



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Minutes

Thursday, April 11, 2019

5:30 PM

City Hall, 1 Frank H. Ogawa Plaza, Council Chamber
Oakland, CA 94612

I. Called to Order
Chair Jackson

The meeting started at 5:31 p.m.

II. Roll Call and Determination of Quorum
Chair Jackson

Commissioners Present: Mubarak Ahmad, Tara Anderson, Ginale Harris, Regina Jackson, and Edwin Prather. Quorum was met.

Alternate Commissioner Present: Chris Brown

Commissioners Absent (Excused): José Dorado and Thomas Smith.

Counsel for this meeting: Sergio Rudin

THE OAKLAND POLICE COMMISSION ADJOURNED TO CLOSED SESSION IN CITY HALL BUILDING BRIDGES ROOM, 3RD FLOOR AND REPORTED ON FINAL DECISIONS IN THE CITY COUNCIL CHAMBER DURING THE POLICE COMMISSION'S OPEN SESSION MEETING AGENDA.

III. Closed Session
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Gov't Code § 54957(b) Title: Chief of Police

Action – Report out of Closed Session
Chair Jackson stated that it is now 6:34 p.m. and called the meeting to order.

There is a reportable item coming out of Closed Session. The Commission determined that we need the assistance of legal counsel to conduct an appropriate and valid assessment of the Police Chief's performance pursuant to the Commission's responsibilities. We have asked the firm of Garcia Hernández Sawhney, LLP to assist us and will be bringing their Retainer Agreement to the next Commission meeting for appointment.

Chair Jackson said that for clarification when they reported out at 9:37 p.m. from Closed Session, she neglected to report the votes. There were five affirmative votes (roll call not taken) to support hiring legal counsel to advise the Commission on developing a process for the Police Chief's performance.

Comments were provided by the following public speakers:
No speakers were called.

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

Chair Jackson welcomed and called 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 which investigates police misconduct and recommends discipline.

Chair Jackson took a moment as a Point of Privilege to remark on the last meeting. Her statement was that upon reflection of the unprofessional atrocity that was our recent meeting, there are three words that come to mind – out of order. These are the words that escaped her while she was under the shock and utter disbelief of witnessing both the deplorable insulting engagement with Public Defender Brendon Woods. To quote our special guest, Sam Johnson, "I was triggered by the shouting match and would hope that we could show each other some respect." This behavior, to say the least, is unbecoming to the positions we hold. Our Commission meetings should be where people come to share their stories, concerns, and traumas. Not to be triggered and certainly not to be disrespected. It is of the highest importance that these meetings be conducted with class. Anything less, then that is a detriment to the effectiveness of our collective goals. As Commissioners, we have the role and responsibility to listen, ask questions, make policy and other recommendations. As sworn individuals, our conduct should be professional always. We must remember that anyone Commissioner's behavior reflects on us all. We are a major City and we must hold ourselves to a higher standard.

Secondly, Chair Jackson said the Commissioner to Commissioner argument was also troublesome. In watching the tape, it seemed that Commissioner Smith was calling for a Point of Order because the conversation had gone off topic from Agenda Setting. However, the Rules on Points of Order allow for someone to interrupt and that she did not realize. However, the back and forth that ensued which led up to a threat of bodily harm, was the worst moment she had been party to since joining this Commission. As Chair, the role is to manage meetings and provide leadership in word and deed. She will be more accountable for keeping everyone on track and shutting down disrespectful conversations. While all Commissioners are leaders in their own right, and we come to this work from diverse paths, she expects that all Commissioners moving forward will display the kind of respectful decorum with the community, the staff, and each other that the City of Oakland deserves and that which we agreed to when we accepted this assignment.

Chair Jackson took an additional roll call in order to identify the additional Commissioners present: Mubarak Ahmad, Tara Anderson, Chris Brown (Alternate Commissioner), Ginale Harris, Regina Jackson, and Edwin Prather. Quorum was met.

Commissioners Absent (Excused): José Dorado (Commission received notice after the Agenda was let) and Thomas Smith.

Comments were provided by the following public speakers:

Mary Vail
Rashidah Grinage
Jesse Smith
Gene Hazzard
John Jones III
Oscar Fuentes
Nino Parker
Assata Olugbala
Saleem Bey
John Bey

Anne Janks

- V. **Oakland Police Department (OPD) Budget for Managing Job-Related Stress**
Chief Anne Kirkpatrick, or her designee, presented a detailed budget for providing education and training to OPD sworn employees regarding the management of job-related stress, and regarding the signs and symptoms of post-traumatic stress disorder, drug and alcohol abuse, and other job-related mental and emotional health issues. ***This was discussed on 3.28.19.***

Commissioner Brown requested to meet privately with Lt. Shavies regarding questions and he agreed. Lt. Shavies will return to answer Commissioners questions presented.

Comments were provided by the following public speakers:

Gene Hazzard
Elise Bernstein
Cathy Leonard
Mary Vail
Jesse Smith
Nino Parker
John Bey
Assata Olugbala
Saleem Bey
John Jones III

No action taken.

- VI. **OPD Response to Oakland Black Officers Association (OBOA) Letter**
Chief Anne Kirkpatrick offered a response to OBOA's open letter in the Oakland Post suggesting disparate and/or racist implications for OPD hiring and discipline practices. ***This is a new item.***

Comments were provided by the following public speakers:

Gene Hazzard
Mary Vail
Lorelei Bosserman
Cathy Leonard
John Bey
Saleem Bey
Rashidah Grinage
Assata Olugbala
John Jones III
Nino Parker
Art Doug Blacksher

No action taken.

- VII. **R-02: Searches of Individuals on Probation and Parole**
The Commission reviewed an amended version of R-02: Searches of individuals on Probation or Parole, and voted. Members of communities directly impacted by the policy shared their experiences and views. ***This was discussed on 1.24.19, 3.14.19, and 3.28.19.***

Comments were provided by the following public speakers:

John Jones III
Lorelei Bosserman
Nino Parker

Michael Tigges
Mary Vail
Assata Olugbala
Saleem Bey

Commissioner Prather presented a report regarding the document. Commissioner Anderson provided several edits to the document which will be included.

A motion was made by Commissioner Prather that subject to these edits, add a Section A – 2; thereby making A – 2, A – 3 and A – 3, A – 4. The added Section A – 2 will be titled Violent Offense; the text will say: “A violent offense is as defined in California Penal Code section 667.5(c)”. Edit Section B – 3, Line 2, striking the word especially. Edit Section B – 3, Line 3, striking the words: can be viewed as and inserting the word is. Subject to those edits, move that we adopt this version of R-02: Searches of Individuals on Probation, Parole, Mandatory Supervision and PRCS (Post-Release Community Supervision) as our version of this policy. The motion was seconded by Chair Jackson. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

A second motion was made by Commissioner Prather, seconded by Chair Jackson, to have a deadline of May 10 for the Oakland Police Department to provide comment if any and that we submit this to the City Council for their approval on May 10 subject to comments by the Oakland Police Department. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

VIII. Recess (8 minutes) [This Item was X on the Agenda]

Chair Jackson called the meeting back to order at 9:36 p.m.

IX. Review of Community Police Review Agency (CPRA) Pending Cases and Completed Investigations [This Item was VIII on the Agenda]

To the extent permitted by state and local law, Acting Interim Executive Director Joan Saupe reported on the Agency’s pending cases and completed investigations. *This is a recurring item.*

Comments were provided by the following public speakers:

Gene Hazzard
Cathy Leonard
Lorelei Bosserman
Melody Davis
Michael Tigges
Oscar Fuentes
Assata Olugbala
Saleem Bey
Rashidah Grinage

No action taken.

X. Bey Case – Noticing the Federal Monitor [This Item was IX on the Agenda]

The Commission discussed, and voted on, a letter that will be submitted to the Federal Monitor regarding new evidence in the Bey case. *This was discussed on 3.14.19.*

Comments were provided by the following public speaker:
Saleem Bey.

A motion was made by Vice Chair Harris, seconded by Commissioner Ahmad, to request advice of outside counsel and the appellate process. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

Comments were continued by the following public speakers:
Saleem Bey
Assata Olugbala
Gene Hazzard

A motion was made by Commissioner Prather, seconded by Vice Chair Harris, that we approve the letter (Attachment 9) for distribution to Mr. Warshaw with a copy to Judge Orrick and the Oakland City Council with the following changes:
Make sure that Mr. Bey's name is in correct order reflecting Ali Saleem Bey and it should reference John Muhammad Bey. Paragraph two, sentence two should read – At its public meeting on February 28, 2019, Mr. Ali Saleem Bey and Mr. John Muhammad Bey provided documents to members ... It should also reference not only Case No. 07-0558 but also Case No. 13-1062 (should be inserted prior to the comma on the next to last line on paragraph two). The word testimony on that same line should be replaced with the word comments. Paragraph 3, Line 3, says complaint and to request - to should be replaced by the words Mr. Bey's. At the end of Line 3, replace the words Mr. Bey's with his. Line 5, replace the word testimony by comments.
An additional sentence added at the end of Paragraph 3 that says "It is my understanding that Mr. Bey will provide a packet of documents to you under separate cover." The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

MOTION to continue this meeting until 11:30 p.m. was made by Commissioner Prather and seconded by Chair Jackson. The vote was Aye: 4 (Anderson, Harris, Jackson, and Prather); Abstain: 1 (Ahmad). The motion passed.

XI. Police Commission Annual Report

Commissioner Prather presented the Commission's annual report which must be submitted to the Mayor, City Council, and the public on or before April 17, 2019.
This was discussed on 3.28.19.

Comments were provided by the following public speakers:
No public comment.

A motion was made by Chair Jackson, seconded by Commissioner Ahmad, to appropriately edit with comments that have been identified by Commissioner Prather and the typo Vice Chair Harris mentioned, in order that we can forward the Annual Report in a timely fashion. Friendly amendments (edits) were made by Commissioner Prather: Page 1 – Footer (Delete reference to Public Safety Committee). Page 2, Change the Term Ending to Oct. 2020 for Tara Anderson, Commissioner. Page 2, Change the Term Ending to October 2022 for Chris Brown, Alternate Commissioner. Page 10, Paragraph 1, Change the wording to - Additionally the Commission appointed Karen Tom to the position of CPRA Interim Director in December 2018 to fill the recently made vacant position. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

XII. Committee/Liaison/Other Commissioner Reports

This time is set aside to allow Commissioners to present a brief report on their own activities, including service on committees or as liaisons to other public bodies. No action may be taken as a result of a report under this section other than to place a matter for consideration at a future meeting. ***This is a new item and will be recurring at future meetings.***

Comments were provided by the following public speakers:
No public comment.

XIII. Meeting Minutes Approval

The Commission will vote to approve meeting minutes from March 28, 2019. ***This is a recurring item.***

Comments were provided by the following public speakers:
No public comment.

A motion was made by Commissioner Edwin Prather, seconded by Commissioner Anderson, to table the Item until the next meeting. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

XIV. Executive Director Interview Process

The Commission reviewed the CPRA Executive Director interview process and may approve the process as is, or make edits so that the process can begin as soon as possible. ***This is a new item.***

Comments were provided by the following public speaker:
Rashidah Grinage

No action taken.

XV. Inspector General Position Status Update

The Commission will provide an update on the status of the Inspector General Position. ***This has been discussed on multiple occasions.***

Comments were provided by the following public speakers:
No public comment.

A motion was made by Commissioner Prather, seconded by Commissioner Anderson, to table the Item until the next meeting. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

XVI. Receive Bids for Investigator Services

Commissioner Prather presented bids he received for Investigator Services. The Commission discussed the bids and voted on further actions. ***This is a new item.***

MOTION to continue this meeting until 11:40 p.m. was made by Commissioner Edwin Prather and seconded by Vice Chair Ginale Harris. The vote was Aye: 5 (Ahmad, Anderson, Harris, Jackson, and Prather). The motion passed unanimously.

Comments were provided by the following public speakers:
No public comment.

A motion was made by Commissioner Prather, seconded by Chair Jackson, to hire Eric Mason for the Joshua Pawlik investigation and that we either hire him directly and/or direct Interim Executive Director Karen Tom to hire him through CPRA and assign him the file immediately. The motion carried by the following vote:

Aye: (4) Ahmad, Harris, Jackson, and Prather; Recusal: (1) Anderson.

Counsel Rudin for clarification of the motion on the record – The motion is to direct the Interim Executive Director of CPRA to enter in a contract with Eric Mason (Mason Investigative Group) and an alternative is that if that contract process cannot be completed, to authorize the Commission acting through the Chair to enter in a contract with the same group.

XVII. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session to discuss and determine agenda items for the upcoming Commission meeting and agreed on a list of agenda items to be discussed on future agendas. *This is a recurring item.*

Comments were provided by the following public speaker:
Saleem Bey

XVIII. Adjournment

A motion was made by Commissioner Prather, seconded by Vice Chair Harris, to adjourn. The motion passed unanimously.

Aye: Ahmad, Anderson, Harris, Jackson, and Prather.

The Commission adjourned the meeting at 11:41 p.m.