



# OAKLAND POLICE COMMISSION

## SPECIAL MEETING TRANSCRIPT

March 24, 2022

Chair Milele: (silence).

Good evening, and welcome to the Oakland Police Commission meeting, March 24th, 2022. I'm going to do a roll call. Vice Chair Peterson?

Vice Chair Peterson: Present.

Chair Milele: Commissioner Gage? I heard he might be running late, I'll come back. Commissioner Harbin-Forte?

Comm. Harbin-Forte: Present.

Chair Milele: Commissioner Howell?

Comm. Howell: Present.

Chair Milele: Commissioner Jackson?

Comm. Jackson: Present.

Chair Milele: Commissioner Jordan? He's not in today. So I'm also present. Do we have a quorum [inaudible]?

Commission staff: You do.

Chair Milele: Okay. So now we have the adoption of the renewal resolution to continue conducting meetings online. Do I have a motion to adopt?

Comm. Jackson: So moved.

Comm. Hsieh: I'll second. I'm also here, Chair.

Chair Milele: Ah, sorry. So we have a motion and a second. I believe we go to public comment.

Commission staff: Thank you so much. Members of the public wishing to make public comment on this item, please raise your hand. I will call on you in the order that I see them. Chair, no comment on this.

Chair Milele: Okay. So let's go ahead and take a vote. Vice Chair Peterson?

Vice Chair Peterson: Yes.

Chair Milele: Commissioner Harbin-Forte?



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Comm. Harbin-Forte: Yes.

Chair Milele: Commissioner Howell?

Comm. Howell: Yes.

Chair Milele: Commissioner Jackson?

Comm. Jackson: Yes.

Chair Milele: I am also a yes.

Commission staff: Thank you.

Chair Milele: Okay, so we're going to go to closed session, but before that, I believe we take public comment on the closed session item.

Commission staff: Thank you so much. Members of the public wishing to make public comment on this, the closed session item, please raise your hand. I'll call on you in the order that they've appeared. No comment here either, Chair.

Chair Milele: All right. Then we will adjourn to closed session and reconvene at approximately 6:30. Thank you.

Commission staff: Thank you so much.

(silence).

Chair Milele: ... And re-determine quorum. Vice chair Peterson?

Vice Chair Peterson: Present.

Chair Milele: Commissioner Gage? Is he still not present? Commissioner Harbin-Forte?

Comm. Harbin-Forte: Present.

Chair Milele: Commissioner Howell?

Comm. Howell: Present.

Chair Milele: Commissioner Jackson?



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Comm. Jackson: Present.

Chair Milele: Commissioner Hsieh?

Comm. Hsieh: Present.

Chair Milele: And I am also here. So on a motion made by me as the Chair and seconded by Vice Chair Peterson, the Police Commission has voted unanimously by five votes to none with two absences to release the Executive Director of the Community Police Review Agency from his position, per the charter section 604 E6, effective April 8th, 2022. The vote tally was as follows. I voted yes. Vice Chair Peterson voted yes. Commissioner Harbin-Forte voted yes. Commissioner Howell voted yes. And commissioner Jackson voted yes. Commissioners Gage and Jordan were absent. The commission will amend appointment of an interim for Thursday, March 31st for service to start effective April 9th, 2022.

Commission staff: Ready for open forum, Chair?

Chair Milele: Yes.

Commission staff: Thank you. Members of the public wishing to make public comment at this open forum, ideally on items not on the agenda, please raise your hand. I'll call on you in the order that they did. Phone number ending in 5802. I've unmuted you when you are ready.

Saleem Bey: Yes, good evening. Saleem Bey, member of the 100 Black Men, reporting what's going on in this council to them. First of all, that's the move in the right direction. How long have we been telling you about the CPRA? For years. Now, you still left the investigators in place who were tainted before Mr. Alden got there. So until you do that, you haven't completed the job.

I want to call everybody's attention who's on the dais, as well as who's listening, to the Swanson report. The Swanson report was filed 6/21/17 by the city. And it was an independent investigation of the rape scandal of OPD of a minor in our community. It says on page two, former Chief Whent did not report to the monitor that the investigation was underway, breaking with a well-established practice to inform him of potentially significant investigations that applies to the bay investigations. You guys are derelict in that duty.

Page eight, the failure to do so was a marked departure from regular practice. The mayor, the city administrator, the monitor had each set clear expectations that the chief, that they were to be informed immediately of any allegations that if true would result in termination of an officer or could damage the reputation of the department. I think that systemic racist and religious profiling



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that ends up in murders in our community is something that could damage this thing. And you guys should have reported this to the NSA. Page eight, Chief Whent explained, then it skips to the bottom, this claim is not credible. Make sure you read this. The next page, 21, the IAD Commander received periodic updates on the case, including when the IAD investigator learned that Officer B sent Ms. Abuslin a picture of his penis while Ms...

Commission staff: Thank you so much, Mr. Bey. I'm sorry to have to cut you off. Unfortunately, that is two minutes. Phone number ending in 9932.

Nino Parker: Hello. Nino Parker, Homeless Black Advocate, Bay Area. I'm just calling to congratulate Judge Jackson to the Supreme Court. Might be a little bit off topic, but I think it's worthy to mention how for the first time we'll have a black woman on the Supreme Court. I'm sure of her confirmation. She's a very eloquent person. That's all I wanted to do, just put my two cents in. Thank you.

Commission staff: Thank you for your comment, Mr. Parker. Ms. Olugbala, I've unmuted you.

Assata Olugbala: Just going to briefly make this comment, and I could go into a whole lot of things to say, but I think you've done the right thing. This was the right thing to do. That's all.

Commission staff: Thank you for your comment, Ms. Olugbala. Chair Milele, that's it for public comment.

Chair Milele: Okay, our next item is the review and potential adoption of the revision to Special Order 9208.

Chief Armstrong: Good evening, Chair and Commissioners. Tonight, Lieutenant Joe Turner will be presenting 9208. I must remind the Commission that in 2020, Commission voted to approve this original policy that governed our Type 32 Use of Force. Based on the initial version of the policy, it led to an increased amount of time that it took officers to actually complete the task required by policy. So we then brought back a request to the police Commission for a pause on the policy until we had the technology or could work out a fix that would not delay our response to calls for service.

We had seen a significant increase in calls for service, in particular, emergency calls, priority one calls, which led to our revision of this policy or modification, if you would. And so today Lieutenant Turner will present the modifications. This has taken a long time because we were working with the federal monitor and the IMT team to come up with language that was sufficient for their approval, as well as the plaintiff's attorney's approval. So Chair, Lieutenant Turner will present the actual changes to the policy today for your approval.



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Lt. Turner:

Thank you, Chief. And good evening, everyone. Good evening, Chair. Good evening members of the Commission and members of the public. Thank you. If everyone can see my screen, just alert me if you can't. Very brief PowerPoint presentation on special order 9208. As the Chief mentioned, this is an update to a policy that was already discussed and voted on by the Police Commission.

So I'll give a very brief historical overview. I'll talk about the differences between current policy and Special Order 9208, and then I'll be available to answer any questions along with the police department staff. So, when I speak of current policy, I'm specifically talking about Special Order 9196. So that was passed by the Police Commission in July 2019 and implemented by OPD February 2020. And there are still members of the Commission who were there during that process, as you know.

There was a training, and this was a pretty significant change for reporting structure around force. So if you see those two green columns there, those were changes that were made and are currently still in effect. So there were issues around the pointing and unholstering of firearms. For those of you who keep up with the history, there was some issues around language and the way that the officers reported these type of incidents. There was this cleanup that was a success, and that fix is still ongoing. There was a redefinition of takedowns and simplification of force reporting. That was also a success and is still ongoing. The Type 32 force that was in special order 9196, as the Chief mentioned, there were some issues, and we implemented a temporary fix. So for everyone, a brief primer. What is Type 32?

So Type 32 is sort of a catch-all Type of force reporting. It allows for the department to report low level physical force that's used to overcome the resistance of a person during an arrest or detention, or to defend the officer or others from combative action by another person, and where that force is not reported under any other force type.

So if you read our reporting policy on force, we have about 31 other types of force that are reported. So this one caught other types of force in this area that were not reported or under the previous schema. So that was reported as Level 4 Force, under 9196. So when the Chief said we noticed some issues, there was a failure initially in this. And why did this Type 32 force fail? Well, we had an immediate increase in the reported Type 32 force. It was a new category that was created by this policy. There was a significant increase in administrative burden that outstripped our staff and technology capacity, and then the decrease in capacity for response to calls for service from patrol.

And so what did we do, in hand in glove, with the police Commission? There was a temporary fix, Special Order 9202, which was passed by this body,



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February 27, 2020, is remove Type 32 as a Level 4 Use of Force and instituted what's called K32 documentation of the same instance. So this was a temporary fix. It was not the robust reporting and tracking we need for things like risk management. And this is sort of a hint at things to come in this meeting and talking about risk management and the way that we use data, but it did provide us with markers for these types of things. So they weren't just lost, but we wanted a better system.

So, as the Chief mentioned, we worked with the independent monitoring team and we've come up with the proposed Special Order, which is in your agenda packet. So the solution, Special Order 9208... The difference, when we talk about this, what only really changes is the way that this Type 32 force is reported and reviewed only in specific incidents, when the only type of force that our police officers use is this type of low level Type 32 force.

So in the previous policy, the force was reported in our vision system, which is a tabulating, calculating, allows us to pull out this sort of data. In this proposed policy that will continue. In the previous policy, supervisors were required to review these Type 32 reports that the officers wrote. In our proposed policy, that will continue.

In our previous policy for the force reporting, the supervisors were to gather a large amount of ancillary documents, things like the report of every person, every officer that was working that day in the field, whether or not they were involved in the Use of Force or even anywhere near the incident, things like that. So, in our proposed policy, those documents will not be required. Those links that they had to put into the force report will not be required to be put in. That saves a little bit of administrative burden without losing the things that we are looking to capture.

And then previously, body-worn camera review of all involved and witness officers was required for this type of force. And so we proposed that now body-worn camera review of all involved and witness officers be only in certain situations. And those situations would be if there was any misconduct complaint during this incident, if there was a vehicle pursuit associated with the incident, if the engaged person is arrested for resisting arrest, which is multiple different statutes of the penal code, or if the engaged person has a complaint of pain or minor bodily injury related to the force.

So even if the officers were to use this type of force, if one of these situations was to occur, then the supervisor would be required to review the body-worn camera. So, some frequently asked questions. Is this a new policy? As the Chief alluded to, this is not. This is a modification of 9196, which was previously passed by the Commission.



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And when we talk about the inputs, and I'd be happy to talk further about some of input that we did receive, but mainly from the Independent Monitoring Team, the city attorney's office, and the plaintiff's attorney, specifically Mr. Chanin. So that concludes my presentation of this. I'm going to stop sharing, but we're happy to answer any questions.

Chief Armstrong: So, Chair, the first thing I'll say is, before we take the questions, that this was a modification that needed to be made to make sure we could manage the workload that came along with collecting this information or this reported Use of Force, if you would. So essentially this was the best way in which we could continue to collect it without causing an administrative burden on our staff, which would obviously impact our ability to respond to calls. So I just wanted to offer that and I'll pass it back to you now.

Chair Milele: Commissioner Hsieh.

Comm. Hsieh: Thank you. Through the chair, it sounds like this is to fix an administrative burden and what you're doing is essentially taking away the need to upload documents or refer documents, as well as eliminating supervisor review of body-worn camera except for certain situations, right? How did that affect response time for patrol?

Lt. Turner: Yeah. Good question. So what happened was the Type 32 force is rather ubiquitous. So we would see this type of thing on many different calls. I'm referring to page 10 of your agenda packet where the draft policy is. It actually explains what Type 32 force is. And so it's things like lifting up and carrying people who've gone limp, holding them down on the grounds, restraining people in restraint devices, using sort of physical force to move them in and out of cars. So type of police interactions which are low level, where we still want to have documentation, but that might occur relatively frequently.

So that being said, we had multiple officers who were involved. The supervisors then would ask the officers to come in and download their body-worn cameras immediately so the supervisors could start reviewing the video.

And so what we had was this sort of administrative traffic jam. The officers would take the time, still on that call, to go into the station, download the cameras, and write their reports. The supervisors would say, "Let me review the camera footage immediately and do the Use of Force report and review your reports before you go onto the next call." So that added on time onto whatever time they were using to resolve the situation that they were seeing. So that's at least, what I understand, the cause of a ballooning of time spent by our field personnel that caused a decrease in the amount of time that they were able to respond to calls for service.



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- Chief Armstrong: And then Commissioner Hsieh, I'll just add to this. If we didn't do it that way, essentially what would happen is that officers would be extended beyond their duty for four to five hours to download and have that reviewed, which was eating an enormous amount of overtime and extending their hours from 10 hour shifts to 13, 14 hour shifts, just to download video, review video, and determine if a Use of Force should have been completed needed for that particular Type 32 because it's such a de minimis Use of Force that essentially could happen pretty frequently. Even in a given shift, the minute you arrest somebody and you have to use some type of low level force maneuver in order to escort someone, or things like that, could lead to Type 32. So it became an issue of when to get it done. And it an extended a call that normally would've been 30 minutes, nearly double that time, most of the time.
- Comm. Hsieh: I still don't quite get why it would take so much time, but I will take your comments at face value. I am concerned that it occurs so often that it creates this administrative burden in general. I know you're describing it as a de minus Use of Force, but it's still a Use of Force regardless. I suppose my last question is, does this mean that the body-worn camera of these interactions is not being captured or is it still being captured?
- Lt. Turner: It's definitely being captured. Yeah. The body-worn camera is being captured and there are myriad other times when the supervisor might review that body-worn camera. So it's not that it is not captured, and it is not that it is not then available for reviews in other places.
- So for instance, we have a relatively robust review process around random reviews that supervisors are required to do every month, reviews if there's any sort of misconduct allegation, other sorts of things like that. So the body-worn camera is definitely available. It's logged to this incident in particular. So there's always, and especially with our new body-worn camera system, very easy to go back, search, find that video, and pull it back up.
- Comm. Hsieh: So, I suppose then it goes back to the question of why does it take so much time if no matter what it's going to be downloaded anyways? Or is it that the previous requirement of reporting required it to be downloaded immediately, as opposed to say the regular end-of-shift download?
- Lt. Turner: That was it. It was the immediacy and the need for the supervisory review at that point that caused the back up.
- Comm. Hsieh: Okay. All right. I'll yield. Thank you, Chair.
- Chair Milele: Thank you. Commissioner Jackson.





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Comm. Jackson: Thank you. I do remember the extraordinary frustration on the part of the officers in the field and remember why we pulled back. And I just appreciate the modification, especially for expediency while you're still taking into account all the appropriate steps. So I'm glad to see this finally back in front of us and appreciating the hopefully higher quality work that will be done with this clarification in place. Thank you.

Chair Milele: Any other questions from Commissioners? I believe at this point, I could entertain a motion to adopt this provision.

Comm. Jackson: I will.

Chair Milele: Who made the motion?

Comm. Jackson: Commissioner Jackson.

Chair Milele: I will second. And I believe we can go to public comment at this point.

Commission staff: Thank you so much. Members of the public wishing to make public comment on this item, please raise your hand. I will pull up our timer and call on you in the order they've appeared. I'm so sorry. Bear with me. Thank you for your patience. Okay. Public comment. Here we go. I see two hands raised. Let's start with Mr. Bey 5802. You're unmuted.

Saleem Bey: Yes. Good evening. It's [inaudible] Bay. For disclosure, to those not following OPD for years, like some do, a question through the chair. Is this the same officer Turner that was a part of the coverup where drunken officers were banging on the citizen's door and drunkenly threatening citizens late at night? And then the police showed up and allowed these criminal police to leave the scene. Is this the same Officer Turner that's now, by extension, being promoted through chain of command?

If so, then Officer Turner is a contributor to the problem of scofflaw NSA for the last 20 years. Was he ever held accountable? The public will never know based on the super-secret PD criminal records. OPD chain of command is the problem in the NSA failure, not individuals. It's poisoned by the promotion of misconduct-hiding officers, always in line to be promoted.

In fact, the direct connection to the chain of command to IAD, the worst place in OPD according to NSA, shows you that the people that are in chain are poison. This is a case in point about how OPD chain of command is comprised of officers known to be scofflaw during the entire time of the NSA.



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Ever wonder why 10 different chiefs, five of which were [inaudible] by the mis chosen current mayor, are failures? That's because everybody who's behind them, after the head is cut off, steps up, and it's still the poisoned chain of command. Until you wipe out chain of command and start with something fresh, OPD is the same OPD from the 1960s that have been discriminating against black and brown people in Oakland. Thank you.

Commission staff: Thank you for your comment, Mr. Bey. Rachel Beck. I'm so sorry. Try now, Ms. Beck.

Rachel Beck: Hi, can you hear me now?

Commission staff: I can. Thank you.

Rachel Beck: Great Commissioner Hsieh said, "I'm concerned that this is used often enough to create an administrative burden." And that was exactly what I was thinking. So I just wanted to amplify that concern that if low level Use of Force is frequent enough to create a paperwork burden, maybe it could be done less. Thank you.

Commission staff: Thank you, Ms. Beck. Anne Janks

Anne Janks: Good evening.

Commission staff: Go ahead, Ms. Janks. Go ahead.

Anne Janks: Good evening, Commissioners and Lieutenant Turner. Two questions through the chair if it would be possible to get answers. One is, how often does this happen? Say monthly? I think officer Turner or Chief Armstrong at one point said it might happen more than once a shift for one officer.

And the second question, which is also a data question, what's the demographics of who this low level Use of Force... Which residents is it used upon? Is there a racial disparity in the use of it? Because if there is, then I'm a little concerned about not looking at the videos and reviewing them, even if it doesn't happen immediately. Thank you.

Assata Olugbala: (Silence).

Can you hear me?

Chair Milele: I can hear you.

Assata Olugbala: Okay. Nobody called me, so...



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Commission staff: Oh, I'm so sorry. I've been on mute. I am so sorry. I can hear you. And I'm ready.

Assata Olugbala: Okay. Thank you. According to some data that has been provided by the police department in 2021, Use of Force... African Americans was 65%. In 2022, it was 72%. The data doesn't provide... And could it be possible to divide that up by Level 1, 2, 3, and 4 of the percentage of Use of Force by each category or level?

And the other question is, are we talking about something that's going to have less accountability, less transparency, or just avoid a step that eventually will take place, but not at a certain time? Because I'm not clear understanding that... I never can understand this constant saying of officers not being able to be called to different calls, because I've been out on the street in a situation where officers have to be called. We had a fire at the Tiny Homes Monday and four police cars showed up and officers just standing there. And I've seen this a lot where incidents happen and several police cars show up to deal with what appears to be minor things.

So it just disturbs me to say that we are not able to respond to calls, particularly when you're sitting over at Lake Merritt on Saturday and Sunday, just watching black people trying to engage and socialize and vending with no apparent reason other than you feel that they may produce some evidence of a crime or wrongdoing.

Commission staff: Thank you for your comment, Ms. Olugbala. I'm sorry to have to cut you off. That was two minutes. Chair Milele, back to you.

Chair Milele: Thank you. So we have taken public comment. We have a motion and a second. At this time I would like to take a vote. Vice-chair Peterson?

Vice Chair Peterson: Yes.

Chair Milele: Commissioner Harbin-Forte.

Comm. Harbin- Forte: Yes.

Chair Milele: Commissioner Howell.

Comm. Howell: Yes.

Chair Milele: Commissioner Jackson.

Comm. Jackson: Yes.



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Chair Milele: I am also a yes. The motion passes. Okay. So now we have a consideration of the approval of our Social Media Policy.

Chief Armstrong: And Chair, before we move to the ad hoc. I just want to say... First of all, I want to thank Chair Milele for her leadership in moving these policies forward. The Judge gave the city a directive to get these policies done by our upcoming court date. And I think Milele and the Police Commission, all of and Commissioners have given so much time to our ad hoc, as well as community members, to work to get these policies done. So first, I just wanted to thank you all for your hard work.

Obviously, I have a high level of accountability when it comes to the court and the federal monitor, but Chair Milele, thank you for your leadership. You all stepped up to help us at least get to this point where we could bring forth a policy to the Commission. All of the members of the Commission that served on the ad hoc and helped us move this process forward, I'm really appreciative and hope that we will satisfy the judge's request. So thank you. With that, I'll pass it back to you to start the Social Media. And we have staff for each policy.

Chair Milele: Thank you, Chief. Who is presenting on this item?

Chief Armstrong: Lieutenant Turner, you want to start with the ad hoc lead for social media?

(silence)

Comm. Howell: You're on mute.

Comm. Hsieh: Lieutenant Turner, you're muted.

Lt. Turner: Thank you. Sorry about that. I'll start again. Yes, thank you, Chief. And I see we are on Social Media. So, for those of you members of the public, attachments eight, page 54 of your agenda tonight. So good evening Chair, good evening Commissioners, good evening members of the public. Lieutenant Joe Turner here with the policy and publication unit. As you can see, there is, for the consideration and examination of this body, a draft of a Social Media Policy.

And I don't want to take too much time because I know the Commissioners were the driving force in this ad hoc. And we do want to echo what the Chief said, and appreciate that. But very briefly, if you look at the policy, and if you'd like, Chair, Commissioners, just say the word I'll share the screen. But I think everyone... starting on page 54 of your agenda packet tonight, attachment eight is a draft of a Personal Social Media Policy.



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So what does this policy accomplish? It does a few things as you can see. It provides guidance and rules about the use of personal social media by members of the police department. So this is anyone who is a member. Members includes, though there is some older language floating around, the member now designation, is inclusive of all of our employees of the police department, both sworn and professional staff.

So what this policy does is it provides this guidance and also very clear rules. As you know, we are a public agency. We do have to follow the rules of the first minute being in government agency. But at the same time, there are clear core values. Those core values stem from the leadership of the Commission. They stem from the leadership of the Chief and his executive team. And they stem from the expectations of the community that we serve.

The policy makes clear that extreme views that celebrate the denigration of others, advocate violence, or promote harm, have no part or place in the department. Those who espouse those views have no place guarding our community. And so what this policy does, as you can see, it starts out with those values, just as many other policies that we've worked together with the Commission have done. Setting forth things like the mission, looking at administrative instruction, AI 71, the Law Enforcement Code of Ethics, and just hearkening back to the manual of rules that guides the interaction of our officers and our professional staff.

Gives some definitions, talks about what personal social media is, and very broad. Then talks about some general considerations for personal social media use, including how it can impact the perception of a person by their peers, by the departments, by the community itself. How personal social media use can impact the operation of the department.

There is language in this policy about power dynamics. We were lucky enough to have Director Darlene Flynn as a member of the ad hoc. And there were a lot of good views that came out of that ad hoc process, especially around the awesome power that police officers are given by the members of the community and how easy it is for that power to be tarnished or diminished, especially with social media use that has no place by a sworn member, or a professional staff member of this department.

This policy, as you can see, also sets some specific rules around personal social media use by members, including some very strict and clear prohibitions and guidelines. Then it also talks about training and gives further direction to the departments around social media. So from the department's perspective, I can say that we looked at many personal social media policies from other police agencies. You can see those on the police Commission's website for this ad hoc.



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And I know that we did have a lot of good discussion with the members of the ad hoc, including the Commission members and the members of the community that joined us. So with that, Chair, I'm happy to send it back to you or to the Chief if he has anyone else to... And of course I'm available for any questions about the policy.

Chief Armstrong:

Now Chair I think this is something that has been forthcoming for a while. Former Chair Jackson had really pushed the department to create a Social Media Policy several months ago. And then we also had our social media investigation that led to the great need for governance and oversight of our members use of social media. This policy is set forth to do that, to make sure our members have clear guidance and direction on how and what is appropriate for social media, and to understand that there will be a high level of accountability for those that violate that policy.

And so I think for the department, it's important that we finally be able to document this and memorialize this policy so that we can ensure that moving forward, our staff will have clear guidance about how they can use social media and what is not tolerable. And with that, I will submit it to you, Chair.

Chair Milele:

Thank you, Chief. Commissioner Jackson.

Comm. Jackson:

Yes. Thank you very much. I do want to echo the Chief's comments on the exceptional contribution by Darlene Flynn, particularly around power. We don't focus on that enough and negative impact on community. And as with the Instagram case, the abusive use of it by police officers... So I'm glad that we were able get this in front of quite a few people.

I also want to thank the students at UC Berkeley, who are taking the class, How to Become a Public Health Change Maker, who weighed in on this policy, who created Google surveys, and provided a youthful perspective, which is key to social media platforms and use, period.

In addition to all of the multi-generational series of contributors as it related to the ad hoc. So I am very pleased with the quality of this policy and I'm that, through your leadership and direction, Chair Milele, that we've been able to get it here. Thank you.

Chair Milele:

Thank you. Commissioner Hsieh.

Comm. Hsieh:

Thank you, Chair. I also wanted to thank the community members who assisted with this policy. Both Anne Jackson and Peter Parsley were very thoughtful, had comments to every section in this policy and gave great ideas. I think that community input in these policies is extremely important and they really



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stepped up to the plate in assisting us here. I also wanted to ask or ask, let's kind of turn her to elaborate a little bit on just some of the training or examples of what training might go with this policy as this falls as both current and the new members of the department are going to learn about this policy, because that was part of the package of information that we knew was going into this. That helped us figure out what we put into this policy and what we need for the training, if we can.

Lt. Turner:

Yes. Thank you and with your indulgence chair. That's an excellent question and I do also want to highlight the input from the community members and talking about some of this. One of the things that was stressed frequently and I'll call her out specifically by Anne Janks, was around the fact that social media is constantly changing. That what is now a harmless meme will be in six months, a really important symbol for what we don't know. These things have a way of changing organically and in a way that policy just cannot respond to. It's training is going to be... need to be at the forefront. I know there are few ways that we'll see this. In the training we talked about in our ad hoc and in the group about the examples that will be available.

Up to date, contemporary examples of how these things are evolving into were especially around the intersection between hate speech and unacceptable behavior and current internet trends and how you see those things sometimes move in patterns together. That is one thing where we have, and I know the chief has been very direct about putting people into his office, the public information office, who understands social media. We have those members who understand these kind of trends and can give that sort of clear information directly to the trainers that will go directly to the rank and file. Another thing that we talked about were things like ongoing checkups of oneself.

During the training, and here I want to call out to project reset, is one of the trainings that the chief is spearheading here at the department which talks about being a change maker on your own. Every member of the department, sort of being a change maker and it starts with examining oneself. This is an area where we anticipate some synergy, where we anticipate things like having people look at their own social media, doing a self-examination and seeing where things might have... where they may have room to improve, especially around looking at how they post the things they put. Even if it's... because we did talk a lot about some of the things that really aren't necessarily things that you can legislate, but things that people need to understand.

Also, a call out to another community member, Dr. Parsley around really the joking that is hurtful. That was something that got into this policy that wasn't there before, and I think has been beneficial. That's the type of training that we want to see, and we will see. Is contemporary, it's understanding, it's going to





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have a lot of visual examples that are contemporaneous that keep up with the trends and the times, because this is a forum that is constantly evolving and changing and we want the training to be contemporaneous to that.

Chair Milele: Thank you. Do we have other questions from commissioners? Commissioner Hsieh.

Comm. Hsieh: I'll just flag one more thing for our... Thank you chair. I'll just flag one more thing for our fellow commissioners and for the public, that section D 12 of this particular policy does note that reporting is mandatory for any violation of this social media policy that is in there. Specifically, to capture and make sure that we do not have the same situation that we had in the Instagram scandal where people knew and didn't say anything about it. That goes all the way to the top from the line officer, the new trainee, all way up to the chief. Thank you.

Chair Milele: At this point, since we've had some discussion and some questions, I am willing to entertain a motion to approve this policy.

Comm. Harbin-Forte: Who moved? Harbin-Forte. [crosstalk]

Chair Milele: Thank you. It's been moved by Commissioner Harbin-Forte, seconded by Commissioner Jackson. I believe now we can go to public comment.

Commission staff: Thank you Chair Milele. Members of public, wishing to make public comment on this item. Please raise your hand and I'll call on you in the order that they've appeared. I have three hands so far. Starting with Rachel Beck, when you're ready.

Rachel Beck: Hey, can you hear me?

Commission staff: I can, go ahead.

Rachel Beck: My concern about one provision, and I don't think there's really any fix for this, is couched in my memory of the Instagram scandal. It's D seven using department or organizational identifiers on social media. Members are urged not to use department or organizational identifiers, including, but not limited to bureau division section or unit names as part of a personal or privately held social media moniker. Members should understand that using departmental or organizational identifiers more closely ties a member's personal social media account and activity to the department and opens the members' social media activity to closer scrutiny.

I'm concerned that this particular provision sounds like it's about covering up or avoiding scrutiny rather than changing anything about underlying attitudes. And





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that may be cynicism, but that's based on what I observed back during the Insta scandal. Thank you.

Commission staff: Thank you for your comment, Ms. Beck. Ms. Olugbala.

Assata Olugbala: Hello?

Commission staff: Go ahead, Ms. Olugbala. Can you hear us?

Assata Olugbala: Yes, ma'am. Thank you. It is a constant struggle in this city to specify when an issue is dominated by black people being affected by it. We like to deal with issues as if we have this whole lot of different folks who are being impacted by abuse of social media. What brought us to this point? Who were the targets by the police that we had to go in this direction? I know black people were involved with the CROs who were white and Latino officers attacking blacks. But besides that, I'm trying to get to the point to understand who else in this city is being a victim of police misbehaviors.

At any level, what groups and to what percentage. The other thing is, because we like to talk about solving the problem. We don't want to identify who the victims are when it's a lot of times it's black people, African America. What is the enforcement, high level of accountability? What does that mean? Because, there was no high level about accountability with these crime reduction officers, they're right back. And every time I hear crime reduction officers, I wonder, who are these racist people that are trying to solve the problem around crime? What is this high level again of accountability? What are the consequences? Is it going to be more slapping on the wrist? Get it on back and continue to do the job, or it's going to be some serious consequences where people going to think, why is this thing repeating?

Commission staff: Thank you for your comment, Ms. Olugbala. Mr. Saleem Bey phone number ending in 5802.

Saleem Bey: Good evening, its Saleem Bey. First, the social media ID complaint was made in 2021 and was released the same year. Why not the black movement investigation? What's the difference? 20 years ago the NSA said everything you just said, but this is 2022 and OPD is still failing in discrimination. A policy is only good as the power to hold the OPD accountable. Every discrimination complaint to this date gets closed without investigation by your body. Look up DGOM-19 prohibitions against discrimination. All this has already been on the OPD books, just not enforced. Kumbaya don't mean crap on paper to persons being affected. This OPD testimony from O-nine shows an unbroken, racist, Islamophobic, OPD, where nothing has changed.



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It says here, several guys in the office accuse them of being a Muslim. The office is OPD headquarters. I went to them and said, "Hey dude, stop wearing that bow tie. Everybody who is accusing you, think you're a Muslim." Darwin looked at me and said, "They're just being racist." This is from O-nine, just because he was being a Muslim. That's an OPD officer testifying about what happened in OPD in O-nine. Nothing has happened. As a matter of fact, he had an independent investigation about this and this body chose not to investigate it in violation of LL.

Thank you, Mr. Gate, because you just showed yourself for being the one that jumped up. You don't know anything about 3304. And the only thing you know is from Mr. Alden, who just got fired for covering up his own dirty thing. If your only training of 3304 is from a person that just got fired, don't take it. Get independent council, not the ones that you have who have been collaborating with the city attorney's office. Get somebody else out there who is going to enforce M19. That's been on the books for over 20 years and stop creating policies that are being polished, just like old turds by city shields every five years, and nothing is happening for black people.

Commission staff: Thank you for your comment, Mr. Bey. I am sorry to have to cut you off, unfortunately your two minutes are up. Phone number ending in one, seven, seven, nine. I'm trying to unmute phone number ending in one, seven, seven, nine.

Mary Vail: Okay. Yes, Mary Vail. Overall on this subject, I think we need to remember referencing to the Instagram scandal, where there was all this, "Oh, they're joking". People in middle management of the department when they learned about it, they started saying, "Oh, it's probably a Black Lives Matter or Antifa side." Well, that's what certain members of Congress said about January sixth, unacceptable. As other speakers have alluded to, enforcement is really important and we can't have people in internal affairs who just put those things or thinking, "Oh, this will be bad for the image of the department, We'll just let it slide."

And the other observation I would make about the subject of jokes, which I'm glad this is addressed in the policy. When I was in my first year of law school, and there were any... I was in a class that was the first one that had more than two women in it. Anything raised of having to do with women or sexism or whatever we were told, a lot of members of OPD said, "Oh, some people just don't have a sense of humor." Overall two things, this policy, provided it's actually enforced, would be an important step in changing the culture of OPD, which everyone now acknowledges is essential to compliance with the NSA. And again, enforcement to me is everything. Thank you very much. Bye, bye.



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Commission staff: Thank you for your comment, Ms. Vail. Reisa Jaffe, up next, when you're ready.

Reisa Jaffe: [inaudible] This is Reisa Jaffe. As others have spoken about, I am concerned about the change of the culture and the enforcement. I would love it, if the police commission would ask for report backs on what is being said by high level staff on a regular ongoing basis, that goes beyond the training to let OPD, everybody at OPD at every level know that this is a serious changing culture. It's not just the training and then it goes away, that there's an ongoing. Let's get a report back on what things are being said on an ongoing basis. Also, the enforcement is really important. Let's get a report back on how many times that somebody takes accountability for this and what the accountability is. Let's hear report backs on changes of culture, and that accountability is actually happening. Thank you.

Commission staff: Thank you, Ms. Jaffe. Anne Janks, when you're ready.

Anne Janks: Good evening. I was one of two community members who participated in the ad hoc, and I just really want to encourage the commission to value transparency in these ad hocs. We were told at the beginning of the ad hoc, that there would be a forum where additional subject matter experts could come and present additional perspectives. I felt that, that was really important because the voices in the room were overwhelmingly OPD voices and materials presented by OPD. For example, when they posted what they said were model policies. They're not so much model policies on social media use by police, as they are examples of policies. Some of them were very weak. There were other policies to consider. There were other voices.

Not surprisingly, the documentation that you're going to get when you ask OPD for information about a subject tends to be kind of police side. I dug up what I could, that was kind of from some other perspectives, but there were subject matter experts who were saying that they felt that best practices were to have somebody assigned to kind of specialize in changes with social media, because it does change very rapidly and it would've been good to be able to hear them. And since it was stated at the beginning, there would be a forum. I think it was a real oversight not to actually have one.

I appreciate all the discussion about training, because that was the excuse that was used for not including specific language in this policy, which again, training is nice, but it's good to write things down in policies, I would argue. There are a lot of positive things to say about the policy, but I only have five seconds left. Thank you for letting me participate.

Commission staff: Thank you, Ms. Janks. Wait till... Oh, no. My bad, Millie Cleveland.



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Millie Cleveland: Thank you. I just wanted to make a couple of short observations. It seems to me that the commission is very unresponsive to community comments that are made in public comment. If there are questions that are being posed, that could be answered, or the chair could ask the chief to address the questions that could be answered. It seems to me that would be appropriate and I notice that it has been done like that in the past with the previous care.

I also want to say that maybe I don't understand the process, but I don't understand why the chair would request a motion before public comment. Don't you want to hear public comment before you make a final decision? Otherwise, what's the point of the public speaking? That's all.

Commission staff: Thank you for your comment, Ms. Cleveland. Chairman Milele, no more comment. It's back to you.

Chair Milele: Thank you. We have the motion on the table and we have had discussion and public comment. I would like to take a vote at this time. Vice chair Peterson.

Vice Chair Peterson: Yes.

Chair Milele: Commissioner Harbin-Forte.

Comm. Harbin-Forte: Yes.

Chair Milele: Commissioner Howell.

Comm. Howell: Yes.

Chair Milele: Commissioner Jackson.

Comm. Jackson: Yes.

Chair Milele: I am also a yes. This passes. Thank you.

Commission staff: Chair. I inadvertently skipped an agenda item. We're going back before we go forward. I hope that's okay.

Chair Milele: Yes. Thank you. And thank you for flagging it. Okay. Now we're looking at the policy for anti-discrimination and harassment.

Comm. Harbin-Forte: Lieutenant Turner. Are you going to present on that [crosstalk] or should I ask Chief Armstrong. You have a presenter on that one, or do you want me to go?

Chief Armstrong: It's up to you, Commissioner Harbin-Forte. You can take it.



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Comm. Harbin-Forte: Let me suggest that Lieutenant Turner, go ahead. If he's prepared to, and then I can make some comments at the end.

Chief Armstrong: Yes ma'am.

Comm. Harbin-Forte: Thank you.

Lt. Turner: Absolutely judge. And, thank you, chair. Thank you, members of the commission. Thank you, members of the public. For those of you following along in our agenda packet tonight, starting on page 14, attachment seven is the clean draft. And then if you continue along, you'll actually see its blue line. Thanks Microsoft word to the comparison with the city's Administrative Instruction, 71. Keeping those in mind, I'll start just by discussing overall, generally what we're looking at here, which is an anti, an equal opportunity employment anti-discrimination and non-harassment policy.

Specifically in, as you can see, OPD's department general order format very clearly specifically guided towards our OPD members. This is similar to Oakland, the city of Oakland's Administrative Instruction, 71, and you'll see a lot of its same language. We have the members, the ad hoc, we're lucky enough to be visited by our city partners, Mr. Director, Ian Appleyard of the human resources management and especially Director Artisha McCullough of the EEO and Civil Rights office of the City of Oakland. Both of those gave really valuable contributions and discussed AI 71, Administrative Instruction, 71, which is a citywide guidance and policy on anti-discrimination, anti-harassment.

You can see that this policy mirrors that a lot, it talks about these protected statuses, which are protected both by law and by policy and builds on, I think in a lot of really ways that make this policy even stronger. If you don't mind me saying so, that the city members said that they were going to shamelessly steal from this policy to include in their next draft. We're really happy about that. Some things where, what this talks about is, this policy applies to all the department members and covers their interactions in the workplace, outside of the workplace, in interactions between each other that have nothing to do with the workplace, but solely have direct connection to them as being employees of the city. For instance, things like social media, direct messages, postings, or something like that.

Instances of speech or harassment or discrimination that occurred at events outside of work. These are all things that the policy would cover and that would, as you can see in that first paragraph, be violations of the policy that would be subject to appropriate discipline. And there's a specific call out to the discipline matrix. This at every turn gives sort of real world clear, plain spoken examples of conduct that is unacceptable. And we do again, had a public forum and know



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that commissioner will probably talk a little bit more about that, but took some good information from the public to include things like prohibiting bullying, withholding cover, withholding the ability of having someone back you up on a call because of your protected status or something like that.

Talks about a lot of different things and includes explicit call outs, which I think will probably be in our next citywide administrative instructions to administrative instructions around a gender discrimination, transgender, and the ability of someone to have their own pronouns, have their own identity and have that be themselves and not be misgendered or things like that. We do have specific call outs to that Administrative Instruction, 73, the city's gender inclusion policy. We also talk about religion, age, military service, all of these things that are sometimes missed in the idea of what we talk about protected classes. This finally discusses, and we spend a lot of time on talking about both retaliation and the complaint and reporting procedure.

This policy specifically sets forth the department's procedure for complaints and reporting. It sets forth the city of Oakland's complaint and reporting process, and also the process for the equal opportunity or equal employment opportunity commission, or the California department of fair housing, our employment and housing, all avenues through which our employees can make complaints. We've also been in the process of developing a pamphlet, which was another thing that came out of the ad hoc to give directly to our members, both in the academy or when they first come on for professional staff, and then for all of our members, just so that they understand the process, which can be a little daunting at times.

Overall, we had a lot of good information, as you can see at the ad hoc. We really do thank the commissioners for their leadership and subject matter experts from the city, as well as members from the police department. [inaudible] We did have a chance to speak with professional staff as well from these different affinity groups. You'll see their names there that really came out, put themselves forward to offer some real life experience of having worked at a police agency while being a member of one of these groups and some of the challenges and some of the things that they experienced. We really appreciated that lived experience and I think that came through in the policy. And commissioner, we haven't answered any questions and I'm here to support any presentation that you have.

Chair Milele: Do we have any questions for commissioners or Commissioner Harbin-Forte, did you want to add on first?

Comm. Harbin-Forte: Yes. I would just like to thank every member of the ad hoc and everybody who advised us in getting to this policy. And just to reemphasize as well, the number



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of people who were at the table, the affinity groups, the black warriors, the Latina black officers, the Latino officers, the agent officers, the LGBTQ plus representatives that we had everyone at the table. And again, the lived experiences and the ability to help us strengthen this policy, made it a much better policy than AI 71, which everybody is already subject to. And then now AI, 73 is out as well on gender identity. I want to... I thank the ad hoc members of the ad hoc committee, and I want to say as well, that those members were also in addition to myself, with Commissioner Hsieh and Commissioner Jackson, but we want to stress that this policy is really just the beginning. It's not the end.

And we know that the commission will continue to revise and improve the policy over the years. But this sentiment was expressed often at our public forum. And many people pointed out that a policy is just a policy and it means nothing unless the department is actually committed to eradicating discrimination and harassment in all of its ugly forms, both implicit and explicit in the department. The policy also means nothing unless the members of the department from the chief on down hold others accountable when they violate this policy. Department culture must change if this policy is to achieve the desired outcome. And I'm very optimistic that we will see the culture change, but we will continue to revise this policy. We'll continue to work on it. We will continue to make sure that attention is being paid to anti-discrimination and harassment in the department.

And I can't say more, except it was just a wonderful experiential work with all members of the ad hoc, including Lieutenant Joe Turner, who did so much of the work in terms of editing and drafting and redrafting. I want to thank the members of the public who took their time to come to the public forum. I'm repeating what Lieutenant Turner said, but we got so many wonderful and great comments and suggestions as people came together in a collaborative fashion to try to see what we could do to improve this policy. As a member of the ad hoc, I am certainly recommending that the commission adopt and approve this policy. I can see if any of the other members of the ad hoc have anything to say madam chair. If, anyone has anything to say.

Chair Milele: Commissioner Howell has a question?

Comm. Howell: Yeah, I have one question for clarification. Do these protections outlined here, do they extend to the community or is this mostly just internal?

Comm. Harbin-Forte: And this ad hoc is an internal policy. This is an internal and it does not address. And I will go back, how the ad hoc committee was formed in order to bring to the commission for adoption, a revised and enhanced internal Oakland Police Department policy, anti-discrimination and harassment policy that would





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contain guidelines and expectations related to all department members. It's not meant to guide and direct OPD members regarding expected anti bias behavior toward members of the public. Those kinds of provisions and expectations and guidelines will be included in policies generated by other ad hoc committees.

Comm. Howell: Thank you.

Comm. Harbin-Forte: Thank you.

Chair Milele: Commissioner Jackson.

Comm. Jackson: Thank you, Chairman Milele. I just wanted to say that under the leadership of ad hoc chair, Commissioner Harbin-Forte, that I was very pleased to be able to be a part of this ad hoc. I know that it was a very special nuance to have the ad hoc members be able to engage with the infinity groups, which is typically a very difficult thing to do. And that I've also come to respect on so many levels, Commissioner Hsieh's perspective on actually all the policies and ad hocs that I've participated on with him. But I think that the community partners, as well as OPD were very open and receptive to so many of the contributions that were made by ad hoc members, that were suggested through the public forums.

And I'm really glad to hear that there are others throughout the city and perhaps throughout the state that might take lessons from our policy to inform and expand the expectations internally for other entities within the city. I'm just very, very pleased, a lot of hard work that went into this. And as Chair Harbin-Forte said, this is just the beginning, but after having worked on the, oh gosh, the superiority ad hocs and so many other things, there's just so much to chisel away to get to where we're trying to go. I'm very happy, thank you.

Chair Milele: Commissioner Hsieh.

Comm. Hsieh: Thank you chair. I want to echo Commissioner Jackson's sort of gratitude to Commissioner Harbin-Forte for your leadership. You did not start as the leader of this ad hoc. I think it was Commissioner Peterson, but she was taken away from us and you stepped up to the plate. Thank you so much. I also want to echo a comment that was heard during community for the public forum, which kind of underscores what Commissioner Harbin-Forte said specifically, that this is just the beginning.

Even though, this is an internal policy. Even though, that this specifically relates to employees of the department, members of the department in the way that they interact with each other, the whole city of Oakland is their workplace. It is the base by which we build our future work in anti-discrimination and against harassment. And we make this city a better place with this police department. It





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is the base, we look forward to continuing the work and thank you very much to all the members of the ad hoc, the affinity group, and the public for your work in this. Thank you.

Chair Milele: Commissioner Harbin-Forte.

Comm. Harbin-Forte: Thank you madam chair. I just want to do a special shout out, Lieutenant Turner's already thanked our subject matter experts. One of them is here tonight for a repeat performance at the next public forum. Tinnetta Thompson, she's council too, and director of recruitment for San Francisco's department of police accountability, which is the equivalent of our police commission, but we also had a subject matter expert, Darlene Flynn, who was the director of the city's department of race and equity. And also Catherine Massey, she's with the City of Oakland, the city administrator's office, employment investigations and civil rights compliance. And she handles employment investigations for the city.

So, we were fortunate to have them as our three subject matter experts at our public forum on March nine. And I just want to do a special shout out to them for doing that for us. Thank you.

Chair Milele: Thank you. Any other questions from commissioners? At this time, I believe I can entertain a motion to approve this policy.

Vice Chair Peterson: I move approval of the policy for anti-discrimination and harassment.

Comm. Harbin-Forte: I'll second that motion.

Chair Milele: Okay. We can take public comment at this time.

Commission staff: Thank you so much madam chair. Members of the public wishing to make public comment on this item. The anti-discrimination policy, please raise your hand. I'll call on you in the order that they have appeared. All right. Reisa Jaffe, when you're ready.

Reisa Jaffe: Yes. This is Reisa Jaffe. I just want to say again, this is another opportunity for the police commission to specifically request that the police chief report back on what beyond the training is being done on an ongoing basis to let everybody at OPD know there's a culture change and also to report back on accountability. Thank you.

Commission staff: Thank you Ms. Jaffe. Mr. Saleem Bey, 5802.

Saleem Bey: Saleem Bey. As I was saying, question, has Derwin ever worn a bow tied to work? Answered, yes. That's inside OPD headquarters. Question, how many



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times? Answer, I don't remember. I remember when he first started doing it. We both got promoted. Several guys in the office accused him of being a Muslim.

First of all, you can't accuse somebody which is accusing somebody of doing something wrong or being a protected class. That's OPD, that has not been addressed nor changed this policy. Hasn't done anything to do that. Read and enforce existing DGOM19. We are still getting profiled. Even with these policies.

The Ross report says their systemic racism and religious animist profiling against black and Muslim citizens, which is being ignored by this OPC and blocked from investigation counter to measure LL by racist CPA members who stabbed Janelle Harris in the back, when she's the one that pushed to get the Ross investigation.

OPD failed for 20 years in discrimination all the time during which said city administration employees you just said, have been polishing policies, but OPD hasn't been enforcing them.

The existing policy has never been enforced again, is it the same Joe Turner? Can we get an answer from the chair? Again, M19 has been in place for 20 years, unenforced. Read it, and know it, and enforce it. Right? Black people are still being discriminated against per every report being ignored and replaced with city admin ignored policies that will then be forgotten by this OPC shortly. Thank you.

Commission staff: Thank you for your comment, Mr. Bey. Ms. Assata Olugbala.

Assata Olugbala: Yes. First I've come across individuals who were in the police academies. They never made it to officers. The reason why they never made it is because of harassment and discrimination while they were in the academies.

So this policy, does it cover individuals who are victims of harassment and discrimination's under those circumstances? Does it also cover some recourse for former officers? On March 17th in closed session of the city council, former officer [James Engamped] was suing the city for bankruptcy because of his pursuit of retaliation within the department against him. Race based harassment, over his efforts to investigate officer O'Brien. Suspected of death to the death of his wife. He also in his lawsuit referred to intrusion into his personal files, racist texts, complaints to internal affairs being ignored, demotions, or lack of denied promotions, loss of wages and benefits.

This case made me come to one conclusion. I will never again, seek out to have black officers. James Danth was a black officer coming to this department. I can't believe that an officer trying to do his job. And we were trying to cover up,



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went to the point of having him eventually unable to support himself, losing his wages and benefits. And I will never speak again about black officers coming into this department.

Commission staff: Thank you for your comment, Ms. Olugbala. Anne Janks, when you're ready.

Anne Janks: Good evening. Not everybody was at the table for the development of this policy. Although I understand the argument that it was an internal policy and it wasn't important for the public to be able to see how the policy was being developed.

How police officers are treated, whether BIPOC police officers are able to stay in the department, are able to thrive in the department, are able to report other officers within the department, are able to succeed and be promoted within the department is of massive interest and impact on the general public. And I will tell you that when I talk to people in various communities, and I've done that a lot over the past three years, especially around macro. Many community members are deeply, deeply aware of employment issues in police and fire department.

So I just don't think that an internal policy is not of interest to the public and that the public is not in fact a stakeholder in it.

I'm just going to continue to urge you to consider the danger to the credibility of the police commission of meeting in secret with OPD. And not having any way for the public to see what the discussions are, what the representations are, et cetera.

Thank you for offering a forum for the policy. There are certainly sometimes that you might need to have some conversations in a protected area. So people feel more comfortable, but I doubt that was true of the entire policy development. Even if the public wasn't participating actively, they could have been watching, and that would've been transparency. Thank you.

Commission staff: Thank you, Ms. Janks. Chair Milele, that was it for public comment. It's back to you.

Chair Milele: Okay. Thank you. So at this time we have a motion and we have it seconded. I will take a vote at this time. Vice chair Peterson.

Vice Chair Peterson: Yes.

Chair Milele: Commissioner Harbin-Forte.



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Comm. Harbin-Forte: Yes.

Chair Milele: Commissioner Howell.

Comm. Howell: Yes.

Chair Milele: Commissioner Jackson.

Comm. Jackson: Yes.

Chair Milele: I am also a yes. This motion passes.

Okay. Our next item is our public form to consider the draft of the revised risk management policy.

Vice Chair Peterson: Thank you chair and good evening to our community members and to my fellow commissioners. As we mentioned at the last commission meeting, we are trying something a little different this evening, with this ad hoc committee, in order to maximize public involvement.

For this agenda item, we intend to use our time with the members of the public in attendance to discuss OPDs proposed risk management policy. We'll hear from our subject matter experts before opening the floor to questions and discussion. The public will be invited to share their ideas, perspectives, and suggestions. And of course, commissioners will participate as well.

As a reminder, the policy ad hoc for this topic is made up of three commissioners, myself, Commissioner Harbin-Forte, and Commissioner Howell. OPD representatives are here as well. I want to address the fact that we are using our meeting time this evening to solicit feedback from the public.

The commission provided a draft before this forum, rather than drafting from scratch at the forum. Because we face a shortened timeline to approve a policy for the upcoming case management conference on April 27th. The agenda packet includes the original, the red lines, and a clean version of the accepted red lines of the policy.

Also that, the public can see what we intend to change in the policy and can use this forum tonight to share perspectives about that. We will always facilitate public engagement. We care about that role and we will never exclude anyone's voice from our process.



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Public participation in our drafting process is a core principle of the police commission. In this case, we have to balance that core principle against the need for meeting management and compliance deadlines.

With that said, why don't we get started? I'm going to ask our subject matter experts to start by introducing themselves and taking a little time to talk about the topic we'll begin with Dr. Leigh Grossman. Let's start with you, Dr. Grossman?

Dr. Grossman: Evening everybody. Am I able to share my screen?

Commission staff: Give me just one second. Go ahead, Dr. Grossman.

Dr. Grossman: All right. Good evening everybody. My name is Lee Grossman and I oversee the risk analysis unit here at OPD. I've been with the department for about a year and a half. I was in Newark, New Jersey prior to that, working with their department.

My primary focus in the risk analysis unit is on the risk management meeting process. For most police departments. Assessing risk really only involves determining potential for lawsuits, civil damages, or criminal charges against officers or the department. At OPD, not only do we try to focus on those key risk areas, but also how our actions might disproportionately impact certain communities and how we can identify trends and anything that might become a potential issue in the future.

Our risk management process includes analysis at the individual level up through the department level. So we also look at squads, at the areas at specific units, up through the entire department.

Meetings are held monthly and follow a particular schedule. And here you can see what that schedule is. I'm not going to go through the whole thing, but it repeats quarterly. It involves looking at each area and specialized units. And then also a citywide meeting that is held quarterly. Per the policy that we are looking to have approved, we are required to hold these meetings and are unable to cancel them.

So for every risk management meeting-

Commission staff: Excuse me, Dr. Grossman. I'm so sorry to interrupt you. Are you trying to share a screen because there's nothing showing just yet.

Dr. Grossman: Oh, that's great. Okay. Let me try again. Was working. Oh, it goes away when I put it down. Got it. Okay. Got it. Now can you see it?



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Commission staff: Yes.

Dr. Grossman: Okay, perfect.

So now, as you can hopefully see on the screen, in each meeting, we always look at six key areas of risk that stops forced complaints, pursuits, collisions, and individuals that are on PAS monitoring.

Additional areas of risk are reported out in our monthly risk analysis report. Some examples are canine deployments, armored vehicle deployments, arrests, sick leave, training, referrals that we receive from the public defender's office or the district attorney's office.

And I also want to point out that our PAS monitoring is basically our early warning system. And while it is a different process than risk management, it is included in every single meeting.

So prior to a risk management meeting, which occurs monthly, I released a monthly risk analysis support and a supplemental analysis for each area that is having their meeting. Source data is provided to commanders so they can conduct drill downs and look at their squads and look at their officers.

I work with commanders to identify patterns, trends, and any potential outliers and assist them with analysis as necessary. To prepare for their meeting, at the end of the month with the executive team, the commanders are required to hold smaller risk management meetings with the supervisors that are under their command. So, the lieutenants, and sometimes the sergeants. These meetings last one to two hours and review in depth trends, patterns, and outliers.

So I just wanted to briefly provide some examples of the analysis that is provided to commanders. This is a chart of our moving violations.

The department stresses that when a traffic stop is going to occur, that officers focus on stops that involve the greatest risk to public safety. And so in this example, you can see that in August of 2021, there was a dip in the proportion of stops of traffic violations that were moving violations.

This is an outlier, as you can see in the data. And so a drill down was conducted by the commander and during the meeting, the commander was questioned about that issue, and the commander was expected to provide a response as to why that issue occurred and what they were doing to prevent that from occurring again.



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Here's another example of our moving violations and shows how the department citywide is focused on moving violations, as opposed to equipment violations or registry violations. Which we know disproportionately impacts certain communities. We strive to focus on violations that impact public safety the most. And those are stops for speeding, running through red lights, illegal turns. And you can see over time that the proportion of traffic violations that or moving violations has increased for all races.

An example is 79% of traffic violations for African Americans in quarter one of 2019 for moving violations in quarter four of 2021, that was up to 96%. So it's really showing that since the department is identifying this as an area of risk, or as an area of disparity, the work that has been done to kind of move the needle in the direction we would like to see it.

And finally, this is an example of analysis at the individual level that commanders are expected to do. You can see all made up names and officer Jones had the most uses of force in their unit and their commander drilled down, looked at each and every one of their uses of force to identify first, was it in compliance? Second, were all those forces, could they have been deescalated? Could another lower type of force have been used?

Additionally, looking at that officer's internal affairs cases, are those cases related to the force, or is there some other issue? And then finally to note that this officer, officer Jones, is on PAS monitoring, which means that they were flagged by our early intervention system. Or referred by their commander to be placed on monitoring.

And monitoring is not a punitive process, it is intended to avoid potential problems in the future. And each individual officer is provided with a tailored strategy that seeks to improve them as a police officer. And that could include increased training, mentoring, review of their body camera footage by their supervisors, or any other additional strategies that they think will improve the officers skills and abilities.

And so this is just a small example of what we do in the risk analysis unit. I usually provide commanders with about 20 to 25 different types of analysis that they can review for their meetings. So while we are not saying that we will be able to identify every single potential issue before they occur. We are looking at risk in a variety of ways. And we try to identify issues that might impact the community, might impact the officers, and might impact the department. And I think that we have seen progress as I showed in one of the examples, and we hope to continue that process. Thank you.





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Vice Chair Peterson.: Thank you Dr. Grossman, for the important work you are doing to progress our police department. We're also grateful to be joined by Ms. Tinetta Thompson. Would you please introduce yourself and share your thoughts?

Tinetta Thompson: Good evening. My name is Tinetta Thompson. I am an attorney and the director of recruitment from the department of police accountability, San Francisco's independent oversight agency of the San Francisco police department. And when we're reviewing the proposed risk general order, I love the transparency for the entire GTO, as far as the command intent and the overview.

What I was noticing, and I compared it to San Francisco's risk management unit order that they have in place, which has been in place since 2018. And with specific orders, in case tracking, which was established in 2020. So I just compared that a little bit and I was going through it. And I noticed that when you have the role of the risk management unit and who it's comprised of, as far as the office of the inspector general, training division, and internal division. I think it would be more so beneficial in an effort for transparency, is to flesh out what internal affairs does and just a quick little verb, how you process that.

That way, it's a level of transparency for the members and for the community that's viewing this general order. As well as San Francisco actually has their equal employment opportunity, their EEO unit a part of it, because it is dealing with police officer personnel, even though it's using your past system, they have an early intervention system.

It is non-disciplinary, but it does go so that every, and part of the purpose of the equal employment opportunity unit is to, and I just had it right here, is to ensure that all employees are afforded equality in the workplace. And again, they tied that to their discrimination and harassment DGO general order 11.07.

And so I think that would be a good segue as far as linking that to the anti-discrimination policy is to have that in place as far as your risk analysis unit. And what San Francisco is doing is that they are actually, they have a case tracking system. So they're including all of the cases that are, officer involved shootings, any disciplined by officers, and having a weekly spreadsheets that are to be maintained by the risk management unit and the internal affairs division, as well as the investigative service division, which is basically the civil side to IAD or your IAD.

So they would actually provide these case and weekly updates, which is part of risk management in order, as you guys are doing as Dr. Grossman had said, but that way it's absolutely mandated. It's part of what risk management does. There is a commander in charge of this division, and it's spread out and includes





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internal affairs, which is sworn as well as the legal division investigative services. It includes the equal employment opportunity unit, as well as there's, which includes the court liaison unit, the Brady unit, the body camera unit.

So all of these are in for effort of transparency, finding the trends as you guys are explicitly laid out in this as Dr. Grossman is saying. And then meeting quarterly as you guys are proposing in this, that it is mandated as part of this unit order.

And within that, be having biweekly meetings with the officers in charge, as well as the internal service division, so that they can maintain those spreadsheets and make sure that they are updated and if they can notice any trends.

So that's what I said. I said, it's on a great path. I would just flush it out for a little bit more transparency. So that the public knows which individuals are on it and are in this unit. And that would include your unit four officer involved shootings, like your IAB and everything like that. As well as the human resource component and equal opportunity component.

Because even though it is supposed to be pre discipline or non-disciplinary, you do want people to feel that they have a voice and can go some, have that voice as well.

And I would even consider asking the unions for their input on that, because it is theirs, they don't want to see if they're identified as one of those at-risk officers or to stop the risk and even some, and we have our crisis intervention team.

And part of our early intervention system is having those mental health crisis supporters and personnel on staff too, and on call to help with these, if an officer has been flagged. Or I know you guys have a mentorship program. But those type of things, I think lend to the risk management, and assessing that risk management and giving the support to the members early on and know that they are supported with this risk management.

And It's not necessarily going to be a punishment. It's actually for the betterment of the whole department to have this in place and to have it mandated as you guys have said.

Vice Chair Peterson: Right. So whether it will lead to discipline or not.

Tinnetta Thompson: Yes.

Vice Chair Peterson: It's just a good thing to have.



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Tinnetta Thompson: It's just a good thing to have, and that those sources and resources are out there for them, and that they're explicitly put out there. And that the transparency of what individual units from the department are involved in this process, so that we see it as the public, the members see it, and it's able to be, again, that added level of transparency. Because that's really what we're striving for. That added level of transparency and accountability for all, internally as with the community and everyone else. It's very important that we have that and we push that, and I think it leads to better policing when you have that level of transparency there.

Vice Chair Peterson: Certainly. And our intent of course is to make the most progressive policy we can.

Tinnetta Thompson: Yes.

Vice Chair Peterson: So, we will certainly take your recommendations into consideration. Thank you so very much.

Tinnetta Thompson: No, thank you. Appreciate that.

Vice Chair Peterson: I would like to invite OPD to spend a few minutes walking us through the policy. So Lieutenant Turner, I think that would be you.

Lt. Turner: Absolutely. Thank you vice chair. Members of the ad hoc, thank you to our SMEs. We appreciate it. And for those members of the public, we're on attachment nine, page 75 of your agenda right now, with proposed general order R01, risk management.

So just a little bit of sort of background that I can talk about. And of course we do have the chief and deputy chief here to talk about this. But the risk management process in the city of Oakland has been one that has been ongoing for some time. So what you see in this proposed draft is actually activity that's already happening. So these risk management meetings are not something that are proposed. They are ongoing, they have been happening for some time.

And this is as we get to this phase of the negotiated settlement agreement and our compliance and with the tenants of that, as we see the codification of the practice, putting it in writing, and that's what you see here.

So when we talk a lot about the overview of risk management, especially as it fits into what we've been doing so far, so you can probably read a lot of in some of the court documents and the monthly reports from the monitor about how these discussions have sort of organically formed.



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So we talk about defining risk, risk management itself in the law enforcement practice. Which is a little bit different than some other risk management policies or procedures that you will see in corporations, the corporate world, or even other public entities.

Because as Dr. Grossman mentioned at the outset, a lot of times when you talk about corporate risk management or risk management and other public entities, it's about limitation of liability. But here at the police department at Oakland Police, as subject matter expert Mrs. Thompson spoke about, we're striving for something more. The transparency, and also looking at other sources of data to get at some of these more intractable problems that have plagued policing and our community, our nation, right?

Some of these things where you see disparities or the impacts of otherwise race neutral, for instance, stops that nevertheless have racially tinged impacts on our community. And so the data is one of the ways to flesh those things out. And so we look at that.

We look at the role of the bureau of risk management, which is currently led by deputy Chief Wong, and it is set out specifically to try and look at these things. And as Mrs. Thompson said, to really house all these different areas under one command structure. So that everything is set up.

So the policy in section B sort of gets into the constituent parts of the department's risk management system. So we do specifically call out, this was something thing, and I do want to say that this draft, a lot of it came from specific impact or input, I should say, from the monitoring team, thank you to Chief Warshaw and his team, as well as plaintiff attorney Jim Chanin. Who has been a part and been observing our risk management process for some time now, many years.

And so, one of the things we talk about is risk management as an organization wide responsibility. That is a clear callout to culture. Risk management, solely as one division's responsibility. That's their problem, not my problem, it's something that cannot happen in an organization, needs to be every one's problem.

And so saying that specifically, calling out that specifically, calling out things that we, this group, and the police department have worked on before, like the general order K3, and specific things that we talk about. This sort of see something, say something type of, just at the very beginning from the recruit all the way up to the chief. Having risk management as an organization wide responsibility.



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Talks about the role of supervisors and commanders in risk management. It does talk and touch on our personnel assessment system and does also harken back to our other general order on that. And then starts getting into the actual constituent parts, the risk analysis unit, the risk impact unit, and our risk management meetings that are somewhat unique to the city of Oakland. And that, like I said, have kind of organically come up.

So when we talk about the risk analysis unit, that's led by Dr. Grossman, this is relatively new, the data managers, as many of you know, came from another recommendation from Stanford and Dr. Everhart. But the responsibilities have grown. And so you see the responsibilities there and some of the things that she talked about. Yes, vice chair?

Vice Chair Peterson: Excuse me, Lieutenant Turner, would it be helpful to put the policy on the screen to share it?

Lt. Turner: Absolutely.

Vice Chair Peterson: As you walk through it?

Lt. Turner: Absolutely. All right. And yeah, if everyone should see, I'm looking at, on page 78 now of your agenda. So, you can see the responsibilities of the risk analysis unit led by Dr. Grossman. As well as some of those documentation creation responsibilities that she has. Again, this was something where you heard in San Francisco, some of the subject matter expert and the way that they handled this, here's a parallel thing. We're talking about this monthly risk analysis report. Some of you may have seen this in some of the filings that we've had with the court, or other documentation. The supplemental analysis, an example which Dr. Grossman showed on the screen today, which really digs into the details, gives some visual representation of the data. Slides and things like that, that provide that way for commanders, managers, supervisors, chiefs, for everyone in the room to really dig into the data. These quarterly reports for the IA commander talking about things like internal disparities, for instance. The risk management process is flexible, and the risk analysis unit has that flexibility to look at the data, to look at different data, and to really be available to attack the problem wherever we may find it.

We talk about these ... When I talk about codifying, and when you see sections D and further, we're talking about specific meetings that are being held, that the monitoring team expects, and the court expects, will be codified in policies. That's why you see these specific call outs to what the meetings look like, and who is going to be present so that when we look in the future five years down the road, something like that, if it is the commission's pleasure to still have this type of policy, then those who are at that point filling these positions, would still



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understand their role, still understand their need to engage in these type of meetings. We talk about the frequency of these area, or division risk management meetings. The topics, as Dr. Grossman talked about, some of the top things that they talk about, as well as other data.

Then we talk about the analyses so that people are not left in the dark as to what it is that they're supposed to be doing, something called drill downs, where you actually go further into the data to see what it is that it's telling you. When you drill up, we sometimes lose the forest for the trees, focusing just on an individual officer level and not thinking about, "Well, what is it that's causing it? Is there a systemic issue?" That is the drill up issue. Then patterns and trends. Are we seeing larger things? Something that may be on a smaller scale you might see, but as you grow out, as you start looking more at the data, you start seeing these things. These are the type of analyses that we're expecting our commanders to engage in their meetings.

It just continues. We talk about the bureau risk management. A bureau is made up of several areas. We'll see that. We have the responsibilities, as you can see, for these commanders to be present, the types of topics that are to be reviewed in these meetings, and then the preparation and format for the meetings, including discussions about the presentation. Again, at five years down the road, 10 years down the road, a person who now is just starting out their career as an officer, becomes a captain and decides, "Well, how is it that I'm supposed to prepare, or present for one of these meetings?" A primer directly in the policy, ready for them to step in and lead.

Finally the citywide risk management meetings. These are chaired typically by the chief of police and the assistant chief, to really take that 30,000 foot view of what's going on to avoid that sort of tunnel vision of just looking at one bad apple, and try and look, is there a systemic issue? Do we have a problem, or conversely, do we have a group of officers who've got it, who found something great, who have found a way to interface with our community that we need to spread out to this entire department? Have we found something that works? Can we replicate it and move it out? Can we enhance our training? Can we be better? Can we use our resources more efficiently?

All things that the chief will challenge his executive team, his leadership team, his captains to find for him or her, whoever is sitting in the chief's spot during these citywide risk management meetings. We also talk about in the policy cancellation of postponement, understanding that things happen, but again, and holding a way for holding accountable, which includes memorandums with information copies to the city administrator or the chair for police commission. As you've heard some of the members of the community talk, a report back, should one of these be postponed or something of that nature too, so that



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you'll be informed. That's the general state of the policy. I'm going to stop sharing and I'll turn it back over to you, Vice Chair. Thank you.

Vice Chair Peterson: Thank you. Now, I want to invite a platform, for discussion and inquiry. I want to invite the public and the commissioners to give us suggested edits, ideas for exploration, anything else that might help strengthen this policy. I want to open the floor to the public and the commissioners. To our community members, we will not be using the two minute counter, so you won't be cut off, but what I do ask, and we ask in general, is that even though the timer won't be used, that you please try and keep your comments and suggestions to substantive comments and suggestions, and that they not be more than three to four minutes so that we can hear from everyone. Like we said, this is something new that we are trying, because we have the maximum amount of public members here today that can participate, perhaps in a public form, in a way that will not be scheduled to conflict with any other public meeting, but will take place tonight. We're open. [inaudible]

Commission staff: Thank you, Vice chair. Members of the public wishing to make comment, weigh in, offer suggestions, please raise your hand. I'll call on you in the order that they've appeared.

Vice chair, I see no hands right now. Would you like to go to the commissioners and then we can come back?

Vice Chair Peterson: Certainly. Any of the commissioners have comments? I see Commissioner Hsieh's hand.

Comm. Hsieh: Thank you. Question for the department members, or Dr. Grossman. I see in section C3 a discussion about the documentation creation requirements, and the documents that get created, that there's a monthly risk analysis report, a quarterly risk analysis, supplemental analysis report, which kind of goes, I think, a little bit more in depth than the risk analysis reports. Another section that talks about quarterly reports in an annual report. It's this third section that gets sent to, and I'll be selfish in my question here, this commission. Are these reports different? Do they ...? How are they different? Why are they different? Why is it that we, as the oversight body, only get one set of these?

Dr. Grossman: I can take part of that question. The monthly risk analysis report, which is what you all have seen in the past, is the highest level overview of our data. It's supposed to be short, concise, easily digestible. That is why we've released it. The supplemental analysis is more in depth. Part of it is what I showed in the slides as some examples. We have just used that internally. It is something that, as requested, I believe we can release to the public. The majority of it is public information. I know some of the complaint data is confidential, and so that



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would not be released, but I think the majority of the slides are public information. Our stop data is for 2021 has been released online. We also put out quarterly stop data reports. They're not so much reports, but just charts and tables with breakdowns of stops, by raise, by type, by outcome. That is also on our website. You are provided with the source data if you wanted to replicate any of the charts, or do your own sets of analysis.

To answer your question, while some of it is confidential and only for internal purposes, a lot of it can be released. Our only caution is we like to provide context to some of the slides. When you just see a slide up on the screen without any context, we don't want anything to be misconstrued, or we don't want anything to be misleading or anything like that. That is why so far we haven't really put anything out to the public, but that is certainly something that is on the table.

Comm. Hsieh: My thought of it is, if you're already making these reports, and potentially what's required is perhaps some redaction of names, badge numbers, dates, or whatever identifying information, that maybe, to the extent that it can be releasable, I think perhaps it should, or in the alternative of, I understand the idea of wanting context, and wanting and referring that context be provided in light of the data, and the analysis that's done, perhaps in some way, having as part of this policy built in, I don't know, an annual report to the commission perhaps, or just a thought. I know that's something that we have discussed, I think, around very specific topics in these meetings for a request chief. We're still figuring out when, and what, and how exactly that's going to work out, but perhaps if it's built in as an annual report in some way where you can plan, hey, December's coming up and we're doing an annual report, we'd like to see the stop data, the trends, what's happening, and what's been done to address it. That would alleviate, I think, perhaps needing to make constant presentations or something.

Dr. Grossman: I think we can certainly take that under consideration. I also want to say that we do have an annual stop data report that comes out, which doesn't go into all of the risk factors, obviously, focus on stops, but yes, that is something we can take into consideration.

Chief Armstrong: Commissioner Hsieh, that might be something that we can include in that report. That report is mandated by it. We can definitely take into consideration some additions to that report that might bring some additional data and some additional information that you all would like to be shared.

Comm. Hsieh: Absolutely. I wanted to make sure that you have the opportunity to present it in the fairest way possible. I understand data can be construed in many different ways. That context is very much important, but we don't, at the very least, need





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that information at some point to make some judgment calls or considerations. Much appreciated.

Chief Armstrong: No problem. We've been working with Chair [inaudible]. She's been connected with Dr. Grossman to try to find a way to produce a report in a digestible way for the public. That is something that we've been working on.

Comm. Hsieh: Thank you.

Vice Chair Peterson: Commissioner Howell, or Commissioner Harbin-Forte, do you have any comments?

Comm. Harbin-Forte: No, I don't. Thank you. Thank you. Ad Hoc Committee Chair.

Comm. Howell: No, no comment. Thank you.

Vice Chair Peterson: Do we have it me more hands from the public?

Commission staff: Let me test one more time. Thank you Vice chair. Members of the public wishing to make comment, weigh in, please raise your hand. I'll call on you in the order that they've appeared. I see one hand. Ms. Rashidah Grinage.

Rashidah Grinage: Yes. Thank you. Just wondering if there is a particular category with respect to vehicle collisions. My understanding, based on previous reporting is that there are considerable OPD vehicle collisions. One of which, of course, was resulting in a \$11 million lawsuit, but I believe it's not that atypical. I'm wondering if there is a particular category with respect to risk management that looks at vehicle collisions. Thank you.

Vice Chair Peterson: I think that might be a question that could be better answered by ...

Chief Armstrong: We can simply ... I'll simply answer that, but yes, we do have a category of collisions that we track. We track collisions, both citywide, as well as each area and each division, both serious collision, minor collisions. That is, we look at it on a quarterly basis. We also look at what it's connected to, if it's connected to a pursuit, what type of driving. Is it in attention? All of those things. We look at the internal affairs cases related to those vehicle collisions as well. Yes, it is a category that is reviewed, and is something that when we see an increase in collisions, like we've seen as of late, it is something that we make sure that commanders have strategies to reduce those collisions. That's what's been pushed out.

Vice Chair Peterson: Thank you. Any more comments? We certainly want to allow you time, public and commissioners, to comment on this, otherwise, is there a desire to have a





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motion on this particular policy subject to the comments we receive from Ms. Thompson?

Comm. Harbin-Forte: I see a commissioner's hand up. Commissioner Jackson's hand is up.

Comm. Jackson: Thank you. Vice chair, it's okay to jump in?

Vice Chair Peterson: It certainly is.

Comm. Jackson: Okay. Terrific. I just want to say that I am very pleased with being able to follow along with the public forum on a subject that I'm not very well versed in, and also delighted that we are able to get to learn from a staffer that we have not previously been exposed to. Also, to bring back a subject matter expert in yet a different subject across the pond in San Francisco to recognize what things we could consider. For me, having been in the chair seat for a long time, just being able to follow along and watch is quite nice. I just want to thank you for the work that you've done to pull this together, and as well, obviously, for the special speakers and their presentations. Thank you.

Vice Chair Peterson: Well, I want to thank the other commissioners. Commissioner Harbin-Forte, and commissioner Howell, as well as our OPD partners, and our subject matter experts, Dr. Grossman and Miss Thompson. This is an interesting data, heavy area. We have been working very hard to bring it to the public. At this point, I would like to see if we could have a motion to move this policy along subject to incorporating the comments as appropriate from Ms. Thompson. Am I to call for the motion?

Chair Milele: I will make.

Vice Chair Peterson: Oh, okay. Crickets.

Chair Milele: I move that we approve the policy with the subject to the comments given to us by our subject matter expert.

Comm. Harbin-Forte: I can second that motion.

Vice Chair Peterson: Go right ahead.

Comm. Harbin-Forte: All right. I'll second.

Chair Milele: Commissioner Jackson, did you have a question or comment?

Comm. Jackson: Yes. I just wanted to be clear about the motion. Does this mean that the comments that were offered will then be placed in an updated version of the



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policy that we will see again, let's say, at our next meeting, or will we just be updating the policy and approving it tonight with those additions so that it's also a policy that's finalized?

Vice Chair Peterson: Well, now I would like to hear from ... the Chief on that one.

Chief Armstrong: Yeah. We were following along with the additional comments that came from the SME. A lot of what the SME brought forth to that actually exists in our system. We had a system that was built by DIT that is a risk management, a database, if you would, that contains all of the areas that were mentioned. It includes all of our officer involved shootings, all of our use of force, all of our complaints, our risk, our bureau of risk management houses all of those things we talked about today under one bureau of risk management. That includes internal affairs. That includes the bureau of risk impact. That includes our training division. That includes our health and wellness unit. That includes our pitches motions unit. That includes all of the ... Several of the areas that she mentioned, as well as, I think our system is built in a way that is one of the ... I think, like I said, Pete Peterson, that was a former director of IT came and told you that it was one of the systems that contained all of the areas of risk, including where we look at our appraisals evaluations, our supervisory notes file entries, every piece of data and information that this department collects is in one database accessible to our bureau risk management, which includes our office of inspector general as well, which conducts the internal audits that we have.

We've also provided that access to that database, to both CPRA, and the police commission's OIG, to be able to also access that system to actually do those audits and reviews. We've taken a list, but if you'd like, Chair, for us to take the list that was brought for us tonight and just cross reference that into all the areas that exist in our current system, we can do that as well.

Vice Chair Peterson: I think that's Miss Thompson was referencing so far as transparency, so anyone who wants to look at this policy would know that those things are in there.

Chief Armstrong: Yes. We can add that line to it, all of the data that exists within our vision system.

Vice Chair Peterson: Yes. Very good. Is your hand still up Commissioner Jackson?

Comm. Jackson: It's newly up. Sorry. I guess my question is, based upon that clarification, it sounds like this is very expansive. I think that it might make sense for us to listen, to hear if there's also any ... Well, wait a minute. We just heard public comment, didn't we?



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- Vice Chair Peterson: Yeah.
- Comm. Jackson: Well, I just want to err on the side of caution, do we think that it will be due diligent to have all those updates made, review it again March 31st, and potentially approve it then so that we can see everything we can see, or take a test run to make sure that the things that we think are in place are in place. It's really a question about process. I don't necessarily have an answer.
- Vice Chair Peterson: I would rather defer to that path, simply because we want to make sure that we have captured everything that we heard this evening, that the public is satisfied, of course, that we have incorporated those suggestions, and that this is all going to be very transparent. We can bring it back on the 31st with those edits as the Chief suggested.
- Comm. Jackson: Thank you. I appreciate that.
- Chair Milele: Commissioner Harbin-Forte.
- Comm. Harbin-Forte: I'm guessing then that the motion is withdrawn by the mover?
- Chair Milele: I was going to ask Connor if that's the process. If I wanted to withdraw, is that what I should do?
- Conor Kennedy: 100%.
- Chair Milele: Okay. I would like to withdraw my motion.
- Vice Chair Peterson: Okay. Well, again, this was a new exercise. I think we completed it successfully, and that we will come back on the 31st with the final version. There's nothing else.
- Comm. Jackson: Congratulations.
- Vice Chair Peterson: Thank you to everyone who helped.
- Tinnetta Thompson: I'm here to lend my support too, to this DGO, so thank you. If you need me again next week, definitely. I'm here to lend my support.
- Vice Chair Peterson: Thank you very much.
- Comm. Jackson: Wow. So cool.
- Chair Milele: Yes. Thank you everyone. Before we go to our open forum, I just need to make a short announcement. The racial profiling ad hoc was to be scheduled to meet



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on March 31st. That meeting will be set for a later date. The commission will be meeting on that night for a special meeting, and it will be bringing this back. We'll send an agenda for that ASAP.

Commission staff: Thank you Chair. If I could go ahead and take us into open forum. Okay.

Members of the public wishing to make public comment on this open forum, part two, ideally on items not on the agenda, please raise your hand. I'll call on you in the order that they've appeared. Give me one second. I keep losing our timer. Thank you for your patience. Starting with Miss Reisa Jaffe. When you're ready.

Reisa Jaffe: I just want to clear; this is not a critique of the decision that was made in closed session. I just want to express concern that I've probably expressed previously about the decisions that are made about personnel. We need to figure out how we can get more transparency on personnel decisions. How do we know that the decisions are being made are just and right, because so often they aren't. If we don't understand why the decisions are being made, that are being made, that leaves room for wrong decisions to be made. Again, this is not a comment about the decision that was made. I just wonder what we can do as far as policy changes so there can be more transparency about personnel decisions. Thank you.

Commission staff: Thank you, Miss Jaffe. I see no more hands.

Chair Milele: Okay. Before we adjourn, I just wanted to just give a heartfelt thank you to all the commissioners who worked so diligently on these policies, and so quickly with a really short timeline. It is truly appreciated. Thank you to all of the experts, to the [inaudible] that came to the social media ad hoc, the Darleen Flynn, everyone who participated and helped us get this done. Commissioner Howell?

Comm. Howell: Yeah. I'd just like to know if it would be appropriate at this time for me to make an announcement about the policy, the ad hoc for the policy for electronic devices, or save that for next week?

Chair Milele: That is agenda for next week. Let me just check. Can he make an announcement about that?

Conor Kennedy: Hi, sorry about that. I'm going to say yes. This is just about the schedule of an upcoming meeting. Talking about the schedule of meetings in general is completely allowable without pre-agendizing the announcement. So yes, Chair.

Chair Milele: Okay. Thank you. Go ahead, Commissioner Howell.



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- Comm. Howell: Okay. Okay. Through the Chair, I am leading the ad hoc reviewing OPDs policy for electronic devices, along with Vice Chair Peterson, and Commissioner [inaudible]. We're going to be hosting public meetings to review and build on the work OPD has started. We look forward to bringing our work to the full commission in a few weeks. The first meeting will be held via zoom next Wednesday, March 30, starting at 6:30 PM. Details to access the meeting, as well as the draft policy, can be out on the ad hoc webpage, on the police commission website. Don't feel like you have to wait for a meeting ... This is for the public. Don't feel like you have to wait for the meeting. We invite you to share your thoughts and perspectives via email, which we will post on the webpage, or by leaving us a voicemail, voice message. All those details are also available on the webpage. Thank you very much.
- Chair Milele: Thank you, Commissioner. I see that we have one hand from the public. Is it permissible to take that question?
- Conor Kennedy: I'm sorry, Chair. I'm not sure I would advise calling on a member of the public for parliamentary procedure purposes. However, and I see that the person just dropped their hand. I apologize.
- Chair Milele: Okay. Apologies Miss Cleveland. We will hopefully get your comment. Feel free to email any one of us. Also, we're going to have a meeting next week that you can make your comments out as well. With that, we are adjourned. Thank you everyone.