discussion
- b. Public Comment
- c. Action, if any, to approve request to direct Agency to continue investigating complaints commenced by CPRB as referenced in the attached document;

XIV. Review of Agency’s Administrative Closures or Dismissals

Mr. Finnell will report on the CPRA’s proposed dismissal or closure of complaints of misconduct involving Class I offenses. The Commission will consider whether to close the case(s) or direct CPRA to continue or reopen the case(s) and investigate the complaint in accordance with Oakland Police Commission Enabling Ordinance § 2.45.070(M).

- a. Discussion
- b. Public Comment
- c. Action to approve CPRA recommendation for dismissal or closure of cases or reopen the investigation, if any

XV. Agenda Setting and Prioritization of Upcoming Agenda Items

Thomas Lloyd Smith will engage the Commission in a working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas.

- a. Discussion
- b. Public Comment
- c. Action, if any

XVII. Adjournment



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