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Subject: Tonight's ad hoc
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Please distribute this comment to the attendee's at tonight's meeting of the OPC's Social Media Ad Hoc this comment:

DRE Director Flynn's comments really brought to the fore the challenges/problem motivating the Ad Hoc's and OPD's work. As she noted, real change will not come without cultural change and cultural change cannot be achieved by rule and policy re-writes and training alone. As Director Flynn pointed out, in each of OPD's recent "scandals", rules and policies were in place prohibiting the objectionable conduct and in each matter, the rules/policies were all violated by OPD officers. And as to the OPD's culture, former (2017-2020) OPD Chief Kirkpatrick said, culture always trumps policy and OPD should not adopt/ should not believe that adopting policies that are 'opposed' by the rank and file will bring cultural change.

In the Instagram matter, not only did OPD personnel express views (anti-woman, anti-Black) contrary to OPD's/the City's values, they made posts directly attacking certain policies that OPD created to cause OPD and its officers to operate in accord with the Riders case NSA requirements. Those officers who posted/shared/liked the "anti-reform" posts on the Instagram site basically were saying 'we oppose these rules and will resist them'. But OPD's then-leadership and middle management, for months after learning of the site and its content, did nothing to address the objectionable/.offensive/insubordinate posts/activity, only acting after the site's existence and content was revealed by the news media.

Chief Armstrong has made repeated public acknowledgements to the public, City leadership and the Federal Court that deep cultural change within OPD is a pre-condition to the OPD and the City coming into full NSA compliance.

Your draft policy speaks to reporting obligations by line officers (of objectionable social media communications), but does not appear to address the obligations of IAD personnel or line supervisory and/of management level officers when *they* become aware of social media communications that violate policy or the mission/professed values of OPD.

This was a big issue in the Instagram matter, on both the cultural change and NSA compliance front, because the Department's then-leadership/upper management, IAD and OPD's Intelligence Unit did nothing when made aware of the Instagram site, demonstrating an unwillingness to self-regulate and enforce the OPD's policies and work rules. ---And they ultimately faced no consequences for their failures to act, even though some some lower-ranking officers implicated in rule/policy violations (by

an outside, independent investigation) did.

So, I urge the Ad Hoc and its drafting partners in OPD to include language in the policy and any attendant operating rules clear directives and guidance as to the steps and actions that supervisory officers and members of IAD should take once made aware of employee social media activity that presents potential violations of the forthcoming social media policy.

Lastly, I agree with Director Flynn's recommendation that a "reasonable person" standard not be part of the policy; she's correct that what's "reasonable" is always seen through the lense or perspective of White men.

Mary Vail