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OFFICE OF THE CITY CLERK
OAKLAND, CA
2019 SEP -5 PM 11:20

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Stephanie Hom
Deputy City Administrator

SUBJECT: Police Commission Appointments

DATE: August 14, 2019

City Administrator Approval

Date:

8/19/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Accepting The Selection Panel's Slate Of One Police Commissioner (Henry Gage) And One Alternate Police Commissioner (David Jordan) To Serve On The City Of Oakland Police Commission.

EXECUTIVE SUMMARY

In accordance with the City Charter, City Council approval of the resolution will accept the Selection Panel's slate of individuals to serve on the Police Commission as follows:

Henry Gage, as a regular member, with a three-year term effective October 17, 2019 to October 16, 2022;

David Jordan, as an alternate member, with a three-year term effective October 17, 2019 to October 16, 2022, unless appointed as a regular member to fill a vacancy occurring for reasons other than the expiration of the regular member's term, in which case his term expiration will be consistent with that of the seat he replaces.

BACKGROUND / LEGISLATIVE HISTORY

On November 8, 2016, Oakland voters approved Measure LL – Establishing a Police Commission with 83.19% (137,032 votes) in favor of the measure. Measure LL establishes a seven-member Police Commission, with two alternate commissioners, charged with overseeing the Oakland Police Department to ensure that its policies, practices and customs meet national standards of constitutional policing. Duties of the Police Commissioners include overseeing the Community Police Review Agency, which will conduct investigations into allegations of officer misconduct; proposing changes to, approving, or rejecting current or proposed Department policies; removing the Chief of Police for cause; as well as other duties.

City Council
September 17, 2019

ANALYSIS AND POLICY ALTERNATIVES

The Police Commission is made up of seven regular members and two alternate members. The Mayor submits three regular members and one alternate member to the City Council to accept or reject, and a nine-member Selection Panel submits a slate of Police Commissioners, including four regular members and one alternate member to the City Council to accept or reject.

The initial group of Commissioners was accepted by the City Council on October 17, 2017 and held their first meeting on December 13, 2017. The initial members of the Police Commission are serving staggered terms of two, three, or four years. Subsequent members appointed will have terms that expire after three years. In instances where a vacancy occurs for reasons other than the expiration of a term, the Commission shall select one of the alternates to replace the regular member for that regular member's remaining term of office.

Currently, the Selection Panel is required to select a slate of two individuals to fill two seats. The first is a Selection Panel appointment of regular member that has a term expiring on October 16, 2019. The second is a Selection Panel appointment of an alternate seat that is vacant and is also set to expire on October 16, 2019.

The Selection Panel set a goal of having the City Council accept or reject the slate at its September 17, 2019 meeting. They conducted an application, evaluation and deliberation process to reach this goal outlined as follows:

Police Commissioner Application Released:	February 15, 2019
Application Deadline:	June 17, 2019
Candidate Interviews:	June 18 – July 18, 2019
Determination of Slate:	July 19, 2019
Background Check Completed:	August 16, 2019
Report to Council Due Date:	September 3, 2019

The Selection Panel received 16 applications, offered interviews to 10 candidates, and selected Henry Gage to serve as a regular member of the Police Commission to replace outgoing incumbent Mubarak Ahmad whose term expires on October 16, 2019, and David Jordan to serve as an alternate member of the Police Commission to fill the current vacancy last held by Tara Anderson¹.

Accordingly, the three-year term for Henry Gage will be effective October 17, 2019 to October 16, 2022. The three-year term for David Jordan will also be effective October 17, 2019 to September 16, 2022, unless he is later appointed as a regular member to fill the seat of one of the first group of Commissioners, at which time the term expiration will be consistent with that of the seat he replaces.

¹ Tara Anderson joined the Police Commission on February 26, 2019 as an alternate. On March 14, 2019, the Police Commission selected Ms. Anderson to serve as a regular Police Commissioner to fill the seat vacated by Maureen Benson and previously, Mike Nisperos, and has a term expiration date of October 16, 2020.

The applications submitted by Henry Gage and David Jordan are provided as **Attachment A** and **Attachment B** of this report. In addition, in accordance with the City Charter, a background check has been conducted for each of these individuals.

FISCAL IMPACT

There is no direct fiscal impact associated with Council action on this report.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for this report beyond the standard City Council agenda noticing procedures.

COORDINATION

This report has been prepared in coordination with the Office of the City Attorney and Chairperson of the Selection Panel.

SUSTAINABLE OPPORTUNITIES

There are no economic, environmental, or social equity opportunities associated with this informational report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Accepting The Selection Panel's Slate Of One Police Commissioner (Henry Gage) And One Alternate Police Commissioner (David Jordan) To Serve On The City Of Oakland Police Commission.

For questions regarding this report, please contact Stephanie Hom, Deputy City Administrator, at (510) 238-7542.

Respectfully submitted,



Stephanie Hom
Deputy City Administrator
City Administrator's Office

Attachments (2):

- A. Henry Gage – Application for Police Commissioner
- B. David Jordan – Application for Police Commissioner



ATTACHMENT A

Police Commission

Application for Position of Commissioner

The purpose of the Police Commission is to oversee the Oakland Police Department in order to make sure that its policies, practices and customs meet national standards of constitutional policing.

A Selection Panel of volunteer community members will select Oakland residents to serve on the Police Commission. Seated Commissioners are volunteers and will not be compensated.

Applicant Information					
Full Name:	Gage III	Henry	Joe Owyang	Date:	06/16/19
	<i>Last</i>	<i>First</i>	<i>M.I.</i>		
Home Address:					
	<i>Street Address</i>			<i>Apartment/Unit #</i>	
	Oakland	CA	94612		
	<i>City</i>	<i>State</i>	<i>ZIP Code</i>		
Phone:			Email		

Supplemental Questionnaire

The purpose of this supplemental questionnaire is to evaluate your qualifications to serve on the Police Commission. This application, along with your answers to these questions, will be used by the Selection Panel to select the most suitably qualified candidates.

- Applications submitted without a completed supplemental questionnaire will not be considered.
- Please limit your response to each question to one 8.5" x 11" sheet of paper (single or double spaced).

Please respond (in writing) to the following questions:

1. Please describe any life work and significant community volunteer experiences that prepare you to contribute to the work of the Commission.
2. Please describe your contacts or experiences with the Oakland Police Department.
3. Please describe, if applicable, if you or an immediate family member has had significant volunteer or employment experience:
 - a. as a police officer,
 - b. as a criminal prosecutor or defense attorney,
 - c. with a public agency or nonprofit community group serving or advocating for crime victims or persons charged or convicted of crimes.

Application Considerations

Check all that apply:

I would like to be considered as a Selection Panel appointee? ☒ YES ☐ NO

I would like to be considered as a Mayoral Appointee? ☒ YES ☐ NO

References

Please list three professional or personal references who are familiar with your background, experience and qualifications, and who can answer questions about your ability to serve as a Commissioner.

Full Name: Regina Jackson Relationship: Professional Reference

E-Mail rjackson@oaklandcommission.org Phone: _____

Full Name: Edwin Prather Relationship: Professional Reference

E-Mail eprather@oaklandcommission.org Phone: _____

Full Name: Jose Dorado Relationship: Professional Reference

E-Mail jdorado@oaklandcommission.org Phone: _____

Voluntary Self-Identification Questionnaire

1. With which race and/or ethnicity do you identify? (Check all that apply.)

- ☐ White
- ☒ Black or African American
- ☐ Latino
- ☐ Native Hawaiian or other Pacific Islander
- ☐ Asian
- ☐ American Indian or Alaskan Native
- ☐ Other: _____
- ☐ I do not wish to Self-Identify

2. What is your gender?

- ☒ Male ☐ I do not wish to self-identify

3. You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history of such an impairment or medical conditions.

Please check one of the boxes below:

- ☐ Yes, I have a disability (or previously had a disability)
- ☒ No, I do not have a disability
- ☐ I do not wish to answer

Disclaimer and Signature

The City Charter requires background checks for all Police Commission members and alternates. Prior convictions will not eliminate you from consideration. The Selection Panel strongly encourages formerly incarcerated individuals to apply.

I certify that I am over eighteen years of age and that my answers are true and complete to the best of my knowledge.

My signature below also indicates my acknowledgement that, by applying for the position of Commissioner, I will be subject to a background check.

Once submitted, your application form, along with all attachments, becomes a public record.

Signature: /s/ Henry J. O. Gage III

Date: 06/16/19

Completed applications due by June 17, 2019 by mail, hand-delivery, or email as follows:

Mail or Hand-Delivery (Monday-Friday, 8:30 am – 5:00 pm)	Selection Panel for Police Commission c/o City Administrator's Office 1 Frank H. Ogawa Plaza, 3rd Floor Oakland, CA 94612
Email	Address: CityAdministratorsOffice@oaklandca.gov Subject: Police Commission Application

To: Selection Panel for the Oakland Police Commission

From: Henry Gage III

DATE: June 16, 2019

RE: Response to Supplemental Questions

1. Please describe any life work and significant community volunteer experiences that prepare you to contribute to the work of the Commission.

Since the founding of the Police Commission, I have been deeply involved the Commission's work, and I am strong supporter of the Commission's independence. I serve on the Steering Committee for the Coalition for Police Accountability, and in my capacity as a member of the Coalition, I have been a regular and vocal advocate for police reform, policy change, and the administrative independence that the Commission will need to become a successful oversight authority. I have a demonstrated record of advocacy for substantive reform. I have attended nearly every meeting the Commission has held, and I have provided subject matter expertise to the Commission on matters of policy, including the pending changes to the OPD policy governing searches of probationers and parolees. I have repeatedly gone on the record to advocate for substantive changes to use of force policy, increased oversight for police grant applications, and a substantive rethinking of how our public safety functions are structured, among others. This work is ongoing, and current projects include the creating of an appellate process for CPRA findings, and a further revision to the City Charter that ensures the Commission's independence and legal authority are placed on a more solid footing.

I am fully prepared to immediately contribute to the work of the Commission. As a close observer and regular meeting participant, I am familiar with the current status of most of the Commission's current projects. I have worked closely with a number of current Commissioners on discreet projects, and I have appeared before City Council to advocate for Commission decisions when they have been challenged by the OPD. I have a deep familiarity with the history of the Negotiated Settlement Agreement, the copious reports produced by the Independent Monitoring Team/Compliance Director, and the enabling legislation (both Charter and Ordinance) that the Commission relies upon to complete its work. I have sought out and completed supplemental training on the Public Safety Officers Procedural Bill of Rights Act, the Myers-Milius-Brown Act, the California Public Records Act, and the Oakland Sunshine Ordinance. I graduated from Santa Clara University's School of Law in May 2015, and I was admitted to practice law by the California Bar in December 2015. My academic studies included thorough training in Criminal Law, Criminal Procedure, Constitutional Law, Evidence, e-Discovery, Trial Advocacy & Witness Preparation, Civil Procedure, and other related specialties. As an attorney, I have sought out and completed supplemental training in Employment Investigations & Interviewing, Ethics for Criminal Law Attorneys, and Admission of Evidence & Evidentiary Foundations.

I currently sit on the City of Oakland's Privacy Advisory Commission, where my current projects include a review of Oakland's use of ShotSpotter, Automated License Plate Readers, and Remote Mobile Camera systems. I have deep familiarity with Robert's Rules of Order, and administrative procedure. I am ready, willing, and able to continue to work for the Commission, and this city.

2. Please describe your contacts or experiences with the Oakland Police Department

I have worked very hard to learn as much as I can about the Oakland Police Department. I attended and graduated from the OPD Community Police Academy, a 9-week program that exposes members of the Oakland Community to a broad cross-section of OPD personnel, equipment, and facilities. My participation in the Community Police Academy involved tours of the OPD Communications Division, the Police Administration Building, the Crime Lab, and various other facilities, and each meeting was facilitated by presenters with responsibilities in a variety of OPD divisions. I have additionally signed up for a number of ride-alongs with officers stationed in different parts of the city. Thanks to these officers, I was provided with an on-the ground perspective on policing in Oakland that has served to supplement my academic understanding of the department.

I am a regular attendee of Police Commission, Council Public Safety, and City Council meetings. I attend federal court hearings to monitor the status of the OPD's compliance with the long-running Negotiated Settlement Agreement. I additionally sit on the Privacy Advisory Commission, which holds jurisdiction to review and create policy for surveillance technology the OPD proposes to acquire and/or use. As a result, I routinely interact with senior staff and professional staff from the OPD. I am not always pleased with the performance of these staffers, but when I am critical I have a demonstrated history of making my points clearly, concisely, and respectfully. My fundamental goal is to improve the institution, and I see no benefit or need to unnecessarily denigrate any individual in order to meet this goal.

3. Please describe, if applicable, if you or an immediate family member has had significant volunteer or employment experience ... with a public agency or nonprofit group serving or advocating for crime victim or persons charged or convicted of crimes.

The Coalition for Police Accountability has a demonstrated history of advocating for victims of police violence. In February 2019 the Police Commission held a public hearing on Policing in the Homeless Community. This hearing was organized, planned, and run by the Coalition. Testimony received during the hearing revealed that Oakland's unhoused community is at severe risk. Their possessions are routinely taken and destroyed without adequate notice by OPD and the Department of Public Works during clearing operations. Recently, these operations happened in the middle of a rainstorm, unnecessarily forcing unhoused residents away from their created shelters. By working with students from U.C. Berkeley's Goldman School, we created a draft hearing report and forwarded it to the Commission for further action. This project is a continuing work, and further change must ensure that we create policy that keeps all Oaklanders safe.

In March 2018, four members of the Oakland Police Department shot and killed Joshua Pawlik, a transient who was asleep between two houses in northwest Oakland. Mr. Pawlik's death led to dual investigations by both OPD and CPRA, and the findings of these investigations have demonstrated the degree to which the OPD is resistant to substantive change. I have advocated before the Commission for the OPD to revise its response to unconscious individuals. Mr. Pawlik's killing shouldn't have happened, because the OPD should have revised its procedures after OPD officers killed Demauria Hogg under similar circumstances in June 2015. I will continue to advocate for these necessary changes, and I am deeply concerned by how slowly current policies are revised.



ATTACHMENT B

Police Commission

Application for Position of Commissioner

The purpose of the Police Commission is to oversee the Oakland Police Department in order to make sure that its policies, practices and customs meet national standards of constitutional policing.

A Selection Panel of volunteer community members will select Oakland residents to serve on the Police Commission. Seated Commissioners are volunteers and will not be compensated.

Applicant Information			
Full Name:	<u>Jordan</u>	<u>David</u>	<u>D</u> Date: <u>3/17/19</u>
	<small>Last</small>	<small>First</small>	<small>M.I.</small>
Home Address:	<div style="background-color: black; height: 20px; width: 100%;"></div>		
	<small>Street Address</small>	<small>City</small>	<small>State</small>
	<u>Oakland</u>	<u>Ca</u>	<u>94605</u>
	<small>City</small>	<small>State</small>	<small>ZIP Code</small>
Phone:	<div style="background-color: black; height: 20px; width: 100%;"></div>	Email:	<div style="background-color: black; height: 20px; width: 100%;"></div>

Supplemental Questionnaire

The purpose of this supplemental questionnaire is to evaluate your qualifications to serve on the Police Commission. This application, along with your answers to these questions, will be used by the Selection Panel to select the most suitably qualified candidates.

- Applications submitted without a completed supplemental questionnaire will not be considered.
- Please limit your response to each question to one 8.5" x 11" sheet of paper (single or double spaced).

Please respond (in writing) to the following questions:

1. Please describe any life work and significant community volunteer experiences that prepare you to contribute to the work of the Commission.
2. Please describe your contacts or experiences with the Oakland Police Department.
3. Please describe, if applicable, if you or an immediate family member has had significant volunteer or employment experience:
 - a. as a police officer,
 - b. as a criminal prosecutor or defense attorney,
 - c. with a public agency or nonprofit community group serving or advocating for crime victims or persons charged or convicted of crimes.

Application Considerations

Check all that apply:

I would like to be considered as a Selection Panel appointee?

☒ YES

☐ NO

I would like to be considered as a Mayoral Appointee?

☒ YES

☐ NO

References

Please list three professional or personal references who are familiar with your background, experience and qualifications, and who can answer questions about your ability to serve as a Commissioner.

Full Name: Eric Sutter

Relationship: Professional

E-Mail: _____

Phone: _____

Full Name: Ladubiel Morgan

Relationship: Professional

E-Mail: _____

Phone: _____

Full Name: Dean Goodwin

Relationship: Professional

E-Mail: _____

Phone: _____

Voluntary Self-Identification Questionnaire

1. With which race and/or ethnicity do you identify? (Check all that apply.)

☐ White

☐ Black or African American

☐ Latino

☒ Native Hawaiian or other Pacific Islander

☐ Asian

☐ American Indian or Alaskan Native

☐ Other: _____

☐ I do not wish to Self-Identify

2. What is your gender?

☒ Male

☐ I do not wish to self-identify

3. You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history of such an impairment or medical conditions.

Please check one of the boxes below:

☐ Yes, I have a disability (or previously had a disability)

☒ No, I do not have a disability

☐ I do not wish to answer


Disclaimer and Signature

The City Charter requires background checks for all Police Commission members and alternates. Prior convictions will not eliminate you from consideration. The Selection Panel strongly encourages formerly incarcerated individuals to apply.

I certify that I am over eighteen years of age and that my answers are true and complete to the best of my knowledge.

My signature below also indicates my acknowledgement that, by applying for the position of Commissioner, I will be subject to a background check.

Once submitted, your application form, along with all attachments, becomes a public record.

Signature: 

Date: 3/17/19

Completed applications due by March 30, 2019 by mail, hand-delivery, or email as follows:

Mail or Hand-Delivery (Monday-Friday, 8:30 am – 5:00 pm)	Selection Panel for Police Commission c/o City Administrator's Office 1 Frank H. Ogawa Plaza, 3 rd Floor Oakland, CA 94612
Email	Address: CityAdministratorsOffice@oaklandca.gov Subject: Police Commission Application

Application Addendum:

1. For the last five years I've been employed by the San Francisco HIV Community Planning Council which is a public health commission appointed by the Mayor. My function is to provide process and informational support to council members, primarily I do this through qualitative research among the populations affected by the council's funding policy decisions. Additionally, I attend a variety of policy and community planning meetings with council members and members of government, and it is necessary for me to provide informational support around process, democratic rules of order, funding streams, and legislative mandate. Previous to this I worked as a case manager focused on multiply-diagnosed severe need populations who often faced challenges with the criminal justice system. I also worked within the Oakland Public School system with children who had occasionally experienced interactions with OPD. For more than a decade I've worked in the ways available to me, to engage with civic and community planning in a city in I don't actually live. In applying to the police commission, I'm hoping to be of service to my own community around an issue of importance to me personally, and feel like citizen oversight of local government is an incredibly important responsibility.
2. My interactions with the police have unfortunately not in general been mostly positive ones. As a man of color, I've dealt with some amount of police profiling and some outright aggression from police officers. That said, as home owner here in Oakland, crime and safety are becoming larger concern for my family and I. Additionally, I've had the opportunity to interact with some off-duty OPD officers, and it went a long way towards humanizing them for me. I do understand that police work is often very difficult, and it's my strong desire to see a system that is supportive of an effective and community focused police force.
3. I'm currently a volunteer facilitator with Brothers Keepers, a program at San Quentin State Prison, which teaches peer support, trauma crisis counseling, and suicide prevention skills to inmates. I've been volunteering with this program for about a year.

2018 SEP -5 PM 11:15

RESOLUTION No. _____ C.M.S.

RESOLUTION ACCEPTING THE SELECTION PANEL'S SLATE OF ONE POLICE COMMISSIONER (HENRY GAGE) AND ONE ALTERNATE POLICE COMMISSIONER (DAVID JORDAN) TO SERVE ON THE CITY OF OAKLAND POLICE COMMISSION

WHEREAS, On November 8, 2016, Oakland voters approved Measure LL – Establishing a Police Commission with 83.19% (137,032 votes) in favor of the measure; and

WHEREAS, Measure LL established a seven-member Police Commission to oversee the Oakland Police Department's policies and procedures and the Community Police Review Agency that investigates police misconduct and recommends discipline; and

WHEREAS, Section 604(c)(2) of Measure LL requires the Mayor to appoint three Oakland residents as regular members of the Commission and one Oakland resident as an alternate member and to submit those names to the City Council for approval; and

WHEREAS, Section 604(c)(3) establishes a nine-member Selection Panel to review applications, interview applicants, and submit a slate of four Oakland residents as regular members of the Police Commission, and one Oakland resident as an alternate member, to the City Council for approval; and

WHEREAS, The initial members of the Police Commission were accepted by the City Council on October 17, 2017 and held their first meeting on December 13, 2017; and

WHEREAS, The initial members of the Police Commission serve staggered terms of two, three, or four years; subsequent appointments shall be for a term of three years; and for vacancies that occur for reasons other than the expiration of a term, the Commission shall select one of the alternates to replace the regular member for that regular member's remaining term of office; and

WHEREAS, A Selection Panel appointment of a regular member has a term that is set to expire on October 16, 2019; and

WHEREAS, A Selection Panel appointment of an alternate seat is currently vacant and has a term that is set to expire on October 16, 2019; now therefore, be it

RESOLVED, That pursuant to City Charter Section 604(c)(3), the City Council hereby accepts the Selection Panel slate in its entirety to serve as members of the Police Commission as follows:

Henry Gage

Term: October 17, 2019 – October 16, 2022

David Jordan (alternate)

Term: October 17, 2019 – October 16, 2022, or if appointed as a regular member to fill a vacancy occurring for reasons other than the expiration of the regular member's term, then his term expiration will be consistent with that of the seat he replaces.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California