



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

FINAL & ADOPTED

Meeting Minutes

Thursday, March 8, 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, Mike Nisperos, Edwin Prather, and Thomas Smith. Quorum was met.

Alternate Commissioner present: Andrea Dooley.

Alternate Commissioner absent: Maureen Benson.

Commissioners absent: Regina Jackson.

City staff present: Stephanie Hom, Interim Deputy City Administrator Allison Dibley, Deputy City Attorney, City Attorney's Office

III. Open Forum (2 minutes per speaker)

Thomas Lloyd Smith will call the public speakers.

No public comment.

IV. Discussion – Oakland Police Department Report

Chief of Police Anne Kirkpatrick reported that there will be four presenters. Most of our report tonight is deliverable from the questions raised last week. The first topic (deliverable) is on the coordination between OPD and OUSD (Oakland Unified School District) regarding school safety issues. Deputy Chief Allison will be the main presenter. Chief Godown (OUSD) is also with us this evening.

T. Smith announced for the folks that are in the public, in addition to the public comment period that we will have after the report; if you would like to ask questions while the report is given, make a note on paper and it will be circulated to Mr. Finnell. The Chair and Vice-Chair will read the questions and most likely will ask the questions of the speakers. The public can also ask its questions during public comment.

Chief Kilpatrick said that the second topic (deliverable) is the Citizen Police Academy which will be changed to the Community Police Academy.

Chief Kirkpatrick said that the third topic (follow up from questions of last week) is on the PDRD - body cam issues related to the releasing of the videos and pending legislation. The presentation will be by Captain Roland Holmgren.

Chief Kirkpatrick said that the fourth topic (deliverable) is on the participation and potential review of the OPD disciplinary policy. The presentation will be by Tim Birch, Manager of Research and Planning.

a. Discussion

TOPIC 1

Deputy Chief Allison announced that he is responsible for the Bureau Field Operations covering the three areas west of Fruitvale, including downtown and north Oakland. He read his report which included information pertaining to statistics per the FBI (mass shooting incidents). We must continue to bring awareness, training, and education to our community, schools and first responders. He reviewed department training. The Oakland School Police Department provides campus safety and security to OUSD facilities. OPD meets with them to get information out to the schools. OPD has regular interaction with school officers. OPD's Youth Outreach Officers work to provide mentorship to some middle schools. He offered to respond to questions on the OPD by the commissioners and Chief Godown can respond to questions on the OUSD.

G. Harris asked that other than Bishop O'Dowd, which Oakland Public School is OPD partnering with? Deputy Chief Allison said that our partnership extends through the OUSD police department and we are working with them to roll out the training and education through those schools. Chief Godown reported that the school police department started in 1957 and it has about 100 employees and a little less than twenty uniformed officers that handle daily calls. It has a close working relationship with OPD.

G. Harris asked what does the mentorship program consist of? Deputy Chief Allison said that OPD's youth outreach program has four mentor officers assigned to two programs. The four mentor officers go into middle schools and provide collaboration and mentoring to build trust between the schools, the community, and the police department. G. Harris asked if there is data OPD can provide that measures how this mentor program is working. Deputy Chief Allison will check with the Lieutenant Encinias who runs the youth outreach program and see if she has information to send out.

A. Dooley asked (1) If schools want to access this information, is there a point person within the OPD who is coordinating the distribution of information outside of the public schools, to the charter schools and private schools – sticking with the active shooter/mass casualty situation? Deputy Chief Allison said that Captain Wingate is working on the rollout plan. (2) Are there systems in place to identify individuals, students, former students who have made active threats; is there a review process for this matter. Chief Godown reported that after the Florida shooting incident occurred, they had about 5-6 threats to the school environment within 24 hours after the incident. The officers will go out to the location and talk to the student/parent (thru snap chat). They will investigate. Recently they had a threat where a person emailed a school for a job and the email was threatening. They contacted the OPD.

Chief Kilpatrick mentioned that they are fortunate to have Chief Godown in their jurisdiction and partner. He was a 25+ year veteran of the LA Police Department and rose thru the high ranks of Chiefs; went to San Francisco and served as Interim Chief of Police.

TOPIC 2

Deputy Chief Allison presented on the Community Police Academy. It is run by our Neighborhood Service Coordinators at no cost for the attendees. They meet Monday nights for nine weeks. The curriculum covers an overview of the police department, its communication center operations, de-escalation techniques, patrol functions, criminal investigations, crime scene management, crime lab functions, mental health and crisis intervention training, community policing, laws of arrest, search and seizure, and use of force. The next Academy (39th) begins April 23 (class size is 30-40 students). They run four classes a year. There is a class for Spanish speaking, English speaking, Cantonese speaking, and a youth academy. Attendees must pass a background check to attend. Some graduates from the Academy become Alumni and end up volunteering in various events with the OPD throughout the city.

J. Dorado asked if an undocumented person can pass that background check to take advantage of the Academy. Deputy Chief Allison said, "Yes." J. Dorado said that he attended the Academy and highly recommend it. Food for thought - flip that scenario and have the OPD have an academy hosted by the community. We will talk about that more.

T. Smith asked what is the probability that when you apply that you will be selected to participate? Deputy Chief Allison said that he does not have hard statistics. Last year about 100 came through the process but we could have allowed more to come through; we had more capacity than completed the program.

G. Harris asked, what kind of outreach efforts is Neighborhood Services providing to the 18-30 group of young people in the Academy? Deputy Chief Allison said he is not aware of the specific outreach efforts. Neighborhood Services is constantly notifying people of the opportunity to attend the Community Police Academy whenever they run classes, etc. OPD provides information to high school seniors about the Academy to attend after they turn 18 or to get them interested in a career in law enforcement. G. Harris asked for more information regarding the outreach processes for Neighborhood Services in regards to the efforts they are doing to recruit for this Academy.

M. Nisperos asked if it would be possible for commissioners to audit a class and to furnish a schedule for the classes along with the curriculum for each date (brought to the Chief's attention at the last meeting). Deputy Chief Allison said yes, he can forward the curriculum along with the meeting times and dates.

TOPIC 3

Captain Roland Holmgren gave a more in depth presentation on last week's presentation regarding PDRD issues. He provided information on the following: (1) criteria or standards to have private viewings of PDRD video (2) appeal process to view the video (3) pending legislation regarding the release of video to have private viewing He offered to respond to questions by the commissioners. The release of all information is governed under the Public Records Act. Presumptively all PDRD video is public, unless it is associated with an open criminal investigation then it is exempt under Government Code 6254(f). Private viewings are for families suffering from Level 1 type incidents, such as officer involved shootings, in-custody deaths, or pursuits that result in a loss of life. In terms of the appeal process, OPD

has never denied a family [suffering a Level I incident] the right to see a the PDRD video footage. The release of the PDRD video is under the authority of the Police Chief. Lastly, pending legislation under Assembly Bill 748 would be an amendment to the Government Code to put limitations on withholding a video anytime there is a use of force or the belief that an officer committed a crime or operated outside of policy. It requires law enforcement agencies to release the video in no longer than 120 days.

T. Smith asked, regarding to body cam footage, do officers get to watch the PDRD footage prior to writing their reports on the incidents? Captain Holmgren said yes, they can review video prior to writing a report to recall specifics, but they are not allowed to review body camera footage prior to giving a statement if they are involved in a Level 1 incident. Their body cameras will be immediately taken from them. They will be taken to OPD's criminal investigations unit. After a giving a statement, the officer is allowed to review the video to refresh or make modifications to their original statement.

G. Harris asked when modifications are done on reports, is it documented that the reports were amended. Captain Holmgren said they are not allowed to do that and there would be a supplemental report if there were any modifications to a report that had already been authored.

A. Dooley asked about a concern raised on recent release of footage. She mentioned that someone had access, improperly took and recorded information, and then released it. Are there measures put in place to prevent that from recurring? Captain Holmgren said now we will require that any one in attendance sign a waiver saying that they will not release this video and they will also have to turn their phones off and place their phone in an off capacity in the room in a basket where it can be viewed. We will also limit the number of people viewing at one time (for a more controlled environment. We have learned from this incident.

TOPIC 4

Tim Birch, Manager of Research and Planning, was going to circulate handouts. Deputy City Attorney A. Dibley stated that written materials are to go in the Agenda Packet (Brown Act). She suggested that he give an oral report and the handouts be included in next week's agenda packet.

Tim Birch presented on the policy development process that is used internally by OPD. The process begins with an identified need. It may be from the Independent Monitoring Team, the federal court, a change in law, the organization, or the community. Then, a subject matter expert comes together with other stakeholders to go over existing policy or create a new policy. Next, the secondary working group including the Office of Inspector General, general counsel from the Office of the City Attorney, executive team members, and the original subject matter expert. Then, review by the executive command staff and any other necessary stakeholders. Then, the policy goes to the representation units (OPOA, Local 21, and/or SEIU 1021), who can request a meet and confer process. Finally, it goes to Chief Kirkpatrick for final approval of the policy. If the policy is approved, it goes into the document management system, which requires the effected department members to review and sign-off on the policy. Birch then offered to respond to questions by the commissioners.

G. Harris mentioned the meet and confer – why so lengthy? Tim Birch said that is correct and this can vary (he gave examples). She asked for identification of the stakeholders which he provided.

T. Smith regarding meet and confer - will any of the revisions to the discipline matrix be subject to meet and confer, and if so, how long will that process go on. T. Birch stated that they will absolutely be subject to meet and confer. When it comes time to update it, etc. that is something that will be sent to all three bargaining units, etc. He gave three scenarios/options. It is mandated that an employee from the office of Employee Relations is present.

G. Harris stated that now that there is a Commission in place, the Commission wants to be a part of this discipline policy making. T. Birch said that he is looking forward to the opportunity to work with the Commission's policy subcommittee to determine how to make all this work together.

A. Dooley recommended that Birch look to the language of Measure LL with reference to the Commission's responsibilities on policies and procedures. Measure LL is a good place to start in how we will do this.

b. Public Comment

Rashidah Grinage asked Which of those elements of the enabling ordinance were seen or felt to impact directly any of those bargaining units, particularly the OPOA? My reading of the Ordinance does not show me evidence of direct impact on any of those bargaining units, specifically OPOA. Which elements of the Ordinance were problematic requiring this length of deliberation with the bargaining units? Will any changes to the Ordinance that we have in front of us that anyone wants to make including the councilmembers trigger another round of meet and confer?

M. Contreras regarding school safety (presentation from OPD and OUSD) and restorative justice programing. Is restorative justice programming part of the interaction between the OPD and OUSD? Has the OPD implemented restorative justice programs?

Henry Gage thanked the Commission for the revised question and answer policy. He asked why there is a need for a separate police department for OUSD; why it could not be adequately addressed by the OPD, or is there some consolidation in order. He pointed-out that the application for the now Community Police Academy is very invasive asking for SSNs, saying that OPD can talk to previous employers up to one year - it has a chilling effect and should be addressed for future Academies. Gage recommend addressing this matter before a future academy. He also stated that it sounds like there is no real appeals policy in place now for PDRD video when the public wants to get the video out sooner and encouraged the Commission to create one and pass the relevant legislation on to the City Council so there is some formalization when people want get that video released sooner.

V. Discussion – Executive Director, Community Police Review Agency

a. Discussion

S. Hom gave an update. She reported that we initiated the recruit process. She consulted with the HR Director and we both agree that the most expedited way is to go with an outside executive search firm. We are very short staffed in our department and understand the Commission would like to expedite it. We have used outside executive recruiters for department Director level positions, of which this is one of them. Since last week she has two requests out to existing contracts that we already have, consultants available to us and she asked two of them to give her a proposal including the costs. She will review them and move forward with

that with the Ad Hoc Committee that has been assigned.

T. Smith regarding reaching outreach to candidates that are local (maybe some in Oakland) - how do you gauge whether the consultants you reach out to have knowledge of home base in Oakland? If we can find candidates that are within our own community and want to step forward for the position, that is attractive. S. Hom said that the firms have done work with Oakland and doesn't remember if any of them are Oakland firms. T. Smith - Can you give some detail on the pay scale? S. Hom said that she doesn't recall but it is part of the City's Salary Ordinance and is online; it is a public range. T. Smith asked G. Harris if she knows the pay scale. G. Harris said the range is \$113,00 to \$179,000. T. Smith stated that should get us quality candidates.

G. Harris inquired that if we hire a consulting firm, how much does it cost and whose budget does it come out of. S. Hom said that it will cost money to conduct the recruitment whether we do it in house (paying salaries) or paying consultant costs. It is still a cost per resources. She has asked for a work order against that contract - asked two of the firms to give proposals. She can report on that later. There is no specific budget for recruitment, typically with our departments, the recruitment comes from the budget of the department and in this case, it would come from the Agency's budget.

T. Smith, in terms of the consultants that would do the recruiting, what role does the Commission have in the selection process for the people doing the recruiting/running this process of finding qualified candidates. S. Hom said that per the Charter with the City Administrator's assistance, it is the Commission's responsibility to narrow the candidates to two or three. T. Smith - What involvement and influence does the Commission have in selecting the actual firm who delivers the services, because that matters. S. Hom said the Commission can ask that the City Administrator go out and find a firm. That would require that I would do a request for proposal process. That is an extensive process itself to get a firm onboard. About a 1-1/2 years ago, the HR Department did an extensive request for proposal process, did an evaluation, etc. and went through the City Council and awarded three contracts to five executive firms. We have been drawing from those contracts because they exist - to work on department director positions. Hearing the Commission last week, I thought that would be the quickest way to proceed with the process. If the Commission, as a full body, would like to review the proposals or go through a committee, and then can ask whichever firm you want to come to this body and explain the various steps they go through; at that meeting as a body you can get all your feedback you want in terms of the qualities and skill sets you want in the job description.

E. Prather explained that he understands the need to move quickly and that Ms. Hom was reacting to the Commission's request to move quickly, but he has concerns that if the wrong search firm is selected because they merely have an existing relationship with the City, it may be a problem. They may be qualified if they have searched for law enforcement or investigative positions but a search firm is a generalist who looks for people to fill in civic jobs and this is very different than a regular civic job. I do think that looking at the qualifications and experience of these search firms properly makes sense. S. Hom said these 4-5 firms that we have used are familiar with public safety positions; they are generalists and do a lot of recruitments.

T. Smith said that he wants to make sure that whatever our process is that we have a strategy identified to look for folks that are in Oakland and know the community. He expressed hope that the Commission will hold a potential search firm

accountable and ensure that it has a process that is inclusive and gets the broad and diverse range of candidates that the Commission is seeking.

G. Harris said that we should have an opportunity to speak with the firm ourselves and not go through a third party, explain what we are looking for, how we are looking, the expectations and the professional standards.

M. Nisperos said that at the last meeting he made a motion that was passed that we would delegate to the Personnel Ad Hoc Committee to work with S. Hom to go about selecting a recruiting body. Her suggestion tonight sounds good to me. NACOLE is a resource. Is that what we are going to do? T. Smith said that now that we have a Personnel Ad Hoc Committee we can create that relationship, but he wants to make sure that when we talk about all these aspects of the recruiting process that the Commission has a hand in them because they are all important in the result as far as candidates.

T. Smith thanked S. Hom.

b. Public Comment

Rashida Grinage regarding that NACOLE is a good source for candidates. She was involved in the last hiring of Mr. Finnell's position. The process was a good one. Interviews were scheduled with all stakeholders including community members; hoping that would be one you would follow that you would include community members in the final selection ranking of the candidates as well as the other stakeholders which included OPOA and other members of the city's administration. The City Administrator can provide you with the records of what that process looks like and I hope that is one that you find agreeable.

VI. Discussion – Proposal for Ad Hoc Committees and/or Standing Committees

T. Smith reviewed the Ad Hoc Committees and/or Standing Committees. Each of the ad hoc committees is charged with a specific purpose.

T. Smith mentioned that since M. Ahmad was not at the last meeting, and here today, he would like to appoint him to the Community Outreach Ad Hoc Committee (along with J. Dorado and R. Jackson). T. Smith mentioned that Ahmad has raised his sons in Oakland, was a former basketball coach, and is actively involved in his church. M. Ahmad accepted the appointment.

a. Discussion

M. Nisperos expressed concern regarding training. He asked if we need a subcommittee to get the times so that we can start scheduling items or ask staff; making sure that the forms get filled out. T. Smith stated that he liked M. Nisperos's idea. A. Dooley for an update and she reported that she is working on specific items that will be reported at the next meeting. Deputy City Attorney A. Dibley stated that the training issue be agendaized for the next meeting (in accordance with the Sunshine Ordinance and Brown Acts).

Policy and Procedure Ad Hoc Committee (including draft enabling ordinance):
[Commissioners: T. Smith and E. Prather; Alternate Commissioner Dooley]
At this early stage we need to conduct a review of the Enabling Ordinance; once we get the first reading and come back – the Policy Ad Hoc will be up front to make sure we have comments prepared, we are thinking diligently and deeply about those

things. We are fortunate today that we have a presentation later by the Coalition of Police Accountability. Once we come to a conclusion, this policy ad hoc committee will be dissolved.

Discipline Ad Hoc Committee:

[Commissioners: T. Smith, J. Dorado, G. Harris, E. Prather]

We have yet to begin our rotating discipline committee.

They are charged with conducting initial review of OPD disciplinary procedures, governing use of force, use of force review boards, and profiling, and to make some policy recommendations to the full Commission for review and revision.

This is an initial sweep of these policies so that we have these insights brought to us and we can decide how we want to proceed.

Once the initial sweep is done, the ad hoc committee will be dissolved.

Personnel Hiring and Recruiting Ad Hoc Committee:

[Commissioners: T. Smith, G. Harris, M. Nisperos]

Purpose is the attraction, recruitment and hiring of Commission Analyst (upcoming)

Involvement in the process of guidance in getting the new Executive Director who will be available to the Community Police Review Agency.

Once these two processes are complete, the ad hoc committee will be dissolved.

Community Outreach Ad Hoc Committee:

(Commissioners: T. Smith, M. Ahmad, J. Dorado, R. Jackson]

This is important because we need to have substantial hands in the community and we need to increase community involvement. How are we going to jump start community involvement and how to make sure that we have the outreach we need.

Once we got the work plan documented and activated the Commission, the ad hoc committee will be dissolved and we will get together as a group making sure those things happen.

Budget Ad Hoc Committee (Added):

[Commissioners: T. Smith will serve and appointed G. Harris, and Alternate Commissioner M. Benson]

We need to move swiftly on budget matters since it is the first time we are doing it.

As we get moving, we will start looking at whether we should set up for standing committees.

b. Public Comment

No public comment.

VII. Action – Reporting Relationship for the Director of the Community Police Review Agency

a. Discussion

T. Smith explained the Commission needs to determine the reporting relationship to exist between the Interim Director of the Community Police Review Agency and the Commission. Smith offered a couple of options: (1) We can have the Interim Director report to the Chair and Vice-Chair or (2) Now that we have a Personnel Committee we can have the Interim Director report to the members on this committee.

M. Nisperos recommends to the other commissioners for the time being we have the Chair and Vice-Chair to be the point of contact for the commission with the Interim Executive Director. I would discourage individual commissioners from acting outside of that. Any requests for information or appears to be of a work nature should come through the commission and delivered by the Chair or Vice-Chair.

E. Prather added that he has called or responded to A. Finnell for requests. We should centralize communication through our leadership and have contact thru the Chair and Vice-Chair.

J. Dorado agreed that the Commission should have one centralized point of contact for communication. Communication needs to be concentrated in positions the Commission voted for.

b. Public Comment

Mary Vail mentioned the San Francisco model played a big role in creating the structure of Measure LL. In going forward, for group meetings – the Director of the CPRA would be the reporting person to the Commission. Between meetings, like Budget development need to consult, should be with the Chair or in the Chair’s absence the Vice-Chair.

c. Action

MOTION that the reporting by the Interim and Permanent Executive Director be directed through the Chair and Vice-Chair (J. Dorado) and second (M. Nisperos). The motion passed. The vote was 5-0-1, with M. Ahmad abstaining.

VIII. Recess

IX. Action – U.S. Immigration and Customs Enforcement (ICE)

a. Discussion

E. Prather spoke about the matter. He reported that it is a hot issue nationwide, and centered here in the City of Oakland. He wants to avoid politicizing this issue. ICE creates a web of fear within our immigrant communities because ICE’s use of the word “Police” in its investigatory activities. Immigrant communities are stopping in seeking out city and social services - not going to the welfare office, EDD to seek jobs, etc. The issue that we need to tackle is that ICE confuses the Oakland Police with ICE.

E. Prather stated that he drafted a letter from the Commission (to be signed) and sent to the City Council for consideration and will submit that along with a draft letter attached to send to ICE for the City Council to adopt. After it is signed, he will come back to the Commission and take affirmative steps. This is the first step in tackling the issue.

J. Dorado thanked E. Prather for bringing this issue forward and said that it was timely and important. He appreciates and supports it.

M. Nisperos applauded the efforts of E. Prather in bringing the issue forward and for the hard work. He expressed hope that the City Council will send the letter to Homeland Security, our senators, and the congress people. M. Nisperos referenced page 2 of the letter to City Council – last two sentences, reference is to – “our police force”. He suggested that the Commission alter that and in the future, we should always refer to them as our police department.

G. Harris thanked E. Prather for the great letter which she supports. She stated that she supports our Mayor in her efforts and that the Mayor is strong and showing true leadership.

T. Smith very much supports the effort and E. Prather’s courage in bringing this issue to the forefront. He thinks that because Prather tied the letter to the Commission’s mission and to its responsibilities of building relationships between the community and the Oakland Police Department that this letter is within the scope of the Commission’s mission and an important step to take. He plans to support the letter and thanked Prather for his effort in drafting it.

M. Ahmad said that he did not have the letter. T. Smith asked if he had the packet. Ahmad said that he does not have the packet (the letter was passed to Ahmad). T. Smith suggested that Ahmad take some time to read the letter.

G. Harris said you can reach out to A. Finnell to receive a packet (pick it up from him before the meeting) or you can download the packet.

M. Ahmad stated that he did not download the packet, but he feels that the Commission is overstepping its boundaries because it is supposed to monitor the Oakland Police Department and it is taking on too many things by now trying to speak on ICE and their agenda. Our agenda is through Measure LL and to make the Oakland Police more accountable, not a federal agency.

E. Prather stated that the problem is that ICE is creating direct confusion by representing itself as the police department. It creates a distrust in the Oakland Police Department when we are charged with creating trust within the Oakland Police Department. We are making a suggestion to the City Council take a certain position.

M. Ahmad as police commissioners we should be more interested in the young man that got tased to death on the bus and things of that nature that are affecting people. The last two black men in Oakland who got killed. That’s what we need to be concentrating on. One of them was a BART policeman. The other was an Oakland Policeman who killed a man on an AC Transit bus. I really feel, not mean spirited toward anyone, that ICE is a federal government agency and they have a right to come in and do what they do. I feel like we as a commission should not be trying to tell ICE how to do their job. We should concentrating on what happened to the young man on the bus.

G. Harris said that she supports the letter and everything that the Commission is doing in regard to ICE. Black and brown people are under attack whether it be killing, shooting, murder, on the bus, at , BART or immigration. We understand that. She supports the letter.

J. Dorado stated despite what some people say, divide and conquer is playing the oppressors game. What people need to do is look at the commonalities that people of color have and they need to speak to that instead of dividing and conquering. I am in full support of the letter and our mission coincides with the point of the letter.

M. Ahmad stated that he is a Black man in Oakland. He explained that he believes that Black and Brown people are divided. He is going to vote, "No." He said Black people are under attack. He explained that the last two people killed by the Oakland Police were Black. He stated, "We are not united."

b. Public Comment

T. Smith reminded the public that if they have public comment, they need to sign up on the speaker card.

M. Contreras agreed with E. Prather regarding the letter from the Commission to the City Council regarding ICE. He suggested that the Chief of Police buy into this because her department is being used when ICE comes into the City of Oakland wearing Police on the back of their shirts.

c. Action

MOTION that we adopt the letter that was drafted by E. Prather and forward it to the City Council along with a draft letter attached to send to ICE for the City Council to adopt (Nisperos) and seconded (Dorado). The motion passed. The vote was 5-1-0, with M. Ahmad voted "No" Commissioner R. Jackson was absent.

X. Discussion – Oakland Police Commission Enabling Ordinance

a. Discussion

Deputy City Attorney A. Dibley updated the Commission on the status of the enabling ordinance including relevant information from the open session of City Council on March 6. She reported that at the March 6 meeting, the item was put over to March 20 - City Council meeting as Councilmember Kalb said during open session, it was put over at the request of the City Attorney's office because of the issues raised by the City Administrator's office in the Agenda Report that was submitted to Council. That Agenda Report was part of the City Council's packet and is available online for viewing.

b. Public Comment

Rashida Grinage asked A. Dibley to clarify for the Commission the 45 days in which the Commission must view it, - whether it began on March 6 or March 20. A. Dibley reported that it did not begin on March 6 and she does not know if it will

begin on March 20. We will have to see what Council says.

Rashida Grinage (Coalition for Police Accountability) presented the work on their subcommittee that was focused on the Ordinance. The Coalition has been familiar with the content of this document since the July 2017 version that had its first reading. Some elements of it that are either missing or not addressed directly or have been introduced that need to be modified.

One has to do with the several mentions at various points of the need to notify the relevant bargaining units. That is even inserted in the provision where the Commission can adopt its own bylaws. Even in that regard, there is a notification required that the relevant bargaining units be notified. If that language is allowed to remain, this Commission will be delayed and impaired indefinitely as we have seen with the Ordinance and that every time you try to do anything will trigger a meet and confer. We would like to see a change in the language that specifies that “only mandated subjects of meet and confer be allowed to trigger that notification not permissive [subjects].” We feel the need narrow that language to allow you to do your job more effectively.

Rashida Grinage spoke about legal counsel. She was part of the effort in 1996 with PUEBLO to amend the ordinance for CPRB. One of the amendments that we fought for and won was that the counsel to the CPRB not be part of City Attorney’s office. Since 1996, there has never been an occasion when the City’s office directly represented the CPRB. For us to go backwards from 1996 and reverse that element of oversight would be devastating, in our view. There was a reason for it then, and it has not gone away, and it is even more important now that Commission be advised by independent counsel and that the Agency be advised by independent counsel, just as the Agency investigators and the Agency itself be advised by independent counsel. It could be divide it into two component parts for independent counsel – Commission and Agency.

Larry White spoke about the attorney position. He was a lawyer for a public agency for 20 years. This is about institutions. What we want is for you to have your own counsel. He read a part of Measure LL and why it justifies why you should have your own counsel. He read from the redline version of Measure LL and explained this view of the intent of Measure LL.

Henry Gage spoke about legal counsel. He spoke of the potential for institutional conflict when the Commission needs to rely on the City Attorney’s Office for legal counsel during the adjudication of discipline. Measure LL provides for a minimum of one full-time position. He proposed to split and share it between the Agency and the Commission, such that the Agency would have a part-time independent attorney and the Commission would have a part-time independent attorney.

Mary Vail said that she will share her views with the ad hoc committee directly and in more detail. The police union is very politically powerful. We wanted some firewalls between the Commission and that political process. That is the reason most you were picked by the selection committee and not by political officials. Also, separation between what the city does with the elect bargaining process and labor relations and the Commission. The Commission is not involved in labor relations. At the end of the ordinance (Section 140), there is a description of the discipline panel functions. A sentence that says that commissioners who served on a selection committee can be called to testify in arbitration. That kind of measure doesn’t exist anywhere. These will be major cases only coming to you. Urging that you take that last sentence out (Coalition position). She will also be addressing in

more detail a provision that you can't serve on the selection committee if you have sued the police department in the last year or on the Commission. It is an attack on residents who have sued and their attorneys.

Lorelei Bosserman (Coalition for Police Accountability) regarding recommendations for the Ordinance. She referenced a memo from the City Administrator with her recommendations for the Ordinance which was on the agenda at the City Council. The memo was a part of the agenda for the City Council meeting this past Tuesday. It is called an agenda report from Sabrina Landreth. The memo says that many of the Commission's staff members, including the CPRA staff, the OIG staff, the administrative support staff, should be under the full appointing authority of the City Administrator, which is completely absurd and offensive. The Commission is supposed to be in-charge of its staff not the City Administrator. The Commission is supposed to have independent authority. Every time we turn around we see someone else trying to chip away at your authority and independence. Now the City Administrator is saying that she should be appointing the Commission's staff members. These are just the City Administrator's recommendations. They are not in the ordinance yet. You have Ms. Bosserman's support.

Margaret Cunningham is on the steering committee of the Block by Block Organizing Network, which has been involved in supporting the creation of this Commission from the outset. Legal counsel needs to work for the Commission and not for the City Attorney; otherwise, it undermines your independence. No one should disrupt a public meeting; the Commission should request to have security should be present outside during all of its public meetings outside the door.

M. Contreras is a representative of the Latino Task Force and the Coalition for Police Accountability– It's important that the Ordinance be moved along. He supports the comments by the Coalition for Police Accountability.

c. Action

MOTION that the recommendations from the Coalition for Police Accountability be forwarded to our Policy Committee for their consideration (M. Nisperos) and seconded (J. Dorado). The vote was 6-0-0. Commissioner R. Jackson was absent. The motion passed.

XI. Adjournment

MOTION to adjourn (E. Prather) and seconded (M. Nisperos). The motion passed. The vote was unanimous.

The meeting was adjourned at 8:59 p.m.