

#### **Meeting Agenda**

Wednesday, June 19, 2019
5:30 PM – 7:30 PM
City Hall, 1 Frank H. Ogawa Plaza, Hearing Room #1
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), *Vacant* (District 4), Mary Vail (District 5), Candice Jessie (District 6), Jean Blacksher (District 7), *Vacant* (Mayor)

- 1. Roll Call and Determination of Quorum
- 2. Open Forum

### ACTION ITEMS

- 3. Approval of Selection Panel Meeting Draft Minutes
  - May 8, 2019 Meeting
- **4. Determining Selection Panel Chairperson** / **Vice Chairperson** Selection Panel will determine Chairperson and Vice Chairperson for Selection Panel for the upcoming year. [There are no agenda materials for this item.]
- 5. Annual Training and Orientation to City Charter Section 604 Police Commission In accordance with City Council Ordinance No. 13498 C.M.S., Section 2.45.030, the Selection Panel shall receive training and orientation regarding City Charter Section 604 Police Commission on an annual basis, to occur at the regular meeting each May.

#### Agenda Item Report:

- Presentation Slides Oakland Police Commission, Oakland City Charter Section 604
- 6. Report from Ad Hoc Committee Survey of Current Police Commissioners

  The Selection Panel will discuss and take possible action on a report from the Ad Hoc
  Committee created on November 19, 2018 to survey current Police Commissioners about
  their thoughts about the Selection Panel application/interview process.

  [There are no agenda materials for this item.]

### **Meeting Agenda (Continued)**

Wednesday, June 19, 2019
5:30 PM – 7:30 PM
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#### 7. 2019 Police Commissioner Application and Selection Process

The Selection Panel will continue discussion and take possible action on its process for appointing Police Commissioners during this current selection process.

### Agenda Item Report:

Memorandum – 2019 Police Commissioner Application and Selection Process (June 14, 2019)

### 8. Open Forum

### 9. Adjournment

The meeting will adjourn upon the completion of the Selection Panel's business.

A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chairperson allocates additional time.

Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email <a href="wwwo@oaklandnet.com">wwoo@oaklandnet.com</a> or call (510) 238-7798 or (510) 238-2007 for TDD/TTY five days in advance.

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#### **Meeting Minutes**

Thursday, May 8, 2019
5:30 PM – 7:30 PM
City Hall, 1 Frank H. Ogawa Plaza, Hearing Room #1
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 5:37 pm and was chaired by Candice Jessie.

Selection Panel members present: Jim Chanin, Candice Jessie, Tal Klement, Shikira Porter and Mary Vail.

Absent: Sarah Chavez-Yoell (Chair), John Jones III (Vice Chair), Jean Blacksher, and Arnold Perkins.

Staff present: Stephanie Hom

City Attorney Staff: Allison Dibley

### 2. Open Forum

Comments were provided by the following public speakers: Lorelei Bosserman

### **ACTION ITEMS**

#### 3. Approval of Selection Panel Meeting Draft Minutes

Motion to approve the meeting minutes for March 13, 2019 was moved (M. Vail) and seconded (S. Porter). Motion passed with 5 ayes of members present.

### 4. Determining Selection Panel Chairperson / Vice Chairperson

By consensus of the members present, the Selection Panel did not act on this item and will schedule this item to determine the Chairperson and Vice Chairperson for Selection Panel for the upcoming year at its next special meeting in June.

### **Meeting Minutes (Continued)**

Thursday, May 8, 2019 5:30 PM - 7:30 PMCity Hall, 1 Frank H. Ogawa Plaza, Hearing Room #1 Oakland, CA 94612

5. Annual Training and Orientation to City Charter Section 604 – Police Commission Motion to continue the Annual Training and Orientation to City Charter Section 604 – Police Commission to the next special meeting in June was moved (T. Klement) and seconded (M. Vail). Motion passed with 5 ayes of members present.

#### 6. Report from Ad Hoc Committee Survey of Current Police Commissioners

By consensus of the members present, the Selection Panel did not act on this item and will schedule this report from the Ad Hoc Committee created on November 19, 2018 to survey current Police Commissioners about their thoughts about the Selection Panel application/interview process at its next special meeting in June.

C. Jessie and M. Vail requested that a written report be included in the June agenda packet. T. Klement, as a member of the Ad Hoc Committee, agreed to communicate the request to the other members of the Ad Hoc Committee.

#### 7. 2019 Police Commissioner Application and Selection Process

The Selection Panel discussed and amended the schedule for appointing Police Commissioners during this current selection process.

Motion to extend the application deadline from March 30 to June 17, 2019 (close of business) to increase applicant pool was moved (M. Vail) and seconded (J. Chanin). Motion passed with 5 ayes of members present.

Motion to amend the schedule approved previously at its November 19, 2018 meeting for the next selection process as follows was moved (C. Jessie) and seconded (T. Klement):

Application Released: February 15, 2019

March 30, 2019 June 17, 2019 Application Deadline:

Application Review:

April 1 30, 2019 May 1 June 15, 2019 June 18 – July 18, 2019 Candidate Interviews:

June 28, 2019 July 19, 2019 Determination of Slate: July 31, 2019 August 16, 2019 Background Check Completed:

September 3, 2019 Report to Council Due Date:

The goal of having City Council accept or reject the slate at its September 17, 2019 meeting remains unchanged. Motion passed with 5 ayes of members present.

Comments were provided by the following public speakers: Lorelei Bosserman

### **Meeting Minutes (Continued)**

Thursday, May 8, 2019 5:30 PM – 7:30 PM City Hall, 1 Frank H. Ogawa Plaza, Hearing Room #1 Oakland, CA 94612

8. Scheduling of Selection Panel Meeting(s) – Regular and Special Meetings.

By consensus of the members present, the Selection Panel decided to schedule its next special meeting on June 19 assuming there will be a quorum of members available. If a quorum of members is not available on June 19, the next special meeting would be held on June 20, 2019.

### 9. Open Forum

There were no comments from the public.

### 10. Adjournment

The meeting adjourned at 6:17 pm.

# Annual Selection Panel Orientation – Measure LL

Oakland City Charter Section 604

Presented by Allison M. Dibley Office of Oakland City Attorney Barbara J. Parker

## Required Training

Enabling Ordinance, section 2.45.030(F):

"The Selection Panel shall receive training and orientation regarding City Charter section 604 on an annual basis."

### Measure LL

- Measure LL passed by the voters in November 2016 by over 80%.
- Added Section 604 to the City Charter.
- City Charter section 604(a)(1): Establishes the Oakland Police Commission.

### Oakland Police Commission

- Section 604(c)(1): 7 "regular members" and 2 "alternate members."
- Commissioners are civilian volunteers.
- Three Commissioners and one alternate appointed by the Mayor.
- Four Commissioners and one alternate appointed by the Selection Panel.
- Three-year terms.
- May serve up to 2 consecutive terms.

## OPC's Charge

- Section 604(a)(1):
  - OPC "shall oversee the Oakland Police Department (hereinafter, Department) in order to ensure that its policies, practices, and customs conform to national standards of constitutional policing."

### **OPC Powers and Duties**

Section 604(a)(1):

"The Commission shall have the functions and duties enumerated in this Section, as well as those assigned to the Commission by ordinance."

- Subsection (1): Organize & Oversee the Community Police Review Agency (CPRA).
- Subsection (2): Conduct public hearings on Department policies, rules, practices, customs and General Orders.
- Subsection (3): Issue subpoenas for documents and/or testimony on any matter before the Commission.

- Subsection (4): Propose Changes to Department policies, procedures, customs or General Orders which govern:
  - Use of Force;
  - Use of Force Review Boards;
  - Profiling Based on Protected Characteristics;
  - First Amendment assemblies; or
  - Elements expressly listed in federal court orders or settlements which pertain to the Department.

### Subsection (4):

- All proposed changes & modifications must be submitted to City Council for approval or rejection.
- City Council has 120 days to approve or reject.
- If City Council does nothing, changes or modifications become final.

- Subsection (5): Approve or Reject the Department's proposed changes to all policies, procedures, customs or General Orders which govern:
  - Use of Force;
  - Use of Force Review Boards;
  - Profiling Based on Protected Characteristics;
  - First Amendment assemblies; or
  - Elements expressly listed in federal court orders or settlements which pertain to the Department.

### Subsection (5):

- Department must submit proposed changes to the OPC.
- The OPC has 120 days to approve or reject the proposed changes.
- If OPC does nothing, Department's changes become final.
- If OPC rejects Department's changes, notice must be submitted to City Council.
- If City Council does nothing within 120 days of submission, OPC's decision becomes final.

- Subsection (6): OPC may review and comment on all other Department policies, procedures, customs, and General Orders.
- All comments must be submitted to the Chief.
- If requested by OPC, the Chief must provide a written response.

- Subsection (7): Department's Budget
  - Review the Mayor's proposed budget to determine whether budgetary allocations are aligned with the Department's policies, procedures, customs, and General Orders.
  - Must conduct at least one public hearing on the Department's budget per budget cycle.
  - Must forward recommendations for change to the City Council.

- Subsection (9): Report at least once a year to the Mayor, to the City Council and to the public regarding information contained in the Chief's annual report, in addition to other matters relevant to OPC's functions and duties.
- Subsection (11): Send the Chair or another Commissioner to serve as a non-voting member of any Level 1 Oakland Police Force Review Board.

### OPC & the Chief

- OMC Section 2.29.020: The Chief is responsible for the management and operation of the Department, "subject to the direction of the City Administrator."
- Subsection (8): Require the Chief to submit an annual report on matters OPC requires.
- Subsection (10): Together with the Mayor, remove the Chief "by a vote of not less than 5 affirmative votes." Acting alone, OPC must make a finding of "cause."

## Section 604(d): Meetings

- Subsection (1):
  - Must meet at least twice a month.
  - At least twice each year, OPC must meet in locations other than City Hall.
- Subsection (2): OPC must establish rules and procedures for the conduct of its business.

## Section 604(d): Meetings

- Subsection (3):
  - Quorum is five members.
  - If quorum not established by "regular members," Chair may designate one or more alternates to establish quorum and cast votes.
  - Motions may be approved by a majority of Commission members present.

## Community Police Review Agency

- Section 604(a)(2) establishes CPRA
- Section 604(e)(2):
  - Within 60 days of City Council's confirmation of first set of Commissioners, CPRB disbanded and business transferred to the Agency.
  - All CPRB staff transferred to the Agency.

### **CPRA:** Executive Director

- Section 604(e)(2):
  - Executive Director of CPRB became Interim Executive Director of Agency.
- Section 604(e)(6):
  - OPC may remove Executive Director upon an affirmative vote of at least 5 members, or by an affirmative vote of at least 4 members with the City Administrator's approval.
  - Upon a vacancy, City Administrator hires Executive Director from among 2 or 3 candidates submitted by the OPC.

## **CPRA:** Staffing

- Section 604(e)(3):
  - OPC may identify special qualifications and experience that candidates for Agency staff positions must have.
- Section 604(e)(7):
  - Agency (& OPC) staff shall be civil service employees.
- Section 604(e)(5):
  - City Administrator to assign a staff member to act as liaison to the OPC, and to provide administrative support.

## **CPRA: Additional Staffing**

- Section 604(e)(1): One FTE equivalent Non-City Attorney legal advisor.
  - Assigned by the City Attorney, after consultation with the Chair.
  - Provides legal services to the Agency related to investigations and recommended discipline.
- Section 604(e)(4):
  - One line investigator for every 100 officers, to be determined at the beginning of each budget cycle.
  - At least one investigator shall be a licensed attorney.

Section 604(f)(1):

CPRA shall "receive, review and prioritize all public complaints concerning the alleged misconduct or failure to act of all Department sworn employees."

- CPRA is required to investigate public complaints involving:
  - Uses of Force;
  - In-Custody Deaths;
  - Profiling based on protected characteristics; and
  - First Amendment assemblies.
- OPC may direct CPRA to investigate any other possible misconduct or failure to act of a Department sworn employee, whether or not the subject of a public complaint.

- Section 604(f)(3):
  - CPRA shall make "every reasonable effort" to complete its investigation within 180 days of when complaint filed.
  - Agency Director issues written findings and proposed discipline to OPC and the Chief.
- Section 604(g)(1): If Chief agrees with CPRA, sends notice to subject officer.
  - Chief may send notice before IAD has begun or completed its investigation.

- Section 604(g)(3): If Chief submits findings and proposed discipline to CPRA before CPRA's investigation is initiated or completed:
  - CPRA may close its investigation, or
  - CPRA may choose not to conduct an investigation.
- If investigation required by section 604(f)(1), OPC must approve CPRA's decision by a majority vote.
- Discipline proceeds as proposed by Chief.

## **OPC:** Discipline Committees

- Section 604(g)(2):
  - Formed if Chief and CPRA disagree about findings and/or proposed discipline.
  - Comprised of 3 Commissioners.
  - Chief submits findings and proposed discipline to Discipline Committee. City Administrator has no authority to reject or modify.
  - Agency submits findings and proposed discipline to Discipline Committee. City Administrator has no authority to reject or modify.

## **OPC:** Discipline Committees

- Discipline Committee resolves dispute between Chief and Agency based on the record presented to it.
- Discipline Committee submits its decision to Chief who notifies the subject officer.
- City Administrator has no authority to reject or modify the Discipline Committee's findings and proposed discipline.

## Due Process Proceedings

- Section 604(g)(4):
  - Officers still entitled to Skelly hearing on proposed Findings and Discipline (whether decided by the Chief, the CPRA, or the Discipline Committee).
  - Officers still entitled to grievance and arbitration procedures after findings and imposition of discipline have become final (if such rights are prescribed in a collective bargaining agreement).

# Questions?



### **MEMORANDUM**

**TO**: Selection Panel for **FROM**: Stephanie Hom

Oakland Police Commission Deputy City Administrator

**SUBJECT:** 2019 Police Commissioner **DATE:** June 14, 2019

Application and Selection Process

#### **Action Requested:**

For the Selection Panel to discuss and determine next steps in its process for appointing Police Commissioners to vacant seats, including the Alternate seat and openings in October 2019. Specific action is requested on:

1. Approving an Applicant Evaluation Tool to be used to evaluate applicants.

2. Scheduling meetings to conduct interviews and deliberations, including the amount of time to be allotted for each interview.

#### Background:

At its meeting on May 8, 2019, the Selection Panel amended the timeline (previously approved at the November 19, 2018 meeting) for the next selection process as follows, with the goal of having City Council accept or reject the slate at its September 17, 2019 meeting:

Application Released: February 15, 2019

Application Deadline: March 30, 2019 - extended to June 17, 2019

Application Review: April 1 – 30, 2019

Candidate Interviews: May 1 – June 15, 2019 June 18 – July 18, 2019

Determination of Slate: June 28, 2019 July 19, 2019
Background Check Completed: July 31, 2019 August 16, 2019

Report to Council Due Date: September 3, 2019

#### Discussion:

As of the date of this report, the Selection Panel has received ten (10) applications for Police Commissioner. Applications will continue to be accepted and an update will be provided at the Selection Panel meeting on June 19, 2019.

### **Applicant Evaluation Tool**

A **DRAFT Applicant Evaluation Tool** (Attachment A) is provided to the Selection Panel to use for discussion purposes as it determines the criteria and structure to use for evaluating Police Commissioner applicants. A **Core Competency** is an identified knowledge, skill, or ability that is necessary to the successful performance of a particular job or position. In the **DRAFT Applicant Evaluation Tool**, the **Core Competencies** listed are an attempt to articulate and summarize the key knowledge, skills, and/or abilities that the Selection Panel has previously identified during various meeting discussions.

In addition, the **DRAFT Applicant Evaluation Tool** takes the interview questions that were approved by Selection Panel on November 19, 2018 and sorts them so that each question falls under one of the four Core Competencies. The Selection Panel may wish to move questions

under different competencies and also select key questions to be asked since asking all the questions will likely not be feasible.

Below each Core Competency section is a scoring matrix that provides for both a quantitative assessment and qualitative assessment of each applicant's response to the questions under the respective Core Competency. The scoring matrix is intended to assist the Selection Panel in better understanding each applicant's strengths relative to the Core Competency.

#### **Scheduling of Meetings**

Attachment B is a list of dates where City Hall hearing rooms are currently available for the Selection Panel to hold possible meetings to conduct interviews. The number of meetings required, in part, depends on how much time will be allotted for each interview.

### **Next Steps:**

Staff recommends that the Selection Panel determine next steps in its process for appointing Police Commissioners to vacant seats, including the Alternate seat and openings in October 2019. Specific action is requested on:

- 1. Approving an Applicant Evaluation Tool to be used to evaluate applicants.
- 2. Scheduling meetings to conduct interviews and deliberations, including the amount of time to be allotted for each interview.

/s/ STEPHANIE HOM Deputy City Administrator

Respectfully submitted,

#### Attachment (2):

- A. DRAFT Applicant Evaluation Tool (For Discussion Purposes Only)
- B. Potential Dates for Selection Panel Meetings to Conduct Interviews and Deliberations

### ATTACHMENT A



APPLICANT EVALUATION TOOL
DRAFT – FOR DISCUSSION PURPOSES ONLY (6/14/19)

**Position: Police Commissioner (Volunteer)** 

#### **Position Description**

Serve on Police Commission public body of seven (7) members plus two (2) alternates. The Police Commission's role is to oversee the Oakland Police Department's policies, practices and customs to meet national standards of constitutional policing and oversee the Community Police Review Agency that investigates police misconduct and recommends discipline.

#### **Core Competencies**

Identified knowledge, skills, and/or abilities that are necessary to the successful performance of an Oakland Police Commissioner.

### A. Interpersonal / Collaborative

- a. Works cooperatively and productively with others to achieve results.
- b. Respects and welcomes diverse perspectives. Able to process multiple points of view and achieve constructive results.
- c. Respects the confidentiality of information or concerns shared by others.
- d. Strong communications skills both written and oral.

### B. Judgement / Decision-Making

- a. Has a strong sense of urgency about solving problems and getting work done.
- b. Effectively analyzes and interprets rules and regulations.
- c. Understands inter-relational systems and influences.
- d. Applies factual information, due diligence and sound judgment in making decisions and dealing with confidential and/or sensitive information.

### C. Analytic / Investigative Practices

- a. Has knowledge and/or experience in sound investigative practices.
- b. Has knowledge and/or experience in applying a racial equity framework and systems thinking approach to identifying and addressing issues.

### D. Values / Commitment / Perspective

- a. Seeks and synthesizes community perspective into decision-making.
- b. Able to commit time and energy to serving on Police Commission.
- c. Brings perspective of community most impacted by law enforcement (e.g., race, gender, disability, residency, etc.)
- d. Understands role and authority of Police Commission.

### **Interview Questions & Evaluation**

(Note. The questions below were approved by Selection Panel on November 19, 2018 and have been sorted here to fall under one of the four Core Competencies described above. Any new questions are added in Redline).

\*Propose that interviews be scheduled to last at least 45 minutes to ensure adequate time to assess each applicant.

The objective of this interview is to assess your competency and qualifications for serving as a Police Commissioner. We will ask you a series of questions that are designed to understand your:

- Interpersonal and Collaborative Skills
- Judgement and Decision-Making Skills
- Analytic and Investigative Practices Knowledge and Experience
- Values, Commitment and Personal Perspective



- A. Based on the responses to the following interview questions, rate the applicant's strength of the **Core Competency Interpersonal / Collaborative**:
  - 1. Tell us about your experience working effectively with others, including your experience working on other boards, commissions and groups. How did you handle conflict in these situations?
  - 2. 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?

Core Competency	Exceptional (5)	Strong (4)	Fair (3)	Weak (2)	Not Acceptable (1)
Interpersonal / Collaborative					
Comments	Note. The Cor to complemen	mments section		a qualitative a	issessment,

- B. Based on the responses to the following interview questions, rate the applicant's strength of the **Core Competency Judgement / Decision-Making**:
  - 3. 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?
  - 4. Describe an experience where you had to make a difficult decision that affected someone's life.
  - 5. Tell us about your experience and/or opinion of the Oakland Police Department.

Core Competency	Exceptional (5)	Strong (4)	Fair (3)	Weak (2)	Not Acceptable (1)
Judgement / Decision-Making					
Comments		mments section	_	a qualitative a	issessment,

### DRAFT - FOR DISCUSSION PURPOSES ONLY (6/14/19)

- C. Based on the responses to the following interview questions, rate the applicant's strength of the **Core Competency Analytic / Investigative Practices**:
  - 6. How does institutional racism and systemic oppression affect the actions of both good and bad cops?
  - 7. How do you define police brutality and what are the key elements that produce it?
  - 8. When there is a complaint against an officer for excessive use of force, describe your understanding of how the city should investigate the matter based on best practices in investigations.
  - 9. 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?
  - 10. 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?

Core Competency	Exceptional (5)	Strong (4)	Fair (3)	Weak (2)	Not Acceptable (1)
Analytic / Investigative Practices					
Comments		mments section		a qualitative a	ssessment,

### DRAFT - FOR DISCUSSION PURPOSES ONLY (6/14/19)

- D. Based on the responses to the following interview questions, rate the applicant's strength of the **Core Competency Values / Commitment / Perspective**:
  - 11. 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.
  - 12. Why do you want to be part of the Oakland Police Commission and what impacts would you like to see the Oakland Police Commission have and accomplish?
  - 13. Are you aware of the time commitment required to effectively serve on the Police Commission, which requires preparation for meetings, participation in regular meetings and potentially on ad hoc or standing committee meetings?
  - 14. 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?
  - 15. What skills would you bring to the Oakland Police Commission?

	Exceptional	Strong	Fair	Weak	Not Acceptable
Core Competency	(5)	(4)	(3)	(2)	(1)
Values / Commitment / Perspective					
Comments		mments sectio nt the quantite	-	a qualitative a	issessment,

Overall Score:	
Comments	

### **ATTACHMENT B**



### Potential Dates for Selection Panel Meetings to Conduct Interviews and Deliberations

Potential meeting dates based on room availability through July 19 (as of June 14, 2019) are as follows:

Wednesday, June 26 (Hearing Room #1)
Monday, July 1 (Chamber)
Wednesday, July 3 (Hearing Room #1)
Wednesday, July 10 (Chamber or Hearing Room #1)
Monday, July 15 (Chamber)
Friday, July 19 (Chamber)