



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Minutes

Thursday, February 28, 2019

6:30 PM

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

I. Call to Order
Regina Jackson

She announced that there is a delay in starting the meeting due to M. Ahmad late; needed for quorum.

An update - advised that since we have a recently sworn in new Commissioner, we can identify her as moving from Alternate Commissioner to sitting Commissioner for now to establish quorum.

The meeting started at 6:38 p.m.

II. Roll Call and Determination of Quorum
Regina Jackson

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

Commissioner Excused: Edwin Prather.

Commissioner Absent: Mubarak Ahmad.

Counsel for this meeting: Sergio Rudin

III. Welcome, Purpose and Open Forum (2 minutes per speaker)
Regina Jackson will welcome Alternate Commissioner Tara Anderson (subject to the approval of the City Council at their February 26 meeting) and call public speakers.

She welcomed and introduced Alternate Commissioner Tara Anderson. She was recently approved by the City Council. She gave Ms. Anderson an Impact Binder relating to study and the Commission.

Comments were provided by the following public speakers:

- Bruce Schmiechen
- Oscar Fuentes
- Celeste Guap
- Rashidah Grinage
- Jesse Smith
- Hilary Davis
- Miles Cooper
- Elise Bernstein
- Paula Hawthorn
- Cathy Leonard
- Lorelei Bosserman

John Jones III
Mary Vail
Saleem Bey

IV. Election of Alternate Commissioner to Fill Commission Vacancy

The Commission will elect Alternate Police Commissioner Tara Anderson to fill the vacancy created by Commissioner Benson's resignation. This action is pending the City Council's confirmation of Tara Anderson's appointment to the position of Alternate Commissioner at the Council's February 26th meeting.

Chair Jackson asked Tara Anderson to introduce herself. She thanked the Selection Committee. She looks forward to continue to be challenged by the community, continue to learn what it truly means to be of service to all of Oakland. She thanked everyone for the opportunity to do so.

Comments were provided by the following public speaker:
Saleem Bey

A motion was made by Thomas Smith, seconded by Regina Jackson, that we approve Alternate Commissioner Tara Anderson to fill the vacancy on our Oakland Police Commission as a Commissioner.

Regina Jackson asked Counsel Rudin about Tara Anderson's recusal from the vote. Counsel Rudin suggested recusal.

The motion fails by the following vote:

Aye: Jackson and Smith
Opposed: Dorado and Harris

Chair Jackson asked Counsel Rudin for advice. Counsel Rudin reported that you still have quorum so the meeting can continue. She can continue as an Alternate Commissioner until further action. Chair Jackson said that Commissioner Anderson will continue as Alternate Commissioner – the matter will be restated and brought back on the next Agenda.

V. Meeting Minutes Approval

The Commission will vote to approve meeting minutes from February 14, 2019.

Comments were provided by the following public speakers:
Saleem Bey
Henry Gage III
Larry White
Mary Vail

José Dorado inquired about the meeting Minutes Transcripts and the availability. Thomas Smith said we do not need the Transcript to approve the Minutes. When the Transcription Service offers the Transcript back to us, we will make it available.

A motion was made by José Dorado, seconded by Thomas Smith, to approve the February 14, 2019 minutes. The motion carried by the following vote:

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

VI. Oakland Police Department Report on Pawlik Investigation

Chief Anne Kirkpatrick will provide all publicly reportable information on the

investigation and findings in the police involved shooting of Joshua Pawlik on March 11, 2018.

Chief Ann Kirkpatrick gave an update of the case from the beginning and shared where the Department is at presently. The 3304 date - March 11 has now been tolled. The case is not concluded until all steps are completed. According to our new law (SB1421), she has been given directions to prepare their case for public dissemination. Under the law, the public should be able to see this case filed subject to legal redaction. That is in process. She is preparing for policy changes and training (regardless of the outcome). Her goal is to get to best practices, if there are any in this country (people who are either asleep, unconscious, they are with guns, and the waking up). If there are none in this country, we will develop policy and training and we will be the Agency of best practice (OPD and the Commission).

Discussion/questions followed by Commissioners.

Ms. Tom spoke on the CPRA investigations. Some materials were available throughout the investigation; certain pieces were not received. She also spoke on tolling.

Chair Jackson asked the Chief if she was overruled by the Compliance Director and she said yes. Can you make available the Addendum and his report by the next Commission meeting? The Chief said that is her goal.

Comments were provided by the following public speakers:

Henry Gage III
Lorelei Bosserman
Cathy Leonard
Rashidah Grinage
Larry White
Jim Chanin
Karin Adams
Anne Janks
Mary Vail
Saleem Bey
Mary Howe

Chair Jackson read a statement to the Pawlik family and Joshua's friends.

VII. Oakland Police Report on Managing Job-Related Stress

Chief Anne Kirkpatrick will provide her proposed budget and timeline recommendations to the Commission 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. She will also identify what services OPD currently provides.

Chief Kirkpatrick is not present. Acting Deputy Chief Holmgren stated he is filling in for Deputy Director Gleason who oversees the Wellness Unit as well as DC Cunningham (who is the lead of the Collective Healing Initiative). He spoke about the significant topic and the Wellness Unit.

Discussion/questions followed by Commissioners.

Chair Jackson asked that in addition to Attachment 7, if they have a proposed budget and timeline and he said yes; will send it to the Commission when Ms. Gleason returns next week. Chair Jackson expressed concern the Commission is not receiving written

reports as requested and has spoken with Ms. Gleason and Chief Kirkpatrick (presenting a budget and timeline). DC Holmgren will email her tomorrow with update.

Comments were provided by the following public speakers:
Rashidah Grinage
Saleem Bey
Jesse Smith
Henry Gage III

VIII. Notice to the Commission of Community Police Review Agency Cases Proposed for Discipline Committee Review or Case Closure

Interim Executive Director Karen Tom will provide notice to the Commission of cases she plans to refer to the discipline committee and/or propose for case closure as well as other issues relevant to case closure.

Ms. Tom stated that in her absence there appears to have been a mix up with the items that were submitted on this Agenda Item. This is not the Agenda Item as she initially anticipated would be submitted. The Pending Case List attachment is in the Packet; the completed case list was not. Mr. Rus placed them online for public and Commission viewing. The completed case list will be updated and resubmitted again for the next meeting. There are no cases that are coming before the Discipline Committee. Addition: The Pawlik case is an open case but it has been moved into the tolling cases; not reflected on this Pending Case List because it was tolled after the List was submitted. Chair Jackson said we will look at the report on the next Agenda.

Comments were provided by the following public speakers:
Rashidah Grinage
Mary Vail
Saleem Bey

IX. Recess (8 Minutes)

X. Removal of Hiring Freeze on Community Police Review Agency

The Commission will vote to remove the hiring freeze on vacant positions in the agency.

Comments were provided by the following public speaker:
Rashidah Grinage

A motion was made by José Dorado, seconded by Thomas Smith, to remove the hiring freeze on the vacant positions in the CPRA. The motion carried by the following vote:

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

Chair Jackson asked Ms. Tom to send the Investigator Job Descriptions to her/everyone.

XI. Vote to Approve and Submit Quarterly Informational Progress Report

The Commission will review the Quarterly Informational Progress Report and vote to approve and submit to the Public Safety Committee.

Chair Jackson reported this Item was primarily worked on by Commissioner Prather and he is out of town on business.

Discussion/changes to the Report followed by Commissioners.

Chair Jackson said the Report is to be presented March 19. We will have another

meeting so this will be presented on the next Agenda. Ginale Harris will forward changes/comments to Chair Jackson; then give these changes back to Chrissy Love and get an updated Report. Vote to approve this Item for the March 19 submission.

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

XII. Standing and Ad Hoc Committee Assignments and Updates

The Commission will discuss and vote on a requirement for each commissioner to serve on at least one standing committee or ad hoc committee.

Discussion/concerns followed by Commissioners. Two Commissioners are not present this evening. Just vote on the Item and not assign anyone. Ginale Harris offered to continue to do the work of the Ad Hoc Committees that she formerly was assigned to by Thomas Smith when he was Chair until a vote is taken.

Ginale Harris – Budget update. She reported that Commissioners Dorado, Benson and herself worked on the Budget. Commissioner Dorado will speak first. We will do two portions – Budget itself and the explanation on where the money is coming from. He will speak on the plan that we want to present to the Commission. Counsel Rudin - Was this material posted with the Agenda and distributed to the public before this meeting? Chair Jackson said no. She said we will repost it and then Commissioners Dorado and Harris can speak to it at the March 14 meeting. José Dorado then gave a preview of coming attractions. Chair Jackson said the cost savings conversation in full is on March 14. She thanked the Commissioners for their work.

A motion was made by José Dorado, seconded by Thomas Smith, to vote that each Commissioner serve on at least one standing committee or ad hoc committee. The motion carried by the following vote:

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

XIII. Task Force/Summit on Community Policing Update

José Dorado will provide a verbal update on the progress he has made with this ad hoc committee.

Discussion/concerns followed by Commissioners.

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

XIV. Reimbursement of Expenses for Public Hearing on Policing in the Homeless Community

The Commission will vote on the reimbursement of certain funds expended for the Public Hearing on Policing in the Homeless Community.

Chair Jackson reported that every detail was handled by the Coalition for Police Accountability, had a wonderful turn out by our Commissioners, etc. – it was incredible.

Discussion followed by Commissioners. Chair Jackson said this was a hearing for our benefit – requests creating a standard operating procedure for future hearings (map), still want support of the Coalition and any other community members, but understand how to put our own on.

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

Chair Jackson asked to entertain a motion in order to facilitate the reimbursement of expenses for the Public Hearing.

Counsel Rudin, for the record, what is the amount that is being reimbursed? Chair Jackson said there is not a total on the Attachment – future attachments should include a total. Thomas Smith asked if we could do a not to exceed amount and Counsel Rudin said that is fine. Chair Jackson said it probably won't exceed \$400.

A motion was made by José Dorado, seconded by Tara Anderson, to reimburse funds (amount will not exceed \$400) for the Public Hearing on Policing in the Homeless Community. The motion carried by the following vote:

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

XV. Agenda Setting and Prioritization of Upcoming Agenda Items

The Commission will engage in the working session to discuss and determine agenda items for the upcoming Commission meeting and to agree on a list of agenda items to be discussed on future agendas.

Reimburse former Commissioner Maureen Benson for her laptop that was destroyed in an offsite Special Meeting (about \$1500). Chair Jackson - Provide additional research; arguments/context can be presented then.

Budget Presentation (Repost).

Chief's Goals.

Appointment/Selection of our new Commissioner (take another vote with a full Commission to approve her as a new Commissioner).

Set a standard for Commissioners - Absentees from Commission meetings, Standing Committee meetings, Ad Hoc Committee meetings. Chair Jackson asked Ginale Harris to send her research on this topic.

Creation of an Ad Hoc. Creation and approval of a criminal justice/racial equity statement where all policy bodies like in SF have expressly identified and acknowledged the harm that racism has caused and that it's the government's job to undo that harm. She would like to draft such a statement from the Oakland Police Commission and use it as an opportunity as we are working together to develop that statement. Develop methods for using an equity lens on any policy and practice work that we are developing. It is a big part of the government alliance on Race and Equity – we have a department on Race and Equity in Oakland – we have the equity indicators relative reports and other racial equity indicator reports from the State that could benefit this conversation. She thinks of it as you can't fix the problem until you identify you have the problem and acknowledge it's your responsibility to repair it. That is the sentiment from which she comes from in proposing it as an action that we take as a body. Chair Jackson - we will work on that for the language on the Agenda.

Quarterly Report from the Police Commission (Update with edits/changes).

Update - Parole and Probation status.

Inspector General update (Ms. Hom).

Prioritize OPD policies that are up for review and ask Mr. Rus to provide the suggested list of policies for review before the next meeting. Chair Jackson said we will direct Ms. Hom with that request – prioritize OPD policies that are up for review with a policy narrative/or research statement that goes under each of those policies provided by her staffer.

Updated Report from Ms. Tom

Written report from Chief Kirkpatrick and written report from Virginia Gleason on the Budget.

Legal Opinion from City Attorney's Office for two Vice Chairpersons (Vice Chairperson issues were not resolved).
Finance Department provide us with updated numbers that they have gone through, etc.
Ad Hoc Committee Update (Saleem Bey case).

Comments were provided by the following public speakers:
Saleem Bey
Henry Gage III

Ginale Harris asked Chair Jackson to go back to Item 12 to give a budget update which was granted.

XVI. Adjournment

A motion was made by Thomas Smith, seconded by José Dorado, to adjourn.
The motion carried by the following vote:

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

The Commission adjourned the meeting at 10:22 p.m.