

# Policing in Oakland

## A Year in Review 2014

**Policing continues to fail Oakland.** From the millions of dollars paid out to survivors of police violence and families of those murdered by police, to the push to reduce cops' contact with Oakland students, to the continuous rotation of leadership of the OPD, Oakland remains a policing resistant city. Oakland residents remain committed to what we know makes our neighborhoods safe and strong including accessible housing, employment, and education and neighborhoods free from surveillance and police occupation. What follows are just a handful of some of the highlights of policing and resistance in Oakland last year.

### POLICING SCHEMES

**In 2014, Oakland politicians and the police department continued to roll out new policing schemes that directly harm Oakland residents and impede our ability to access the things that make our communities strong and healthy. Despite repeated claims by the OPD that policing is working well in Oakland, we know that policing fails our city.**

Oakland city government and OPD have been quick to hype the effectiveness of policing in 2014, reporting that crime rates are down and noting that OPD had not shot anyone since June of 2013. Yet just because OPD isn't doing the shooting doesn't mean people aren't dying, being surveilled, targeted and arrested. As a means of offsetting its inability to recruit and retain cops in Oakland, OPD continued to contract with both the Alameda County Sheriff's department and the CA Highway Patrol. However, outsourcing contracts to other agencies has resulted in increased police violence in Oakland neighborhoods. In January 2014, CHP officers shot and killed Antonio Mestas and Jose Muguia in East Oakland. In August, Alameda County Sheriffs shot and killed unarmed Jacqurey Calhoun, also in East Oakland. We know that these incidents are not exceptions but the norm.

2014 also saw a significant rise in the number of private security guards patrolling neighborhoods. While not a city-sponsored program, Oakland City Council was complicit in this reaction to a shrinking police force. As of May 2014, 3500 residents were paying for private security patrols which operate with little oversight and are not obligated to share records or reveal their methods. In February 2014, a private security guard shot and wounded a man he suspected of robbery. Follow-up investigation showed that the security guard's company, Security Code 3, does not authorize its guards to carry firearms.

In other attempts to increase the number of cops on the streets, the city held multiple police academies in the past year. Notably, OPD's strategy has shifted to recruiting and graduating more young people from Oakland. The city claims that if there were more cops from Oakland neighborhoods, that there would be an increase in trust between the OPD and the community. The number of Oakland residents on the force remains low, however (at about 8%), because many Oaklanders have negative associations with the OPD. The city even established an OPD feeder program with the Merritt College Criminal Justice Program, revising the program entrance exam to be "more relevant to Oakland youth." Recruiting young people of color to OPD is similar to military recruitment in high schools in communities of color. We know that Oakland youth need access to recreational programs, employment, and education, not more contact with law enforcement.

# The Oakland POWER Projects

To that end, the Black Organizing Project celebrated a victory against Oakland School Police, with the approval of guidelines for police interaction with OUSD students. Among other things outlined in the guidelines, cops can no longer solicit truancy information from schools. Additionally, OUSD will no longer notify OPD or Oakland School Police about disciplinary infractions such as loitering, defiance or profanity. Law enforcement contact with students for in-school disciplinary issues and truancy are some of the leading ways young people get driven into jails and prisons. This win by the Black Organizing Project is an important victory for students and their families across Oakland.

February 2014 saw a resounding win over a proposed citywide surveillance system, the Domain Awareness Center (DAC). The DAC would have aggregated information from the Port of Oakland and throughout the city, from sources such as Shot Spotter and traffic cameras. After significant public pressure, the city decided to limit the project to the Port of Oakland and institute a privacy policy covering the DAC. Unfortunately, included in the “allowable uses” in the policy are “supply chain disruption” and “street racing/side show” which means that the DAC can still be used to surveil port protests and side shows, keeping the door open for using the DAC for political repression and criminalization of Oakland youth of color. Additionally, the DAC privacy policy places few restrictions on information sharing. When considering that Oakland participates in a Joint Terrorism Task Force with the FBI as well as the Bay Area Urban Area Security Initiative with Homeland Security, it seems unrealistic to expect that Oakland will not share information with these agencies along with others. While the federal government has funded basic construction costs of the DAC, the costs of running it may be over \$1 million per year, which would likely fall on the Port of Oakland to pay.

Homicides and violent crime dropped in Oakland for the second year in a row in 2014. OPD Chief Sean Whent and former Mayor Jean Quan repeatedly attributed this drop to Operation Ceasefire, despite the fact that violence has been trending down nationally. In fact Boalt Hall law professor, Frank Zimring, noted that looking at the trends over time shows a different picture, one that suggests that homicide rates fluctuate greatly in Oakland and that the 2014 rate was no different. “They are pinning the tail on Ceasefire for 2014 good news. They are fitting their description of Ceasefire and when it became operational to the perception of when the changes came,” said Zimring in an interview with the Mercury News.

Operation Ceasefire is a policing program that supposedly offers high level “gang” members and other individuals the police believe are engaged in violent activity a choice—stop bad behavior and take advantage of the social services or suffer harsh consequences. Operation Ceasefire is really an investigation tool. The point of the program is to get information on OPD targets and their associates by offering weak promises of jobs, education, treatment and other basic support services. But as individuals become criminalized, it becomes more difficult for them to access the very services that Ceasefire says it offers, as having a record can make it nearly impossible to get a job, an education loan, and sometimes even state assistance.

As we mourned the murders at the hands of the cops of Mike Brown in Ferguson, MO, and Eric Garner in Staten Island, NY, we were reminded of the long list of people killed by the police. Thousands of Oaklanders took to the streets in sustained resistance in response to the murders



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and the grand jury verdicts in these two cases. Protesters shut down the San Mateo bridge during evening rush hour, disrupted BART service on Black Friday, gave Oakland's new pro-police mayor a wakeup visit at the break of dawn, and showed incredible solidarity across cultural, racial and issue focus during actions at the OPD headquarters and the federal building. We know that cops are rarely delivered guilty verdicts, and even when they are, the system continues to work as it was designed. We don't need the police to facilitate our anger nor do we need the courts to pretend to be neutral arbiters of justice. Guilty or not guilty will not bring Michael Brown or Eric Garner back, and will not prevent the next shooting of a Black or Brown person by police. This war-making by the state can only be confronted by collective resistance driven by our commitment to self-determination. We salute everyone that has been fighting the violence of policing for decades in Oakland, those newly activated and energized, and those that will continue this fight even after it leaves the headlines.

Finally, in another resounding victory for building strong and self-determined communities, activists and community members successfully mobilized community pressure to drive the weapons expo and militarized police training competition, Urban Shield, out of Oakland! According to the Assistant City Administrator, Oakland will not continue to host the expo, because of the pressure the city faced. This important victory demonstrates our power to erode militarized policing power through grassroots movement building. Our work is just starting, however, as Alameda County Sheriff Ron Ahern has accepted funding to move Urban Shield to Pleasanton.

## RESOURCES

**Oakland continued to pour resources into expenses related to policing in 2014 even as life affirming programs and services were consistently underfunded by the city.**

Oakland spent millions of dollars last year compensating people it brutalized and killed. The payouts associated with Occupy Oakland alone exceeded \$5.6 million. Notable within that set of payouts was a \$4.5 million settlement with Scott Olsen. Olsen was shot at close range with "non-lethal" Specialty Impact Munition by Oakland cop, Robert Roche. As a result of being shot, Olsen suffered injuries to his brain that temporarily impaired his ability to speak and perform basic motor functions. Roche had previously killed 3 other people during his time on the force. Roche followed the assault on Olsen by firing a tear-gas filled flash-bang grenade at the people that moved in to help the injured Olsen. In an unbelievable move, Roche was reinstated with nearly three years in back pay through arbitration in 2014. The remainder of the payout related to Occupy Oakland went to 12 other protestors injured by law enforcement during the 2011 demonstrations.

OPD also settled a wrongful death case in the police murder of Alan Blueford, an Oakland high school student shot and killed by OPD cop, Miguel Masso. Oakland settled the case for \$110,000, after two years of persistent grassroots pressure and litigation. Noting that "No amount of money could replace my son's life," Alan Blueford's mother, Jeralyn, helped establish the Alan Blueford Foundation and the Justice 4 Alan Blueford coalition, which support community activities opposing the violence of policing.

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The massive payouts Oakland incurred because of its policing practices did not stop the city from continuing to spend upwards of half of the city's general fund on police services in 2014. As part of those expenses OPD continued to spend large amounts of money on new technology. OPD asked the city to double the amount of resources allocated for flying a helicopter over Oakland's neighborhoods at a rate of \$450 per hour, and for \$535,000 to upgrade the Stingray cell phone surveillance system despite a lack of information about the systems full capabilities or how the department will use it. By contrast, last year some within OPD advocated for scrapping the ShotSpotter gunshot detection system, which costs the department about \$265,000 per year. Police critics of ShotSpotter suggest that it is redundant and inefficient. Ultimately, City Council approved the contract renewing ShotSpotter services and plan to expand the area covered by ShotSpotter to cover more than 27% of all of Oakland's land area.

According to the City Auditor, Oakland is liable for about \$521 million in unfunded pension liabilities related to sworn police and fire personnel and hundreds of millions more in pot-retirement benefits. Adding more cops to the force would only add expenses to this (in addition to salaries and funding police academies). In October, the city received a \$1.87 million grant from the



Department of Justice to fund hiring 15 new cops over the next three years. OPD currently pays cops an average salary of \$107,601—nearly double the national average. Despite the relatively small size of the force, crime rates fluctuate at typical rates, as noted above. The lack of connection between crime rates and the size of the OPD raises the question of whether Oaklanders would benefit more if the City diverted this nearly \$2 million grant away from cops and towards things people really need.

In November, Oakland voters passed Measure Z, a parcel tax that is an extension of Measures Y and BB, for police, fire, and violence prevention activities. Measure Z gives the city and OPD greater flexibility in spending funds raised by the parcel tax than its previous iterations, and prohibits the city of laying off cops if the force dips below 800. It additionally requires the city to budget for at least 678 cops every year.

## **CONSULTANTS**

**2014 saw the parade of consultants to the OPD slow from the pace set in 2013. Last year also yielded disappointing results from the remaining consultants' contracts. One year after the city renewed a \$350,000 contract with Strategic Policy Partnership LLC (SPP), despite overwhelming opposition by Oakland residents, lead consultants Robert Wasserman and William Bratton delivered the last of a series of reports offering recommendations on strategies for improving public safety in Oakland. The report, "Addressing Crime in Oakland—Zeroing out Crime—A Strategy for Total Community Action" failed to live up to its epic title and was widely panned by Oakland's city leaders and cops. Critics of the report noted that a full fifth of the 35 page report is simply a list of services provided to Oakland residents without any evaluation of the services related to public safety. City Council Members and the former City Administrator, Deanna Santana, publicly expressed disappointment in the report, with Santana stating that the report did not meet the terms of SPP's contract. According to Councilperson Larry Reid, "[The report] didn't tell me anything that I didn't already know; my college-aged daughter could have written a report like that."**

Thelton Henderson, the federal judge overseeing the Negotiated Settlement Agreement (NSA) under which OPD was meant to have made substantial changes to its policies and practices, fired consultant Thomas Frazier as Oakland's compliance director in 2014. After 14 years, OPD is still not compliant with the agreement, so in 2013, Frazier was appointed as the compliance director for the NSA, with the responsibilities of bringing OPD into line with the agreement (and preventing OPD from facing federal receivership) at a salary of \$270,000 per year. Henderson deemed the position ineffective and called the position, "unnecessarily duplicative" and described it as, "less efficient and more expensive" than the position of independent monitor, for which the city was paying simultaneously.

After firing Frazier, Henderson also approved an additional \$165,000 contract be added to the federal monitor's existing contract, bringing federal monitor, Robert Warshaw's contract pay for oversight of the OPD to \$1,075,000. Warshaw's reports on the OPD's negotiated settlement agreement indicate the OPD's continued lack of compliance with the NSA. In August 2014, Warshaw's report illustrated continued compliance issues when he found OPD's self-reporting on its sharp decline in use of force "implausible".

## **CONCLUSION**

**2014 left Oakland with a new Mayor, new City Council members, and a new Chief of Police. Will the new leadership take bold steps to divest from expanded surveillance and violent, racist policing practices, or will they continue down the same path laid by their predecessors? We urge Oakland's decision-makers and all its residents to invest in what we know works—stable and safe housing, meaningful employment at a living wage, quality education and youth programming, and an investment in people over policing.**

## **CRITICAL RESISTANCE**

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