



**CITY OF OAKLAND
POLICE COMMISSION SELECTION PANEL**

Meeting Minutes

**Wednesday, July 26, 2017
5:30 PM – 7:30 PM
City Hall, 1 Frank H. Ogawa Plaza, Council Chamber
Oakland, CA 94612**

Selection Panel Members: Chairperson Sarah Chavez-Yoell (District 3), Second Chairperson John Jones III (At Large), Tal Klement (District 1), James Chanin (District 2), Shikira Porter (District 4), Mary Vail (District 5), Candice Jessie (District 6), Jean Blacksher (District 7), Arnold X. C. Perkins (Mayor)

1. Roll Call and Determination of Quorum

The meeting started at 5:31 pm.

Selection Panel members present: Jean Blacksher, Jim Chanin, Tal Klement, Sarah Chavez-Yoell, Candice Jessie, John Jones III, Arnold Perkins, Shikira Porter, and Mary Vail.

Staff present: Stephanie Hom

City Attorney Staff: Ryan Richardson, Harveen Gill

2. Open Forum

There were no comments from the public.

ACTION ITEMS

3. Approval of Selection Panel Meeting Draft Minutes

- June 28, 2017 Meeting
- July 10, 2017 Meeting

Motion to approve the June 28 and July 10 meeting minutes was moved (A. Perkins) and seconded (J. Blacksher).

Motion passed with 9 ayes.

4. Interview and Selection Process

Selection Panel discussed and took action about the next phases of the interview and selection process for Police Commission members, including interview structure, questions, selection criteria, reference checks, and future schedule.

Motion to have Ad Hoc Subcommittee A (Perkins, Porter, and Vail) reduce the number of applicants submitted to participate in the full Selection Panel interviews from 14 to 8 by Monday, July 31 was moved (J. Chanin) and seconded (J. Blacksher).

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Motion failed with 4 ayes (J. Blacksher, J. Chanin, S. Chavez-Yoell, C. Jessie), 3 no votes (J. Jones, A. Perkins, S. Porter), 2 abstentions (T. Klement, M. Vail).

Motion to have each Ad Hoc Subcommittee conduct reference checks on the respective applicants that a subcommittee submitted to participate in the full Selection Panel interview process; and for each Ad Hoc Subcommittee to conduct the reference checks between the time period of Monday, July 31 through Thursday, August 3 and communicate with the City Administrator's Office upon completion of the reference checks no later than Friday, August 4 was moved (C. Jessie) and seconded (J. Chanin).

Motion passed with 9 ayes.

Motion that during the Selection Panel interviews, each applicant would have timed interviews not to exceed 20 minutes in length; and that these interviews would occur at meetings to be held on Tuesday, August 8, Wednesday, August 9, and Thursday, August 10 with final Selection Panel deliberations to occur at a meeting on Monday, August 14; and that if applicants are unable to physical appear for an interview, they will be given the option of interviewing via telephone and would be scheduled at the beginning of the meeting; and that each of these meetings would start at 5:30 pm was moved (C. Jessie) and seconded (A. Perkins).

Motion passed with 9 ayes.

Public comments were provided by the following:

Rashida Grinage

By consensus, the Selection Panel agreed to the following regarding questions for the interview process:

- The questions to be used for the interviews will consist of the eight (8) questions submitted by A. Perkins, S. Porter, and M. Vail (that were distributed on the dais and attached to these minutes) and the five (5) questions used during the Ad Hoc Subcommittee screening interview process for a total of 13 available questions.
- During the Selection Panel interviews, members of the Selection Panel that were not part of the Ad Hoc Subcommittee that submitted the applicant for participation in the full Selection Panel interview will ask three (3) questions of the applicant selecting these questions from the list of 13 available questions. Each applicant will be timed to answer each question within four (4) minutes for each of the three (3) questions. After completion of the questions and answers for the first three (3) questions, any/all members of the Selection Panel may ask

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follow up questions of the applicant so long as the total interview time for the applicant does not exceed 20 minutes.

By consensus, the Selection Panel requested of the City Administrator's Office the following:

- Post on the website on Thursday, July 27 the list of 28 applicants submitted by the Ad Hoc Subcommittees, including demographic information and City Council District.
- Send the original applications of the 28 applicants to each respective Ad Hoc Subcommittee in order that each Subcommittee may conduct reference calls.
- Include in a future agenda packet for the interview meeting(s) the redacted applications of the 28 applicants.

By consensus, the Selection Panel will use the Interview Notes Form included in the agenda packet as a deliberation tool.

By consensus, the Selection Panel would like to send acknowledgement and appreciation letters to each of the 144 applicants that applied. T. Klement will provide the City Administrator's Office with a draft of a letter.

INFORMATIONAL ITEMS

5. Application and Interview Summary Information

Selection Panel received summary information about applications and applicants interviewed to date, through July 20, 2017.

6. Open Forum

There were no comments from the public. However, a member of the public submitted a written statement that was distributed to the Selection Panel members, and attached to these minutes for the record.

The meeting adjourned at 7:05 pm.

Selection Panel for Police Commission

July 24, 2017

Draft Questions Submitted by Arnold Perkins, Shikira Porter, and Mary Vail:

- 1) Scenario: The Commission is deadlocked on a decision and cannot move forward. How will you unite the conversation so the commission can come to a decision?
- 2) While serving on the Commission you will learn information that may not be familiar to your life experience, share a brief experience where you had to see through many lenses.
- 3) How do you define police brutality and what are the key elements that produce it?

- 4) What are some limiting obligations that might make it difficult to complete your term and what are the elements that will help you to stay committed?

- 5) While serving on the Police Commission there will be a great deal of pressure from the public, fellow commission members and City staff, what skills and capacity will you draw on to manage this and stay true to the Commission's mission?
- 6) How does institutional racism and systemic oppression affect the actions of both good and bad cops?
- 7) Throughout the Federal Court's oversight of O.P.D., the Court has consistently criticized OPD's Internal Affairs Division for the thoroughness, objectivity and professionalism of its investigations of alleged officer misconduct and there is a public perception that both line police officers and their supervisors are rarely held accountable. What structural or policy changes should the Commission explore to address this issue?
- 8) With the assistance of a Court-appointed expert, it has been fully established that OPD officers have for some time and continue to make racially-biased stops of motorists and pedestrians. What actions should the Commission take to change this OPD practice?

SOME THOUGHTS ON THE SELECTION PROCESS

First, I want to thank the City Administrator and City Attorney staffs and the Selection Panel members for all the time and work they put into this rushed process. The time crunch and volume of applicants obviously contributed to the problems I write about. My hope is that a fairer and more objective method will be used next time or in any other similar situation.

I will start with a self-criticism. I should have mentioned these issues earlier. However, having spoken a couple of times with less controversial suggestions and noticing some nonverbal negativity, I decided not to raise more controversial issues. Making suggestions to a group that will be judging me is sort of like telling a Judge who is about to rule on my motion that he should reorganize his/her courtroom. Nothing I would do when representing a client.

Upon reviewing the statistics of the first round of interviews I noticed that the concerns I didn't raise may have happened. The first problem is that 1/3 of the body decided the fate of the applicants. There was no cross review. This means that 2/3 of the Panel had no input on the decision as to who the whole group would see. It also means that 2/9 of the Panel could veto someone. That is more like a social club reviewing applicants than a democratic process.

If we assume that the applications were randomly distributed to the three subcommittees, then they should have had a roughly even, not perfect, distribution of quality candidates. The results of the groups were quite different. The percentage of applicants reviewed to those chosen for a second interview are as follows: 37%, 17%, and 14%. If you were in the first group, all other things being equal, you had a 2.6 times greater chance of moving on as did the applicants in the last group. Were these subcommittees using the same criteria for selection or did they have different agendas?

Then there is the political aspect which was never discussed during the meetings I attended. We all know that some Council members were more supportive of the initiative than others. Some are more status quo oriented. I think it is correct to conclude that those that appointed people to the Selection Panel probably chose someone that reflected their point of view on what to do with the OPD.

The reviewing subcommittees were selected by seating position with no thought to any political balance. So hypothetically if two status quo minded people were on the same subcommittee they could make sure that people with backgrounds and skills to make the Police Commission effective in changing the culture of OPD, would not get selected. I am not saying that this happened, just that the method used for selection was susceptible to such practices.

I hope that all members of the Selection Panel are putting the 83% vote of the people above any individual political interests, so someday in Oakland, "Black Lives Matter" will not be a slogan shouted at the OPD.

Richard Phelps
7-26-2017