



**CITY OF OAKLAND
POLICE COMMISSION**

Meeting Minutes¹

Wednesday, January 24, 2018

6:30 PM – 9:21 PM

City Hall, 1 Frank H. Ogawa Plaza, Hearing Room 1
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: José Dorado, Ginale Harris, Mike Nisperos, Edwin Prather, Thomas Smith. Quorum was met.

Alternate Commissioners Present: Maureen Benson and Andrea Dooley.

Commissioners Absent: Mubarak Ahmad and Regina Jackson.

City staff present: Stephanie Hom, Deputy City Administrator
Allison Dibley, Deputy City Attorney, City Attorney's Office
Deputy Chief of Police Leronne Armstrong, Oakland Police Department
Captain of Police Paul Figueroa, Oakland Police Department
Anthony Finnell, Interim Director, Community Police Review Agency
Juanito Rus, Policy Analyst, Community Police Review Agency

III. Open Forum
(Thomas Lloyd Smith)

Public comments were provided by the following:

John Jones III regarding continued support of the Police Commission.
Rashidah Grinage regarding live vs recorded replay of Police Commission meeting by KTOP and changing Commission meetings to Thursday evenings in order to broadcast live on KTOP.

¹ These minutes are a summarization of the actions and comments of the City of Oakland Police Commission for Wednesday, January 24, 2018.

IV. Approval of Draft Commission Meeting Minutes for December 13, 2017, December 27, 2017, and January 10, 2018
(Thomas Lloyd Smith)

a. Discussion

Motion to approve the minutes from December 13, 2017, December 27, 2017, and January 10, 2018 by M. Nisperos. Seconded by E. Prather.

b. Public Comment

No Public Comments.

c. Action

Motion was amended by M. Nisperos made a correction to the draft minutes for December 13, 2017 regarding the election of Chairperson T. Smith by clarifying that there were 5 aye votes for T. Smith for Chair and 2 aye votes for G. Harris.

Motion as amended passed unanimously.

V. Oakland Police Department Report on 50th Report of the Independent Monitor for the Oakland Police Department, Use of CompStat and/or Other Statistical Data and Management Data, Police Response Time Statistics, Use of Force Statistics, Murder Case Closure Statistics, Hiring and Discipline Status Report (general numbers for public discussion)
(Deputy Chief of Police Leronne Armstrong and Captain of Police Paul Figueroa)

a. Discussion

Deputy Chief Armstrong offered to respond to questions by the commissioners concerning the 50th report of the Independent Monitor for the Oakland Police Department.

G. Harris asked about technical assistance provided to the Oakland Police Department by the Independent Monitoring Team (“IMT”). Deputy Chief Armstrong responded to the process the Oakland Police Department follows to interact with the IMT including how the IMT provides technical assistance to the Oakland Police Department.

G. Harris asked questions regarding Internal Affairs Division processes and if the Oakland Police Department is following such processes. Deputy Chief Armstrong replied affirmatively to each question he was asked.

A. Dooley asked about the process for the creation of the Independent Monitoring Team (“IMT”) reports. Deputy Chief Armstrong responded that the IMT provides a monthly report to the City and that the Oakland Police Department can provide a report of each task they have complied with and the outstanding tasks that it continues to work on.

M. Nisperos requested the other 49 reports prepared by the IMT. Deputy Chief Armstrong advised that the reports are posted on the City of Oakland website.

G. Harris asked about areas identified as needing auditing and review. A. Dibley responded that there are confidential provisions of the negotiated settlement agreement because it is pending litigation. The City Attorney is looking at a manner that will make pending information available to the Commission. However, Deputy Chief Armstrong can speak to what has been done.

A. Dooley wanted to know if there is a process in place for remedying issues raised in the report, such as issues with OPD not providing stop data by racial category and Internal Affairs investigations processes. Deputy Chief Armstrong when IMP raises issues in their reports OPD requires technical assistance from them to remedy those areas.

A. Dooley advised there would be a compliance hearing with the court on February 2, 2018 if anyone wished to attend.

G. Harris revisited areas that were audited or reviewed. Deputy Chief Armstrong stated all 51 tasks identified are open to auditing by the IMT.

M. Benson asked for a timeline of progress on completion of each task. A. Dooley advised not sure if such a timeline exists.

b. Public Comment

Public comments were provided by the following:

Rashidah Grinage regarding Performance Reporting Information Metrics Environment (“PRIME”) system issues and the need for a standard or benchmark to establish that OPD is no longer engaging in racial profiling.

P. Figueroa discussed issues with the performance of the PRIME system.

S. Hom discussed the PRIME vendor selection process.

Larry White regarding the Office of City Attorney, Oakland Police Department consultation and the duties of the Commission.

Paula Hawthorne the Negotiated Settlement Agreement (“NSA”) and the Oakland Police Force Review Board concerning an in-custody death by Taser investigation.

Bruce Schmiechen regarding Commission review of all IMT reports and report back to the community.

Cathy Leonard regarding the IMT report and the PRIME system.

Elise Bernstein regarding racial profiling and stops.

Michael Tigges regarding the Measure LL mandate for all complaints to be cross-filed between IAD and CPRA.

A. Finnell explained the process currently in place to meet this mandate.

Deputy Chief Armstrong commented on the data collection processes of the Oakland Police Department.

Discussion followed regarding the CPRA database and case management system under construction.

VI. Enabling Ordinance

(Stephanie Hom, Deputy City Administrator)

a. Discussion

S. Hom stated the enabling ordinance will go to a closed session of the City Council for review on February 6, 2018.

M. Benson asked about the process for the Commissions to provide input on the proposed the enabling ordinance. Discussion regarding the process was held.

b. Public Comment

Public comments were provided by the following:

Cathy Leonard regarding the enabling ordinance and Dan Kalb.

A. Dooley commented the current process for the enabling ordinance.

A. Dibley regarding the meet and confer process.

John Jones, III regarding accountability and the Oakland Sunshine ordinance.

Susan Shawl regarding Dan Kalb and the meet and confer process.

Paula Hawthorn regarding transparency.

Elise Bernstein supported the other public comments.

Michael Tigges regarding the enabling ordinance.

Rashidah Grinage regarding provision of the red-line version of the enabling ordinance for Commission review.

T. Smith requested a red-line version of the enabling ordinance from A. Dibley.

A. Dibley indicated she would look into the matter. Discussion was held.

E. Prather requested a red-line version of the enabling ordinance from A. Dibley.

Larry White regarding the enabling ordinance.

E. Prather asked if it is possible for the Commission to receive a red-line version, redact the confidential portions and present to the community for review and discussion.

A. Dibley indicated that she believes so, but will research the issue and provide a definitive answer to the Commission.

c. Action

E. Prather – Motion for the Police Commission, through the Chair, to request, from the City Council, an advance red-line version from the February 6, 2018 closed session meeting, with the Commission putting out a red-line version.

Seconded by J. Dorado.

Motion passed (unanimously).

VII. Executive Director Hiring Process, Community Police Review Agency
(Ginale Harris and Mike Nisperos)

a. Discussion

Commissioner Harris asked the Commission to review the documents in the packet. Discussion followed.

b. Public Comment

No Public comment

c. Action

Motion to submit the Community Police Review Agency Executive Director job description for review by HR was made by G. Harris. Seconded by M. Nisperos.

S. Hom explained the process to bring the document to Human Resources.

G. Harris asked for a timeline.

S. Hom stated it could go to the Civil Service Board on February 15, 2018, or if too late then in March 2018.

Motion passed (unanimously).

VIII. Recess (8:16 pm)
Resumed (8:26 pm)

IX. Hiring Process and Budget, Oakland Police Commission Staff
(Thomas Lloyd Smith)

a. Discussion

Ms. Hom provided information on the hiring process for Police Commission staff, as well as budgeting information.

b. Public Comment

No public comment.

c. Action

Motion to request the City Administrator's Office to procure the list of eligible candidates and for the Chair to set-up an Ad Hoc committee to interview candidates (M. Nisperos).

Seconded by J. Dorado.

Motion passed (unanimously).

X. Request for Qualifications for Legal Services: Community Police Review Agency
(Mike Nisperos)

a. Discussion

T. Smith appointed M. Nisperos to consult with the Office of the City Attorney regarding the selection of an attorney for the Community Police Review Agency. T. Smith and E. Prather recused themselves from this process.

b. Public Comment

Susan Shawl regarding alternate commissioners.

Cathy Leonard regarding the RFQ.

A. Dooley regarding the RFQ.

Larry White regarding the RFQ and potential functions of the outside attorney.

A. Dibley provided legal interpretation of City Charter section 604(e)(1) and 401(6) potential functions of the outside attorney.

Rashidah Grinage regarding the RFQ.

A. Dibley regarding the legislative history and meeting decorum.

M. Benson regarding the 2015 Swanson Report and the performance of the Oakland City Attorney's Office in representing the City of Oakland's interests.

J. Dorado regarding the Swanson Report.

M. Nisperos regarding RFQ.

XI. Oakland Police Department All Parties Meeting
(Mike Nisperos)

a. Discussion

M. Nisperos provided an oral report of the Oakland Police Department All Parties meeting of all parties involving the NSA litigation. The meeting was held on January 17, 2018 includes the plaintiff's counsel, defense counsel, the Chief of Police, and the Mayor. The items on the Agenda included PRIME and stop data and AB 953, which is state legislation that requires the reporting of stop data.

b. Public Comment

Public comments were provided by the following:

Rashidah Grinage regarding racial profiling and pretext stops. She recommended a policy to have the OPD officers videotape alleged equipment failures that were responsible for initiating a traffic stop.

J. Rus stated that the CPRB had made the same policy recommendation which the OPD ultimately adopted as part of their revised PDRD policy.

XII. Schedule for Orientation and Training Sessions

(Jose Dorado, Ginale Harris and Mike Nisperos)

a. Discussion

Discussion on Measure LL required training on community policing, the creation of a timeline of training and holding a training retreat for the Commission.

M. Benson regarding a timeline of trainings and task items suggested the issuance of an RFP for training and to confer with the community on what training the community felt the Commission needed.

T. Smith regarding plans for a Saturday retreat in order to conduct the Measure LL trainings during the same day.

S. Hom regarding Measure LL required trainings, OPD trainers for certain topics, and scheduling a date for the training.

A. Finnell regarding trainings for agency staff.

b. Public Comment

Public comments were provided by the following:

Cathy Leonard regarding orientation and training sessions for the Commission.

G. Harris informed the public that training for the Commission has already begun.

A. Dooley agreed to create a document that tracks trainings completed by Commission members.

XIII. Outreach Plan and Scheduling Sites for Community Meetings

(Ginale Harris and Regina Jackson)

a. Discussion

Discussion held by G. Harris regarding the outreach efforts she has initiated on her own as well as having an outreach plan for the Commission.

A. Dooley suggested a strategic plan, an ad hoc committee and use of community organizations for outreach efforts.

J. Dorado said the idea of an ad hoc committee is an excellent one, the Commission to formalize a plan, and act on it. M. Nisperos agreed.

A. Dooley questioned why there was not a formal action by the Commission.

T. Smith expressed agreement with the ad hoc committee and explained that an ad hoc committee does not require a formal action of the Commission.

b. Public Comment

No public comments.

XIV. Adjournment

The meeting was adjourned at 9:21 p.m.