



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

Regina Jackson: Good evening and welcome to the Oakland Police commission meeting of January 14, 2021. The first item is to call us to order. I'm sorry. It's also 5:32 PM. The first item is to call us to order. So I'd like to take roll. Commissioner Dorado.

Jose Dorado: Presente.

Regina Jackson: Thank you. Commissioner Garcia. Excuse me. Commissioner Gage.

Henry Gage, III: Here.

Regina Jackson: Thank you. Commissioner Garcia.

Sergio Garcia: Here.

Regina Jackson: Thank you. Commissioner Harbin-Forte.

Brenda Harbin-Forte: Here.

Regina Jackson: Excellent. Thank you. I am here. That's Commissioner Jackson. Commissioner Singleton.

Tyfahra Singleton: Here.

Regina Jackson: Excellent. Thank you. And Commissioner Jordan.

David Jordan: Here.

Regina Jackson: Excellent. Thank you very much. Let's move on to the second item. I believe we do have a quorum. So on to public... Oh, excuse me. Public comment on the closed session items. Mr. Rus, if you could go ahead and get those citizens and their comments, that would be great. Thank you.

Juanito Rus: Thank you, madam chair. If any member of the public would like to make comment on the closed session items of tonight's meeting, please raise your hand in the Zoom queue and you will be called in the order in which your hands are raised.

Juanito Rus: We've received two written public comments prior to tonight's meeting from Amber Turner and Mary Vale. Those will be entered into the record, the written record of the meeting. At this time I see two hands in the queue. Excuse me while I put on my clock. The first... Oh, one hand in the queue. The first speaker tonight is Ms. Assata Olugbala. Good evening, Ms. Olugbala. Can you hear us?

Assata Olugbala: Yes, sir.

Juanito Rus: You have the floor.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Assata Olugbala: Thank you, sir. A part of what you'll be doing in closed session is considered appropriateness of discipline issues, and you cannot do that in some cases and ignore cases of inappropriateness that's been brought before you. I'm speaking to what happened on August the 8th with the Oakland Police Selection Committee. It was stated by Gay Cobb exact words that Ms. Harris can be abrasive from time to time, but she is now working on this and she's aware of this. This is a statement that Ms. Cobb made, but then later contended she never said it. And you have to deal with why Ms. Harris has been targeted for removal from the police committee.
- Juanito Rus: Thank you, Ms. Olugbala. Your time has expired. At this time. I see no further hands in the queue on this item, madam chair. I return the meeting to you.
- Regina Jackson: Okay. Thank you very much. So fellow commissioners, the link was sent out a little late to closed session, but it should be in your commission email. So we will go ahead and go to close session and then return as soon as we've finished with our business. Thank you very much, everyone, for your patience.
- Regina Jackson: There are no reportable actions taken. And before moving to the next item, I'd like to ask for a motion to suspend the rules and take the agenda items out of order. To take item 14 first in order to agendize the pending Bey investigation for March 11th.
- Sergio Garcia: So moved.
- Regina Jackson: Okay. Thank you, commissioner Garcia. Is there a second?
- Jose Dorado: Second.
- Regina Jackson: Excellent. Thank you commissioner Dorado. We have taken public comment on this item, so I'd like to take a vote. Commissioner Dorado.
- Jose Dorado: Aye.
- Regina Jackson: Thank you, commissioner Gage.
- Henry Gage, III: Yes.
- Regina Jackson: Thank you, commissioner Garcia.
- Sergio Garcia: Aye.
- Regina Jackson: Thank you, commissioner Harbin-Forte.
- Brenda Harbin-Forte. : Aye.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Regina Jackson: Thank you. Aye for myself. Commissioner Singleton.
- Tyfahra Singleton: Yes.
- Regina Jackson: Okay. We are unanimous. We are moving to item 14, Which is agenda setting and prioritization of upcoming agenda items. Commissioner Dorado, did you want to make a motion?
- Jose Dorado: Yes, my motion is that we have a report in our first meeting in March, March 11th regarding the pending Bey case.
- Regina Jackson: Bey investigation, right?
- Jose Dorado: Yes, that investigation.
- Regina Jackson: Okay. Thank you.
- Sergio Garcia: So moved.
- Regina Jackson: So thank you. So it has been properly moved and seconded. Let us take public comment on this item please. Mr. Rus.
- Juanito Rus: Thank you, madam chair. If any member of the public wishes to make comment on this item, please raise your hand in the Zoom queue and you'll be called in the order in which your hand is raised. Let me put on my clock. The first hand in the queue is a telephone attendee with the first, excuse me, last five digits, 5802. Good evening, 5802 can you hear us?
- Saleem Bey: This is Saleem Bey. First of all, the fact that this case is being push that is ready to report right now, it's supposed to be reported today. You arbitrarily just choose March 11th tells me that there's a coverup in involved in this. This is not acceptable. The report is just a yes or no. Is there enough new evidence to reopen these cases? Why is it being put off to March 11th, if the independent investigator has indicated that he's ready to go today. That is not acceptable. That's part of a coverup. The issue being that the teachers responded that there were no YG Bey case files available during the 13th, 1062. She's already admitted that new evidence clears 3304 requirements. So why is it? And why is it that we didn't have any discussion or public discussion of moving it when we are the Bey? Why wasn't this even talked... Why didn't you consult us? Why wasn't [crosstalk 01:25:47] communicated to us?
- Juanito Rus: Thank you, Mr. Bey. I'm afraid your time has expired. The next speaker in the queue is listed as Gee, G-E-E. I am going to need to... I believe that is former commissioner Harris. I'm going to have to move her to the queue. Excuse me to the panel. Commissioner Ms. Harris, can you hear us?
- Ginale Harris: I can hear you, Mr. Rus.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

Juanito Rus: You're un-muted, whenever you're ready.

Ginale Harris: Thank you. I just wanted to call in because I think there's a bit of a confusion. I am still part of the ad hoc committee for the Bey case, and I saw that it was put on city council's agenda and no one has reached out to me or commissioner Dorado who is also on the ad hoc. So I found it odd that someone would report out on something without consulting with the ad hoc. So I just wanted to bring that to the commission and to the chair and make sure that everybody is on the same page. Thank you.

Juanito Rus: Thank you, Ms. Harris, the next speaker in the queue is Ms. Assata Olugbala. Good evening, Ms. Olugbala, can you hear us?

Assata Olugbala: Yes. I can't understand how an item was placed on the agenda for which a report was supposed to be given by Mr. Alden. And you wait until you go before the committee to say that the investigation related to the Bey case has not been completed by the independent investigator. If that was the case, how did it get on the agenda for report in the first place? The report would be finished sometime in February. So it's supposed to come back to the counsel for a report by Mr. Alden sometime in February. And you guys are talking about something in March. Ever since this Bey case has come before this body and since Ms. Harris is not there to continually make sure it's done correct. I'm very uncomfortable with the fact that you're going to get delays, push backs as this case has been going on for years, for years. But that confusion that happened on this past Tuesday wasn't necessary. And they were saying something about you couldn't say anything. You have to do it in closed session. This is ridiculous. We've been talking about the Bey case in open [crosstalk 01:28:55]-

Juanito Rus: Thank you, Ms. Harris. Excuse me, Ms. Olugbala. Your time has expired. The next speaker in the queue is Megan Steffen. Good evening, Ms. Steffen, can you hear us

Megan Steffen: Good evening. Yes. I'm relieved you all are taking this earlier in the evening so that I can say this while I'm still alert. I wanted to suggest that the commission adopt a new recurring agenda item, which is commissioner subcommittees and assignments. During last week's meeting, I realized that I had no idea how many ad hoc committees are currently in place. And that despite going to all of these meetings for many months, I had not been keeping abreast of which policies were actually being developed, which sub committees were actually meeting, and which ad hoc committees were close to a finishing stage. I'd like to suggest that the item be a discussion item. That all ad hoc committees be agendas at once. That they all appear as a sub items beneath the item and that during the item, it would be an opportunity for the public, both to comment on each ad hoc committee and for the ad hoc members to update the public on what they've done in the past two weeks and whether anything has happened. Thank you all so much. And I'll email with more, if it's helpful.

Juanito Rus: Thank you, Ms. Steffen. At this time, I see no further hands in the queue Madam chair, I return the meeting to you. My apologies there is another hand has just been raised. The final hand in the



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

queue is Ryan Oseen. Good evening Mr. Oseen, can you hear us? Appears that hand has disappeared. Madam chair.

Regina Jackson: Thank you. We have had a motion and has been properly seconded. We have heard from public comment. I am not certain if there were any other items that people wanted to identify for the future agenda. I actually think that Ms. Steffen's suggestion is an excellent one. So we will make sure that that is in place. Were there any other suggestions for future items from the commission? Okay. There being none, then we can go ahead and take a vote to ensure that the pending Bey investigation is agendized for March 11th as was suggested. Commissioner Dorado.

Jose Dorado: Aye.

Regina Jackson: Thank you. Commissioner Gage.

Henry Gage, III: Yes.

Regina Jackson: Thank you. Commissioner Garcia.

Sergio Garcia: Aye.

Regina Jackson: Thank you. Commissioner Harbin-Forte.

Brenda Harbin-Forte. : Aye.

Regina Jackson: Thank you. Aye for my myself. Commissioner Singleton.

Tyfahra Singleton: Yes.

Regina Jackson: Thank you. So we are unanimous on that item. Mr. Rus, if you can take us back now to item six, please. Thank you. I did want to make a statement, as you all may have learned on Monday Alameda County, DA Nancy O'Malley has decided not to charge Mr. Anthony Pirone for his role in the shooting death of Mr. Oscar Grant. We are all still processing this terrible decision. What most disappoints me at this moment in time is that there is no reasoning as to why or how the DA came to this decision. We really should know why. It is beyond disturbing to learn that 10 years later, there was a co-conspirator who violated Oscar Grant's rights as a person and as a citizen of Oakland.

Regina Jackson: Mr. Pirone, reportedly broke bones in Oscar's face and called him a string of derogatory racist, misogynist, all around terrible names. And if there are children listening, please close their ears because I'm going to get real right now. This man, that DA O'Malley will not charge reportedly called Oscar grant a nigger bitch, before Johannes Mehserle used his gun to further victimize and kill Oscar Grant. 10 years ago feels like just yesterday for a community that has felt only pain and unresolved trauma since the BART Police took Oscar Grant from us.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Regina Jackson: Historically, our DA is rarely willing to charge officers. When I learned a Bay area officer would be charged for killing a black man at the San Leandro, Walmart. I felt that we were at least moving one step forward. This decision by DA O'Malley leads me to believe that we are yet again, taking two steps back. DA O'Malley's office told the public on Monday that she condemned officer Pirone's conduct in the strongest of terms. But what can be stronger than accountability? This is a violation of the DA's responsibility to all of Alameda County. Regardless of the DA's decision, not to act, I think it is important that we move forward with our resolution and support of holding Mr. Pirone accountable. We must do the right thing, even if others won't. That is the end of my statement. And Mr. Rus, if you would like to call for public speakers, please do so.
- Juanito Rus: Thank you. Madam chair, if any member of the public wishes to speak in open forum for tonight's meeting, please raise your hand in the Zoom queue and you will be called in the order in which your hands are raised. The first speaker in tonight's open forum is a telephone attendee with the last four digits, 5802. Good evening 5802, can you hear us?
- Saleem Bey: Yes, this is Saleem Bey. First, I'd like to say that this is extremely performative. We just got through discussing how the community feels and how the community hasn't healed about the Bey thing, about how many hundreds of jobs were lost, how this was attacked, and yet-you're going to take this and make sure that somebody is held accountable. You have the ability to hold people accountable, OPD accountable, that's in your power. But you're outside trying to force Nancy O'Malley to do something when you have the ability to force OPD to deal with this.
- Saleem Bey: Myself and my family was out there for Oscar Grant from the beginning till the end when he was charged. Nancy O'Malley didn't want to charge this person and so now for us to be skipped over and then you act like you're really concerned about Oscar Grant, that is performative. It's not even genuine that you would then push our case out eight months for a yes or no answer and then still come back and say that, "Oh, we want to hold somebody accountable for somebody who's murdered."
- Juanito Rus: Your time has expired. The next speaker in the queue is an attendee going by G, I believe that's former Commissioner Ginale Harris. Excuse me while I promote her to the panel. Good evening, Ms. Harris. Can you hear us?
- Ginale Harris: Thank you, Mr. Rus. First, I want to just acknowledge that there was an article that came out today in the paper about 100 phones that were confiscated from OPD in regards to social media, racist statements, Boogaloo boys and all the nonsense that went on at Capitol Hill and our officers in Oakland were supporting it.
- Ginale Harris: Even though we don't know who they are, I'm very, extremely, I'm not surprised, but I'm very disappointed. In September 2019, the public came to our police commission meeting and asked for social media policies. They submitted policies from Mountain View, San Francisco, South San Francisco PD and board in September of 2019. To date, this commission has not worked on a



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

social media policy. We were told that OPD had a policy which came from the city administration. However, it never made it down the pipeline.

Juanito Rus: Thank you, Ms. Harris. The next speaker in the queue is Jennifer Tu. Good evening, Miss Tu. Can you hear us?

Jennifer Tu: Yes. Can you hear me okay?

Juanito Rus: We can hear you. Whenever you're ready.

Jennifer Tu: Great. Thank you. First, I wanted to thank the Jackson for about calling for DA O'Malley to charge Pirone in the murder of Oscar Grant. Strongly support this. Thank you for speaking up about this. One thing I wanted to bring to the commission's attention is, I don't believe we've heard much about how OPD plans to assess white supremacy within its ranks. We do know that they have struggled in the past with understanding who the white supremacist groups are or what the common clothing that they wear often looked like. And so I think it might be worth the commission's time to support the Chief in understanding her plan around how she will be analyzing social media posts and understanding what white supremacy looks like inside the force. Thank you very much.

Juanito Rus: Thank you Ms. Tu. The next speaker in the queue is Ms. Assata Olugbala. Good evening, Ms. Olugbala, can you hear us?

Assata Olugbala: The hypocrisy of this group demanding that Nancy O'Malley do the right thing related to Oscar Grant and you are not doing the right thing as it relates to Ginale Harris. You have been, all of you, are aware of the fact that has been brought to your attention to do some form of intervention about the wrongdoing that occurred August the 8, August the 10th, and August the 12th. Garcia and Singleton, I know you know because you were there. These are the individuals who are part of the wrongdoing; Gay Cobb, Don Links, James Chanin, Lorelei Bosserman, Mary Vale, Bill Thompson, and Brendalee Goodall. These are the members of the conspiracy to get rid of Ginale Harris and you are part of it as well.

Juanito Rus: Thank you Ms. Olugbala. The next speaker in the queue is a telephone attendee with the last four digits 0,1,8,5. Good evening, 0185, can you hear us?

Michele Lazaneo: This is Michele Lazaneo, spokesman for the van DiBella family. In 2019 I advised you that OPD had no social media policy. We wanted a policy to specify exactly how social media would be used for missing persons cases like Jonathan van DiBella. Having a policy would have ensured that Jonathan's disappearance was posted immediately instead of a missing French Bulldog. We also wanted accountability even after the Celeste Guap rape scandal in 2016, where most of the communication and relationships with officers were initiated with cell phones and with social media.





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Michele Lazaneo: OPD on their own adopted no social media policy. A few months ago Interim Chief Manheimer provided a proposed policy to this body, but did not immediately implement anything. Fast forward to January 2021 and now OPD confiscated 100 cell phones in response to allegations of sexism, racism, and hate speech posted on social media by their employees. Lexipol policy 1058 covers employee's speech, expression in social networking.
- Juanito Rus: Thank you, Ms. Lazaneo. Now the next speaker in the queue is Kevin Cantu. Good evening, Mr. Cantu. Can you hear us?
- Kevin Cantu: Good evening. I'm driving, so I'll keep it short. But I'd like to thank you for making a statement and say that several other commenters in [inaudible 01:42:43] have mentioned, I would also appreciate action. Some of these cases that are happening now are very significant. I would support more actions, more of everything. Have a good night.
- Juanito Rus: Thank you, Mr. Cantu. The next speaker in the queue is Emma Brower. Good evening, Ms. Brower, can you hear us?
- Emma Brower: I can hear you, thank you. Can you hear me?
- Juanito Rus: The floor is yours.
- Emma Brower: Okay, great. I am not sure if or when this will be brought up in the agenda, but I wanted to make sure to voice my support in the proposal to eliminate OPD's police-led Internal Affairs Department and put that power into the CPRA. I think that it is really important that we transfer that power to a citizen-led panel, because I think it can be more fair and objective and can hold better accountability. And it's something that people have been advocating for, for a long time. So it'd be a great next step and if it saves money for the budget, all the better. Thanks so much.
- Juanito Rus: Thank you, Ms. Brower. At this time, seeing no further hands raised in the queue, Madam Chair, I returned the meeting to you.
- Regina Jackson: Thank you, Mr. Rus. The next item is an update from Interim Police Chief Manheimer. Chief?
- Chief Manheimer: Yes Ma'am, can you hear me all right?
- Regina Jackson: Yes.
- Chief Manheimer: Thank you. Generally I do start out my updates with the crime stats and I did include those in the packet. They are the year end stats. I look forward to sharing them with you all, but I just don't think this is the night to do that. I think tonight we need to... Chair Jackson, you talked about speaking truth little but earlier. I think this is the night for the OPD to speak a little bit of truth and tell you about what a horrible week this is, that we have had here at the OPD.





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Chief Manheimer: I will take you back to Wednesday night of last week when we all were simply horrified and incredulous at the takeover of the Capitol in DC, a place where I am from, where my family lives, and where democracy is supposed to thrive. At the end of that night, after seeing all of this, we saw a media report that one of our former members came out condoning these actions. It was simply horrifying.
- Chief Manheimer: Subsequent to that we put out an immediate press release to say that we were shocked by the acts, that we repudiated the statements that this former employee who was separated from our employment nearly six years ago, simply not only did not represent the views of this department, this city, but that we repudiated those. And that those are at the very heart of what we are all standing against.
- Chief Manheimer: It was next day that we recognized through, again, through the media that there were several members of our department who had taken part of that Facebook activity that this individual espoused. And we opened up an immediate internal investigation on that. We, again, put out a statement on that. Because I think it's so important to understand for our community that we are absolutely, absolutely devastated when a member who either is current, or former espouses something that goes against the heart and alignment of Oakland values, the reforms and progress that we've made.
- Chief Manheimer: It was very shortly after that, that it came to light again through the media that there was another involvement in social media by members that at this point appeared to be... Appeared to be current members of this department currently. And I want to say that some of the first images that I saw, frankly, as a woman in policing for the last 36 years and knowing full well in speaking with this commission and our oversight the reforms in progress that our command staff and key members of this department have made over time, went against the very heart and ethos of that.
- Chief Manheimer: And more importantly, were not only offensive or sexist, racist and everything that we have railed against, but they went against many of our policies. And I just want to say that I was at the Oakland City Council when there was a Resolution Number 88167 introduced by Vice Mayor Larry Reid and carried by council members, Noelle Gallo, Lynette Gibson McElhaney and Loren Taylor. And that resolution established a zero tolerance policy for racist practices, behaviors and actions within the OPD and all city departments.
- Chief Manheimer: And I want to tell you that we have... Even though Madam Chair we have not yet adopted the social media policy that we will be bringing forward at your acceptance on January 28th, to start that process with the ad hoc. We have many other policies that govern this behavior. And I want to assure you that as soon as we found out last Friday, basically, that there might be significant involvement with any members, former or current in the department, we really took sort of a "scorched earth" approach to this. Because, frankly, not only did I get messages from our community, saw the erosion of trust that we had worked so hard for, but I got messages from our very own members. Many of whom again were the subject and target of these postings, just as our community was.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

Chief Manheimer: And I want to say to you all, as I have said to our monitoring team our independent monitoring team and our other leaders, that not only don't we stand for this, but we are just absolutely devastated. We are harmed by it. We recognize your harm and we will say to our community that whether on or off duty, employees of this department shall never affiliate with subversive groups. I heard someone earlier talk about white supremacists and racist. Well, guess what? I believe in this investigation we're going to come face to face with some of that. If I have seen just some of what was actually publicly released, and that ends up being attributed to members of our department.

Chief Manheimer: These policies that we will uphold will be a "four corners" of this department investigation. We are going broad. We are going wide and while this is very harmful and very hurtful to the very progress that we have made and that we stand for, I know this leadership that is in place right now is just as I am shocked, injured, harmed, and particularly for the trust that we have with the community.

Chief Manheimer: So our investigation particularly now is not only just to sort of focus on the two incidents that I mentioned to you, but it will go broad and wide in this department to ensure whether any more vestiges of this hurtful, harmful speech, of affiliation with subversive groups, of white supremacy, of racial profiling, of sexual or other bias based practices, behaviors and actions will be routed out. And we will be addressing them through a very systematic investigation that we'll be conducting both internally as well as a hybrid investigation with an external attorney firm. As well as, my understanding is and I don't want to speak for Director Alden, as I know he's on this meeting tonight... But they will be conducting an investigation as well.

Chief Manheimer: And Madam Chair, I just had to let you know that this very tough week for us is one that we will learn from. And as I said to some of our leaders who turned to us and really wanted some assurances that we would not only not turn a blind eye, but that we would go to, as I said, all four corners of this department and route out this activity, any members who believe that they can espouse this while in the employee of OPD. Those messages will be loud and clear that we will not allow any vestiges of that to remain in this department.

Chief Manheimer: And as much as this hurts, my hope is that as we move forward our community builds back trust that we are addressing it with severity and that we will again, be able to have this community say we have confidence and faith. And that's the measure and that's the standard we're going for.

Chief Manheimer: So I just wanted, on behalf of the members of this department who have taken great offense at this, let you all know that we will stop at no ends to ensure that we hold not only accountability, but that we will not allow this culture or any part of that culture to prevail.

Chief Manheimer: I have a couple of other things, but I think I'll just leave it at that. I'm sure there are many other comments. And I'm here to tell you that on behalf of the 10 months that I have seen the many things we have worked on together in terms of reform, those will not be deterred by anyone in this department. I understand there's resistance to change and resistance of culture, but this



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

activity is wholly, wholly not only administratively disciplined but will be prosecuted if necessary. Thank you, Madam Chair, that ends my report.

Regina Jackson: Thank you very much. Are there any questions of the commissioners at this time for Interim Chief Manheimer? I see a hand from Commissioner Gage.

Henry Gage, III: Thank you, Chair. Through the Chair to Interim Chief Manheimer. I'd like to change topics very slightly. We have an inauguration that is quickly approaching and the events of this past week have made it quite clear that we as a country have a great deal of work to do. What is your plan, keeping our city safe in the next few weeks? And I really would love to hear some specifics. Because, as you well know, there were very troubling reports of members of law enforcement participating in the Capitol riot. What is your plan for keeping us safe at the end of this month?

Chief Manheimer: Yes. Thank you. And that's been foremost on our minds as well. We, number one, have some ideas of beginning at the basis of our investigation. And we're ensuring that we're going to wall off anyone that we believe may have any compromise or any issues. But more importantly than that, we have been over the last several days in a conversation, not only with the other local state and federal agencies who are developing the information of the many actions that are going on. Obviously nationally, but locally here, we have a good idea of what a lot of those plans are.

Chief Manheimer: We also are working with our local Congress persons and individuals, Barbara Lee and others, to ensure the safety of their staff, their residences, and to get the best information that we can get from them and the Capitol police. There's an ongoing investigation within the Capitol. We are scrubbing our social media both here internally, as we have some leads to go on, but also externally. And we have individuals that are working on continuing to develop that intelligence information.

Chief Manheimer: We do have, and I will just share with you specifically, events lined up every single day that appear to be at this point, we will have in Oakland one or two demonstrations that we believe to be in alignment with sort of where Oakland values are renouncing and repudiating the actions at the Capitol. We do not see, at this stage, anything that would be counter demonstrations or others coming in with a right wing or supremacist or other affiliations. That's not to say that we are going to rest on that. We will be very clear, most of the focus right now, and I'm sure you've heard and read in just public media is focused on federal and state entities. And so Sacramento, clearly our federal building, but a larger demonstration in San Francisco.

Chief Manheimer: So in short, we're tracking on all of those. We do, as you know, want to differentiate clearly between what will be First Amendment, righteous activities and anything that would undermine or threaten the order of Oakland and Oaklanders. We have no reason to believe, Commissioner Gage, at this point that there are now scheduled demonstrations that would come into Oakland.

Chief Manheimer: However, we are certainly engaged in that every day. Both our intelligence unit as well as our incident commander for these events who usually handles a lot of our events are tracking on it.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

And so we will not, however, according to our city administrator, be proactively putting out any overtime details. As you know, we have had cutbacks and so we're unable to put overtime out for crowd management. But we are certainly working with our joint partners, both in the federal, state and local sector to ensure that we have sort of a web of both information and responses necessary. I don't know if that got into as much detail as you needed, but that's our operational plan for the next week.

Regina Jackson: Henry, does that work for you or do you have a follow-up?

Henry Gage, III: I mean-

Regina Jackson: You'd like to hear more, something more specific?

Henry Gage, III: Chief, I'm struggling here because you have an active investigation into members of your department that are expressing sexist, racist, and of a certain points of view. And you're telling me that you're turning to your department to protect members of Congress, members of city government. Am I missing something here? I mean, you're saying, "Trust us, we've got it."

Chief Manheimer: I think that we have a long way to go in this investigation. I have every reason to believe that the members that we have chosen to lead these demonstrations and any response to them are members who have been chosen and proven over time. I can't speak to every member of this department, but I can tell you that we are looking closely at our deployment, who we put out there, and then anything that we do that would be in response to that is fully and wholly controlled by a level of supervision and command such that we would not be having actors randomly acting out.

Chief Manheimer: In Oakland, the buildings that we would be "defending" if you will, which would be the Federal Building, the State Building, the Federal Courthouse and the County Courthouse will all actually have their own components of security inside. But I will tell you that there are men and women in this department who are as shocked and devastated by a lot of what's going on here. And while we are very early in this investigation, there are certainly steps we've taken in place to wall off any individuals or any actions that we feel would be something that would be deleterious.

Regina Jackson: Commissioner Gage, do you have a follow-up or are you comfortable with that?

Henry Gage, III: For all of our sakes, Chief, I sincerely hope you're right. I have nothing further right now.

Chief Manheimer: Thank you, sir. And I'm happy to talk with you offline about some of your concerns, things maybe I would not feel that I should express at this moment. To share with you on how we are walling off the individuals and personnel that we feel may even have some concerns with that. But this is absolutely a part of our planning. And I am sorry that you have this reason to doubt us, but you can rest assured we are not resting at night until we're assured that we're providing those levels of service and getting the best and quickest information we can to ensure that people who are



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

out there on the front line are protecting and defending and in an alignment with what we are doing.

Regina Jackson: Chief Manheimer, maybe you could provide a high level overview of your specific plans and timelines for them? Perhaps, for my knowledge and then I can share with the commission?

Michele Lazaneo: I can do that and we are providing a briefing for our city employees as well. I think there's decisions to be made this week about safety and security of city facilities, city staff, all of that. I can do that and share at any point, if you and the commission would like a higher level briefing from myself and our staff that is investigating this, I would love to do that as well. I'd make myself available.

Regina Jackson: Okay. Thank you. I appreciate that. Next hand from Commissioner Dorado.

Jose Dorado: Thank you, Chair Jackson. Interim Chief Manheimer, this walling off and this identification of those that have white supremacist leanings within the department done aggressively will just be the beginning of a deep dive into the destruction of what should be... Or I should say what should be the destruction of the current OPD culture and the subsequent building up from the ground up of an appropriate OPD culture. So I wanted to verbalize that because it's going to take a very aggressive effort, ongoing, consistent effort, such as that to identify the white supremacists within the department, root them out, send the message that they in fact have no place in OPD. And at the same time, destroy that culture and raise a new culture that will in fact serve and protect and be a guardian of our community.

Jose Dorado: So I just wanted to, to verbalize that, because I think it needs to be said that this is something that's going to be an ongoing struggle. These individuals are not going to go away quietly, but they have to know that we're coming for them. They have to know that we're going to find out who they are and they have to know that they're not going to be carrying a badge and a gun in this city of ours. Thank you.

Chief Manheimer: Thank you, sir. And if I could just through the Chair for a moment, say to you Commissioner Dorado... And I said this to you this week, and I'm going to say it again publicly at this point when I met with you with [inaudible 02:04:21]

Regina Jackson: Commissioner? I mean, Chief Manheimer, I think you're muted?

Michele Lazaneo: Oh, I'm so sorry I just started... I'm sorry. Through the Chair to Commissioner Dorado. Sir, I said this to you in a conversation earlier this week and I really want to repeat it publicly at this time. If there's something that comes out of all this, sir, it is that we will put to rest and we will have reassurances for you, for all the members of our community that we are making those strides. And that those remnants of resistance to the progress, the change that we are struggling to move forward on a daily basis, that we can have some results of that and assure you tangibly that we're moving forward. So if there's something that comes out of all this... And that has been a clear



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

message from this department and more than just this leadership. There are many who are renouncing and very shocked and saddened that we are in this position.

Regina Jackson: Thank you very much. Commissioner Garcia's hand is up?

Sergio Garcia: Thank you. Thank you Chair Jackson. My comments to Chief are as follows, I'll try to be brief because I think Commissioner Dorado really hit on the theme that I wanted to cover with the police chief. And that is that, while it's shocking to some, you use the term "shocking" that this is going on within the Oakland Police Department. It is not shocking for me and it's not shocking to a lot of people who are attending this meeting that's in the public, and for other commissioners. That the violent and hateful roots of white supremacy, they manifest deeply throughout our nation and through local politics, national politics, within public institutions, including police departments throughout the country.

Sergio Garcia: And Oakland is not immune to this, we know that. We sense it, we've seen it. And what we saw in the Capitol really was two systems of justice that were laid bare for everyone to see. The federal government's response to the white mob stood in stark contrast to the violent and repressive responses to racial justice protests that we've seen not only last summer, but throughout history. And we continue to see disparities in over police communities of color criminalizing people of color.

Sergio Garcia: So, to us, none of this is shocking. What we do need to do is hear again and again how the police department is going to eradicate white supremacy. Because you mentioned that there are remnants of resistance within the department. What I think and what I believe to be true, and I think you believe it too, is that there are people who are actively undermining the efforts of leaders within the department. Undermining those efforts to continue to spew violent and hateful messages on social media, and to the extent that there are folks in the Oakland Police Department who would have been at the Capitol had they been able to. There are people who would actively want to do that. Commissioner Gage asked the question about what we're going to do to protect the public. What we have to do is really try to amplify some or reinforce some credibility of the police department to protect us, because I think that's the missing link. So long as there's white supremacy within the police department, we will not feel confident that the police department can protect us during this period of incredible movements that are affecting every single institution in our country.

Sergio Garcia: I know that didn't really sound like a question, chief, but I do think that we need to hear more along the lines of eradication of white supremacy within the department, as the topic and objective of utmost importance in the department. That is the biggest, biggest objective, most important objective that I can think of so that the department can regain the credibility and the trust of the community.

Regina Jackson: Thank you, Commissioner Garcia. Are there any other questions or comments to the interim chief? Okay. Seeing none, we'll go to Mr. Rus for public comment.





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Juanito Rus: Thank you madam chair. If any member of the public wishes to make comment on item seven on tonight's agenda, please raise your hand in the zoom queue and you won't be called in the order in which your hands are raised. The first speaker in the queue, excuse me while I put on the timer, is listed as Reisa J. I believe that's Ms. Jaffe. Good evening, Ms. Jaffe.
- Reisa Jaffe: Yes. Thank you. A lot of what I wanted to say has been said, but I just want to really emphasize through the chair, to the chief, you started your comments saying that you wouldn't be reporting the crime statistic. Thank God. You need to stop reporting crime statistics. This is an issue. I don't know why you're surprised and shocked, the fact that you are, makes me seriously concerned about your competence to get the weeding done that needs to happen. I'm really, really concerned because I've heard you say in public, you didn't think there was a problem, and all of us have been saying there is, and your inability to have acknowledged that before, today is just shameful. Thanks.
- Juanito Rus: Thank you, Ms. Jaffe. The next speaker in the queue is listed as G, I believe that is Ms. Harris. Excuse me while I move her to the panel evening. Good evening, Ms. Harris, can you hear us?
- Ginale Harris: Yes. I can hear you, Mr. Rus.
- Juanito Rus: The floor is yours.
- Ginale Harris: Thank you. This is to Chief Manheimer through the chair. First, let me say that I'm truly disappointed and disgusted by the latest discovery on the ongoing racist culture that has plagued Oakland police department for decades. I did not expect that you would be able to clean up this culture in a short time that you were here in Oakland, but I did expect you to start to clean house. I have never been anti-police. However, I've always been anti-bad police. This is just one more example of why the fox cannot oversee the henhouse. We are clearly not safe, and I am truly, truly disappointed. All the public has endured and no one has been held accountable, even after the OBOA [inaudible 02:12:56]. To date, no one has been held accountable, and to the police commission, I am tired and so is the community. The devil has shown his face here. What are you prepared to do?
- Juanito Rus: Thank you, Ms. Harris. The next speaker in the queue is listed as Carolyn. Good evening Carolyn, can you hear us? Carolyn? You can unmute yourself whenever you're ready. Okay. Carolyn, if you still wish to ask a question, you can raise your hand again and we'll come back to you. The next speaker in the queue is Kevin Cantu. Good evening, Mr. Cantu. Can you hear us?
- Kevin Cantu: Good evening again. I'd just like to say that it's pretty bold of Chief Manheimer to announce that she's leading a "Work-to-Rule" strike over budgetary and overtime issues while we're... We saw how OPD responded this summer to high school students leading a peaceful protest. We know which side of that thin blue line you're on. This is just more.





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Juanito Rus: Thank you, Mr. Cantu. The next speaker in the queue is Ms. Rashida Grinage. Good evening, Ms. Grinage. Can you hear us?
- Rashidah Grinage: Yes. I was struck by Chief Manheimer saying both times that she was informed by the media about this social media issue. That is really disserving. It's obvious that people within the department were aware of this. We have to conclude that there's not a single police officer who was aware of this, who brought it to the attention of the command staff or the chief. That is complicity. That is the most alarming thing of all, that she would have to have found out about this from a media report. That somebody would talk to the media about this and not talk to the chief or the command staff. What does that say? I would like to hear her respond to this. Thank you.
- Juanito Rus: Thank you Ms. Grinage.
- Regina Jackson: Commissioner Manheimer. Can you address that please? I think we're all interested in that answer.
- Chief Manheimer: Thank you, because I think Ms. Grinage, you voice our alarm and our concern that we had to hear this from the media, frankly, and if... I have not seen the full extent of this, we are at the beginning stages of this investigation because as you so aptly pointed out, it came to our attention basically last week. The fact that in some of these pictures I have seen, they have been against the leaders of this department as well, who are enacting and pushing appeal for change every day and progress and reform.
- Chief Manheimer: So, yes, I think it is very troubling and that is going to be a big part of it because frankly duty to intercede is not just in the OPD for uses of force and for things that are committed out into the public in terms of overt policing, but it is a duty to intercede and to report when you see any violation, any violation. So, yes, that is exactly right, that these are the issues we will be investigating, and these are the issues that this department absolutely realizes [inaudible 02:17:48] hold accountability to, and yes, I am extremely sad that the first we saw of it was in the media. I appreciate that, and that is a good part of what we're going to be looking at. Thank you.
- Regina Jackson: Thank you. I'm sorry, Mr. Rus, you can go back to public comment.
- Juanito Rus: Thank you, Madam chair. The next speaker in the queue is a telephone attendee for the last four digits, 0185. I believe that is Michelle Lazaneo. Good evening, Ms. Lazaneo. Can you hear us?
- Michele Lazaneo: I can. It seems as though interim Chief Manheimer should hire Darwin Bond Graham to locate the sexist, racist, and subversive members of OPD because on her own, she denied that they existed in the department. You weren't really looking for them, which is why you weren't aware of their existence. Commissioner Dorado on multiple occasions, tried to open your eyes and had asked you to acknowledge the possibility and probability that it existed at OPD, but you wouldn't acknowledge it until reporters dumped proof of it on your doorstep.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Michele Lazaneo: In continuing with the subject of racism and racist on December 31st, the OPD began a Text-to-911 options and lauded it as a safe and reliable resource for residents to contact OPD in an emergency. We have seen numerous examples of police acting on the racist biases of those who called or texted them. Barbecue Becky at Lake Merritt is a prime example. Police are being weaponized by bias, motivated and racist 911 callers around the U.S. So, I asked you what policy procedures and precautions and training did OPD implement before rolling out the Text-to-911 option. Thank you.
- Juanito Rus: Thank you. The next speaker in the queue is Ms. Assata Olugbala. Good evening Ms. Olugbala. Can you hear us?
- Assata Olugbala: Yes. Chief, could you respond to the ending of the relationship with the joint terrorism task force, how that limits your capacity to deal with domestic terrorism? Could you also respond to this text that I received today? The Department of Homeland security and the FBI are telling blacks to stay alert, and if you don't have to go anywhere, stay home from the 17th through the 20th. FBI sources heard that white supremacy groups are trying to do a black out killing black people on the 20th. To your knowledge, is this information correct, or should we be concerned as black people? To Mr. Garcia? I'm not a person of color, I'm African-American. Please stop using that term people of color. Chief, I appreciate it if you would respond to this text because a lot of people that I know of very concerned as African-Americans.
- Juanito Rus: Thank you Ms. Olugbala.
- Regina Jackson: Chief Manheimer, if you could go ahead and address that please.
- Chief Manheimer: I'm sorry. I'm not sure I clearly understood. Could I ask Ms. Olugbala to...
- Regina Jackson: Let me try and reframe. She got a notification that is suggesting that African-American people need to stay in doors from the 17th to the 20th because they are in harm's way. What she's asking is, is this accurate, and what's your commentary on this information? If I got it wrong, I certainly would ask her to clarify that, but I think that's the gist of it.
- Chief Manheimer: Yes, ma'am. I just got off of a call with the FBI San Francisco and over 190 law enforcement officials from the nine Bay area counties. What we're seeing are a lot of inflammatory texts going out to different community members and they are not only not true, but I think they are aimed at striking fear in different members of the community. We have not heard anything along those lines. As I had mentioned earlier, there is likely going to be some confrontation in San Francisco and some confrontation in the State Capitol in Sacramento, we know of nothing here. I would ask Ms. Olugbala or anyone else to please contact us at OPD and report that or forward those texts along, but I would say that we have no indication nor any reason to believe that that's true. I would not fully discount it, and I'd love to get that text and sort of look at where it's from and do some intel workup on it. Thank you. I can connect with Ms. Olugbala offline.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Regina Jackson: Okay. Chief, the first part of her commentary had to do with the counter terrorism unit. She has focused on that several times in previous commission meetings. What is that going do to your ability to protect citizenry, since we have domestic terrorism popping off everywhere?
- Chief Manheimer: I have to say that we are very disappointed today when we were on that call, that the joint terrorism task force had members sitting from quite a few other cities that were going to be there literally throughout this next five, seven day, very intense period, and that one of them will not be OPD. That is concerning. We will get information as needed, but we don't sit there at the table and have the ongoing evolution of everything going on. To us, it's very disappointing. We will still do our very best and protect and defend this community.
- Regina Jackson: Okay. Thank you. Back to you, Mr. Rus.
- Juanito Rus: Thank you. Madam chair. The next speaker in the queue is a telephone attendee with the last four digits 5802. I believe that is Mr. Saleem Bey evening. Mr. Bey, can you hear us?
- Saleem Bey: Yes. I can hear you. Saleem Bey. First, please create a white supremacist accountability adhoc to make sure that this doesn't die. OPD was founded by the KU Klux Klan. The Boogaloo boy excuse in chief is still a lying hypocrite about zero tolerance, racism, because she is ignoring, and now the OPC is covering up for available evidence of OPD, racist, and homophobic black Muslim discrimination. Why are we waiting until March when you have the evidence now? YGB case files were stolen and missing for over a decade.
- Saleem Bey: We asked where are the YGB case files and Chief Manheimer replied, "The discovery came after the case had been closed by the internal affairs division." thus admitting that no investigation has ever been done. We exposed Chief Manheimer's attempt to use a 2020 OPD IAD Lieutenant Griffin memo to clear 2014 OTD IAD Sergeant Griffin incomplete investigation of 13- 1062. This was unacceptable that the same OPD IAD investigator can close and clear himself to this day.
- Juanito Rus: Thank you Mr. Bey. Your time has expired. The next speaker in the queue is listed as Mente. Good evening, Mente. Can you hear us?
- Joseph Mente: Yes, can you hear me?
- Juanito Rus: We can hear. You have the floor.
- Joseph Mente: Joseph Mente, district one. I want to echo what Commissioner Garcia said about the so-called shocking support for instruction among OPD officers. This is not all a surprise that OPD has white supremacists throughout its ranks. The community [inaudible 02:25:39] warning about this for decades. Building on Commissioner Gages questions. What is the plan to provide productive services without overtime? As far as I know, OPD is wholly unprepared. OPD has used overtime extensively to respond to events. I foresee either a woefully understaffed force or a vast unbudgeted expense for the city.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Joseph Mente: While I am in favor of not using extensive and frankly, excessive overtime. What is OPD not going to do in order to effectively perform protective services? How are you going to reallocate resources and not only for public buildings, but for public officials where people, people over buildings. Oakland fire is being asked to do more with less, maybe OPD can do the same. Thank you.
- Juanito Rus: Thank you, Mr. Mente. The next speaker in the queue is Jennifer Tu. Good evening, Ms. Tu. Can you hear us?
- Jennifer Tu: Yes, I can. Thank you. I want to echo what the first speaker, I think that was Ms. Jaffe said, it's a relief to not have to sit through the crime blotter today because it's always a waste of time. A useful statistics would be things like traffic stop information. I also really appreciate Commissioner Gages questions earlier, and feel very concerned that his questions regarding our safety from white supremacists weren't fully addressed. Finally, I don't want to hear about OPD's feelings. I want to know that they have a plan to make a practice of finding and removing white supremacy from their department. That's all. Thank you.
- Juanito Rus: Thank you, Ms. Tu. The next speaker in the queue is Rachel Beck. Good evening, Ms. Beck. Can you hear us?
- Rachel Beck: Yes. Thanks. Can you hear me?
- Juanito Rus: We can hear you. You have the floor.
- Rachel Beck: Thank you. Through the chair I don't want to hear Chief Manheimer say how she'll protect buildings. I joined the commissioners in wanting to know how she'll protect black Oaklanders from white supremacists in their own ranks. Thank you.
- Juanito Rus: Thank you, Ms. Beck. The next speaker in the queue is Emily Sachs. Good evening Ms. Sachs. Can you hear us?
- Emily Sachs: I can. Can you hear me?
- Juanito Rus: We can hear you. You have the floor.
- Emily Sachs: Okay. Thanks for taking my call. I obviously agree with most of the other callers that this is not shocking, and sorry Manheimer but your feelings aren't exactly important to us. I may have missed it because there's been a lot going on, but multiple other cities starting last week, even released statements from their police departments stating whether or not their current officers had paid time off days on those days and what they were doing on January 6th. Do we know if any of our current officers did or did not attend the terrorism at the Capitol on January 6th? It's a yes or no question. That's all.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Juanito Rus: Thank you, Ms. Sacks.
- Regina Jackson: I actually am very interested in that question as well. We're going to take her comment through the chair. Can you answer that question, Chief Manheimer.
- Chief Manheimer: Yes ma'am, I can. We are conducting a full and thorough investigation that will be first and foremost part of that investigation. Additionally, as I said, we have a fairly good idea based on some of the posts that we've seen thus far, what it is we need to focus on initially and immediately. I do have some responses to the other questions, which if you like, I can wait till later, but that is absolutely a part of this investigation.
- Regina Jackson: Okay. To the specific query about January 6th and knowing whether or not any of our other officers might have been in the Capitol.
- Chief Manheimer: From what we know now, and this is only what's been reported and out in the public domain, there were several posts from current members, but the only member that we were aware of that claimed to be at the Capitol was that former member [inaudible 02:30:17] departed for about six years. We have no reason to believe, and we are scrubbing social media that any others are. But again, this is all very, very preliminary, and that is absolutely a part of what we will be looking at, but at this point we have no indication that any were there.
- Regina Jackson: Okay. Thank you. Back to Mr. Rus.
- Juanito Rus: Thank you, Madam chair. The next speaker in the queue is Mariano Contreras. Good evening, Mr. Contreras. Can you hear us?
- Mariano Contreras: Yes. When for many decades, Oakland black and brown residents, disproportionately have been racially profiled stopped, and even handcuffed for simple traffic violations, it makes one belief that OPD might have a racist ideology. So, when reports and leaks surfaced about Oakland officers participating in explicit racist and white supremacists social media, the belief in suspicion can only be confirmed. Chief Manheimer, your word seemed to be genuine, but when will we see genuine discipline and enforcement of the zero tolerance policy. Finally, Chief, please Chair Jackson asked her this question, how deep does this thinking exist in OPD? Because the answer will determine your efforts to eradicate this thinking. Thank you.
- Regina Jackson: Chief. Manheimer. Can you respond to that question or do you yet know how deep it is?
- Chief Manheimer: I don't, but I can tell you by the end of this investigation, we absolutely will. We are going, and we have expanded the scope because we're not quite sure where that scope is. As I said, when I said the four corners of this department, as what I meant and to Mr. Contreras, sir, we will answer that question. We will answer. This is our opportunity to do so rest assured. Thank you.
- Regina Jackson: Back to you Mr Rus.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Juanito Rus: Thank you, Madam chair. The next speaker in the queue is Jasmine Fallstich. Good evening, Ms. Fallstich. Can you hear us?
- Jasmine Fallstich: Hi, thanks so much for taking the time to hear my comment. I also have some questions I would like the chief to answer if through the chair that is okay. At a previous meeting when we were talking about the Boogaloo boys, I asked specifically what had the department done to understand if there were no white supremacists in the department, and I was given a non-answer. So, I'm going to ask again, chief, what specifically is happening in the review and this audit that you're doing? What are the specific steps you're taking to understand who on the force has white supremacist feelings or Nazi sympathies? Also, Emily, a previous commenter asked whether or not you had checked to see who had taken time off and who took PTO. That question was also not answered. Finally, you also said no overtime, but you got this for the time coming up. What is specifically is the plan to protect people and not buildings?
- Juanito Rus: Thank you Ms. Fallstich. Your time has expired.
- Regina Jackson: Chief Manheimer, this won't be a pattern, but we only [crosstalk 02:33:49].
- Chief Manheimer: Oh, no. Thank you. I was sitting here with a couple of staff saying how grateful I am to be able to answer these questions. These are the questions on the mind of our community as rightfully they should be and I am here to answer to them. Three things, first of all, regarding the Boogaloo boys, I never thought that we would be having this level of wash throughout the whole department, it's no secret. First I want to say that this investigation, this is not an audit for this [inaudible 00:02:34:24], this is a full and formal, comprehensive, and scorched earth internal affairs investigation that will be coordinated through our federal monitoring team along with our internal investigators, complimented by John Alden and the CPRA doing their own independent investigation. This is not going to be overnight, but it is going to be deep.
- Chief Manheimer: We are going to look at the posts. There's no secret to the factor, although I can not give out the actual tactics of what we're going to do for the investigation, that we seized a well over and they didn't even get the enormity of the phones we actually seized, that we are looking at computers that we will be looking at any and all activity of social media that we can see that actually we are going to be sitting down with different media to see if they have any more information for us, and we are going to be working with these companies. I do not want to give out a lot of the specifics, but you can rest assured that this is going to be a full and in-depth investigation, and that we are going to look at... I will tell you the seven to eight pictures that we saw already are enough to lead us down a path and a trail to indicate that there is significant violations here.
- Chief Manheimer: I think we will know it as we see it, and that we know what we've seen already, and it's there. In terms of the Boogaloo boys and others, we are working with the indicators and the joint terrorism task force to bring someone online that can help to further identify. There is a specific policy in our manual of rules around association with subversive groups. So, that's going to be a specific part of this investigation as well.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Chief Manheimer: I don't recall if there was another piece of that... Oh, about whether people took days off, all we had at this point were the leads on a couple of individuals and we of course took those steps and we'll continue to take those steps. We are trained investigators and these internal affairs investigators have tons of experience and training in these matters. We are going to be working on trying to ensure that we can get enough of the social media, it's tough to get it from these companies, Facebook and Twitter and others, but we are going to do everything we can to ensure we get it. Thank you.
- Regina Jackson: To her point about the PTO, you're aware of several people being off, but you have not yet been able to determine if they were participating in the DC Capitol insurrection, is that correct?
- Chief Manheimer: That is part of this investigation. I would not be at liberty to say, and I also would not be making that judgment until that investigation comes to me as a packet.
- Regina Jackson: Okay. Thank you. I just wanted to make sure that you addressed it. You're doing it by saying you can't comment on it. Okay. Thank you. Back to you, Mr. Rus.
- Juanito Rus: Thank you. Madam chair. The final speaker in the queue tonight is listed Anne J. I believe that is Ms. Janks, and she is using an older version of zoom, so I'm going to promote her to the panel. Good evening, Ms. Janks, can you hear us?
- Anne Janks: Hey, Juanito. I tried to upgrade so I wouldn't be an old [crosstalk 00:30:11].
- Juanito Rus: It's all right. The floor is yours.
- Anne Janks: I'm really sorry about that. Several people made excellent points, but I wanted to thank Chief Manheimer for essentially speaking in support of removing IAD functions and giving them over to CPRA, because if IAD had to wait until they read media reports, then as another speaker said, maybe you should just hire Darwin. The fact is, that you had media reports that indicate that you were aware of a problem back in September. I really don't understand what the shock and surprise and devastation was in the past week. Then just in terms of the domestic terrorism task force, given that they were unable to... Your participation in the domestic tourism task force, didn't even teach you about Boogaloo. I think we're going to be safe if we just pay attention to what's obvious and right in front of us. Thanks.
- Juanito Rus: Thank you, Ms. Janks. The final speaker in the queue tonight is listed as Call in User One. Good evening, Call in User One. Can you hear us?
- Cathy Leonard: Good evening, it's Kathy Leonard, Oakland native. I remember interim chief Manheimer when you first came on, I indicated that there was a racial problem in the Oakland Police Department. I gave a history about the racial problems and the racism in the Oakland Police Department. It wasn't believed then. And this constant surprise, polite surprise from not only you but even another police chiefs is really upsetting. You don't believe a word we say. You could have taken some





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

action. You did nothing. I'm sure that somebody from OPD was at that march. These people are overthrowing the country. The Oakland rioters? You think those guys weren't white supremacists? This department is infested with racists and we need to get rid of them. All this polite talk is maddening. Do something, get rid of these people. Thank you.

Juanito Rus: Thank you, Ms. Lender at this time I see no further hands raised in the queue, Madam Chair, and I return the meeting to you.

Regina Jackson: Thank you very much. The next item-

Brenda Harbin-Forte: Excuse me, Madam Chair.

Regina Jackson: Yes, [crosstalk 02:41:13].

Brenda Harbin-Forte: I'm sorry. I had a hand raised. I just want to, as we close out this discussion... This is Commissioner Harbin-Forte. Thank you. As we close off the discussion, I just want to say that at the meeting in September, when we discussed the Boogaloo Boys and there seemed to be a lack of understanding of what Boogaloo boys was, I specifically requested whether the department had any way of finding out what kind of social media presence these officers had. And particularly the officer who was wearing the Boogaloo- the Hawaiian shirt.

Brenda Harbin-Forte: I asked whether you can check into it because so many of these sites are just so far right and they are disgusting. I know that I specifically mentioned Parler, which is a platform that a lot of the planning for the insurrection took place on. And I guess there was some issue as to whether or not the department could access employee social media accounts. But it seems to me that there would have been nothing wrong with particularly asking the person wearing the Hawaiian shirt, whether that officer who claimed that he didn't know anything about the significance of the Hawaiian shirt, whether he had ever heard anything or seen anything on social media and the social media sites that he frequents about the Boogaloo Boys, or about Hawaiian shirts or the significance of that?

Brenda Harbin-Forte: So it seems to me that those kinds of things... We need to find a way of getting that information without... Even if you can't ask them. And I wasn't suggesting that you asked for their password so that you can go on their social media accounts. But it seems to me that there has to be some kind of way of finding out what information your officers have. Particularly an officer who wears a Hawaiian shirt and claims that he has no idea what it means.

Brenda Harbin-Forte: They were probably others in the department who would have, and should have known about the significance of a Hawaiian shirt. But all of this stuff is out there. All of these sites, all of those groups, Parler and other platforms. The group called the Oath Keepers, as well. All of these militia groups, they are out there. And I've been quiet throughout most of this discussion tonight because to tell you the truth, I'm just still in shock from the insurgency, the insurrection last week. And I can't believe what country we're even living in.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Brenda Harbin-Forte: And all of the people who were not just complicit, but actively involved in it. It's just shocking. There could have been so many more lives lost last week. And then the threats that are going on about going to all of the Capitals, all of those things. And this is particularly, particularly troubling for African-Americans in the society and in our city. Because so much of this is all race-based and we have to find a way, we have to find a way to... We have to nip this in the bud. We have to do something before it gets to the point where we have to find out in the media that members of OPD are encouraging the kind of lawlessness that we saw last week.
- Brenda Harbin-Forte: And maybe they're planning assaults for inauguration day as well. So I don't know, I just... We have to do something. I'm sorry, but this is just... But, we keep raising it. We do raise it and not only did Commissioner Dorado raise it when we were talking about the Boogaloo Boys on other occasions, I've raised it as well as other commissioners as well.
- Brenda Harbin-Forte: There is an entire underground out there of police officers who are engaging in this kind of conduct. And if we end up with only three Oakland police officers who can be lawfully employed, then so be it. There are members of the community who would gladly, gladly come on and a police officer.
- Brenda Harbin-Forte: But we have to root out all of these criminals, because that's exactly what they are, they're criminals. And they are out simply to deny African-Americans and other people of color their constitutional rights. So-
- Regina Jackson: Thank you Commissioner.
- Brenda Harbin-Forte: What do we do? But, I'm done now, but we can't sit back and pretend that we don't know what's going on when we're telling you and have been telling you.
- Regina Jackson: Thank you.
- Brenda Harbin-Forte: So I hope we will be more proactive. Thank you, Madam Chair.
- Regina Jackson: Thank you [crosstalk 02:46:38]
- Chief Manheimer: Thank you. Through the chair could I?
- Regina Jackson: Oh.
- Chief Manheimer: For a Commissioner Forte, if I did not communicate that appropriately I am sorry, ma'am. We did check into the actions at the time regarding that officer. I'm not at liberty to discuss that further. But not only that, but we do regular, random and routine audits of all of our employees, both sworn employees and civilian employees with our social media. So it's not that I don't... We are not constrained from doing that. We also do random audits of texts and any of our computer usage.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Chief Manheimer: So that is regular and it is occurring. And for these sites, I do know that for the one we're not clear yet on how many are our members or other members. I understand there were other law enforcement agencies there, but I can tell you that we will get to the bottom of it. Thank you.
- Regina Jackson: Thank you. Mr. Rus, if you would advance our agenda, please? Okay, Mr. Alden? I believe this is your item.
- John Alden: It is. Thank you, Madam Chair. Sometimes it's a lot of work to unmute. Hope you can hear me okay?
- Regina Jackson: Yes.
- John Alden: Great. Thank you. If Mr. Rus doesn't mind, I'll take over sharing the screen and start our presentation about the concurrence process. Give me just a moment. [inaudible 02:48:08] All right, I think you can all see our Concurrence Process Presentation here. I'll talk very briefly about what we're about to talk about.
- John Alden: I'm the Executive Director of the Community Police Review Agency and as I know the Commissioners are already aware, CPRA is charged under the charter with investigating cases in which police officers are alleged to have committed misconduct. We talked a fair bit about one of those earlier tonight during the Chief's report. She's correct, [inaudible 02:48:53] is looking at that matter also. And we're going to be taking that very seriously. That's an extremely high priority matter for us.
- John Alden: But at the end of cases, and at some points during the middle of cases, there are some requirements in Oakland authority, like the city charter and some other requirements in the negotiated settlement agreement that we have in Delphine Allen case.
- John Alden: They require either CPRA or the Internal Affairs division at the police department to do certain kinds of work on our cases. One of those steps comes at the very end, at which point the executive director of CPRA and the chief of police have to figure out if they agree about how to resolve the case. That's what we call the concurrence process. We'll be talking tonight about how that works.
- John Alden: Now I want to encourage all of the police commissioners in particular to please go ahead and interrupt if you have any questions you'd like to ask, I'm happy to be interrupted and answer those questions. I don't have any action items about this issue tonight. We do have some action items later tonight about the budget that could affect some of the issues we see here. But this presentation is primarily to educate both the public and also the commission about how that process currently works so that perhaps moving forward, we can have some further conversations at another day about other ways it could work and whether we might want to change it.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

John Alden: So with that, I'll start quickly by just pointing out that this is, as you see here, an organizational chart for CPRA. We are still a relatively small organization compared to the total work that we do. So we are still in a building phase. We were created in 2016. Our staff started expanding in 2018. The commissioners know I was brought on in 2019. And measure S1 just passed in 2020, gives us some additional staff beyond what you see here, which we probably wouldn't be bringing on until 2021.

John Alden: This concurrence process we're talking about tonight is a step that's mandated by Measure LL separately and entirely different from the charter provisions. We have this negotiated settlement agreement that requires the Internal Affairs division to also investigate cases. So we have these two parallel investigations going all the time and the charter and the NSA, neither was drafted necessarily with the first thought being an eye to the other. So there are some ways in which they don't mesh as well as perhaps you might like.

John Alden: So, just to make sure we're talking about the same topics and the same terms, concurrence is the process that we have been using within the City of Oakland to talk about this final stage in which the chief of police and the executive director of CPRA figure out whether they do or do not agree. The literal term used in the charter is, "Does the chief agree?"

John Alden: We take a look at two things. One is the findings in a case and the other is discipline. Findings are about whether an officer actually violated a policy. If this were a criminal case, we'd call it being found guilty, or in a civil case we'd call that being found liable, in the administrative process that we use for police officer discipline it's called being sustained.

John Alden: And then if the officer is sustained on finding, then we set discipline, which is also set by a series of OPD policies. And the chief of police and the executive director of CPRA have to figure out whether they agree about the discipline also. Pursuant to charter, if CPRA and OPD agree on the findings and also the discipline then that agreement becomes the official position of the City of Oakland, and discipline will move forward against that officer accordingly.

John Alden: If CPRA and OPD disagree on either the findings or the discipline, then the whole matter goes to a discipline committee here at the police commission. And that becomes the position of the City of Oakland in that matter. And I think most cases that go through the concurrence process, we're not able to make public because of state law. There are a few that meets certain exceptions in state law.

John Alden: One of them was the Pawlik officer involved shooting case. And I think it's well-known to the public and particularly some of our regular attendees here that that Pawlik's case went to the discipline committee. So we've already learned that that discipline committee is a very effective tool here in Oakland. I'm glad we have it.

John Alden: Very briefly our investigations go through a series of steps. I think it's important to understand a little bit how these steps work so that one can better understand the concurrence process. You



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

know, at CPRA, we will investigate any complaint about a sworn member of the Oakland Police Department. We don't have the authority to necessarily investigate the civilian members of the police department, but we do with the sworn members. And anytime someone brings us a complaint, we'll take a look and see how many different allegations of misconduct there are in that complaint. There might be five, six, seven, even a dozen things that are of concern in the officer's behavior and we'll address each one separately.

John Alden: It has been our experience that at CPRA we're doing vastly more allegations in a given year than we ever did back prior to Measure LL under CPRB. Probably at least eight fold as many. It's a dramatic increase in workload.

John Alden: After CPRA staff have investigated each complaint, they memorialize that work and their investigation, including a finding on every single one of those allegations. We then communicate that to the chief of police. And that's when we try to figure out whether there is or is not agreement in the concurrence process.

John Alden: It's important to remember though, that after that concurrence process is complete the officer still has at least two levels of appeal. Typically, that is a Skelly hearing. And then after that an arbitration, which goes to an outside arbitrator who doesn't work for the City of Oakland who has to be persuaded to uphold the discipline. So one of our concerns throughout this process is how can we best prepare the case so that it will be upheld at the final stage arbitration? And some of our processes are designed to make sure that we are in fact prevailing at arbitration at the end of the case.

John Alden: Findings can reach a number of different conclusions. The various findings we can reach include sustained, exonerated, unfounded, and not sustained. Those are all listed here, but I think a short summary would be that sustained is the only one that triggers discipline. That's the one that shows an officer actually did something that constitutes misconduct.

John Alden: In our current concurrence process, if both CPRA and the police department reach some finding other than sustained, exonerated, unfounded or not sustained, we have not been trying to reach agreement about which one of those three we reached. As long as they all agree there's nothing to sustain, then we've left the matter alone there.

John Alden: We absolutely reach agreement as to whether something is sustained. And the reason we've done that is we found it is very frequent that we have a disconnect about whether a case is exonerated, unfounded or not sustained. And we spend so much time as it is on just trying to set up the concurrence process for the sustained findings, it has just been unmanageable to try to reach exact agreement on whether something is unfounded versus exonerated, for example. Since at the end of the day the officer's not going to be disciplined, we haven't moved forward on that. So really this concurrence process we're talking about is one that only implicates the sustained cases.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- John Alden: Now, there are a couple ways, actually three, that we're required already by existing law to communicate about the cases even before we get to that final step of concurrence. And I think this is important to understand too, because I don't want anyone to think that the relationship between CPRA and IAD is anything other than an arms-length relationship. But there are some ways we are required to communicate as the case moves along.
- John Alden: First and foremost, there is a rule in Oakland that we're required to make sure that each of us has all the complaints that the other one has received. This is especially important for CPRA because roughly 85% of all complaints are made by members of the public to a police officer in the field. Usually at the time, or very shortly after the conduct has actually occurred. And usually this happens when someone says, "Hey, I don't like what you're doing Officer, get your supervisor out here so I can make a complaint."
- John Alden: So it's really essential that CPRA sees all of those complaints that are coming in from the field. Most of the people in that situation don't directly come to CPRA themselves. We usually find out about them through the police department and then go back and contact them directly from CPRA. So for that same reason, it's important that we make sure the complaints that come in to CPRA are communicated to Internal Affairs. This is actually an issue that comes up through the negotiated settlement agreement.
- John Alden: That agreement, written years before we ever had CPRA, requires that every complaint that comes in be looked at by Internal Affairs. And so that means every one that we get at CPRA we have to copy over to Internal Affairs. That might not be the way that this was intended to work, but that seems to be how the NSA and the charter work together. That's one of the things that's a little complicated about our current situation.
- John Alden: Now second, IAD has to notify CPRA whenever they reach findings on a case and before imposing discipline. I believe the intention here was to make sure that the police department would not discipline an officer without CPRA having the chance to weigh in. So every time IAD finishes a case, they let CPRA know that this is the officer, this is the case, these are the findings we reached, do you agree or disagree?
- John Alden: Candidly, most of the time, we're not done with our investigation by the time that happens. IAD has been closing cases faster than CPRA. We're catching up over time, but we have a ways to go before we're as fast. As a result, we at CPRA usually know what IAD's position is as before we're actually done with our case, because we're required to get back to them and say, "We're not done. Hold off on moving forward on that case," if we still want to keep working on it. And normally we do.
- John Alden: Normally at the end of the case then, the executive director and the chief of police sit down and exchange their positions about finding and discipline to see if they concur. But of course, by that point, we've already had these previous two communications I just talked about. So we already



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

have some idea, likely, of where each is going to be by the time we get into that meeting, it's not a total surprise.

John Alden: Now, there are some other things that we do just to make sure that we're communicating well in addition to those required communications, I talked about at the beginning. One is that when we get these complaints, it is commonplace that by the time our investigators really start digging into the case, Internal Affairs has already done a little bit more work than we have and we'll pull whatever material they have. The charter allows us to see everything that they have. And I think that's a great tool and that helps us make sure we're not missing anything, that we're seeing the same materials that Internal Affairs has found.

John Alden: Secondly, Internal Affairs also has concluded that in order to comply with the NSA, they have to reach a finding on every allegation that CPRA investigates. If CPRA lodges a particular allegation that we discover on our own, which we do a lot, then the Internal Affairs feels that they must investigate that too under the NSA. And candidly, I think they're right. While the NSA was written before CPRA came to be, I do think that's a fair interpretation of the NSA. And I do think it's right that under the NSA, that Internal Affairs look at those allegations too.

John Alden: Another complication that we're candidly unhappy about, but just is the current state of the law is that recently there was a court decision that most people call Santa Ana. It says if an officer is interviewed twice about the same disciplinary violation, he's entitled to know an awful lot about what the investigation has revealed up until that point, before the second interview.

John Alden: Recently here in Oakland we've had one of our local state courts conclude that, the investigation CPRA does and the investigation that IAD does, they're both ultimately by the City of Oakland. And therefore, in that court's opinion, whoever goes second has to give up to the officer a very substantial amount of information about what was discovered in the investigation up until that point. That puts us at a real disadvantage when we're in that second interview.

John Alden: And the most effective solution we found to that is to do joint interviews. Meaning, we have a CPRA investigator and an IA investigator in the room at the same time interviewing the same witness. And that witness will not know very much about what the case is about, or the accused officer will not know very much about what the case is about and that gives us a tremendous strategic advantage. But as a practical matter, that also means that both IA and CPRA have some idea of what questions the other one is asking. And that gives us some insight into each other's cases about that mid-point in the investigation.

John Alden: Another way that we communicate is that when we are queuing up meetings between the executive director and the chief of police to figure out if concurrence is reached or not, each side will give to the other their completed report. So we can read those in advance and have some idea of what we're talking about. So that way when the executive director, me, and the chief, Chief Manheimer, sit down and talk we have some education about the material we're going to





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

talk about. We're not walking in totally cold. We try to be well-informed because these are of course important conversations.

John Alden: And then finally, of course, we communicate when the Chief and I sit down and talk about the case in person. We call that the discipline conference. So this meeting, the discipline conference, is one that predates CPRA. So pursuant to Oakland Police Department Policy, whenever the Internal Affairs Division reaches a conclusion to sustain on a case, they bring that to the chief of police and command staff members, and bring members of IAD, to explain what they found in the case and why they're recommending that it be sustained. And then the chief with the help of other command staff members reaches a final decision about that.

John Alden: Now, because that process is currently still required by OPD policy and predates Measure LL, the easiest, most direct route to figuring out if CPRA and the chief agree or not is to have CPRA attend that meeting also. So what we've been doing is having myself, the Executive Director, sit down at that same meeting and explain what my position is and what CPRA's position is.

John Alden: Investigators from CPRA will also come so that they can present things that they have found or learned in the course of the case that they think are important. And then that's the moment where we try to reach... See if we can reach concurrence or not reached concurrence, and then send the matter to the discipline committee.

John Alden: Now, I want to speak really candidly about some advantages and disadvantages of this process. This final meeting of the discipline conference definitely has several strong advantages. One is that, there is without question very clear communication. If the chief and the executive director do not agree, we know exactly why and we've had an opportunity to really exchange views on a thoughtful, thorough way. So if we bring something to the discipline committee, we'll already have a very thoughtful presentation for the commission about why the chief of police and the executive director are on different pages.

John Alden: And I think ultimately that's a service to the discipline committee. It is also an opportunity to have command staff have some skin in the game, to get actually some buy-in into these disciplinary decisions and explain why they're important. It is an opportunity for us at CPRA to explain to the command staff some community perspectives about why some of these cases are important to sustain.

John Alden: And I think that's a real key channel of communication from the community and from the commission, not just to the chief, but to the other command staff members to make sure that the way we're handling disciplinary cases facilitates the change in culture that we so desperately have been trying to fight for at OPD over the last few years. It's also an opportunity to really candidly exchange views. It could be that either one of us has missed something, maybe misunderstood a policy or didn't know some facts. It allows for a very thorough vetting of that evidence and a real thoughtful candid assessment of each other's position.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- John Alden: It also facilitates consistent legal advice. The legal advisor for CPRA and the legal advisor for the police department both attend that meeting. They can provide legal advice if there is some dispute about what the law provides for or what the law requires in a given case. We can flush that out together, rather than having that come up at arbitration where it could sabotage a case. We can get that resolved together with the attorneys right there and make sure they're all on the same page.
- John Alden: Finally, it's also a really useful way to train investigators. The best investigators both from IA and from CTRA, I think, often walk away from those meetings understanding how they can do better next time. And having other people critique or assess their work in a very public conversation... Well, public in the sense that there's set people there, it is obviously closed to the public, the general public. But in a very group setting, I think really pushes investigators to improve their work.
- John Alden: On the other hand, there are some clear disadvantages and there may be others that other people in this meeting might see as well. But you know, one is that it can be contentious. We do not always agree. Sometimes those agreements can be pretty challenging and they might just end up causing us to go to a discipline committee, or it might cause us to have some really challenging conversations in which we exchange views that are quite different. It can be a bit spirited, sometimes.
- John Alden: Candidly, I think a disadvantage is that you have to have an executive director from CPRA who's going to be assertive about defending the CPRA cases. Now, as you might know about me, individually, I am a lawyer. I'm very comfortable with conflict. I'm told all the time by other people, outside my work life, that I may be a little too comfortable with conflict. I have no problem with walking into one of these meetings and having a very different opinion than many of the other people in the room and fighting hard for it.
- John Alden: But, someday in the future, you may have some other executive director of CPRA and if you are still using this system, I think it will be very important for the commission to select someone who likewise is comfortable with being very assertive in this kind of setting.
- John Alden: It is also a very time consuming process. We had 71 sustained allegations in 2019. That's a lot of time and a lot of work. Some of these meetings can be three or four hours and have a dozen or more people attending the meeting. That's a tremendous investment of staff time. That said, it does show that the City of Oakland is really serious about resolving these discipline cases very carefully. And that kind of time, I think, really helps us make sure that we have fully vetted these cases such as they'll stand up at arbitration. Which I think is another advantage of this process, but without question that requires a lot of staff time.
- John Alden: I'm going to talk a little bit about how discipline is set, but I know I have said a fair bit here. I'm wondering if any of the commissioners might have questions? [inaudible 03:09:40] I'm not seeing any hands, so... Oh, I do have one from Commissioner Gage. Think you're un-muted, sir.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Henry Gage, III: Thank you Director. Earlier in your presentation, you were speaking about what happens when CPRA and IAD agree that there should not be discipline imposed. I'm trying to understand the point you were making. Was the point was that you were not engaging in further debate as to whether or not the findings would be exonerated, not sustained or unfounded? Can you clarify that process for me?
- John Alden: That's right. The end result in the discipline system on each of those three findings is the same. That is to say the officer is not disciplined, the case is closed. It cannot be used against the officer in the future and that's the end of the inquiry. So because there is at that point no reason to be looking at discipline or taking any further action on the case, we concluded that if one party thinks it's exonerated and the other things it's not sustained or the like, ultimately that doesn't create any change in the outcome.
- John Alden: It's a difference of opinion that ultimately doesn't have an effect. And so we have not found it useful to try to make sure we're on the same page about that conclusion. Now, if one side thinks that the case should be sustained and the other thinks some finding other than sustained should be entered, that is of course something that immediately goes to concurrence and that we need to hash out or send to the discipline committee.
- Henry Gage, III: So I understand that the end result of no discipline immediately is the same. But those three categories are distinct for a reason and... Is the reason why CPRA isn't fighting to parse between those categories solely an issue of insufficient resources?
- John Alden: That is certainly one significant reason for it. Now, if we were to parse down on each of those allegations to see, can we get to a place where we agree on whether it's either exonerated or unfounded and distinguish those two? We would have several thousand allegations a year that we need to parse out in that regard and I don't think we have sufficient resources at a PD or at CPRA to do that.
- John Alden: We have roughly a 1000 incidents of misconduct. There's a subject of complaints in 2019, and that year 500 of those roughly were public complaints, meaning CPRA and IAD would both look at those. And on average, we're getting at least a half a dozen allegations per case. So, that puts you somewhere in the range of 3000 allegations that could potentially have gone through this process. There just is not sufficient bandwidth for us to reach concurrence about every single one of those. If even the ones that are sustained are pretty laborious and time-consuming to move through this process.
- John Alden: It is one of the many inefficiencies about this process also, as we will discuss later this evening in the budget presentation. The city charter requires the CPRA investigation. The NSA requires the IAD investigation. If the NSA were altered by the court, so they just put CPRA in the shoes of IAD, you wouldn't need an IAD investigation anymore.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- John Alden: And so reaching concurrence between the two on those 3000 allegations, wouldn't be necessary. CPRA would just be the final position and it would be up to the chief to pick and choose which of those he or she wants to disagree with and send to a discipline committee.
- John Alden: I'm not sure if that fully answered your question, but I'd be happy to dig into that one in more depth if you'd like.
- Henry Gage, III: I understand the practical reason why you're not parsing between those categories. I am not unclear though, whether or not, if you had the resources, it would be advantageous to do so, simply because it holds the potential to build a record, even when you can't sustain discipline. So, it's somewhat concerning, that's the tool that's essentially being taken off the ballot.
- John Alden: I candidly see no tool there. The exonerated, not sustained and unfounded allegations, none of them can ever be used against the officer again, pro bro strictly prohibits that. Those are all dead letters. There's absolutely nothing we can do to build up a record against the officer with those. So, in that regard, the finding we reach is of no import in building my record against the officer. If there were some other reason why we found it interesting, I'd say we thought there was some reason why statistically it'd be interesting to see how many cases were exonerated and how many were not sustained. Then perhaps there might be some value there, but I think we would have to balance that against the resources required to reach concurrence at that level against that many allegations in the course of the year.
- John Alden: It would require a very substantial investment of resources. It would also require a very substantial amount of police commission time. Any allegation in which we don't reach concurrence requires a discipline committee. I don't know how we would complete a discipline committee on any one allegation without several hours of commissioner time on each allegation. And if an allegation, the case has multiple allegations, that could be as much as a day of discipline committee time. And I don't know that we have the resources at the commission level to do that either.
- Henry Gage, III: Okay. Thank you.
- John Alden: Absolutely. Any other questions from the commissioners before I go to our next couple of slides?
- Regina Jackson: Why don't you move forward? I don't see any more questions.
- John Alden: Very good. Thank you.
- John Alden: So the next thing I want to talk about is progressive discipline. If the chief and the executive director of CPRA reach agreement about what should be sustained, where the officer was found guilty, if you will, we then use the Oakland Police Department's discipline matrix. Now this was a policy of the Oakland Police Department, like other policies, it could be altered by the police commission. Well, no policies ever quite perfect, and they should all be revised from time to time



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

just to keep up with best practices. I will tell you candidly, that this discipline matrix is one of the higher quality ones I've seen. I think OPD has done a pretty good job on it. I'm always interested in hearing from the public, if they think there are ways that could be improved, but while there are a lot of other policies that OPD that I've suggested the commission take a look at quickly, this is not one of them.

John Alden: I think it's actually a very thorough, it's very thoughtful, and I think it serves its purpose quite well. I think it appropriately prioritize a certain kinds of cases for high levels of discipline and others for lower and gives the department the flexibility it needs and CPRA and the commission that flexibility it needs to apply appropriate discipline. It also provides really clear guidance for police officers, which I think is important. In that policy, one of its strengths is that every violation has a certain range of discipline. It might be that certain violations could go all the way up to termination, the ultimate penalty that we have in the system, termination of employment. And then others, my brain, from say being retrained up to a written reprimand in the police officer's file, in every one of those different violations, the penalties increase if the officer commits it repeatedly. A second violation and a third violation, merit, much greater penalties.

John Alden: Then they're aggravating and mitigating factors that are considered with each one that might make the penalty within that range go up or down. If the penalty range is say, anywhere from one day of suspension, meaning a day in which the officer loses pay, up to five days of suspension, then the aggravating and mitigating factors help us choose whether it's anywhere from one to five. Moving forward under S1, our investigators are going to be able to have a larger role in this process, and we're really excited about that. This is an example of a small segment of the discipline matrix, discipline ranges anywhere from, as I was saying, counseling and training all the way up to termination. We also use a demotion in the Oakland Police Department, not every department does that. I think that's a very strong tool and I'm glad we have that as part of this discipline matrix.

John Alden: When we send something to the discipline committee, it could be that the discipline committee might be looking at the findings or the discipline or both. Our position so far has been the CPRA and the police department disagree in any regard about the case. The entire thing will come to the discipline committee and the discipline committee has the ability to go wherever they might want on findings or discipline. In that regard, this concurrence process does not limit the discipline committee in any way. The discipline committee doesn't have to pick CPRA's position or the police chief's position. The discipline committee could come up with an entirely different position and that's just fine. It does require a fair investment of time. In my opinion, I don't think we have bandwidth at the commission level for a huge number of discipline committees in the given year, does require very substantial commissioner training.

John Alden: It does require usually a few days of closed session hearings, in which CPRA and the police department present evidence directly to the commissioners. There might be a lot of interviews to read, a video to watch, direct evidence, to assess. There might be physical evidence that the commissioners might need to take a look at. This all has to happen before the statute of



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

limitations, the government code section 33 or four deadline, generally that's one year from the time that the complaint is made. The discipline committee, if a case is brought to them, does still have to act fairly promptly. We can't queue these up and create a backlog. We have to resolve them fast in order to meet that deadline.

John Alden: As a practical matter, one thing to keep in mind is that if we use the discipline can be, it just wouldn't be practical for every one of these cases to come to the discipline committee. They're just is not the bandwidth, it is too narrow of a bottleneck to do that. Even the best intentions commissioners who didn't have a job or family or other commitments, still wouldn't be able to process all of these cases at the discipline committee. There has to be some winnowing before they get to the discipline committee as a matter of practicality.

John Alden: Finally, I think it's really important to remember that at the end of the day, the results in these cases are not entirely under any of our control at the City of Oakland. There is both a Skelly conference and there is an Arbitration Hearing that comes after the discipline committee, after concurrence, and that I go to production. One of the things that we will discuss when we're having A conversation between the executive director of CPRA and the chief of police, is how does this case fair at arbitration? What are its strengths and its weaknesses? What would an arbitrator do with this case? Because ultimately we want to make sure we're well prepared for that process. Maybe that means we need to do some more investigation or rethink some of our positions as we compare those. We'll talk to counsel who have experience with arbitration as well, and make sure we incorporate their advice and guidance.

John Alden: We thankfully have our own independent counsel at CPRA on the attorney we have on contract. Now for that purpose has a really strong background in arbitration and understands quite well how arbitrators think about these cases, having their advice is really valuable. But that said, at the end of the day, we're all trying to make sure we're well-prepared for this process. At that process, one of the things that arbitrator might ask is, well, "What were the positions that various people who looked at this case took?" One thing that has been helpful to us is having a conversation between the chief of police and the executive director before we finalize our positions, really helps us create more thoughtful positions than we would otherwise, and makes us better prepared for arbitration. If we were to set our final positions without having talked to each other at all, anytime we were on different pages and that were memorialized in a permanent way, that would create a problem for us candidly at arbitration.

John Alden: An officer could use that to say, "Hey, look, the chief of police, his initial position was X. Now the chief's position is Y. That's a substantial change and that's a reason why you should doubt the final conclusion," because the chief source impression was totally different than the chief's final impression or same for CPRA. It has been our experience that having some conversation and critiquing each other's cases helps to make us much better prepared for arbitration, which is at the end of the day is a really essential stage that we're only partially able to control.





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- John Alden: Those are all of the points that I had about the concurrence process. I would be happy to answer any questions that the commissioners might have. Then I think as we talk later, the new thing about budget, some of these points will come up again as the pros and cons in having these two separate investigations.
- John Alden: Questions?
- Regina Jackson: Mr. Alden, I don't see any, maybe we should go public? I think it was an excellent job. I think is very clear. So, let's go ahead on the public comment.
- John Alden: Before we do that, if you don't mind, one thing I should say to the commission is, I think we could change this process in a number of ways, and I'd be happy to take commission direction about that over time.
- John Alden: I would suggest that if anyone does think maybe we could do this differently, I think our first question might be whether we still want to have an IAD investigation or not? We'll discuss later in the evening. I think that's one of our broad, long-term conversations that we should be having over the next few meetings. Anyway, that said, I know Mr. Rus is probably ready to take some court comment for us.
- Regina Jackson: Yes. Thank you very much. Mr. Rus?
- Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to make a comment on this item, please raise your hand in the Zoom queue, and you will be called in the order in which your hands were raised.
- Juanito Rus: The first speaker in the queue on this item is a telephone attendee with the last four digits seven, nine, three, five. Good evening, seven, nine, three, five. Can you hear us? Seven, nine, three, five. You can unmute yourself. It looks like seven, nine, three, five appears to not be able to unmute themselves. I'm going to lower their hand. And if seven, nine, three, five, if you wish to talk, you can raise your hand again. The next speaker in the queue is Rashidah Grinage good evening, Ms. Grinage, can you hear us?
- Rashidah Grinage: Good evening again. I said all of the commissioners and director, I'll send an email, if you haven't read it all on this issue, please do, because I don't have enough time in the one minute to cover everything that was in the email to you. I do think that the named concurrent process is a misnomer. Concurrent means agreement, so when you call a process, a concurrence process, you're saying it's an agreement process. It should be an investigator process, because what's implied here is that at the end of it, there will be agreement. That would explain why the Pollock case, the only case in the four years that the commission has existed, that there was a discipline committee. That is something that you need to think about. Why is it that there has... And that case was referred to you only because the monitor's findings were different.





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Juanito Rus: Thank you Ms. Grinage.
- Rashidah Grinage: I'll put it in another email.
- Juanito Rus: Your time has expired, thank you.
- Juanito Rus: The next speaker in the queue is Assata Olugbala. Good evening Assata Olugbala. Can you hear us?
- Assata Olugbala: It concerns me that over a period of years, consistently you get the same result when there's an investigation and those results of very few cases are sustained. The fact is, why aren't we trying to find out why we're not getting more sustained cases? Is it because we have a flawed investigative process? Is it because the investigators are not doing things that needs to be done? I don't know, but this is not acceptable because what is happening is, you are saying that people who are filing complaints are not validly following those complaints, because they're not being sustained in any large number. I don't know if the charter wasn't written to sufficiently put it in place. I don't know, but it's not working. I know that point. The way it's in place now.
- Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is G. I'm going to promote Ms. Harris to the panel. Good evening, Ms. Harris, can you hear us?
- Ginale Harris: Thank you, Mr. Rus. I need a point of clarification, please. Chair, I would ask that when we have not a lot of people on these meetings, when will they resume to the public speaker at two minutes? Because there's not a lot of people in one minute, I think it's not acceptable, but just asking. Okay, I'm ready mine.
- Juanito Rus: Have the floor.
- Ginale Harris: Yes.
- Ginale Harris: I think this process in itself is just flawed, period. I am in favor of getting rid of IAD because you can have the fox oversee the henhouse. I think it needs to start with the reorg, the reorganization of the CPRA. We started it when I was a police commissioner and we never finished it. I'd like to see the reorganization finished. The problem I had, is that we have certain investigators that are still employed with the CPRA that have messed up investigations, so to speak, including the Pollock case. We are revisiting the Bey case because of the same issues. I think we need real investigators who get out of their chairs and come in the community and investigate, and not sit at their desk and agree with what IAD had says. That is what I think should happen. Thank you.
- Juanito Rus: Thank you, Ms. Harris.
- Juanito Rus: The next speaker is a telephone attendee with the last four digits, nine, nine, nine, seven. Good evening, nine, nine, nine, seven. Telephone attendee with the last four digits, nine, nine, nine,



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

seven. Can you hear us? I can see you're unmuting, but we don't hear anything. There appears to be some sort of technical difficulty. I'm going to go to the next speaker and I'll come back to you. The next speaker in the queue is a telephone attendee with the last four digits, five, eight, zero two. I believe that is Mr. Saleem Bey. Mr. Bey, can you hear us?

Saleem Bey: Yes. Saleem Bey, the selection committee sabotage of Mrs. Harris is why you have forced to listen to me complain about failures not addressed. If she was on the [inaudible 03:32:07] she would still be addressing this for us. Why no NSA notification for action on Bey cases? Now we find out that Mr. Alden made a presentation about 131062 to council on Tuesday of this week. Most suspect without checking with OPC ad hoc Chair Harris, nor the community members and witnesses that made the complaint. This is very, very suspect. Now he's involved in pushing a basic yes or no answer about 131062 malfeasance all the way out until March. Why no action on our cases? Abolish IAD. Mr. Alden is obviously part of the inside problem in OPD reform. He has never addressed the fact that new evidence of IAD sustained 131062 while Mr. Alden's office, CPRB investigator, soft hand, Tom found 131062 not sustained. How are you looking for all of these other things, but can't find this right in front of your face?

Juanito Rus: Your time has expired.

Juanito Rus: The next speaker in the queue is a telephone identity with the last four digits, seven, nine, three, five. Good evening, seven, nine, three, five. Can you hear us?

John Bey: Yes. Are you able to hear me?

Juanito Rus: We can hear you.

John Bey: Yes, sir. Thank you. This is John Bey. I would first like to echo everything that Janell had just said, and then piggyback that with what Saleem said. The CPRA has proven that their investigators are inadequate or ill equipped to conduct the job correctly or professionally. The fact that you still plan to go forward with the same people who've been proven failure, that's not a good recipe. The fact that you're still dealing with... Part of it is there's two compliant with OPD, who, as we know is under 18 years of failed leadership, multiple chiefs, and in fact, this current chief wants to sit up here tonight and tell us she was not aware of rampant racism in OPD, all she had to do, because she ain't from here, was listen to the people of Oakland. Tell her what was wrong with OPD when she got here and act on that. But she want to act like everything is fine. So

Juanito Rus: Thank you Mr. Bey, your time has expired.

John Bey: Yes, sir.

Juanito Rus: This time we will go back to telephone attendee, nine, nine, nine seven. Good evening nine, nine, nine, seven. Can you hear us?



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

9997: Hello? Can you hear me now?

Juanito Rus: We can hear you now. You have the floor.

9997: Okay. Thank you. First of all, I want to thank Mr. Alden. That was a really thoughtful, well presented presentation. I'd like to ask that the commission take out of order the budget item, where the CPRA idea with IAD will be discussed. But I would also, if I have enough time like to ask Mr. Alden, I hope he responds, to explain the circumstances around the discipline committee that was created for the Pollock investigation, because if it doesn't follow the rules that he proposed on the face of them. It does in a way, but it's probably confusing to people to understand how that discipline committee came to be.

9997: I think also agreeing with some other speakers, if you do switch from IAD to CPRA completely, you need to clean house with CPRA because CPRA is the one that screwed up the Pollock investigation and it was people who have screwed up other investigations too. There needs to be some accountability there. Thank you.

Juanito Rus: Thank you. Nine, nine, nine, seven. The final speaker in the queue tonight is Emma Brower. Good evening, Ms. Brower, can you hear us?

Emma Brower: Yes. Thank you. I just wanted to reiterate my support for eliminating the IAD. I don't understand really how a police led investigative unit can be the ones to investigate misconduct from the police force. We all know about things like the blue wall of silence, the blue code, the blue shield. It doesn't make sense that we would allow that to continue, especially in the process of investigating a use of force misconduct and other claims. I think it should be in the hands of civilians to make sure that we can actually hold police accountable. Please consider that moving forward. Thank you.

Juanito Rus: Thank you, Ms. Brower.

Juanito Rus: At this time, seeing no further hands in the queue, Madam Chair, I return the meeting to you.

Regina Jackson: Thank you very much.

Regina Jackson: We have had many conversations, starting with the last police commission meeting, regarding the reprehensible misconduct that is currently being investigated. I put together a draft statement with the support of commissioner Garcia and our council. And I am hoping that the commission either will pass it, so that the commission can be on the ground, accessing and recognizing that we will not stand for the consistent toxic culture that breeds the police misconduct, because of unchecked behaviors. If there are commissioners who have comments or questions, please have at it. If there are those that like the statement as is, please like a motion.

Regina Jackson: There we have it.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Regina Jackson: Common questions, motion? Commissioner Dorado.
- Juanito Rus: Thank you Chair Jackson. I do think that the statement is clear and direct as well as it should be. I move that we adopt and we approve it as our position.
- Tyfahra Singleton: I'll second.
- Regina Jackson: Thank you very much. And was that commissioner Singleton?
- Tyfahra Singleton: Yes.
- Regina Jackson: Okay. Thank you. It has been properly moved and seconded. I do see a third hand from Commissioner Harbin Forte.
- Brenda Harbin-Forte: It was to second, so I will-
- Regina Jackson: Oh, okay. Sorry.
- Brenda Harbin-Forte: It was, yeah. I'll lower my hand.
- Regina Jackson: Okay. Thank you very much. I appreciate the support of the commission. I think we need to go to public comment before we can take a vote on this, but it has been properly moved and seconded. We'll go to Mr. Rus now for public comment.
- Juanito Rus: Thank you, Madam Chair, if any member of the public, which was to make comment on item nine on tonight's agenda, please raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised.
- Juanito Rus: The first speaker in the queue tonight on this item is a telephone attendee with the last four digits, one five, seven, four. Good evening, one five, seven, four. Can you hear us? Telephone attendee one, five, seven, four. You can mute yourself. Unmute yourself whenever you would like. It appears that one five, seven, four is remaining mute. I'm going to lower your hand. Please raise your hand again. If you wish to speak, the next speaker in the queue is Assata Olugbala. Good evening Assata Olugbala, can you hear us?
- Assata Olugbala: It is so inappropriate for you guys to continue to say you have the right to identify misconduct and you won't deal with... You need to write a letter to [inaudible 00:29:41], Don Links, James Chaney, Lorelei Bosserman, Mary Vale, Bill Thompson, Render Lynn Goodall, about how they are not willing to admit that they did something wrong related to Janell Harris and the coalition for police accountability, how they played a part. There are two members, Lorelei, Bosserman, Mary Vale. Do you think you're going to continue to go on, and at some point, this has got to stop? That you do not admit that you are not weighing in on the issue of the miss treatment of Janell Harris your



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

own board member, your own board member, that there's wrongdoing, and you won't address it?

Juanito Rus: Thank you, Ms. Olugbala.

Juanito Rus: The next speaker in the queue is Anne Jane. Ms. Jane, I'm going to move you to the panel. Can you hear us? You can unmute yourself.

Anne Janks: Pass. Sorry.

Juanito Rus: Very well.

Juanito Rus: The next speaker in the queue is another telephone attendee with the last four digits five, eight, zero, two, Mr. Saleem Bey. Good evening, Mr. Bey, can you hear us?

Saleem Bey: Yes, Saleem Bey. I'd like to take this opportunity to follow up on Sister Assata, on what she said about Janell Harris. Again, Janell Harris is overseeing our case. That's why I'm personally invested in making sure that Janell Harris gets justice and the fact that she was railroaded off of this commission. It was obvious she was one of the hardest working, if not the hardest working person on the commission. She had people on the commission who said she was the hardest working person. Yet you put people with no experience on who had never attended a meeting? And you want us to forget this? No, we won't forget this because that's justice, the same justice that won't allow me to say that until you investigate my brother Wajid Bey's case and then report what it is, that will be the day that we will let you forget that you cheated Harris, who was overseeing that investigation that's now pushed out to March. We wouldn't have to complain about this if Ginale Harris was a person who was representing us-

Juanito Rus: Thank you, Mr. Bey. Your time has expired. The next speaker in the queue is a telephone attendee, the last four digits 9997. Good evening, 9997. Can you hear us?

9997: Hi, I have a complaint about the way this meeting is being conducted. I specifically asked a question, if Mr. Alden could answer a question, and I feel like, should I say through the Chair? I had asked a question of Mr. Alden in the last presentation and you didn't close that item. You gave the public no information about whether the discussion had ended with that item.

9997: So, it's not technically closed. It's still open. And so, I'd like to repeat my question through the chair for Mr. Alden to explain why the polic discipline committee looks a little different than what he described as the process. And I think everyone would benefit from understanding and knowing that. Through the Chair, is that possible?

Regina Jackson: Thank you, very much. Yes, it is. Mr. Alden.

9997: Thank you.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- John Alden: Sure. Madam Chair. I think I can answer that. That case [inaudible 03:45:43] CPRA. So, like the others in this room, my answers here comes mostly from having had opportunity to track and follow what happened in that case, as a member of the public. And then after I got [inaudible 03:45:59] CPRA, being able to look back and see a little bit about what happened in that case before I came on. I should say, right at the outset, that this is a case we can talk about publicly a fair bit more than we normally can on other cases, it falls into one of the small set of exceptions to some of these confidentiality rules we talk about so much of this meeting.
- John Alden: Because it was an officer involved shooting, and because Mr. Pollock died as a result of that police action, we are allowed to talk about the findings relating to the shooting, and in a fair bit of detail. Now, that said again, I wasn't involved in that particular discipline committee. But what was unusual about that case is that this is another way at which the charter and the NSA sometimes work together in surprising ways. One of the qualities of the NSA is it allows the court's appointed compliance director, currently Robert Warshaw, to alter or change the position of the Chief of Police in a discipline committee. Sorry, in a discipline case.
- John Alden: So, in that particular case, I think it's been fairly well reported in the public that back then in 2018, CPRA and the Chief of Police at the time reached the same conclusion about the case. But then, the compliance director reached a different conclusion, which effectively changed the position of the police department. And the conclusion we all reached at that stage was that that created a disagreement at that point between the position of the police department, through the compliance director and the position of CPRA, which triggered discipline committee.
- John Alden: So, that is a very unusual situation. I would hope that the way all of us in the city of Oakland handle cases in the future meets with the compliance director's approval so that we don't have that situation again. But, I think that was an unexpected and very unusual way in which the NSA and the charter interacted, that probably few people anticipated. And hopefully we don't have that happen again because we'll be doing things in a way that meets with the compliance director's approval. I hope that answers the question.
- Regina Jackson: Thank you, Mr. Alden. It should. It's pretty clear. I appreciate that. Thank you very much. Mr. Rus, I think you have one more person to call?
- Juanito Rus: It appears that I have two. First, I'm going to attempt to call a telephone attendee with the last five digits 1574. Good evening, 1574. I believe that's Ms. Cathy Leonard. Can you hear us?
- Cathy Leonard: Good evening. Cathy Leonard, Steering Committee of the Coalition for Police Accountability. Can you hear me?
- Juanito Rus: We can hear you. You have the floor.
- Cathy Leonard: The coalition appreciates the commission emphasizing to OPD officers that hate speech, and support of hate speech, or subversion will not be tolerated in any form. Given the recent situation



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

where an officer wore a Hawaiian shirt and the department's division said they had no knowledge of this much recorded symbol of the racist extremist boogaloo movements, we urge the Police Commission to create explicit instructions, to provide bans on common actions, statements, and symbols which will not be tolerated. Specific information about clearly racist symbols, slogans, and ideology as collected by organizations that track domestic terrorist and racist organization.

- Cathy Leonard: Specific information about the actions, statements, and symbols, which are commonly regarded as racist, can damage OPD's relationship and reputation with the Oakland community, which is already damaged. Some symbols and ideas may not be universally recognized as racist or extremist, but are broadly considered so, and have been adopted by racists and extremist groups. They must be banned. Examples include, thin blue line symbol, okay hand symbol-
- Juanito Rus: Thank you, Ms. Leonard. Your time has expired.
- Cathy Leonard: ... all lives matter motto. Thank you.
- Juanito Rus: The last speaker in the queue is, again, it's Ann J. I believe that is Ms. Janks, and I'm going to move her to the panel. Good evening, Ms. Janks, can you hear us?
- Ann Janks: I can.
- Juanito Rus: You have the floor.
- Ann Janks: Thank you. I'm just going to finish what Kathy was saying. Examples of things which need to be banned are the thin blue line symbol, the okay hand symbol, Hawaiian shirts, the all lives matter motto. CPA is happy to work with the commission to solicit community input and draft appropriate language lists and resources to provide officers with clear guidance on avoiding the appearance of support for hate speech and racist extremist ideology. This does not completely address the broader issue, which has been discussed tonight, about rooting out white supremacy and OPD. But stating very clearly what will not be tolerated is an important step, and I think will support the discipline of officers who desperately need to be removed. Thank you.
- Juanito Rus: Thank you, Ms. Janks. At this time, seeing no further hands raised in the queue, Madam Chair, I return the meeting to you.
- Regina Jackson: Thank you very much. So, we have properly moved and seconded the motion to make final the Police Commission statement about police misconduct. I would now like to take a vote. Commissioner Dorado?
- Jose Dorado: Aye.
- Regina Jackson: Thank you. Commissioner Garcia?





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Sergio Garcia: Aye.
- Regina Jackson: Thank you. Commissioner Harbin-Forte?
- Brenda Harbin-Forte: Aye.
- Regina Jackson: Thank you. Aye, for myself. Commissioner Singleton?
- Tyfahra Singleton: Yes.
- Regina Jackson: Excellent. We are unanimous. I will have a statement put on our commission letterhead. It will be posted on our website and on our Twitter page. Thank you very much for your support. The next item is the resolution urging District Attorney to reopen the Oscar Grant case. I read a statement at the beginning of our meeting, recognizing that District Attorney Nancy O'Malley has already decided not to reopen it.
- Regina Jackson: And while I think it's a bad move, that's my personal opinion. I would like to entertain any thoughts or comments about our resolution. And if there aren't any thoughts, comments, or questions, I will be happy to accept a motion.
- Sergio Garcia: Motion to approve the resolution.
- Regina Jackson: Excellent. Thank you, Commissioner Garcia. And again, appreciate your help in editing that. Is there a second?
- Jose Dorado: Second.
- Regina Jackson: Excellent. Thank you, commissioner Dorado. It has been properly moved and seconded. We will go to public comment, and then we will come back for a vote.
- Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to may comment on Item 10 on tonight's agenda, please raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised. The first speaker on this item is again, a telephone attendee with the last four digits, 1574. Cathy Leonard. Good evening, Ms. Leonard, can you hear us?
- Cathy Leonard: Good evening. I think absolutely no one is surprised that the District Attorney's office has refused to prosecute Anthony Perone. That department, that office, and District Attorney's offices all over the United States are in cahoots with police departments. They never prosecute police officers unless the public forces them to do it. Sometimes we have to go to federal court. This is outrageous. [inaudible 03:54:39] the District Attorney to prosecute crimes. And they prosecute them against citizens, but they don't prosecute them against the police officers. This is ridiculous. It basically just gives the officers a free reign. Hey, [inaudible 03:54:53] guess what? The District



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

Attorneys are going to be on our side. They'll never prosecute. We need to stop this. [inaudible 03:55:02] Thank you.

Juanito Rus: Thank you, Ms. Leonard. The next speaker in the queue is Assata Olugbala. Good evening, Ms. Olugbala. Can you hear us?

Assata Olugbala: Mama has to talk. Nancy O'Malley is not going to do nothing about Oscar Grant, just like you not going to do nothing about Ginale Harris. Nancy O'Malley will continue to ignore the public because we don't force her to do anything. There's not enough people standing up to you to get you to deal with Ginale Harris. All of the community members who started out supporting her have now backed away. But they got a few of us, and I'm not going to be.

Assata Olugbala: You got some nerves trying to tell somebody they need to do the right thing when you are a body of people that are not doing the right thing. And this Coalition for Police Accountability, don't you ever talk about racism? The majority of you are race, and do you know you participated in going after a strong black woman? You got one, two black people, but you're mostly white going after a black woman. Do you think we're going to let that go? No. You've got some nerves, talking about you going to hold people accountable and you won't be held accountable-

Juanito Rus: Thank you, Ms. Olugbala.

Assata Olugbala: ... what you did to this young black woman.

Juanito Rus: Your time has expired. The next speaker in the queue is a telephone attendee with the last four digits 5802. Mr. Salim Bey. Good evening, Mr. Bey. Can you hear us?

Saleem Bey: Yes, Selim Bey. First, we support Oscar Grant. We were out on the front line marching to make sure that he got justice in the first place. But let's not forget the fact that the Chief of Police just admitted that the District Attorney's office investigator stole my brother's murder case and that they found those case files, OPD IED closed the investigation of his case.

Saleem Bey: So, District Attorney O'Malley is not to be trusted just like OPD is not to be trusted. They're same birds of the same feather, and if you don't reform the whole system, you're wasting your time. Don't stop at OPD, the District Attorney's office is in bed with OPD. And like I say, we'll invest, and the investigation that needs to be done is why is OPD supplying investigators to Nancy O'Malley's office to clear crooked OPD officers? That's what needs to be investigated.

Juanito Rus: Thank you, Mr. Bey. The next speaker in the queue is Ms. Ginale Harris. I'm going to promote Ms. Harris to the panel. Good evening, Ms. Harris. Can you hear us?

Ginale Harris: Thank you, Mr. Rus. So, I just want to notify the Police Commission that I met a woman, a former prosecutor named Hillary Blout, and she is trying to put pressure on Nancy O'Malley's office to justify the sentences that they're giving to black men when they prosecute them. And now, she's



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

a former prosecutor, and Nancy O'Malley will not even return any of her phone calls. So, I would like to connect you with Ms. Hillary Blout and her colleagues so that you can stand behind her in her efforts and endeavor. And maybe we can get some justice for Oscar Grant. Thank you.

Juanito Rus: Thank you, Ms. Harris. At this time, seeing no further hands in the queue, Madam Chair, I return the meeting to you.

Regina Jackson: Excellent. Thank you very much. So, we have had a motion on the floor. It's been properly moved and seconded. We've heard from public comment, and I would now like to take a vote. Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Commissioner Dorado?

Jose Dorado: Aye.

Regina Jackson: Thank you. Commissioner Garcia?

Sergio Garcia: Aye.

Regina Jackson: Thank you. Commissioner Harbin-Forte?

Brenda Harbin-Forte: Aye.

Regina Jackson: Thank you. Aye, for myself, Jackson. Commissioner Singleton?

Tyfahra Singleton: Yes.

Regina Jackson: Excellent. Thank you. We are unanimous. I certainly appreciate the Commission's support. Commissioner Garcia, as well as Connor Kennedy, who helped to edit this document. Thank you as well to the community, for your support. As we are at 9:30, I'd like to ask the commission's indulgence to see if we can move S1 to our next agenda, as we are getting late into the evening. If that is okay, I'd like to get a motion.

Sergio Garcia: So moved.

Regina Jackson: Thank you, commissioner Garcia. Is there a second?

Jose Dorado: Second.

Regina Jackson: Excellent. Thank you. It has been properly moved and seconded. Let's take public comment on this item before we move it to the agenda for January 28th, Mr. Rus?



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to comment on this item, please raise your hand in the Zoom queue. I see no hands raised at this time, Madam Chair.
- Regina Jackson: Excellent. So, we will now take a vote. Commissioner Dorado?
- Jose Dorado: Aye.
- Regina Jackson: Thank you. Commissioner Garcia?
- Sergio Garcia: Aye.
- Regina Jackson: Thank you. Commissioner Harbin-Forte?
- Brenda Harbin-Forte: Aye.
- Regina Jackson: Excellent. Aye for myself, Commissioner Jackson. Commissioner Singleton?
- Tyfahra Singleton: Yes.
- Regina Jackson: Excellent. Thank you. We have unanimous consensus that we will move the effects of Measure S1 to the January 28th agenda. And now, we have come to the budget discussion, and I think the ball's in your court, Mr. Alden.
- John Alden: Thank you, Madam Chair. Mr. Rus, I will throw a few things up on the screen while we're talking. Just a moment. So, members of the commission, the reason that I asked to have this item on tonight was twofold. One is that this is normally the time of year when we talk about the budget, and what the budget's going to be for next year. Now we have not had, I think, a strong tradition one way or another about exactly how we put together the budget. That is to say how we divide that work up between the commission and the executive director.
- John Alden: Certainly, the typical process we have in most parts of City of Oakland is for the head of any given department to go ahead and put together a budget proposal and send that in. But of course here we have a Police Commission that oversees CPRA, also the Inspector General's office, and also its own staff. And so, it seems to me that I think the spirit of Measure LL would be to have the commission at least provide some substantial direction to the Executive Director about the commission's vision for the future.
- John Alden: And you know, this year, our vision is complicated by the fact that the city's budget is in pretty bad shape, frankly. So, what I'd like to do is two things. One, give you a sense of where we are with the budget and what city resources look like. And then second, I think there is one really critical decision, with respect to our budget submission due in early February, that the commission should really weigh in on.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- John Alden: I mention this in part because it contemplates a conversation that's already going on at the Reimagine task force. And so, I do think others in the city are going to ask on this anyways, and it does have to do with a very substantial idea around reorganizing some of the work that CPRA does. And since the commission has charter authority to organize and reorganize CPRA, I think this is squarely within the Police Commission's authority to weigh in on.
- John Alden: So, first, let's talk about the budget just generally. Second, I'd like to get your opinion about what you think of CPRA's investigative scope and whether we should take on a much broader scope than we have had in the past. So, first of all, I have here the agenda report that you have in your packet and that the public has as well. Our current budget is a little over \$4 million a year. Now, the city of Oakland does a two year budget cycle. So, altogether that's roughly eight and a half million for the two years put together.
- John Alden: The vast majority of our budget is staff. And that means that if we're going to make changes there, those almost immediately require changing some of the personnel. That's not a small thing to change. There is some money in there for contracting expenses, so that the Police Commission can hire some contractors, and so CPRA can pick up some too. Every now and then we need services like say translation or transcription of Police Commission meetings, or interviews. It's useful to have a little bit of money for that.
- John Alden: The rest of the budget covers some what are called interdepartmental services, meaning things like rent for the office space we use money for the HR needs we have, would pay it to HR. Those figures are set by the department of finance and do not have the ability to change those. So, really, the question for us is how are we going to change, over time, how much we're spending on contracting and how much we're going to spend on staff. And we have some discretion about that.
- John Alden: Detailed in the memo, here, are our current staff. Long story short, I think a fair summary is that we are still building the potential that was described in Measure LL. And we certainly are still building the potential that was set out in Measure S1, a few months ago. We have a larger staff at CPRA than we had a few years ago, we still have some vacancies to fill and we probably are going to need to continue to expand. If it weren't for COVID wreaking real havoc with the city's budget, we probably would be asking for even more staff to make sure that we're accomplishing all the goals under Measure LL.
- John Alden: The Inspector General's office is still being set up, we don't have an Inspector General yet, but we have gotten continued support from the City Administrator's office and HR to continue the hiring process for the new Inspector General, who I think we have a good shot of opening recruitment for within the next few weeks to a month. And we might be able to bring that person on as early as perhaps the summer, if everything goes quite smoothly. And of course, I'll be working very closely with the Chair to put together that process and updating you about that over time.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

John Alden: But all that is to say we're still in a building phase to make sure that we're accomplishing all of our charter mandated goals. That said, we have had some really substantial support from City Council to have some money for contracting while we're still getting the permanent staff that we need to accomplish all these goals. In our last budget cycle, for those of you who are newer commissioners, I should tell you that the City Council was really very generous and very supportive of our mission by allowing us to take some money that has been set aside for the Inspector General's salary. And since we hadn't been able to fill that position yet, converted over to money we could use for contracting.

John Alden: And so, that was something that is not normally done in the City of Oakland, it's explained to me, usually money for salary is not switched over to money for contracting. But I think as a sign of the City of Oakland's strong support for oversight that the city did do that last year. So we've had, over the last 12 months or so, a pretty substantial amount of money for contracting that we could use to fill in the gaps that we have by not having the Inspector General and some of our other staff on yet.

John Alden: Now that said, in December of 2020, the City Administrator's office, I think, rightly pointed out that the city's funds were growing very short. The fiscal crisis the city of Oakland is going through is really, truly unprecedented. It is not at all an exaggeration, from the material that's been presented to me and other department heads and the council and other members of the public, to say that the drop in revenues for the City of Oakland, by the end of this whole COVID shutdown will be worse than the amount of money the City of Oakland lost in the great recession a decade ago. It is also on track to be a worst hit to the city budget than the Great Depression.

John Alden: I'm going to say that again, because I think it bears repeating, current estimates are that the city of Oakland is going to lose more money as a portion of its budget over the next couple of years, as a result of COVID, than the city of Oakland lost in the Great Depression. But it's worse than the Great Depression, because that money is going to be lost in a very short time period. Over two to three years, instead of over a decade. This is really a big hit. There is just no question that the city of Oakland is going to be much smaller in the next couple of years. It's just unavoidable.

John Alden: And the City of Oakland, much like CPRA and the IAG, have predominantly staff as the main expense. We're not buying large quantities of supplies, generally speaking, with the exception of maybe road paving. We don't have really substantial investments in equipment, except for, to some extent, fire and police equipment. The vast majority of our budget across the city is staff. So we, in one way or another, are going to have to be paying staff less, or we're going to lose some staff.

John Alden: As you may have heard at recent City Council meetings, the City Administrator has told the City Council that they will need to make some really hard decisions in the next couple of weeks. And those might involve layoffs. That's definitely now part of the public conversation. So, in December of 2020, in order to make these it's not as bad as it might have been, the City Administrator's office froze all hiring across the city, stopped to work of all contract employees, meaning



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

effectively those employees contract work with us ended. And they also asked for substantial pay cuts in unrepresented employees.

John Alden: I was one of the people that was asked to take a pay cut in the form of layoffs, and giving up a raise that others in my same classification received in January, I was happy to do that because I'm trying to make sure that the city makes it through this process with the lowest possible impact to staff and services. I anticipate that we'll probably, those of us who were in that category, probably be asked to continue to make those cuts over time, and I'm happy to do it.

John Alden: That said, for those of you on the commission, I want to make sure that you know about some actions that the Chair and I collaborated on with the City Administrator. And we would have brought this to you sooner, but given this happened over the holidays, it really wasn't enough time to do that. So, we wanted to make sure that we reported to you what occurred. The City Administrator has a tool that allows the City Administrator to take back money that a department might have left over from a previous fiscal year, that carry over or surplus from a previous unspent funds from previous year, and just be taken back into the city's general revenues.

John Alden: It doesn't necessarily have to even be consent from the department to do that. It is something that City Administrator can do as part of the City Administrator's tools to make sure the budget still is balanced, even when expenditures might not be what we expected them to be, or revenues might not be what we expected them to be. So, the City Administrator contacted the Chair and I, and asked, "Hey, look, there's a substantial amount of money that the commission and CPRA and the IGE have leftover from last year." This is primarily money that was leftover from that transfer I talked about earlier using money from the Inspector Generals unspent salary savings forward to contracting.

John Alden: They asked us to give that back to the city instead of, or in lieu of, taking a 10 or 20% cut to our expenditures this year at mid-year in January. And the Chair and I thought about that and we went ahead and told the City Administrator that we thought that was a fair way for us to contribute towards the shortfall the city has, while at the same time, preserving our key staff positions and making sure we can still move forward on most of the projects that we need. As a result of that, every city department was asked to put into the City Administrator a couple of weeks ago, proposals for 10 and 20% cut at right now, effective as early as February.

John Alden: We have effectively completed taking that cut by giving back this extra money, without that affecting our future expenditures moving forward. And without us losing any staff positions, not even the vacant ones. I'm happy to say that City Administrator has been really helpful with us and continue to help us staff some of these positions we have, despite the hiring freeze. And I think that shows a real strong commitment in the City of Oakland to police oversight, and I'm really grateful for that support. And that's not something that the City Administrator's office is required to do. And I think it shows, again, a real strong trend at the City Administrator's office to this commission.





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

John Alden: So, before I talk about how we might spend any budget for next year, I would like to see if any of the commissioners have questions about this action I was just describing that the Chair and I took over the holidays with the City Administrator. So, I know that is not a small change and I welcome any conversation commissioners want to have about that. I'm not seeing any hands. So, Madam Chair, it's all right, I'll go to the next part of the presentation.

Regina Jackson: Yes. Please proceed.

John Alden: Okay. Now, moving forward, we do need to put in a proposal for the upcoming two year fiscal cycle. So, normally we would put in a proposal to the City Administrator's office in early February outlining what funding we would hope to have in the next two years, starting July 1, and we would separate that out into two fiscal years. In this case, that would be 2021 through 2022 and then 2022 through 2023.

John Alden: And so, that allows us in the City of Oakland to do longer term planning than some other cities that we've got [inaudible 04:15:44] positive about our fiscal system. And so, for us here at the commission and the CPRA, it's an opportunity for us to think about how we want this agency to look over the next few years, not just the next few months. That said, as I discussed earlier, the fiscal situation is such that all city departments are going to be smaller this next-this next fiscal year, because there's no way around that everyone is going to have to cut back in some way. We have been asked by the Finance Department to figure out a proposal that would have roughly a half a million dollars in cuts for this upcoming fiscal year with another \$450,000 in the next fiscal year after that. So that's not quite a million dollars in cuts over the course of two years. And when we have a budget that is roughly eight and a half million dollars over two years, that's a really substantial set of cuts. There is no question that we would have to eliminate some staff in order to make that cut. We just can't get to those levels without cutting back on staff. Even if we gave up every penny of contracting funds, we still wouldn't quite get there.

John Alden: One thing that makes these proposals a little complicated right now is that as of the writing of that memo that you have in your packet, my understanding was the city was still talking to our partners in labor to see if the labor unions would be willing to accept some reduction in compensation for all employees in the City of Oakland, it might help us accomplish our savings. There are many ways public employees do that in other cities, sometimes they forego pay raises or agree to an across the board pay cut or agree to taking some days off without pay in the short-term. There are many tools for that. So far, we do not have an agreement between the City of Oakland and our partners in labor for any form of compensation reduction. It just has not been accomplished yet.

John Alden: I think that at this point, I don't have anything that suggests that we're going to arrive at such an agreement. And the way these relationships with our labor unions work, is that our union contracts don't allow us to unilaterally make those cuts, except for doing a round of layoffs and just picking individual positions, individual people, that is, to lay off. And that's not something anyone wants to do, but that's the only tool that the city can use unilaterally. Any other form of



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

pay or compensation reduction has to be negotiated. So that is why we're having some conversation at the City of Oakland about layoffs.

John Alden: Now, I could, on your behalf put together a fairly straightforward budget that would include meeting these targets to some kind of reduction in staff. And I have some thoughts about how to do that, but I have to tell you, I don't think that's the right move for us. If that is the commission's direction, I'd be happy to do that and we could talk at our next meeting about exactly what that would look like, but it would involve us probably having to give up at least a few positions in our system in order to reach these goals. We would be a smaller organization than we are today in order to make that happen.

John Alden: I think instead, we need to think outside the box a little bit. One of the things that city has actively asked us to do is ponder how we might expand our thought process. How can we figure out ways to find efficiency? How can we find ways to eliminate duplication of effort? How can we get more done with less? And that process happens to dovetail fairly neatly with the work of the Reimagining Public Safety Task Force. That group, as you may know, has been tasked by the City Council with figuring out ways to reimagine public safety in Oakland, including and particularly at the police department. And one of the proposals that many in that group have been actively discussing in which seems like it might be moving forward as a recommendation of the rest of Council, is to change the way we staff police investigations. So that was discussed earlier in the evening. We are kind of an unusual institution and that we have a CPRA investigation of public complaints, and then we also, at the same time have an IAD investigation on public complaints. Two entirely separate parallel investigations.

John Alden: There are some ways in which there are a few efficiencies there, but not a lot. Mostly you have two different sets of people investigating the same case, and two different tracks coming up with two different reports that then have to be somehow reconciled as we were talking about earlier, which might include going to the [inaudible 04:20:23] Committee.

John Alden: Now, that said, the city charter does not require there to be an investigation by internal affairs. State law requires the city to do at least one investigation. The charter requires CPRA to do an investigation. So we can say that state law and the charter lineup pretty well and ask CPRA to do an investigation. The only place where the IA investigation is required is in the Negotiated Settlement Agreement. And I think that's largely because the Negotiated Settlement Agreement was written long before CPRA existed.

John Alden: And so for that reason, it hasn't kept up, if you will, with the changes we've made here in the City of Oakland and the charter. It is not common that other cities do dual investigations like that on public complaints. There are some cities that have a small number of complaints that are investigated by two different agencies and then most move forward with a single investigation. There are other cities like the City and County of San Francisco where all public complaints against police officers are investigated by civilian investigators and not at all by the Internal Affairs Division. I worked in that system for a while but I don't endorse everything about that system. It



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

certainly shows that in the last 35 years that they've been doing that in San Francisco, they have been able to successfully investigate cases without the Internal Affairs Division doing an investigation at all. And they bring those to the police chief at the end of the case to see if they have agreement or not between that agency and the police department. That could be done here if the NSA were altered to supplement.

John Alden:

And probably I'd mentioned this to you. Now, because I think you as the commissioners are going to be asked to weigh in on this issue. It clearly is moving forward enough in the public conversation that at a minimum, I would expect that the council will probably ask your opinion about this. And it happens that in the next few weeks, we need to put together a budget proposal, which would be the main place to move this idea forward. And I think it has some advantages. One is it, I think it would save a tremendous amount of money for the city. Depending on exactly how it's done, I think that we're probably looking at saving at least a million dollars a year. I think two, that it greatly simplifies that concurrence process we talked about earlier. It also eliminates a lot of duplication of effort. Candidly, I think it is increasingly a best practice. You have civilian investigators looking at these kinds of cases rather than police officers, who I think find it very challenging to investigate their peers. There's just not a lot of questions about that.

John Alden:

[inaudible 04:23:03] said, a really substantial increase in the workload at CPRA. It can't be done without at least some of the resources from IA moving over to CPRA. That's going to be a fairly complicated process. Yes, the Commission wants to do this as a way of both saving the city money and we think increasing the quality of the investigations, and at the same time, simplifying our system. This discussion tonight will just be the first step in at least six months of work in figuring out how to incorporate this into the budget, and probably at least a year to two years of rolling out the process on the ground at CPRA as we transfer responsibility and resources over. We would need to have a conversation with Council. Ultimately, they would have to be the ones to make this decision, not us. We would have to have conversation in the context of the Negotiated Settlement Agreement to see if the compliance matter and the courts agree that this is a good idea.

John Alden:

There are opposing parties in that litigation that would also have opportunity to weigh in. We would also need to spend some time talking to our partners in labor. I'm sure that they would identify some kind of effect that would require [inaudible 04:24:12] process as we made these changes. This is not, at all, a small change. It's a big one. So if this is something the commissioners think is a good idea, and you're interested in, I just want to tell you this is a big project that we'll be working on together for some time. And if you are willing to do it, I think there's no better time than now, is the time that we can be a partner with the city and making sure we're saving money for the residents of Oakland. I think it is an opportunity for us to improve the quality of the investigations that we do. Frankly, I think it brings us closer to the vision that we see in Measure LL and Measure S1, which were endorsed overwhelmingly by Oakland voters.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- John Alden: So again, I want to stress, this would be a complicated long-term project, but it's one that I would be really happy to take on with you if you want to do it. If you conclude there are other priorities for the Commission, but over the next couple of years, I think that's a valid decision too, but I think we would need to make sure we're understanding that we're taking a pass on this right now and we'd need to also be able to be prepared to articulate why we think now's not the time. That's a lot of material I've given to you. I'd be happy to answer some questions and entertain some conversation.
- Regina Jackson: Commissioner, Jordan.
- David Jordan: Yes. Thank you Chair. Thank you, Dr. Alden. That was very thorough. Before we jump into this, I just want to point out that last year in September when the Commission had a conversation around putting forward recommendations on how to reduce resources for OPD, this was actually one of those recommendations. And it was voted and approved as a recommendation to go forward to City Council. So at least a few of us up here, virtually up here on the desk have already approved this idea. And I, for one I'm fully behind it, I think for a number of reasons, not just because it is efficiency issue at a time where we desperately need that, but also as we've seen in the situations like New York, where you had an officer who is responsible for overseeing complaints around internal abuses around sexism and race was in fact, sort of a fox in the henhouse.
- David Jordan: I'm not saying everyone at IA is a fox, but wouldn't it be great to move those responsibilities away from that and I think it would go a long way towards addressing a lot of the concerns that we've heard earlier. Thank you.
- Regina Jackson: Thank you. Commissioner Garcia's hand is up.
- Sergio Garcia: Thank you Chair, Jackson. Director Alden, I think this is a very comprehensive overview of your budget proposal. Super thoughtful, comprehensive and thorough. This is the first time I'm reviewing the budget, but it makes so much sense to have, it's not just saving money, but it's... The best practice is really to have civilian investigators investigate police misconduct. Strikes me as something that probably ought to have changed years ago to civilianize the investigative process. And I also recognize that sometimes it takes a crisis like the one we're living in today to have this issue be prominent and right in front of us and one that we wish to be decisive on. I like the bold proposal. I think the duplication of efforts on roughly 500 public complaints of police misconduct each year is not something that should be repeated for the future.
- Sergio Garcia: This is not the norm in California. It's clearly inefficient and I just can't believe it's been going on for so many years. Now's the time to change it. I'm fully supportive of the bold proposal to transfer all these duties over time. I think it's going to need some work, as you mentioned, dealing with the labor union issues and making sure the NSA is reviewed and complied with, but I think the spirit of your proposal is a good one. I think we have to be fully supportive of it. Thank you Chair, Jackson.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Regina Jackson: Thank you, Commissioner Garcia. Are there any other comments from the commissioners, questions? I see, where did the hand go? Commissioner Singleton and Dorado.
- Tyfahra Singleton: Thank you Chair. I also think this is really well-explained and I feel it does create more efficiency. I will say that this is something that I feel I can definitely support. And at the same time, I don't see this leading to fewer deaths, less misconduct, less trauma in our community. So while I supported, I also want to just put forth that some of the agenda items that are things that we tackle, I will want to continue to bring back to reducing that trauma, reducing that oppression of our community. Thank you.
- Regina Jackson: Thank you. Commissioner Dorado.
- Jose Dorado: Thank you, Chair Jackson. I think there's, [inaudible 04:30:46] the fact is that the only reason that there was created these Internal Affairs departments within Police Department was in response to the outrage of the oppression that Commissioner Singleton is speaking of. There certainly weren't an initiative of the Police Department, including OPD. And I think that there is no, I cannot think of a good reason why that needs to be maintained in Oakland or any place else. And if anyone has any doubts about that, they just need to look at the [Polic 04:31:33] shooting and how that was handled by IAD and the remarks by the federal monitor, Warshaw in his analysis of the job that OPD did in that shooting, in that murder. I think that would answer all those questions, but I can't think of a single reason why it should be maintained, and I certainly am strongly in favor of the bold proposal that IAD is presenting. Thank you.
- Regina Jackson: Terrific. Thank you. So, Mr. Alden, I think we can go to public comment at this point. I think that your direction and your, yeah, the direction is very clear. Mr. Alden.
- John Alden: Okay. Very good. I suppose then we'll need Mr. Rus to queue up the public comment session, please.
- Regina Jackson: Nice. Thank you.
- Juanito Rus: Thank you. If any member of the public wishes to make a comment on this item, please raise your hand in the Zoom queue and you be called in the order in which your hands are raised. The first speaker on the queue is Kevin Cantu. Good evening, Mr. Cantu. Can you hear us?
- Kevin Cantu: Good evening. So I have a couple of suggestions or concerns. I think that given the police departments or the police officer's union organization's immense negotiating power and political influence, internal affairs organization that had the backing of those groups would be very, very difficult to reduce head count within. And I wonder if there is the way that we as a city can do this as proposed in such a way that gives the CPRA more teeth. And I'm also concerned about PR. We should raise the profile of this organization.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Juanito Rus: Thank you, Mr. Cantu. The next speaker in the queue is listed as Gee. I believe that is Ms. Harris. I'm moving her to the panel. Good evening, Ms. Harris. Can you hear us?
- Ginale Harris: Thank you, Mr. Rus. I am in agreeance with Mr. Cantu, and I also want to ask this commission to take it a step further and maybe collaborate with Public Safety. I don't think that we should be cutting any of our budget. We should not agree to cut anything. We are in a public safety crisis. We have been, the devil has shown his face and we have had enough. We have had enough of empty promises and we need more staff for the CPRA. We need an investigative body that is going to work for the community and that's it. And I feel like if we can present this in a way to Public Safety and they are on board, then this can go in effect. I just feel we should not have to settle for less. We are in a public safety crisis. So we should say no to cutting any money. Thank you.
- Juanito Rus: Thank you, Ms. Harris. The next speaker in the queue is Reisa Jaffe. Good evening, Ms. Jaffe. Can you hear us?
- Reisa Jaffe: Yes. Thank you. I support civilianizing the internal investigation. I have heard a number of times people express concerns about the quality of the investigators. And so that's something we really need to be paying attention to in the cost cutting measures. We should not be sacrificing the quality of the people we're able to hire. So that would be a concern I would have. Thank you.
- Juanito Rus: Thank you, Ms. Jaffe. The next speaker in the queue is Emma Brower. Good evening, Ms. Brower. Can you hear us?
- Emma Brower: Yes. Thank you. I just wanted to repeat my support for moving the powers and the investigative process away from IAD and handing it over to the civilian-based panel. Just to reiterate what everyone else has said and the points that I made earlier, I think that it would be the best thing to do. Thank you.
- Juanito Rus: Thank you, Ms. Brower. The next speaker in the queue is Assata Olugbala. Good evening, Ms. Olugbala. Can you hear us?
- Assata Olugbala: Yes. I take serious holding you people accountable and I will do that at every meeting of the budget, the Finance, Public Safety, Life Enrichment, Rules Committee, City Council Committee, or USD, Alameda County. I'll be talking about this Police Commission and how we are wasting money investing in the Commission. So next week we have some of those meetings going on. So far, there's only one thing that I've seen in the budget that I'm going to speak to supporting. And that's the OK Program that works with 100 black men and African-American boys to help in the Black Police Officer's association to help save them. But your ability to completely ignore the issue of Janell Harris, I will speak to it at every meeting next week and to meet the week after that, and the week after that, and the week after that.





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is Megan Steffen. Good evening, Ms. Steffen. Can you hear us?
- Megan Steffen: Yes, I can. Thank you so much. I just wanted, Oh, anyway, I just wanted to say that I support this. I think this is a really elegant solution to two problems and I'm sure, unfortunately, I haven't been able to come through the proposal with a fine tooth comb, but I would really like to also say that I hope CPRA does get the ground floor office that it deserves. And that that's one of the things that suggested so that community members can more easily make complaints and find CPRA. And I want to reiterate what other people have said about the history of CPRA. CPRA involvement in bumbling the palette case. And I know these things were before Mr. Alden's time, but I'm not sure that's true for everyone at CPRA and I think we need to do a really good accounting before we move to this. Thank you.
- Juanito Rus: Thank you, Ms. Steffen. The next speaker in the queue is a telephone attendee with the last four digits, 9997. Good evening, 9997. Can you hear us?
- 9997: Yeah. I just want to reiterate all the support that people have been saying. Also, to make sure that CPRA has its own house in order given some of the failures that we discussed tonight. And I hope there's a process for that. Otherwise, it will lose support. The idea will support it when that's really study. I hope that at the end of this discussion, what the Commission and what the CPRA plan to do, that absolute next step will be made very clear and spoken about because sometimes the Commission has a really bad habit of not saying what it's about to do when it takes about. Thank you.
- Juanito Rus: Thank you. At this time, I see no other hands raised in the queue. Madam Chair, I return the meeting to you.
- Regina Jackson: Thank you, Mr. Rus. So do we need to take action on this or... I think this is more discussion for now, right?
- John Alden: Madam Chair, if you don't mind, I would certainly appreciate making sure that we have clarity with issues agreed that we should move forward with a bold proposal described in the memo [inaudible 04:41:31] proposals. And if there were a motion and vote on in that regard, I would feel very confident moving forward with the Commission's instructions.
- Regina Jackson: Okay, excellent. I can do that. So I invite a motion to move forward with the bold discussion that we have, the bold approach that Mr. Alden has presented. Commissioner-
- Sergio Garcia: So moved.
- Regina Jackson: Thank you.
- Jose Dorado: I second.





# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

Regina Jackson: Thank you. Seconded by Commissioner Dorado. We've already taken public comments. So why don't we vote? Commissioner Dorado.

Jose Dorado: Aye.

Regina Jackson: Thank you. Commissioner Garcia.

Sergio Garcia: Aye.

Regina Jackson: Thank you. Commissioner Harbin-Forte.

Brenda Harbin-Forte: Aye.

Regina Jackson: Aye for myself. Commissioner Singleton.

Tyfahra Singleton: Yes.

Regina Jackson: Excellent. We are unanimous and we will move to item 13. Okay. These are the meeting minutes approval from both December 10th and 17th. We'll take one at a time. For December 10th, are there any corrections, any edits?

Regina Jackson: If none, we can take a motion to approve.

Sergio Garcia: So moved.

Jose Dorado: I second.

Regina Jackson: Thank you, Commissioner Garcia and seconded by Commissioner Dorado. Can we put the public comments together for December 10th and 17th, Natasha or do we have to do them separately?

Nitasha Sawhney: You can do them collectively if there's nothing specifically changing, I guess.

Regina Jackson: Okay, great. Thank you. So then before we go to public comment, why don't we also take a look at December 17th and see if there are any corrections or changes necessary? And if not, then I will accept a motion.

Sergio Garcia: So moved.

Jose Dorado: I second.

Regina Jackson: Thank you, Commissioner Garcia and Dorado seconded. Okay. So now we'll go to public comment and we can take public comment on both December 10th and 17th. Mr. Rus.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Juanito Rus: Thank you. Madam Chair. Any member of the public wishing to make comment on item 13 on tonight's agenda, please raise your hand in the Zoom queue and you will be called in the order in which your hands are raised. At this time, seeing no hands Madam Chair.
- Regina Jackson: Okay. Thank you very much. So it has been properly moved and seconded. We have tried to hear public comment, but there was none. So now we can vote to approve. Well, the minutes from both December 10th and 17th. Commissioner Dorado.
- Jose Dorado: Aye.
- Regina Jackson: Mr. Garcia.
- Sergio Garcia: Aye.
- Regina Jackson: Commissioner Harbin-Forte.
- Brenda Harbin-Forte: Aye.
- Regina Jackson: Aye for myself. Commissioner Singleton.
- Tyfahra Singleton: Yes.
- Regina Jackson: Okay. We are unanimous. Thank you very much. We have already heard item 14, so let's advance to item 15. And we are on adjournment. Would anybody like to move to adjourn?
- Sergio Garcia: So moved.
- Regina Jackson: Thank you. Commissioner Dorado, where are you?
- Jose Dorado: I second but quick comment.
- Regina Jackson: Okay. It's been properly moved and seconded. Yes, what's your comment?
- Jose Dorado: [inaudible 04:45:37].
- Regina Jackson: Yes.
- Jose Dorado: Yes, I had a quick comment.
- Regina Jackson: Yes, please. Go ahead.



# OAKLAND POLICE COMMISSION

## MEETING TRANSCRIPT

January 14, 2021

- Jose Dorado: Okay. Just quickly. We have a community member that makes a point of being identified as African-American and not a person of color. It's a real simple definition. If you're not white, you're a person of color. If you don't want to accept that, that's of course your prerogative. But in a general sense, and for discussions here in the Police Commission, person of color is anybody who isn't white. So just a point of clarification moving forward.
- Regina Jackson: Thank you very much.
- Jose Dorado: The adjournment has been seconded?
- Regina Jackson: Yes. So it's been properly moved and seconded. I don't think we need to take public comment on adjournment, so let's vote.
- Tyfahra Singleton: Can I make one quick comment on adjournment?
- Regina Jackson: I'm sorry. Go ahead Commissioner Singleton.
- Tyfahra Singleton: Just that I spent four years on the Rent Board and we didn't actually have to vote on adjournment. So I just wanted to clarify that that is the [inaudible 04:46:41] Commission.
- Regina Jackson: Okay. Well, thank you very much. Since it's been properly moved and seconded, we are... And let's see, we can all say, Aye, we don't have to. It is 10:16. So we are adjourned at 10:16. I want to thank all the commissioners, all of those speakers. And let's be safe as we head into this inauguration and we will see you all January 28th.
- Tyfahra Singleton: Thank you, Chair.
- Regina Jackson: Thank you. Good night.
- Brenda Harbin-Forte: Thank you.
- Jose Dorado: Good night everybody.

**From:** [A. Turner](#)  
**To:** [Love, Christine \(Chrissie\)](#)  
**Subject:** Public Comment for 1/14/21 Oakland Police Commission Meeting  
**Date:** Thursday, January 14, 2021 3:47:19 PM

---

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

---

Hello,

My name is Amber Turner and I am an Oakland resident. I am submitting comments for the meeting tonight.

Agenda Item X

I am in support of this resolution to urge Nancy O'Malley to re-open the Oscar Grant Case and hold Pirone accountable.

Agenda XI

I voted yes on Measure S1 and am in support of the proposed amendment.

Agenda Item XII

I am in support of getting rid of OPD Internal Affairs, transferring its resources to the CPRA, and having CPRA be the investigative body looking into use of force and other complaints against OPD.

Thank you,  
Amber Turner

**From:** [Mary Vail](#)  
**To:** [Love, Christine \(Chrissie\)](#); [Regina Jackson](#)  
**Cc:** [grinage, rashidah](#); [Israel, Debra](#); [REDACTED]; [Mariano Contreras](#)  
**Subject:** My comments by e-mail on items before Police Commission @ its January 14, 2021 meeting  
**Date:** Thursday, January 14, 2021 4:12:07 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Here are my comments, in order, as an individual, by Agenda #

1) #VII, Report of the Interim Police Chief:

Some of the Department's public statements are "spin" if not profoundly inaccurate. How can OPD assert that it has already effectively revised its hiring criteria, when its employees website called "crime reduction team" (filled with posts that are racist, sexist and defiant/insubordinate regarding policy reforms/work rule changes required by the NSA, State law and/ or constitutional policing best practices) has existed for some time? The very existence of that website, either undetected or tolerated by OPD management & supervisory staff for months if not years, shows why OPD is still under Court supervision and has so few women (and particularly Black women) in its workforce.

2) # IX Commission' comment on rooting out white supremacy in OPD:

The problem is not how or whether the Commission has issued challenges to the police department, but the fact that the Department's leadership appears blind to the problem or believes that white supremacy isn't a problem. ---And also presides over a change, NSA and oversight-resistant workforce and pretends that is no happening/is not a problem, either. And yet again, OPD's failures only came to light due to the work of investigative journalists. And the failures persist without meaningful OPD corrective -action unless and until the media exposes what is really happening inside OPD. The essential changes needed for NSA compliance and deep cultural and operational change in OPD are the same.

3) #XII: Budget.

I support staff's recommendation as to overall approach.

As being discussed by the RPS Task Force and noted in the staff report, it's time to largely shut down OPD's officer-staffed IA, which too often has operated as an officer justification unit (see Pawlik investigations). OPD has been allowed to devote way too much of its detective personnel resources to internal investigations as opposed to crime investigations. In 1982, San Francisco voters took the job of civilian complaint investigation away from SFPD. In 2006, a community Task Force convened by former Mayor Dellums proposed full "civilianizing" of the complaint intake function. It's time to make these further changes in Oakland.

Lastly, as to the IG, the City will need to consult the Federal Court, NSA monitoring team/ plaintiffs counsel on the transition to having just one, civilian IG, housed outside OPD .

Mary Vail