

**AGENCY REPORT****TO:** OAKLAND POLICE COMMISSION**DATE:** August 23, 2018**FROM:** Anthony Finnell**SUBJECT:** Item 4a – Police Commission Meeting Minutes – June 26, 2018 Revision

At the meeting on August 9, 2018 the Oakland Police Commission directed revisions to the Commission's minutes of June 26, 2018, to include all of Mr. Bey's comments in the draft presented. Mr. Bey made comments on six of eight items on the agenda on June 26, 2018, and he spoke for several minutes each time. Staff must watch the entire 4-hour video, locate when Mr. Bey speaks then transcribe his comments to complete this request. The original draft of the June 26th Commission minutes was prepared in accordance with instructions previously received from the Chair and Vice-Chair, within the time-frame as directed by the Chair. Staff does not have an issue completing minor revisions as requested. However, this request requires a considerable amount of time to complete, especially since the entire content and context of Mr. Bey's comments from the June 26th meeting are captured on the video recording of the same meeting. Staff is unable to keep up with the current minutes (which must be completed by close of business on the Wednesday following the Commission), CPRA office related assignments which are put on hold until the next draft of minutes is completed, and this request. It is because of these demands on staff's time that the revisions for the July 26th minutes was not completed in time for inclusion on the agenda for the August 23, 2018 meeting.

RECOMMENDATION

Staff recommends that the Oakland Police Commission rescind its original directive and either accept the original draft of the June 26, 2018 Commission minutes as presented or accept revisions to Mr. Bey's comments during the open forum section only of the June 26, 2018 Commission meeting.

Anthony W. Finnell
Interim Executive Director
Community Review Police Agency



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Minutes

Thursday, July 26, 2018

6:30 PM

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

I. Call to Order

Thomas Lloyd Smith

The meeting started at 6:30 p.m.

II. Roll Call and Determination of Quorum

Thomas Lloyd Smith

Commissioners present: Mubarak Ahmad, José Dorado, Ginale Harris, R. Jackson, Mike Nisperos, Edwin Prather, and Thomas Smith. Quorum was met.

Alternate Commissioners present: Maureen Benson and Andrea Dooley.

Counsel Meredith Brown.

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

Thomas Lloyd Smith will welcome and call the public speakers.

Lorelei Bosserman regarding Cathy Leonard, is a member of the Community Policing Advisory Board, he was at the march for Nia Wilson on Monday night and two of the police officers present had shot black people in the past and that seemed like a bad choice to send them to that march. She suggested that the Chief of Police be contacted regarding this matter.

Saleem Bey said it was suggested that he come before this Commission and announce what was going on in his case(s). He gave a brief overview of the cases and those that were closed. When a case was closed, we had a meeting with the police department and the police department came to them and said that during the seven-month investigation, they couldn't find any files on any of the cases and still closed the case but sustained that there was systemic failure in the investigation of this case. This is something that we called the unicorn letter because it is something that you never see. You never see a police department admit that they did something wrong.

Mr. Bey also spoke about the CPRB closing a case. In 2005 my brother was ambushed by three teenagers in Montclair at 6:30 a.m. In 2005 the police closed that case in 63 days. They told them that for the next four years up until 2011 that they are working on the case. It wasn't until 2011 in a request for documentation associated with these cases, that we found that the case was closed in two months and three days. What we ended up doing was filing a complaint. What ended up happening in 2007 was that I made another complaint with the CPRB and 07-0538. In that 2007 complaint, he complained against failure to investigate my brother's 2005 case as well as my other brother's 2004 case in which he was murdered. It turns out that the police department

had a relationship with the youngsters that ultimately were identified and convicted of related crimes. What happened, we found out that these youngsters (19 and 20-years old) were on multiple concurrent bails all associated with violence and weapons. When the police closed this case on my brother, there was an AK, Tech 9, and shotgun used against him and my brother survived. That is why we call it the miracle of Montclair. When they went to reload, my brother jumped out of the car and ran and escaped them. After that, the police closed the case. By closing the case, it is not just a failure to investigate, this is compromising a criminal case because there is three weapons that were allowed to then stay on the street in our community because if you closed the case you are not looking for the illegal weapons that were used in the case you are actually giving the people who committed the crime a pass so finds out that the police department has a relationship with these people and that they are actually helping these people and the guns that they were using were continued to be watched by the police, known to be in their possession, and every time these youngsters got arrested, they were re-bailed out.

Chairperson Smith asked Mr. Bey to see Mr. Finnell with his contact information so that we can follow up with you. Mr. Bey said that Mr. Finnell was involved in closing his case.

Chairperson Smith said the Vice-Chair will walk over and collect your contact information and the Commission will follow up with you. Mr. Bey said thank you.

Cathy Leonard, Oakland Neighborhoods for Equity. There was a vigil for Nia Wilson, 18-year girl who was stabbed by a white person on BART and her sister was critically injured. She went to the vigil and sees Officer Patrick Gonzales who shot and killed four black men in the City of Oakland and Officer Nicole Rhodes who killed Maria Hodge in 2015 at the vigil on duty. What an insult. Two white police officers are at the scene where a black woman has been killed – at her vigil. This police department is out of control, they are disrespectful to the African-American community, and she is sick of it. This was the height of disrespect. She will send the Chief of Police a copy of the picture with the two officers and maybe she can explain why Officer Gonzales and Officer Rhodes who have killed black people are at the vigil of an 18-year old who was stabbed to death on BART.

John Jones, III, he mentioned that he is wearing his A's hat. As a result of the Racial Equity Evaluation report, the City of Oakland got a score other than an A. In fact, if there was a score lower than an F, the City would have received that. On a scale of 1-100, we received a 33.5. If doubled that score, it still would be an F. That means that there is something deeply imbedded within the City, within the systems of governments that allow racial equity to take place and to continue. He offered data helpful in moving forward – when we talk about displacement in Oakland, yes, the City of Oakland has 43,000 fewer black residents living today compared to 2000. Also, we have a surplus/additional 33,000 people living in Oakland. That tells him that it makes no sense that black people are still consistently being pulled over at the same rate. I don't care what metric is used to justify why black people are pulled over, if people want to think that black people are more prone to commit crime, even by that metric, the number of black people being stopped should decrease as a direct result of displacement. He said that there are two terms always here – implicit bias and white supremacy. He wants to be clear for the record – never wants to hear these terms ever used nor implied when it comes to law enforcement in communities of color. The young woman who was murdered, the guy who killed her got arrested without incident, at a time when people of color been murdered for walking, talking, etc.

Larry White spoke about the NSA. He is here to speak for the Coalition for Police Accountability. The Coalition opposed the renewal of Dr. Eberhardt's study on racial profiling. He gave remarks regarding the bigger picture – NSA has gone on for

15 years. He was at a NSA Status Conference several months ago in Judge Orrick's courtroom and was struck by several things. (1) There were people from the City Attorney's office, police chief, and several other high ranking police officers, at least one of the plaintiff's attorneys was there, City Administrator's Office, and several people from the Monitor's Office. Everybody was getting paid to attend except the people from the Coalition. Point he is making is the NSA has become an enterprise – it's become a kind of business that a lot of people are making a good income on. In the meantime, racial profiling is still a major problem with the OPD. The incentives of the NSA have become very bad because there are two incentives happening now (1) Just in terms of money, a lot of people are getting paid to keep this thing going, including the Monitor. Even worse, is that the politicians have an incentive to keep it going because they don't have to do anything about the problem as long as the studies are going on. Software needs updating, etc. It's time to bring this process to an end. Everybody in this City has an incentive to keep the NSA going except the people of Oakland and the Police Commission which was created to take the place of the NSA and to be the oversight for the police.

Mary Vail regarding the Eberhardt contract and the discussion she heard at Council about the Eberhardt contract. Her qualifications and expertise in assisting the City in gathering and analyzing the data are not issues. The reason for gathering the data is so that the department has the knowledge to change problematic practices that produce profiling and deal with officers who won't change and keep profiling. It was made clear in the written materials the administration put the brightest side on things including the police department, whether they are using private or public funds they have created it as a major component of the profiling related tasks having Eberhardt teach the department how to have community engagements, how to have community events, how to talk with the community about the police department. We don't need that. It's a distraction – the task of bringing the department into one that functions as a department that does know or a lot less racial profiling and they aren't doing enough of that and talk therapy for this problem, etc. is not a solution it is just another distraction. It is not just us out in the community; you have incredible work being done at Community Police Advisory Board ("CPAB") now on the beat officer role and how to step up on our community policing program which is a practice the department needs – stop profiling which will lead to better community relations, have valid community policing, etc. This whole thing with Eberhardt treads on your turf, treads on CPAB's turf, and we were unable to stop it last night.

Jesse Smith regarding Nazi activity over the last few years around the country; Nazi graffiti has been seen in Oakland. There was a recent attempted Nazi rally downtown which people responded to. The murder of Nia Wilson – this seems connected. Spoke about the incident at a Café in Oakland which denies service to police when they are in uniform. The police signaled the Nazi's to have a protest – Nazi's came out (members of groups). The police showed a lot of favoritism to these Nazi's who came out. These protests continued over the next week – blue lives matter. Police continued to show their support allowing the protestors to continue. Police were taunting this café by having their own coffee and parking outside showing alliance with the Nazi's. That is the state we are in.

Alternate Commissioner A. Dooley made an announcement to remind the public that in addition to the Oakland Police Commission there is also a BART Police Citizen Review Board (BPCRB) so individuals who have a complaint against the BART police can direct their concerns to that review board. The website is at BART.gov. You can search for Citizen Review Board; they have an online complaint process and contact information.

IV. Approval of Draft Commission Meeting Minutes for July 12, 2018

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

a. Discussion

J. Dorado referenced Page 10; (c); Lines 6, 7, and 8. Corrected to read: The vote was Aye 5 (Ahmad to be removed). The motion passed.

J. Dorado referenced Page 11; (b); Paragraph 4; Line 5. Corrected to read: mutually and not neutrally.

b. Public Comment

No public comment.

c. Action

MOTION (J. Dorado) to approve the Minutes subject to the corrections and seconded (M. Nisperos). The vote was Aye: 7 (Ahmad, Dorado, Harris, Jackson, Nisperos, Prather, and Smith). The motion passed unanimously.

V. Oakland Police Department Report (10 minutes)

Chief Ann Kirkpatrick will report on the status of the renewal of Dr. Jennifer Eberhardt's contract with OPD to provide research and analysis of racial disparities in how OPD officers treat people of color, particularly African-Americans, during traffic and pedestrian stops.

a. Discussion

Chief Kirkpatrick reported on the topic of the status of the Dr. Eberhardt contract with OPD. Your next agenda item will also be a member of the staff who will be reporting out on that. With respect to the status of Dr. Eberhardt's contract, this was agendized prior to the City Hall decision the other night, and the decision was that by a vote of 3 to 5 the Contract did pass and it is a two-year extension of an existing contract.

Chairperson Smith asked for Commissioner questions for the Chief relating to the contract.

G. Harris asked why the Commission was not invited to have input on that other than being at the meeting? Chief Kirkpatrick said she will defer to legal counsel associated with that. The contract itself is under the purview of the Council for voting it up or down. She abides by her legal counsel.

R. Jackson – her understanding – aren't there a series of recommendations that have been previously made under Dr. Eberhardt's contract that have not yet been instituted? Chief Kirkpatrick said yes that is correct. She reported that under one of the original contracts with Dr. Eberhardt and Stanford, the Strategies for Changed report grew out of that contract. Under her Strategies for Change, she and her team had listed 50 recommendations. In the federal court, who has the oversight of the NSA, directed that the OPD would fulfill all 50 recommendations.

During this time, prior to a town hall that occurred last week, OPD had completed recommendations (36) and had 14 outstanding recommendations. Three of the recommendations that are not concluded are tied to the Prime Computer Early Warning Intervention System. Because Prime cannot be ready because it had to be re-engineered, Stanford could not complete three of the outstanding – now 13 recommendations. The Contract was coming to expiration. The need for the extension was because some of those recommendations could not be completed and three of them as I said are tied to PRIME.

R. Jackson – you said 36 recommendations have been completed; 14 were still outstanding and of the 14, three which would bring us down to 11 outstanding recommendations which are tied to PRIME. Chief Kirkpatrick – said since the other day we added another completed task and have a few more that should be ready for completion within two weeks. R. Jackson said that we are nearing the end rather quickly? Chief Kirkpatrick said yes and she will be reporting to the judge on the remaining recommendations and narrowing that quickly. R. Jackson asked what was the justification for a two-year extension as opposed to a one-year extension? Chief Kirkpatrick said the initial contract was a two-year period contract. This contract is also a renewing of those terms; it is one year with the option of an additional year. We think that there won't be a need for a second year according to Stanford's assessment. R. Jackson said that she is glad to hear that.

Dooley asked when is the next status report to Judge Orrick? Chief Kirkpatrick said it is scheduled for September however in the court, Judge Orrick has scheduled a Status Conference in September however he did say that we may not need to come into court in front of him in September and that will be between the attorneys in this case. A. Dooley said that two years will go quickly and what is the plan to operationalize this function of critically reviewing internal operations? Chief Kirkpatrick said that Captain Bolton had been your internal Inspector General (“IG”) and recently he was promoted – where does that lead the department in having an internal resource for review and improvement of these kinds of issues? Chief Kirkpatrick said that we do have a new IG in that place/function now (Lt. Angelica Mendoza). A. Dooley asked is that going to be where that work will be located? Chief Kirkpatrick said that Dr. Eberhardt's contract does ultimately expire and we have several people involved in making sure that we hit our targets but it primarily will sit within the Office of the Inspector General.

R. Jackson asked that Lt. Mendoza will be the one responsible ensuring that we can shave a year off that contract? Chief Kirkpatrick said that it is her responsibility.

R. Jackson asked, is there an early termination clause that has liquidated damages connected to the contract? Chief Kirkpatrick said she cannot speak to that since did not bring a copy of the contract. She said that under the old contract, for \$250,000, it is drawn down according to when work is done and under that contract. Dr. Eberhardt only pulled down approximately \$154,00. Just because the \$250,00 is allocated, does not mean it will all be spent.

Chairperson Smith asked the Chief to explain Where are we now? How will we move forward accelerate the reduction of profiling particularly against African-Americans, which is the group that suffers most intensely? What weight do we have to be able to increase penalties for people who are repeat violators of profiling? There are certain things that are so damaging that we want to make sure that the penalty for them is severe enough to deter people and make them to stop doing it.

Chief Kirkpatrick said that we share common perspective. You want to see the fruits of that and she does too. She learned the results of Dr. Eberhardt's work that

she could say here is the data. For many years, Oakland has been one of the premier cities of collecting data. What Stanford has done, when she got here, we can see the data, tell us how to analyze it, help us to learn how to ask questions of the data. An example, because we have learned through the analysis of data for example, when we as police officers stop cars for low level mechanical violations like your tail light is out and we use that as a stop then you were impacting lives but you are also disproportionately impacting people of color. Once that had been taught to us to look at that type of data and see that, then in turn she as your Chief turned around have stated certain missions have changed. We have made it very clear we being the executive staff and the leadership of this department have delivered the message stop that kind of stop. We do not value it and it also has a disparate impact. In the past six months, we have reduced our number of stops overall stops by fifty percent. That is a direct result of having data that tells her how to say these are areas that we can tell you that create disparity. So, we have changed that policy. We have also changed policies such as searching people for probation and parole. When our first question is when we stop people, particularly a person of color, our first question of you are you on probation or parole. Unacceptable. Now we have created policy that deals with giving clear guidance to the men and women of this police department to say now we are changing that practice. Ultimately, we have been able to say that because we have reduced the number of even contacts by fifty percent. Stanford pointed this out to us is that we have stopped over 3000 fewer African-Americans in our community just because we reduced the number of stops. That still does not address and at the town hall she showed a slide the disparities are still the same – even though we reduced the stops and the footprint and the contact, we still disproportionately have the same number of disparate impacts. We still stop more African-Americans than we do any other racial group. Knowing that, what we are looking at are the strategies – okay, how do we reduce that number? How do we bring the disparity down? The answer is not just stop policing. You can reduce disparity by not policing – called de-policing. Some agencies around this country who are facing the same issues, the officers say they can't fix that disparity and they don't police anymore. We cannot have this. OPD has not stopped policing. However, we must have strategy and she has a few of them that she is thinking through and try to implement which would reduce that disparate impact. She believes the disparity can come down. She agrees that there must be a target. You don't improve something that you don't have a goal to set. Just like they do in Ceasefire.

G. Harris asked why do we need data on things that are right in front of your face? What is the population that is in all our prisons and jails? Look at that. This is affecting the population it is. The training that we are given – these are people that we are dealing with. Just as long that it took them to become racist, not implicit bias, it is going to take that long for them to undue racism. Sending them to an 8-hour training is great but it does nothing for us. We are in this hamster wheel of going around and around. We keep talking and touching on data; why do we need a study when you see on the news everyday who is being killed? Who is going to jail, who lives in what area and how they are living or you see driving around Oakland. You see that – what does it look like to you? How do you start to treat people like people? She doesn't want to hear about data because she lives it. You as our Chief is a leader of a police department that we are hired to help Oakland and to help Oakland you must hold your people accountable.

Chairperson Smith said If the penalty is not severe enough for these acts of profiling, it is not a proper deterrent.

M. Ahmad asked that you stated that you have strategies – is one of your strategies to look at is what officers are doing the same stops? Chief Kirkpatrick said they do

this every month – we look at the squads and the individuals and analyze every single stop. M. Ahmad said that when you look at those stops, is the same officers doing the same stops (repetitive) or a lot of officers doing the same thing? Chief Kirkpatrick said that we present and in front of the federal monitor witness and observe our meetings that we have every month where we look at every stop, etc. We do address and talk about individuals and individual officers and whether they are repetitive or they are not, and then that is performed under the witness of a federal monitoring team.

M. Benson appreciates Chief Kilpatrick a technical solution of a reduction of stops does not change adaptive mind set of police officers. We see that as is evidence by the fact that even though we have reduced, it is dangerous particularly in election year, we are throwing around numbers that say we have reduced the stops of African-Americans by 3000 but we still have not changed the racial disparity. Secondly, the goal is to eliminate racial profiling and to that end we can have some milestones of reductions. How much control does this Commission have over the scope of work of this contract? Can have Dr. Eberhardt track the amount of fines affiliated with racial disparity and stops and how much can we track the outlier officers and track their levels of accountability? How much can we look at which tasks that are on hold and why? What is the timeline for the rest of these tasks? What is the plan for ongoing assessment and maintenance of ensuring once these tasks are checked off, I want to see something in place that says we are tracking that – we are not check it off one time but we are regularly measuring that as part of our accountability. What degree we can modify the scope of work? She clarified that these questions were presented by the audience and are not her questions. Chief Kirkpatrick said she is not able to answer that and said that will be a City question. She said she and her staff

(V. Gleason) are taking notes and the attorney present this evening is taking notes and they will go back and review those issues.

R. Jackson suggested that an informational report be given at the next Commission meeting. Chairperson Smith agreed.

H. Gage said that a motion be made. MOTION (R. Jackson) to request an informational report that follows the comments and requests of M. Benson in the weighing of Dr. Eberhardt's contract and what modifications might be possible and seconded (J. Dorado).

Counsel Brown stated that you have the authority to ask for the report and you do not have to make a motion. What H. Gage was requesting was a consensus. It can be an informal consensus (by nods).

R. Jackson withdrew her motion. There was a consensus requesting the informational report.

b. Public Comment

Lorelei Bosserman hearing that various things can't be worked on until PRIME is not just in place but updated and improved. Is that true – it doesn't seem that these tasks must be done in a high-tech way; they could be worked on while PRIME gets updated.

Rashidah Grinage said this is a nightmare. Training in implicit bias goes back to 2010. OPD started training at least by 2010 – she knows because she was there. Racial profiling has not diminished despite all the trainings, data collection, analysis, all the recommendations, strategic planning – the numbers haven't moved. She strongly urged everyone to make this a part of the Chief's Performance Evaluation and encourage you to determine what percentage of the reduction of racial disparities in the stop encounters – is a sufficient indicator. With all the data that has been accumulated and analysis that has been done, there has not been a decision made about what constitutes a sufficient reduction in disparity. What is a victory, what is a success, what is compliance and frankly the plaintiff's attorneys have not determined that either? I don't think Judge Orrick has determined that either. Maybe that is something the Commission can determine. What is a sufficient level of the reduction in racial disparities? There needs to be bench marks and no one is offering them. We asked Dr. Eberhardt that question and she could not answer that. Plaintiffs' attorneys are not answering it. Frankly, the OPOA is resisting putting a number and that's why everyone is basically caving. You need to understand the backroom side of all of this. It's a disaster.

Henry Gage said the Commission should have been consulted with respect to the Eberhardt contract. That is not the first thing this Commission should have been consulted with. This kind of behavior of going over your heads, City Administration and OPD cannot continue, unacceptable. It is too late now to visit the merits of the Eberhardt contract; it is debatable. Your role is police accountability and discipline. At the Council meeting, Councilmember Kalb made an interesting comment – he said that he might not have voted against approving the contract except this Commission hadn't been fully staffed yet – essentially you were not ready. It is time to get ready and staffed up.

Elise Bernstein, Coalition for Police Accountability, said that this is maddening. Dr. Eberhardt has done her work and the OPD has simply been dragging its feet. They must change their behaviors and cannot continue; they don't get it. Blaming PRIME – it's so easy to blame technology. They have already identified officers who were not following the policy, who are continuing to make these stops, they need to impose discipline and get rid of them. We cannot continue this way. She wondered about this excuse that the administration will most likely conjure up. We can prove how committed we are to improving OPD by how much money we have spent – it is ridiculous of the millions of dollars spent that have went to the NSA which has been going on far too long and Dr. Eberhardt. It is unconscionable that we allow this to happen. It is good that the Commission is here and we look to you to stop this foolishness, they must see that we are serious and they must begin to do something. It is not Dr. Eberhardt's job. It is up to OPD, they have the data, they need to do something with it.

Saleem Bey spoke about OPD and the NSA - racial profiling, discrimination against

people of color, etc. Now we are going to pay for two more years of a contract to tell us what? They still do it. It doesn't make sense that the Chief of Police would get up here and tell us that they need a Stanford professor to tell her what her officers are doing below her – they were doing that before she got here. Her very first mission should have been – we are in the NSA and how are we going to get out of the NSA. We have not heard anything from the Chief about how to rectify the things that are going on.

Mary Vail heard rumors that some of the auxiliary Eberhardt contract activities are being funded by private funds. Are private funds funding the study of how to engage with the community, planning for special events or is that out of our scarce public funds. She encouraged the Commission to reach out to the members of the CPAB. On the issue of the stops she sees the data, but she does not see the follow up changes. The City/departments have not produced deliverables.

John Jones, III, Coalition for Police Accountability, heard the Chief tonight mention that out of the 50 recommendations they have met 36. I recall Jim Chanin when he spoke that they were at 21, he will go back and check. Expressed concern that the Eberhardt contract was approved without consulting the Commission - professionally disrespectful. He encouraged the Commission to reach out to the councilmembers regarding this matter. Important to clarify regarding outliers. We met with the Chief and we asked what happens to these officers who are consistently behaving in such a way and we were told that nothing can be done to them that would be like a former discipline. He wants to connect law enforcement with displacement. There is a reason we have been under the NSA all these years. An observation – no one in the City wants to keep this department in compliance because they are doing the role that the City wants them to do and that is displace our community. I find it odd that two of her bosses are not here. I have not seen the City Administrator or the Mayor here one time. The Chief has a role but we need to hold her bosses accountable as well.

Chairperson Smith said that he will extend a formal invitation to the Mayor and a second invitation to the City Administrator and invite her to come as well.

Jesse Smith came up to speak and said a gentleman earlier referenced the NSA as an enterprise.

Stanford study is a product – this is part of the industry. It serves their interest and that is why they want it. The activists don't want this. That should tell you something. OPD cannot be trusted and that is why they are under federal receivership. When they say, they need this – being deceptive now as was argued when the Council mistakenly renewed the contract – it is not necessary for compliance through the PRIME system. Our current police chief can't keep our police from affiliating with Nazis openly.

VI. Police Commission Review of OPD Policy 611 entitled, “Criminal Investigation of Department Members and Outside Sworn Law Enforcement Personnel” and Training Bulletin V-T.1 on Internal Investigation Procedures

The Commission will review and consider approval or rejection of OPD's proposed

policies, which have been revised in response to court investigator Edward Swanson's report on OPD's handling of allegations concerning sexual misconduct.

a. Discussion

Chairperson Smith stated that we had several questions/comments that are coming back.

Tim Birch was listening to our questions last time and is involved in the policy making. He thanked Tim Birch for presenting. T. Birch stated that he is the Research and Planning Manager for the OPD. One of his responsibilities is policy development. His understanding from the meeting two weeks ago that the Commission had an interest in making some potential changes to the 611 Policy which is about reporting of criminal misconduct by department staff. Is that correct? E. Prather said yes. T. Birch said that the primary change that the Commission was interested in was being notified when there is an incident and instance of an officer or department member in criminal misconduct. Is that correct? Chairperson Smith said yes. Chairperson Smith asked who made a motion on this item. M. Nisperos said he did. He asked M. Nisperos for input regarding the motion.

M. Nisperos said that the Commission be added to the list of those who would be informed and asked if that was possible. T. Birch said absolutely. This morning at the daily Executive Team meeting (Chief, DCs, etc.) we talked through how we could facilitate that recommendation. He directed everyone to Item 6 in the Agenda Packet (focus on those portions in the Policy where this change may be most appropriate). He referenced Policy 611, Page 2, Section 611.8 (BOI Deputy Chief Responsibilities), Sub Header 611.8.1 (Initial Responsibilities). In that paragraph that begins with "Within 24 hours ... there is a list of individuals who are required to be notified by the DC of the Bureau of Investigations when there is alleged criminal misconduct by a member of the OPD. He reviewed the list. He recommended adding Chair of the Police Commission to that list. If satisfactory to you, I would recommend a parallel addition further on in the Policy. Mr. Birch referenced Policy 611, Page 4, Section 611.9 (OPD Internal Investigative Procedures), Sub Sections (e) (f) and (g) – under Sub Section (g) the same list is repeated. It says "The CID Commander shall provide ...". It is the same list we saw prior and recommended adding Chair of the Police Commission to that list as well because they are parallel. M. Nisperos asked that the notification go to the Chair of the Police Commission as well as the Executive Director of the CPRA. Chairperson Smith agreed. T. Birch thanked him for that recommendation. He will take that recommendation back to the Executive Team to discuss. Whatever recommendations we do ultimately come up with that come from this body, as part of the policy development process, will more than likely require a discussion with the IMT as well because of their involvement with this issue – to make you aware of that.

G. Harris recommended that the Commission be a part in the writing process of the policy since we are now stakeholders. We need input on that since we oversee the OPD.

Chairperson Smith asked Mr. Birch if he had further comments and he said no. Chairperson Smith thanked Mr. Birch for coming back.

M. Nisperos asked a question of Counsel Brown – Is it necessary that we pass a motion to ask for this report to come back? Counsel Brown reported that you do not have to pass a motion to ask for information back but you do want to make sure that you have it timely because there is a 120-day review (mid-August). T. Birch said the date is August 21.

E. Prather following on M. Nisperos' point in going back to the motion in the last meeting and passed that the revision go to our Policy Committee for consideration which is why he voted in favor of the motion last time. He wants to make sure that the committee gets enough time to consider it to get input from the Policy Analyst (CPRA) to come back to this body to make its recommendations. Can we agree in timing but obviously, there are some time pressures, when we might get a revised version back so we can then have the Policy Committee consider/would be good to discuss.

T. Birch said that he believes that he can share this with the Commission tomorrow with the understanding that again there may be this IMT review setting out there. He can send tonight's updates tomorrow. Chairperson Smith said that would be great.

M. Benson wanted to follow up on Vice Chair Harris' recommendation – where does that live in this process? T. Birch said that in terms of the Policy Sub Committee, I believe that is up to the Commission. M. Benson - Point of clarification from Ms. Harris – Were you suggesting that be a Policy Sub Committee or in general before revisions of policy come before the whole Commission? E. Harris said she means policy when they are writing it, we should be a part of it – not Sub Committee – Policy Committee with whoever is writing the policy including us in the process.

R. Jackson was wondering what the official narrative around that is. Is that a demand? E. Harris said absolutely. R. Jackson that is a follow up to the Police Chief to ensure that when Mr. Birch is working on these things, we are alerted so that some of us can participate, etc. Chairperson Smith said that what we are talking about is being included in OPD's actual policy-making process. They must come back to us on a recommendation to do that. We want to make sure that we are woven into the OPD policy-making process. Chairperson Smith said we will figure out the mechanics on our side and discuss this matter at another meeting.

A. Dooley suggested the Policy Ad Hoc Committee set aside time in the next week or two to put together recommendations on how we will handle policy discussions moving forward. Then make a recommendation to the Commission about a policy review process and how we would be most effective to do that.

Public Comment

Saleem Bey spoke about criminal investigations of the police. The police should not be investigated by their friends and colleagues for criminal activity. If you are going to investigate the police thru IAD, it is for violations of the MOR which is usually minor and results most of the time with a slap on the wrist. If IAD is not finding people guilty and exonerating them and then there being promoted through IAD, then the police department will never reform and we are going in circles. One of the things about investigating criminal activity of the police is that the MOR says that police officers are supposed to report criminal activity of other police officers. That is why you as a Commission must supersede so that whenever there is a criminal investigation. Also, so on page 28 of the Swanson Report after the sex scandal, Mr. Swanson said that the MOR already requires that the police and the administration report to the proper authorities anytime there is criminal activity found in the police department. Therefore, it never gets out of OPD. The actual MOR which was then emphasized by Swanson after the Mayor came back and said we are going to have this new ordinance that says/requires us to report criminal activity. Swanson said that is already on the books. None of the officers got

punished (sex scandal) and they got caught by a federal investigation, but the people who covered it up were promoted by the current chief.

Rashidah Grinage asked whether untruthfulness is considered a level 1 offense? Chairperson Smith asked Mr. Finnell to speak on the matter. Mr. Finnell said that he is unsure if untruthfulness is a level 1. R. Grinage asked if we could here from the police department? She said the Chief and Mr. Birch are here. Chief Kirkpatrick said it is a Level 1. Ms. Grinage means that qualifies for termination. We need to have that on the record particularly the case we discussed several weeks ago we learned that a police officer was untruthful in his reporting but only received a suspension. We might want to look at the discipline matrix and see whether the penalties are commensurate with the offense. Secondly, she asked whether there is anything in the guidelines for IAD that requires them to respond to information requests from CPRA in a timely way. She believes that for a long time our investigators have had a very difficult time obtaining information from IAD in a reasonable period. What that does is delay the completion of the investigation and often means the 3304 date is in play. Which means the statute has run out and the officers can't be disciplined. It is important that CPRA not be handicapped in their ability to investigate expeditiously and with efficiency because IAD drags their feet in providing the necessary information to CPRA. In these guidelines for IAD, is there a requirement to respond to the request for information within a certain time? There may be mention of it in the Ordinance or Measure LL. This needs to be reviewed.

Chairperson Smith asked Mr. Finnell if he had comments. Mr. Finnell reported that we are working with IAD now to create different processes to get that information - direct access with the staff and others. As far as putting concrete time tables together, we met with the Commander of IA, Agency Counsel and staff members within IA and are preparing a document that will be presented to the Chief. The Chief is aware of the meetings. We are trying to figure out the best way to do that, as Ms. Grinage said in getting the information as we work concurrent investigations, to bring those investigations in line with one another more closely.

G. Harris asked what is the current timeline that you are receiving the information from IAD? Mr. Finnell stated that it depends - if we request information from the Communications Division such as CAD printouts or audio recordings, that takes time but the time that it takes is consistent throughout the department. If requesting regular report, that can be 3-5 days. We have a single point of contact currently within IAD that we will send an email to that person and they route it to the responsible division/individual to provide that report. What we are trying to get is (1) As the investigators on the IAD complete phases of their investigation or acquire documentation that they put that into an IAD server immediately or at the close of business, that way we can go directly and log in and get that information. G. Harris stated that I think we heard that information in December - What is the timeline? It's 3-4 days for reports; if you request information from PDRDs, what is the timeline? Mr. Finnell said that we have access to the PDRD server and can go and pick up the video ourselves.

Mary Vail reported that there was a public meeting of CPAB in July 2016 (few months after the sex scandal had broken) and the main topic of the meeting was profiling. Then Deputy Chief, who is still with the department, said that we could do something good with those numbers on the problem if OPD stopped being DMV errand boys (registration tags, taillights). Now we are hearing from the Chief, two years later, the department is finally making the change. Overall when I read this agenda item, what struck me was - where is the process? Not when an officer is caught DUI, etc. but when fellow officers within the department cover up the

misconduct (sex scandal case, etc.). This procedure does not address mishandling of an internal investigation when the original subject is a police officer. That needs to be added to the policy otherwise we are going to have more cover ups.

Anne Jenkin, resident, said she almost never gets pulled over. She mentioned a recent article involving a case in which five officers gave false statements. She gave comments. She believes if more time is spent looking at false statements and looking at situations where officers have clearly not stated the truth, that it is the way that you get to a lot of other things because she understands that some people believe that it will take many years to undo some of the culture. She thinks you can get rid of a lot of the culture in an afternoon. The moment that an officer believes that he is risking his job, lies on behalf of another officer, she believes that a lot of what happens will stop happening. Five officers gave false statements in that case. She asked if the Commission can look at those five officers and find out what IAD is doing about the fact that five officers gave false statements?

Henry Gage said that with respect in the creation of new standing committees, you will need counsel approval (Section 2.45.150 has specific language). Also, Lexipol 611.8.1, said that he agrees with the comments made with respect to adding the Commission in the reporting structure. As I also mentioned before, 2.45.075 of the Ordinance contains some of the specific language of the reporting structure and that language needs to be harmonized with Lexipol. It doesn't make sense to have two different paragraphs talking about the same thing in two different places. He recommends harmonizing that language. On a procedural note, it is important to distinguish between individual requests for information and Commission requests for information. As individuals, you can ask for anything and you may not get it. It is only when you take an official action as a body under your statutory authority that all the protections under both the Ordinance and LL apply. For example, 2.45.210, it provides some very specific timelines with respect to requests for documents (15 days) and if those requests aren't met, you are directed to go before the Public Ethics Commission and file an appropriate complaint at that time.

b. Action, if any

None.

VII. Executive Director Recruiting Process for the Community Police Review Agency
The Personnel Ad Hoc Committee will work with the Commission to define the Executive Director recruiting process.

a. Discussion

Chairperson Smith said that M. Nisperos offered to share his updated thoughts on this process. G. Harris, M. Nisperos and myself have been on this Committee. We benefited from M. Nisperos' experience. He thanked M. Nisperos.

M. Nisperos suggested to the Commission that the Personnel Committee be designated to review the applications that have been submitted thus far, approximately 160 and from that group of 160, select those candidates which are qualified and that Committee interview those candidates and bring back to the Commission the top three to interview and make a selection. We would create a pool from which the Personnel Committee would interview maybe 10-15 of those candidates and then from that pool, select the top three candidates. Those top three candidates would be interviewed by the Commission in the Executive Session.

Chairperson Smith asked if any commissioners would like to ask questions of M. Nisperos?

R. Jackson asked if we have a timeline? M. Nisperos said yes. We have the applications in hand. As soon as we get permission of the Commission, he will start tomorrow. He wants it to be over by August 24 or before then. He will be away; leaving the states. R. Jackson asked is there also a system, a rubric, to view and can you get it down from 160 to ten candidates? M. Nisperos said there are ten very outstanding candidates, maybe twelve, but the Committee will work with the HR Department and our Counsel to make sure things are legal and the questions that we are going to ask are appropriate. That would be the function of the Committee and would not come back to the Commission until it is time for the Commission to do the interviews of the top three finalists.

J. Jackson asked if you have a rubric. M. Nisperos said no and without the permission to proceed, he has made an appointment tomorrow to meet with members of the City Administrator's staff who will bring in a chart to help develop the rubric.

Chairperson Smith said that we can have a step-by-step process. We can work it out now. We can bring the rubric back and have everyone look at the rubric and then sign off on the rubric. Another thing we are here to discuss is the size of the candidate pool; we can bring back a pool of three, bring back a pool of five, etc. depending on how big you want the pool to be. There are pluses and minuses as the pool gets larger.

M. Benson echoed not only engaging the Commission but also giving the community advanced opportunity to come and prepare and give some other examples of rubrics. A concern is having the City Administrator primarily perform this which means that we have the City deeply immersed in our hiring process, and so would also like to add in addition to the City Administrator, an opportunity to review a rubric (Agendas coming out on Mondays; giving notice) because there are some excellent organizations (R. Jackson's organization) that have excellent rubrics, hiring processes, etc. so we don't have to recreate the wheel. There are interview questions that OUD uses for teachers. We could pull from multiple places to see how you are assessing people's characteristics, integrity, engagement in crisis, etc.

Chairperson Smith requested if commissioners have good rubrics available, to please send them to the Committee and we will consider those as we putting the rubric together that we are going to propose.

J. Dorado said that three top candidates are fine. As we go through this process, especially in terms of community input and rubrics, we also have in the back of our minds how that might relate to the overall recruiting process and evaluation of potential academy attendees. Those same traits that we are looking for in an Executive Director may also apply directly to how we might see that in future OPD officers or potential officers, can be evaluated for the kind of traits that we want OPD officers to have.

R. Jackson understands that three is a great number, she has seen things go sideways. She suggested that the Commission consider perhaps five. When people are applying for these positions, they are applying for a multitude of positions.

G. Harris asked the Commission if we are the ones who will hire this person and not the City Administrator's Office now that we have an Ordinance? Counsel Brown

reported that the way you set up the process is to work with HR because the Employers - City of Oakland would be appropriate and you are doing the review and the evaluation, putting together the rubric, that is the correct process. Yes, in the sense that you are identifying the qualifications, but there is the actual administrative aspect of it that goes with bringing someone on into employment, you are going to be partnering with the existing structure because they have the infrastructure to do the paperwork and the administrative process. You are proceeding correctly with working with the HR Department to make sure that the hiring practices you use are fair and that they are in accordance with public employment laws.

G. Harris – clarified her question for herself – we chose the candidate, the person that is going to sit in that seat, correct? Counsel Brown stated that you chose the person that is going to sit in that seat in accordance with the public employment laws.

E. Prather said that in any of these hiring situations, selection committees, etc. that he has been involved in, he generally thinks it's a good idea to give some leeway to the selection committee – he hates to be tied to a number like three, five, etc. because sometimes the number is four, seven, etc. I would propose if we are doing a motion, etc., whether it be tonight or in the future, that it not be tied to a specific number but at least three but no more than "x" because again if it is four candidates – I would like to see four candidates, etc. This is an important hiring decision and would like the benefit of this final group that this learned committee has decided that it is worthy of our consideration whether that be 3, 7, etc. – whatever that number is, I would like to review it. I do not want to be tied to a number.

M. Benson said that deeply resonates with her. What if we developed a rubric and commit seeing everyone with a score of "x"? It could look like four, ten, etc. Then we have an opportunity to review and collaborate rubric scoring and we could have that in advance, offer some quick rubric scoring. With her teacher experience, it can be that if you have 2 or 3 folks in a room, scoring repeatedly and not having the perspective of other folks calibrating, it can steer it in a direction. Invite us to consider.

Chairperson Smith said that he likes the idea of some flexibility. We might see candidates that are very close and good. He likes the step-by-step process we have come up with in getting the rubric, getting it vetted, moving forward to the candidates, etc.

Counsel Brown stated that she will send some rubrics (one that is online; she wrote for another agency).

b. Public Comment

Rashidah Grinage shared that she was a part of the last two hiring processes for this position. As a stakeholder, process that was being used, to choose, judge; she was a CPRB director and then Mr. Finnell. It would be good to know what those were like. I can't speak to the process that was used prior to identifying the finalists but I can tell you that in each of those cases, there were at least ten that we interviewed. When I say we, she was aware as representative of community organization PUEBLO, the OPOA was there as well. The CPRB Chair was chair as well. I would strongly suggest that you look at what that process was like. You do not have to follow it exactly. Good to consider a process that include the various stakeholders involved in police accountability as well as yourselves. Strongly

advise that before you take any drastic steps, that you become informed with what the practice has been and then pick and choose, and how you would modify it. History should be a guide if not an absolute one to follow.

Nino Parker, said when officers look the same as those in their communities, there are less stops. It is important in the hiring process also. He mentioned an incident that occurred in Bel Air, Texas - a white community but 90% of their tickets are issued to black people (if you drive through town). Are all these tickets about revenue? He would be interested in statistics. How much money from African-American communities per year as opposed to the white communities (moving violations, stops, etc.) is going into City coffers?

Mary Vail amplified the comments of R. Grinage. The Oakland Animal Shelter both during the last year before they came out of OAS, they used community stakeholder volunteer panelists, other animal welfare organizations, etc. to sit on the oral boards and then after the 2014 reform legislation passed, they had recruitments for the shelter Director position – first civilian in a long time. That type of interview process is like the selection committee did in putting out the word to groups like NACOLE, other community groups – that these positions are open when they become open - so that you get a nice applicant pool.

Chairperson Smith asked M. Nisperos for the number of applicants. M. Nisperos said the last number that he saw was 167 applicants.

Saleem Bey asked the Commission what is a deal breaker with these candidates? One would be former associations with a police department, if being paid by a police department – in retirement, etc., your loyalty is possibly to the paycheck that pays your base salary which could be your connection to the police department. We are here to hold the police accountable and not put the police accountability in the hands of ex-police officers. Let's make sure that the community has respect and trust in the person that you put in this key position because they represent you.

c. Action, if any

MOTION (R. Jackson) that the Commissioners. community, or anyone that has a rubric can share it with the Chair of the Personnel Committee and seconded (J. Dorado). The vote was Aye: 7 (Ahmad, Dorado, Harris, Jackson, Nisperos, Prather, and Smith). The motion passed unanimously.

VIII. Recess (6 minutes)

IX. Training: Public Records Act (Government Code 6250 et seq.) (1 hour)

The California Public Records Act (“PRA”) was enacted in 1968 to: (1) safeguard the accountability of government to the public; (2) promote maximum disclosure of the conduct of governmental operations; and (3) explicitly acknowledge the principle of a democratic system of “government of the people, by the people and for the people.” CPRA requires governmental records shall be disclosed to the public, upon request, unless there is a specific reason not to do so.

a. Discussion

Chairperson Smith welcomed Allison Dibley; will give a training on the Public Records Act.

Allison Dibley, Deputy City Attorney, gave a PowerPoint presentation (An Overview of the California Public Records Act). She reported that we did the first part already (Brown Act and Sunshine Ordinance as it relates to open meetings. Tonight, we will do the second part which is the California Public Records Act. There is an article/or section of Oakland's Sunshine Ordinance that addresses the disclosure of public records. As we did last time, if you have questions as we go along, feel free to ask them. She invited Counsel Brown to add comments as we go through the slides.

G. Harris asked when someone does a PRA Request, do we get to know who it is? Ms. Dibley said that is a good question. On the City's website, it specifically says that the requestor does not have to identify him/herself. If the City does know, if the person identifies him/herself than yes you would know. G. Harris asked how do we know that someone is requesting them? We are basing this on a trust factor. Ms. Dibley said that the City does not respond to public record requests unless they are in writing. G. Harris said then all the documents are put on a digital something and given to the person. How is it delivered to the person?

Ms. Dibley said that the way the City responds it collects all the records and puts electronic versions/pdf copies on the Record Trak website and notifies the person that requests the records, that they are there and are then available to the public if they want to review.

M. Benson said that we had a request a few months ago – Freedom of Information Act –so is that the same? When that request was fulfilled, then whoever anonymously received the link to the site – it is open to the public. How will we know or members of the public know that such a request came in and that they would have access to those records? Ms. Dibley stated that there is a set of frequently asked questions/information about Public Records Act requests on the City Attorney's website.

M. Nisperos asked that a copy of the PowerPoint Presentation be mailed to them and Ms. Dibley said yes.

b. Public Comment

Kathy Leonard asked if she could provide a copy of the Presentation to Commissioners since it is a great reference/tool? (Ms. Leonard said that M. Nisperos already asked this question).

Rashidah Grinage said that Ms. Dibley should offer this presentation to her boss since the City is not in compliance with the Public Records Request. Newspapers had to sue to get public documents, and several of us on Twitter have all been sharing that our requests have not been provided in a timely fashion. In the notification, when they close the case, certain documents are not disclosable but do not offer the exemption that they are claiming for, why they are not disclosable and we have to take their word for it. She has filed a complaint with the Public Ethics Commission, based on the Sunshine Ordinance, says that they lack the authority to enforce the Records Act but can offer mediation between the person who requested the record and the department that should have responded. She will keep you updated because this may go to court. What I asked about was the bargaining sessions with the OPOA concerning the topic of civilian oversight. What I got was a truckload of unresponsive documents that had to do with their health plan, pension, training, medical leave – everything but what I asked for. They may say they complied but they did not comply. Stay tuned.

Saleem Bey shared his personal experience with the request for information. One of the things we did was ask the police department for records for all the cases he had been speaking of. Ninety-five percent of the requests that he had, they could not find any records. He spoke about his cases and police department.

X. Legal Counsel for the Oakland Police Commission and Community Police Review Agency

The Commission will determine whether to retain the current non-city attorney legal counsel serving the Commission and the Community Police Review Agency. The Commission will also discuss formalization of the recruiting process, in alignment with the enabling ordinance, for non-city attorney legal counsel for the Commission and/or CPRA.

a. Discussion

Chairperson Smith said that M. Nisperos will speak on this topic.

M. Nisperos reported that at the last meeting he indicated that there were three applicants and we were fortunate that the top two were exceptionally outstanding. This was after a long period of advertising. Being content/happy with the legal advisor to the CPRA and the legal advisor to this body (currently holding the positions) I would move that the Commission ratify those appointments as their own.

E. Harris said that we are appointed as Commissioners now but would like to set a precedent in the future regarding hiring counsel so there is a process in place. Chairperson Smith said that we do have that as part of this Item.

M. Nisperos asked how do we transfer the contracts? That is not included in his motion. There is a lot of detail to work out. This is a predicate to make that happen. This was not our process; it was a process that was dictasted.to us and we participated in it. Chairperson Smith said that part of this after this motion is a discussion in which we talk about this in moving this forward.

Chairperson Smith congratulated Counsel Meredith Brown who is officially with the Commission and we are excited to have you on board.

Chairperson Smith said that the next part of this Item is talking about the actual process in moving forward.

G. Harris said that she wants the public to know that previous practices of ours did not come from us. Today is our second meeting together; we are working on things as we speak. We were not given information that was not helpful to us. These things should have been in place before we got here. Chairperson Smith said that we witnessed and had a chance to work with our Counsel. Counsel Brown has been with us for several meetings and has done an exceptional job in her role. In moving forward, now that we own the process, we will have a different process that we will be using.

M. Ahmad said that he abstained in the Motion that he did not know that we were voting for Ms. Brown as Counsel to the Commission. Since it is past, we would have to call for the vote again. She does not have her Robert's Rules of Order but Henry Gage is here. Mr. Gage said that you can do a motion to reconsider. Chairperson Smith said that he appreciates Mr. Ahmad's comments and we do have

that on record. The motion passed so we have you on the record as voting for Counsel M. Brown.

M. Nisperos said that somewhere in the Ordinance that we are to designate the time share (2/3, etc.); can that be part of our process? Chairperson Smith said we can talk about that if we want to talk about that today and if not, we can do it piece meal and revisit the matter.

A. Dooley with respect to the larger recruitment and hiring process, she agrees with G. Harris that we still do not have the infrastructure we need in place to facilitate any of these processes such as the staff liaison we are supposed to have from the City Administrator to coordinate basic items like dates and documents. Without having an Outreach Committee plan in place about how we communicate with the public via press releases/social media, etc. We should identify the components of a recruiting and hiring process that we want to have and identify what resources we need to achieve that and work on getting those resources in place. We are now eight months in and it is now on us; we need the infrastructure. Luckily the Commission appreciates Counsel Brown so we do not have any lack of confidence in that and we can move towards the question of how to build the Commission's infrastructure.

G. Harris said that she would like to state for the record that she has been diligently asking for assistance until we get our staff in place; in trying to get our staff in place she is getting resistance.

M. Nisperos said that perhaps the Personnel Committee should come to the Commission with a series of recommendations and then seek the input of the other Commissioners and the community after we at least provide a skeleton base. Chairperson Smith agreed.

b. Public Comment

Rashidah Grinage finding it peculiar that instead of 160 applicants that you had three. I would suggest that you review your procedure because that is to my way of thinking very unusual and should require some scrutiny. Agency Director – urge you to consider the previous practice with respect to hiring counsel which was adopted by the CPRB (Ms. Brown will attest to because that was how she was hired). Process of having the final candidates (3 or 4 finalists) come before the CPRB Board in public, gave a presentation and then took questions. The CPRB members voted and the selection was made. I think that is a good process; the public should have access to knowing who these people are; the final Counsel was done behind closed doors; no transparency. They received a resume in an Agenda Packet only. She suggested that you do another outreach; having only three responses is very unusual. You might speak with Mr. Finnell in how many responses he received when he eventually hired Ms. Brown.

Saleem Bey said the importance of independence cannot be overstated in regards to this body. Legal counsel is an important piece. Resources should be expended to get more people to this meeting to make the community aware of what is going on here. The citizens of Oakland voted for this Commission. The Commission must take every step it can to be transparent to make sure that the community is aware and involved in every step of the way.

c. Action, if any

MOTION (M. Nisperos) that being content/happy with the legal advisor to the CPRA and the legal advisor to this body (both currently holding the position), that

the Commission ratify those appointments as their own and seconded (R. Jackson). The vote was Aye: 6 (Dorado, Harris, Jackson, Nisperos, Prather, and Smith); Opposed: 0; Abstained: 1 (Ahmad). The motion passed.

XI. Community Police Review Agency Complaint App

Interim Director Anthony Finnell will provide follow-up information on the Community Police Review Agency App that increases officer accountability by enabling members of the public who observe police misconduct to quickly and easily file a complaint against OPD officers. Information will include but not be limited to the process and timeline for the app to incorporate Spanish language translation, an Oakland youth beta test of the app, and engagement of Oakland youth in marketing the app.

a. Discussion

Mr. Finnell gave a brief discussion on the status of the Spanish translation services. Commissioners had questions which Mr. Finnell addressed. Mr. Finnell stated he would follow up with the Equal Access office to see if he could get a timeline for completion.

A discussion followed regarding setting up a beta test of the complaint app for youth. Mr. Finnell stated he would work with A. Dooley to explore options.

b. Public Comment

No public comment.

XII. Commission Review of Community Police Review Agency Cases Proposed for Dismissal or Closure

The Commission will review the CPRA's proposed dismissal or closure of complaints of misconduct involving Class 1 offenses and consider whether to direct the Agency to reopen the case(s) and investigate the complaint in accordance with Oakland Police Commission Enabling Ordinance § 2.45.070(M).

a. Discussion

Mr. Finnell reported that the Agency did not close any cases during this time. Further discussion was held on the reporting template, which Chairperson Smith determined was not on the agenda and the discussion was halted. Mr. Finnell also stated he would present information on action the Commission needed to take with respect to complaints which are not generated by the public which the Agency is reviewing.

b. Public Comment

Elise Bernstein spoke regarding criteria for reaching findings on cases, how decisions are made, the details of complaints.

c. Action, if any

None.

XIII. Adjournment

MOTION to adjourn R. Jackson and seconded E. Prather. The vote was Aye: 7 (Ahmad, Dorado, Harris, Jackson, Nisperos, Prather, and Smith). The motion passed unanimously.

The meeting was adjourned at 10:13 p.m.