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14 THE CITY OF OAKLAND, CALIFORNIA

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

17 ANNE KIRKPATRICK, an individual,

18 Plaintiff,

19 v.

20 THE CITY OF OAKLAND, CALIFORNIA,
a public corporation,

21 Defendant.

Case No. 3:20-cv-05843-JSC

**DECLARATION OF REGINA JACKSON
IN SUPPORT OF DEFENDANT
THE CITY OF OAKLAND,
CALIFORNIA'S MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL SUMMARY
JUDGMENT**

Date: March 31, 2022
Time: 9:00 a.m.
23 Crtm.: Courtroom E, 15th Floor
Judge: Hon. Jacqueline Scott Corley

Action Filed: August 19, 2020
25 Trial Date: May 16, 2022

1 I, Regina Jackson, declare as follows:

2 1. I am a Commissioner of the Oakland Police Commission (the “Commission”).
3 From February 2019-February 2022, I served as Chair of the Commission. I have personal
4 knowledge of the facts set forth herein, except as to those stated on information and belief and, as
5 to those, I am informed and believe them to be true. If called as a witness, I could and would
6 competently testify to the matters stated herein. I submit this declaration in support of the City’s
7 Motion for Summary Judgment Or, in the Alternative, Partial Summary Judgment.

8 2. I am an original member of the Police Commission. The first Police Commission
9 meeting took place on December 13, 2017. I volunteer my time as a Commissioner, even though
10 it is an unpaid position, because I am committed to bringing long-term, sustainable change to
11 policing in the City of Oakland (the “City”).

12 3. For twenty-seven years, I have served as President and CEO of the East Oakland
13 Youth Development Center (“EOYDC”). EOYDC develops the social and leadership capabilities
14 of youth and young adults so that they can achieve excellence in education, career, and service to
15 their communities. I recently announced my retirement from this position, but I know that
16 EOYDC will continue to serve East Oakland youth even as I step back from my day-to-day
17 responsibilities. In addition, I serve as a Board Member for the Restorative Justice for Oakland
18 Youth and for The Tides Center, and I am an Advisor with The University of California
19 President’s Advisory Committee.

20 4. Many of the young people I’ve worked with at EOYDC are from marginalized
21 communities in and around East Oakland. For years, none of these young people have wanted to
22 grow up and become police officers, because of the negative reputation of the police. I hoped, and
23 continue to hope, that my work on the Police Commission can help change the culture of policing
24 in Oakland to rebuild community trust and respect.

25 5. As Chair of the Police Commission, I am generally familiar with the process by
26 which the Commission creates and maintains transcripts and minutes of its meetings.

27 6. Attached hereto as **Exhibit 1** is a true and correct copy of experts of the transcript
28 of the March 28, 2019 Police Commission meeting.

1 7. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the transcript
2 of the April 11, 2019 Police Commission meeting.

3 8. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of the transcript
4 of the May 9, 2019 Police Commission meeting.

5 9. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the transcript
6 of the August 22, 2019 Police Commission meeting.

7 10. Attached hereto as **Exhibit 5** is a true and correct copy of meeting minutes from the
8 February 20, 2020 Police Commission meeting.

9 11. My first impression of Chief Kirkpatrick was neutral—I was glad that a woman
10 would be leading the department, and I was pleased to hear her use the language of police reform.
11 I hoped she would succeed, but I decided to await her actions before forming an impression of her.

12 12. Unfortunately, after I became a Police Commissioner, it began to become clear to
13 me that Chief Kirkpatrick was not particularly interested in either community oversight or real
14 reform. She was reluctant to attend our meetings, and seemed not to understand or care that the
15 Commission had oversight authority over the Police Department. She treated the Commission as
16 an afterthought rather than a partner, and at times appeared to condescend to us.

17 13. Sometime in late 2018, Commissioner Ginale Harris informed me of an interaction
18 she had with Chief Kirkpatrick, which had caused Commissioner Harris frustration. I don't recall
19 all of the details, but I recall Commissioner Harris telling me that, after she had gone to the Police
20 Department to pay fees associated with her car being towed, she had asked for clarification around
21 the City's tow policy. Commissioner Harris told me she was brought to Chief Kirkpatrick's
22 office, and Chief Kirkpatrick stood over her and said "I hear you need a favor." Commissioner
23 Harris was frustrated and upset because she had not requested a favor. Prior to Chief
24 Kirkpatrick's termination on February 20, 2020, I was unaware that Chief Kirkpatrick had made
25 any statements or reports about this incident. I first saw Chief Kirkpatrick's email report about
26 this incident at my deposition for this case on August 31, 2021.

27 14. In March 2019, the Oakland Black Officers' Association ("OBOA") published an
28 open letter that revealed racial bias in Police Department recruiting and hiring. In addition, the

1 OBOA open letter also revealed that the OBOA president had approached Chief Kirkpatrick with
2 these concerns six months earlier, and that she had not taken any action to resolve them. This
3 caused me grave concern, because I knew she had an obligation to report concerns about racial
4 bias and discrimination within twenty-four hours of having received them. Both the underlying
5 concerns about racial bias and Chief Kirkpatrick's inaction—despite an affirmative duty to act—
6 were important, and the Police Commission placed the item on its April 11, 2019 agenda. A true
7 and correct copy of my email informing Chief Kirkpatrick of the decision to add the matter to the
8 agenda is attached hereto as **Exhibit 6**.

9 15. Around the same time as the OBOA letter, I became aware of the Federal Monitor,
10 Robert Warshaw, overruling Chief Kirkpatrick's decisions in the investigation into the shooting
11 death of Joshua Pawlik. Based on my review of materials as part of my work on the Discipline
12 Committee of the Police Commission, I independently concluded that Chief Kirkpatrick had not
13 handled the investigation into Mr. Pawlik's death appropriately.

14 16. The Negotiated Settlement Agreement ("NSA") sets forth several dozen tasks that
15 the City must meet in order to ensure it engages in constitutional policing. I believe it is the Chief
16 of Police's job to ensure the Police Department does whatever it takes to make progress and,
17 eventually, satisfy the NSA. Unfortunately, during Chief Kirkpatrick's tenure, the City actually
18 moved backwards, and fell out of compliance on multiple tasks. I blame Chief Kirkpatrick for this
19 regression—she is supposed to be the leader, and she was leading the Police Department in the
20 wrong direction. I never once saw her take responsibility for the mistakes in leadership that led to
21 this regression.

22 17. On October 10, 2019, the Police Commission scheduled an agenda item to review
23 issues concerning hiring data for people of color. The agenda item actually arose out of a concern
24 raised by the OBOA in its open letter. The OBOA president had identified several boxes of
25 applications for the Police Academy that had not moved forward, and the OBOA president was
26 concerned that bias had influenced the decision not to move those applications forward. Deputy
27 Director Virginia Gleason had reviewed those applications and put approximately 40 of them back
28 into the pipeline for consideration. We wanted to know the race and sex of the 40 applicants she

1 had put back into the pipeline. Our agenda item stated that it was a request for data “specifically
2 on the 400 applicants who were passed over and the 40 applications who were allegedly brought
3 back by Virginia Gleason.” A true and correct copy of the Police Commission Agenda, which
4 includes this item as Item XIII, is attached hereto as **Exhibit 7**.

5 18. Unfortunately, Deputy Director Gleason did not limit her remarks to the scope of
6 the agenda item, but instead presented a sweeping presentation on recruiting. During her
7 presentation, I asked her to “zoom into” the 40 applicants. Eventually, she admitted that she did
8 not track the race or gender of these 40 applicants. Both Commissioner Ginale Harris and I asked
9 Deputy Director Gleason more questions, but she did not give us direct answers and instead
10 wanted to continue giving her broad presentation. When I suggested that Deputy Director Gleason
11 might have more success with a focus group than her current methods, she said she found my
12 comment to be “beyond offensive[.]” I was frankly startled by her response, and it raised the
13 tension in the room. Commissioner Harris described the presentation as disgraceful. At that
14 point, Chief Kirkpatrick jumped up to the podium to dismiss Deputy Director Gleason, chastise
15 the Commission, and demand an apology. I found Chief Kirkpatrick’s conduct to be stunningly
16 unprofessional, especially for a chief law enforcement officer—she should have taken steps to
17 calm the tensions in the room rather than inflame them. A true and correct copy of excerpts of the
18 transcript of that October 10, 2019 meeting is attached hereto as **Exhibit 8**.

19 19. In November 2019, I met with Chief Kirkpatrick to deliver a letter of reprimand, on
20 behalf of the Police Commission, to notify Chief Kirkpatrick that her conduct at the podium at the
21 October 10 Police Commission meeting was unprofessional and unacceptable to the Police
22 Commission as a whole. During our discussion, Chief Kirkpatrick told me that she had “written
23 something up” but could “pull it back.” I did not ask her to clarify what she meant. I reported the
24 sum and substance of my conversation with Chief Kirkpatrick to my fellow Commissioners at our
25 next closed session, and none of my fellow Commissioners asked any questions about what Chief
26 Kirkpatrick had meant when she referred to having “written something up.” It was not the focus
27 of any discussion.

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1 20. At that same November 2019 meeting, Chief Kirkpatrick and I discussed ways to
2 improve her working relationship with the Commission. I mentioned that I understood she had
3 offended Commissioner Harris and that an apology would go a long way toward repairing that
4 relationship. I understood that Chief Kirkpatrick would in fact offer an apology at the next
5 Commission meeting, but she never did. I came to realize that she never intended to apologize,
6 which troubled me because, as a chief law enforcement officer, Chief Kirkpatrick had an
7 obligation to be truthful.

8 21. Over time, I concluded that Chief Kirkpatrick had lied, either affirmatively or by
9 omission, on several other occasions. For example, it came to my attention in association with a
10 study on discipline that Chief Kirkpatrick would publicly announce officer discipline, and then
11 lessen the discipline behind the scenes. She told me that then-Deputy-Chief LeRonne Armstrong
12 did not want to be the Police Commission liaison, but Chief Armstrong told me he had never said
13 such a thing. I also believe her promise to make an apology to the Police Commission was a lie.
14 Fundamentally, I had concerns that Chief Kirkpatrick would either obfuscate or conceal
15 information—like her inaction in the face of the OBOA letter—in order to bolster her own
16 reputation. I did not trust her, and I did not believe she her conduct was consistent with her
17 obligation to be truthful.

18 22. On February 11, 2020, I had a meeting with Mayor Libby Schaaf and
19 Commissioner Edwin Prather. The purpose of the meeting was to ask Mayor Schaaf to join with
20 the Police Commission to terminate Chief Kirkpatrick without cause. I recall that we told Mayor
21 Schaaf that the Police Commission had serious concerns about Chief Kirkpatrick's job
22 performance, and that the Commissioners had reached the conclusion that it was time for a new
23 Chief in Oakland. Mayor Schaaf asked for a few days to consider our request.

24 23. A week later, on February 17, 2020, Commissioner Prather and I met with Mayor
25 Schaaf again, this time joined by Commission Vice Chair Henry Gage. In that meeting, Mayor
26 Schaaf informed us that she would join with the Commission to terminate the Chief.

27 24. Along with all of my fellow Commissioners and the Mayor, I voted to terminate
28 Chief Kirkpatrick's employment on February 20, 2020. The decision was unanimous. I voted to

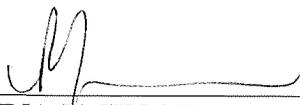
1 remove Chief Kirkpatrick because she was not the right leader for the Oakland Police Department.
2 I believe she had lied on several occasions. I believed her inaction in the face of the OBOA
3 concerns was a problem. I was troubled that the City had regressed under the NSA. We were
4 going backwards. These issues, independently and together, revealed to me that Chief Kirkpatrick
5 was a poor leader. While we voted to terminate her employment “without cause,” I was confident
6 that the decision was the right one for the City.

7 25. I was not aware that Chief Kirkpatrick had “complained” about the Commission or
8 individual Commissioners until after she announced she would be suing the City. I had not seen
9 any of her written complaints until the day of my deposition. Chief Kirkpatrick had sent me a
10 copy of a police report involving Commissioner Harris’s conduct at her son’s school, but I had no
11 reason to believe that her forwarding email was a complaint—it struck me as an effort to draw
12 attention to Commissioner Harris’s personal business in another city. And while I became aware
13 that the City administration had undertaken an effort to investigate Commissioner Harris, I did not
14 connect that investigation to any particular reporting by Chief Kirkpatrick.

15 26. Even if I had known about the Chief’s complaints, those would have been
16 irrelevant to my decision. Having now seen most, or all, of her complaints, I consider them to
17 concern minor or personal matters that are unimportant to the functioning of the Police
18 Department. The Oakland Police Department needed a visionary leader who could implement real
19 changes, address ongoing racial bias, and respect and understand the communities the Department
20 serves. Chief Kirkpatrick was not that person.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Executed on this 24th day of February, 2022, at Oakland, California.

24
25 
26 REGINA JACKSON

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