



OAKLAND POLICE COMMISSION SPECIAL MEETING MINUTES - DRAFT

August 22, 2019

5:30 PM

City Council Chamber, 3rd Floor
1 Frank H. Ogawa Plaza, Oakland, CA 94612

I. Call to Order

Chair Regina Jackson

The meeting started at 5:35 p.m.

II. Roll Call and Determination of Quorum

Chair Regina Jackson

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

Commissioners Absent: Tara Anderson and Thomas Smith (*both arrived during Item III*)

Alternate Commissioners Absent: Chris Brown

Counsel for this meeting: Sergio Rudin

The Commission adjourned to closed session in City Hall Building Bridges room. The open session section of the meeting commenced at 6:53 p.m.

III. Closed Session

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – Gov't Code § 54957(b)

The Commission directed CPRA on a pending disciplinary matter.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Gov't Code § 54956.9(d)(1)

Name of case: Negrete, et al v City of Oakland, et al, Alameda County Superior Court Case No. RG19030784

The Commission announced that the law offices of Jackson Lewis will be representing the City and the Commission on the case.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Gov't Code § 54957(b)

Title: CPRA EXECUTIVE DIRECTOR

No action was taken on this item.

Chair Regina Jackson took another Roll Call

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

Alternate Commissioners Present: Chris Brown

Counsel for this meeting: Sergio Rudin

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

Comments were provided by the following public speakers:

Rashidah Grinage
Elise Bernstein
Bruce Schmiechen
Michelle Lanzanea
Reisa Jaffe
John Lindsay-Poland
Cathy Leonard
Mary Vail
Lorelei Bosserman
Gene Hazzard
Assata Olugbala
Saleem Bey

V. DGO M-03.2 Policy

The Commission discussed amendments to the order for OPD Department General Order (DGO) M-03.2 and voted to approve them.

Comments were provided by the following public speakers:

Gene Hazzard
Lorelei Bosserman
Rashidah Grinage
Assata Olugbala
Saleem Bey

A motion was made by José Dorado, seconded by Thomas Smith, to adopt the DGO M-03.2 policy presented as attachment five in the agenda packet. The motion carried by the following vote:

Aye: Ahmad, Anderson, Dorado, Harris, Jackson, Prather, and Smith

No: 0

VI. Review of CPRA Pending Cases and Completed Investigations

Executive Director John Alden reported on the Agency's pending cases and completed investigations.

Comments were provided by the following public speakers:

Assata Olugbala
Lorelei Bosserman
Rashidah Grinage
Gene Hazzard

A motion was made by José Dorado, seconded by Mubarak Ahmad, to accept the CPRA report on pending and completed investigations. The motion carried by the following vote:

Aye: Ahmad, Anderson, Dorado, Harris, Jackson, Prather, and Smith
No: 0

VII. OBOA Complaint

The Commission discussed the Oakland Black Officer's Association's (OBOA) suggestion of disparate and/or racist implications for OPD hiring and discipline practices and the complaint filed with CPRA.

Comments were provided by the following public speakers:

Gene Hazzard
Assata Olugbala
Saleem Bey
Bruce Schmiechen
Oscar Fuentes
Lorelei Bosserman

No action was taken on this item.

VIII. Inspector General Position Update

The Commission discussed the Inspector General job description approved by the Civil Service Commission.

Comments were provided by the following public speakers:

Oscar Fuentes
Anne Janks
Saleem Bey

No action was taken on this item.

IX. CPRA Investigator Staffing

John Alden provided an update on filling the vacant Complaint Investigator II positions.

Comments were provided by the following public speakers:

Assata Olugbala
Saleem Bey
Bruce Schmiechen
Jane Kramer

No action was taken on this item.

The Commission took a recess from 9:46 p.m. to 9:56 p.m.

X. NSA Case Conference Update

The Chair and Vice Chair provided an update on the Negotiated Settlement Agreement (NSA) Case Conference on August 21, 2019.

Comments were provided by the following public speakers:
Rashidah Grinage
Assata Olugbala
Saleem Bey

No action was taken on this item.

XI. Commission Subpoenas Related to CPRA

The Commission discussed the receipt of responses to subpoenas previously issued.

Comments were provided by the following public speakers:
There were no public speakers on this item

A motion was made by Edwin Prather, seconded by Thomas Smith, to provide the subpoenaed materials to Mr. Alden for his review only, and that Mr. Alden determine whether there need be any follow up or an investigation into the matter and that he report back to the Commission on an aggendized item within 60 days. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, Prather, and Smith (*Commissioner Ahmad had left by this point in the meeting*)

No: 0

A motion was made by Regina Jackson, seconded by José Dorado, to extend the meeting to 11:00 p.m. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, Prather, and Smith

No: 0

XII. Bey Case Review

Vice Chair Harris provided an update on the Bey Case.

Comments were provided by the following public speakers:
Assata Olugbala
Saleem Bey

No action was taken on this item.

XIII. Meeting Minutes Approval

The Commission voted to approve meeting minutes from May 9, 2019 with the following edits: on page two the last sentence of Chair Jackson's speech, "she" should be replaced by "I"; on page three the first line should read "the amended motion" and not "the first motion," and that first full paragraph should read "a second motion was made by Commissioner Prather that we issue a subpoena for all documents including

communications.” Two lines down the phrase “let’s make those” should be deleted, and the period immediately preceding that phrase should be changed to a comma.

Comments were provided by the following public speakers:
There were no public speakers on this item.

A motion was made by Edwin Prather, seconded by José Dorado, to approve the May 9, 2019 minutes subject to the edits that were made. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, and Prather
No: 0
Abstained: Smith

XIV. Committee/Liaison/Other Commissioner Reports

Tara Anderson provided an update on Assembly Bill (AB) 392 which changes when police officers engage in use of force, and SB230 that would emphasize certain training requirements. José Dorado provided an update on the Safe Oakland Summit on June 5, 2019.

Comments were provided by the following public speakers:
Rashidah Grinage

No action was taken on this item.

XV. Commission Retreat

The Commission discussed the retreat scheduled for September 14, 2019 at the Waterfront Hotel in Oakland.

Comments were provided by the following public speakers:
There were no public speakers on this item.

No action was taken on this item.

XVI. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission engaged in a working session and discussed agenda items for the upcoming Commission meeting: RFQ for independent counsel; Commission subpoenas related to CPRA; Bey case review; use of force policy and public hearing; OPD towing policy; OPD social media policy; and rule 2.19 Chief of Police for Cause Assessment.

Comments were provided by the following public speakers:
Anne Janks

No action was taken on this item.

XVII. Adjournment

A motion was made by Ginale Harris, seconded by José Dorado, to adjourn the meeting at 11:00 p.m. The motion carried by the following vote:

Aye: Anderson, Dorado, Harris, Jackson, Prather, and Smith
No: 0