

OAKLAND SHOULD LEAD THE WAY

PROPOSAL FOR EFFECTIVE POLICE OVERSIGHT



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As the movement to radically transform – and eventually abolish – police and policing as we know it grows, communities are seeking policy and practice “fixes” to deal with police misconduct, corruption and violence right now.

One such potentially powerful vehicle is an **Independent Police Commission**.

Extensive studying has happened at the national and international level about effective oversight of policing, and we hope this paper adds to this growing body of work.

In listening to families impacted by police violence and engaging in exhaustive literature, study, legal research and lived experience of community-appointed Police

Commissioners, we have created this Best Practices Guide to support local organizers interested in supporting change to bring an end to the systemic police violence, abuse and murder against Black, Brown, Indigenous, Queer and marginalized people.

Our findings indicate that best practice requires the establishment of an all-civilian oversight structure with discipline power that includes both a Civilian Complaints Office and a Police Commission.

**Legal Research for this paper was provided by the APTP Legal Committee, led by Dan Siegel.*



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Photo by Brooke Anderson

Creating a civilian system of checks and balances, with strategically developed support and accountability models rooted in community organizing principles completely separate from the normalized methods of bureaucracy (which are inherently oppressive and political), offers the most powerful opportunity to create community-led accountability around a state-sanctioned system of violence.

In addition, the creation of such an independent structure, creates the opportunity for the voices of impacted people to guide the critical work of policy development along with accountability (see recommendations # 6 and # 9.)

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THE CIVILIAN COMPLAINTS OFFICE SHOULD:

1. Receive, investigate and resolve all civilian complaints against police in 120 days
2. Establish multiple in-person and online ways to submit, view and discuss complaints
3. Be immediately notified and required to send an investigator to the scene of a police shooting or in-custody death
4. Be allowed to interrogate officers less than 24 hours after an incident where deadly force is used
5. Access crime scenes, subpoena witnesses, and review files, with sanctions for non-compliance
6. Make disciplinary and policy recommendations to the Police Chief/Police Commission
7. Compel the Police Chief to explain why he/she has not followed a recommendation
8. Have the Police Commission decide cases where the Police Chief does not follow recommendations
9. Issue public quarterly reports analyzing complainants, demographics of complainants, status and findings of investigations and actions taken as a result of the recommendations
*Note: this is key for analysis of areas to create responsive policy
10. Be housed in a location separate from the police department
11. Be funded at an amount no less than 5% of the total police department budget
12. Have one investigator for every 70 police officers
13. Have its Director selected from candidates offered by community organizations
14. Not have current or former police officers or families of officers on its staff (including Director)

Photo by Amir Saadiq

THE POLICE COMMISSION SHOULD:

1. Select its members from candidates proposed by community organizations
2. Determine policy for the Police Department based on community input and expertise
3. Share policy and proposed policy changes in publicly accessible formats
4. Discipline and dismiss police officers on referrals from the Civilian Complaints Office or the Police Chief
5. Hold public disciplinary hearings
6. Build a collectivist model of governance that assures highest levels of transparent accountability to the community
7. Select the candidates for the Police Chief to be hired by the Mayor or City Administrator
8. Evaluate and (if necessary) fire the Police Chief
9. Receive appropriate salaries based on effort required (suggested half time to start)
10. Receive regular training on policing, principled community engagement and civil rights by community groups, impacted family members, and law enforcement personnel
11. Not have current, former or family of police officers as members.

Photo by Amir Saadiq

We recognize there are barriers to some of these recommendations that will require both negotiations with Police Officers Associations and amendments to the Police Officers Bill of Rights.

But we are clear that it is community organizing that has allowed dramatic progress to be made in transforming policing in California – such as the recent passage of The California Act to Save Lives, which changed the Use of Force Standard in California from “reasonable” to “necessary”; a standard that had not changed in over 100 years.

So too will all progressive and radical (rational) reformations to law enforcement practices be driven by the perseverance of organizers, activists, community members and families impacted by state violence.

The power of the people is consistently disregarded by those in “power”, however it is the people coupled with strategic, tactical and consistent organizing that is responsible for every positive and progressive social gain we have ever experienced. This is true in Oakland, California, the country and around the globe. ¡Si Se Puede!