



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Transcript

Thursday, January 24, 2019

6:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

[Chairman:](#) Commisioner Harris?

[Comm. Harris:](#) Here.

[Chairman:](#) Here. Commissioner Prather?

[Comm. Prather:](#) Here.

[Chairman:](#) Commissioner Jackson?

[Comm. Harris:](#) Here.

[Chairman:](#) Commissioner Benson?

[Comm. Benson:](#) Here.

[Chairman:](#) Okay. We have a quorum and we will get started with open forum. The first speaker is a John Jones and then after John Jones, we'll have Mariano Contreras and then Rashida Minaj.

[John Jones III:](#) Good evening. For the record. My name is John Jones the Third, and I just want to share a few thoughts. First of all, I'm excited to see council member Gallo here. I think it's very important.

[John Jones III:](#) I want to clap. Seriously. We know in order to get the job done we need all hands on deck and I personally believe each and every one of you need the full support of this city. So I'm grateful to see Gallo and I hope that his colleagues would take an example of his leadership by being here. Also want to share something with you all. Because another thing that I have witnessed on City Council; there's been a shift in how they have been conducting their meetings and there's been a lot of positive energy as a result of the outcome of the election. I really want to see that from you all as well. I'm sure you all seen the hit piece. Don't need to belabor the point. I'm not here to agree or disagree with it, but I'm here more in a position of support and I'm really hoping that you all find a way to work collaboratively together to make this happen.

[John Jones III:](#)

I know you all were thrust together and, trust me, I sympathize, because the same thing was no less true for us on the selection panel. And we have some growing pains and some things that we need to refine. Right? And part of that process, I'm sentenced to share with the public. We are tasked on the member of the ad hoc committee. We will be meeting with each and every one of you. We want to understand what has your experience been like serving on the commission and what qualities do you think the next commissioner needs to have in order to make this work.

[John Jones III:](#)

But at the end of the day, in order to make this work, I want to end on one last point. City Council made a good decision to name an unnamed road after Oscar Grant Jr. I mean, Oscar Grant the Third, however I submit that is not enough. What do you want to honor? The sacrifice? The pain? It's tragedy to his mother, his daughter, his family members felt and continue to feel, that we must also ensure that we are holding OPD accountable. So thank you very much. I'll look forward to another year of working with you all. Thank you.

[Mr. Contreras:](#)

Good evening commissioners. Mariano Contreras, Latino Task Force. After the last City Council meeting where the discussion was around the probationary and parole stops and searches, I was talking to a youth at one of the foundations that I volunteer at and I was explaining the differences between the police version of this policy and the commissions edits and versions. And I found myself that I'm not only had to explain the differences, but I also had to reaffirm to that young gentlemen that a police commission existed because he did not know that there was a police commission in existence.

[Mr. Contreras:](#)

So two things occurred to me or came to mind: one that the city needs to make sure that the Oakland community at large knows that you guys exist and that what you're charged with and what the intent of the police commission is all about. That was one thing. And the other thing is that what does young gentlemen, why he was so interested in hearing about the stops and searches of probationary and parolees, is that he's been stopped. He's a senior in high school. He was not driving, but he was the passenger and he was asked. And he's also been stopped while walking and has been asked.

[Mr. Contreras:](#)

So the other thing that occurred to me is that once the commission, once the police commission, you folks, get started and have the mortar behind you, perhaps during this year, maybe next year, that you guys would be not only presenting policy or recommendations to change some of these policies that exist so that this young gentleman will not only know that you exist, but that he won't be stopped and asked by police whether he's on parole or probation. Thank you.

[Chairman:](#)

Thank you Mr Contreras. Rashida Minaj. And then Mary Vale.

[Rashida Minaj:](#)

Good evening. I just finished a presentation to Girls Inc., About the coalition. How it got started, what we did to organize, how we addressed the issue of

police accountability. The last question I had after the presentation was, "Is the police commission effective?"

[Chairman:](#)

Hm.

[Rashida Minaj:](#)

And I had to explain to her that the police commissions only been in existence for one year. Because after the 2016 election, it took almost a year later before you were seated and beginning your process. But I mentioned this because that is the question, "Is the commission effective?" And I'm hoping by this time next year I will be able to answer unequivocally, "yes" and give examples. And that is your charge. We all acknowledge the issues that you have faced as you were seated without training, without support, you still lack support. You still lack staff. But going forward you have to make a difference, and you have to work together. In order to do that, you have to find unity. You have to find cohesion. And we are here always to support you to the best ability that we can. But please, that should be upper-most in your mind as you begin 2019. How can we be effective? What must we prioritize in order to make a difference that the community can feel and know to be true? Thank you.

[Chairman:](#)

Mary Vale. Miss Asada. Maureen Benson, and then Alise Bernstein.

[Mary Vale:](#)

Following up on Rashida's, the last part of her presentation. And we all know what was in the express about the first year serving on the selection committee and the mayor, you put together your group and it's like a blended family from two different marriages with six K through 12 age kids. So that was your challenge, and the fact that you weren't given training, that you still haven't had that functioning as a public body training from an outside contractor, has been a challenge for you. I got the same drive-by ethics training. That was not enough.

[Mary Vale:](#)

But there have been too many flickering personal disputes and you're the first group. This is a new way of doing business in Oakland. An Environment where a lot of the stakeholders want to go back to the old. Want you to fail. So spending time and energy on which fellow commissioner disrespected me or who's power hungry or, who's taking credit for work I did is not ... Sabotages, basically, what we want to accomplish with LL and what you've been in charge with accomplishing. So focus on the work. When you have focused on the work, even with all the stuff putting your way the ordinance, and the probation parolee stop policy. You've had a unanimity, you've taken righteous positions, you've defended them, could have maybe done more lobbying, but it was clearly a good work products and that's what you need to focus on. Focus on the work. Thank you.

[Miss Asada:](#)

Love Life. Love black people. At some point y'all gonna have to put the mirror up in front of you and face the truth. I've been saying even before this ordinance that's called Measure LL went before the public that it didn't give you what you needed in terms of power. You don't have power sufficient enough to make the necessary changes and you got to stop acting like you do. And somebody's got

to go back and have these City Council members revamp Measure LL to give you what you need.

[Miss Asada:](#)

On this past Tuesday, just to show you how you don't get no respect, there was a resolution put forward having to do with the relationship that the police will have with ICE and there was already a resolution that said that relationship would be limited to only criminal matters and issues of public safety. Now who worked on putting this together was the Privacy Commission, not the Police Commission. And I already told you that the Privacy Condition had put together three MIUs about the relationship with the police with federal agencies. Okay? Like the Federal Marshals. And I'm trying to figure out why is the Privacy Commission, I looked up their duties and responsibilities. They are supposed to look at issues related to the police around surveillance technology. That's their job. But they're putting forth, and they pass this on Tuesday, and I can't understand why y'all are being left out so much and not getting things done that should be your responsibility. That's because they can do it and you've got to go back to get Measure LL appropriately the way it should be. So you have some power, you don't have no power.

[Chairman:](#)

Thank you, Miss Asada.

[Chairman:](#)

You're next. You were next. It's Maureen Benson.

[Maureen Benson:](#)

Oh, I'm sorry.

[Benson:](#)

No, please.

[Maureen Benson:](#)

Really?

[Benson:](#)

Absolutely. Go on.

[Maureen Benson:](#)

Okay.

[Chairman:](#)

Sorry about that.

[Maureen Benson:](#)

Jumping line. Alise Bernstein. Coalition for Police Accountability. I see this coming year as a chance to really do your stuff. I mean, it's been such a struggle, such a struggle getting yourself established. Unbelievable. But you stuck with it. So this was a year for accomplishing things and it seems that you can do a lot of, it can be freed up to do a lot more things than you've been able to do this past year while you've been mired in the mud, liaisoning with different groups. And really improving communication with other bodies. A New City Council. Having a City Counselor sitting at this meeting is an indication. Councilman Gallo isn't new to the Council, but there were three new Counselors and I'm very hopeful. So it's a new beginning. I wanted to also just make a couple of comments about an NCPC meeting I was at last night, which was good.

[Maureen Benson:](#)

I always say they're awful. This one was good. For a couple of reasons. Captain Jones, whose Area Five Commander is awesome. I heard him here once and he was awesome then. He got applause because he feels that you shouldn't move a homeless person who was in a van parked somewhere for months, because it's their home. And we tried to work with them and he's just very humane and he explained for everyone in the audience who was doubting Oakland's Get Soft policy with people who are homeless and said, "policing now is not going to make enemies of the community the way we always did in the past. We want to make things better." It was wonderful. This guy really had learned the lesson. And I'm very impressed with him. So good things are happening and take advantage for this next year. It's a make-or-break year, I think folks. Thank you.

[Chairman:](#)

Thank you, Miss Bernstein. Commissioner [inaudible 00:14:54]

[Benson:](#)

Thank you. I know it's awkward to fill out a speaker card during an open session. But the comments I wanted to make weren't agendized, so I wanted to take this moment and acknowledged that in the last weeks' meeting session, a question came up around the negotiation of the police contract and then the raise for the Chief. And I had raised a question around why, particularly because we do evaluations for the Chief. We weren't engaged in some conversation. And what I wanted to own and appreciate the Chief for doing was highlighting for me in her contract that this was something that was pre-negotiated. And so just as a matter of integrity, because I raised some questions around it, I wanted to follow up. There was a pre-negotiated element in the Chief's contract that says, "and shall receive salary adjustments, if any, consistent with those in the existing or successor MOU which was then negotiated."

[Benson:](#)

So that's not to say I don't have concerns about the Mayor, not involving us as a matter of respect, to some degree in any of the processes. But I do want to make sure that it's clear to the community that I appreciate the Chief for highlighting something which I raised a question around. I think it's key that the commissioners in this community be clear about how contracts and laws and areas that are actually cut and dry. So that we're not making allegations or assumptions when that's not necessary.

[Benson:](#)

We certainly, in the spirit of what I've heard some folks say tonight about a lot of work we have to do, we have plenty of work to do in the areas that are gray and where we have to change our outcomes and relationships with the community. So I'm happy to help keep our focus on those areas so we can engage in the transformative work. And I want to acknowledge the Chief for taking time to make clear to me something that I had questions about so that I was not assuming a something, filling in some information that I didn't have. So, I'm quick to call out critiques in a lot of areas. So I wanted to make sure I was also in the spirit of not just always falling on critique, falling on honesty and integrity when something I raised a question about could have been misconstrued as an attack. So, thank you.

[Celine Bay:](#) I don't think you have called me for open forum.

[Chairman:](#) Celine Bay and Oscar Fuentes.

[Celine Bay:](#) Thank you. Celine Bay. Longtime Oakland resident going back to 1968. So in 1968 ask any black person who was around here in 1968 how they would treat it by OPD. Ask any black person how they was treated in 70s and 80s in the 90s all the way up through the 2000s. The reason why they're in the NSA is because they never changed, right? So all the way from 68 to 2000, you didn't have anything where OPD was making any type of efforts to do right by black people. What happened after that is 15, 16 years of failure and then they had to create this Commission. This Commission was created because the CPRB failed in its job. If the CPRB was doing its job, this Commission would not exist. The voting public would not have voted 84% to create this body and empower them to hire and fire the Chief, to rewrite policy, to do that specifically to address racial profiling of black people.

[Celine Bay:](#) Now I've come up here multiple times. It's am understatement. Multiple month's and said the exact same thing I even told you that you're a charter mandates that you investigate racial profiling. We brought the Chief up, the Chief couldn't even speak on racial profiling, would not speak on racial profiling, will not act on racial profiling. Because regardless if you read a piece of paper that you can't say anything about, you know what's on there and that's what the police are doing to black people right now. Flash forward for the last year, we've been watching the Commission firsthand, but even before that, we've been watching the Commission and everything that we see from the chair is that you are on the side of the police. You are a sellout. You will not do anything for black people. When the Chief came up here, you were stopping people from questioning the Chief. We've been watching you. You've blocked our agenda item multiple times.

[Chairman:](#) Thank you Mr. Bay. Oscar Fuentes.

[Oscar Fuentes:](#) Hi there. I just wanted to add something to what you said, Commissioner Benson. It may be true, that the Chief has a pre-negotiated contract that ties raises into what the Oakland Police Union is negotiating, but that's exactly why she needed to tell the Commission that they were negotiating because she had a raise locked into it and she had a vested interest in what they would do. So I understand what you're saying and you're taking responsibility for not having been sure of the facts, which I wasn't either and I looked it up later also.

[Oscar Fuentes:](#) But even if she's tied in then it was even more, I think it was even more incumbent on her to let you all know because she had a raise in the works and who knows how that ends up working. If there's some kind of closed doors stuff going on between the Chief and the Mayor, who knows? So I just wanted to note that you are completely correct and you still are and that the Chief should

now feel like she doesn't have to do that next time or that they don't have to do that next time. Thank you.

[Chairman:](#)

Okay. Now, those are all the speakers I have for open forum. So we will move to the next item on the agenda and that is R-02 "searches up individuals on probation and parole." We have the Chief and then also I know Tim Birch as well. One of the things that we wanted to do is we want it to make sure that when you had an opportunity to hear the movement that was made by OPD on their most recent version of the policy. This is the first time that that version has come before the Commission. And so OPD we will be able to speak to the version of the policy that they put forward. Then we'll also be able to ask them questions. In addition to that, we can try to chart a pathway forward, to continue work on this policy so that we can eventually get back to the City Council and get this policy passed. Chief.

[Chief K.:](#)

Good evening, Commissioners. Thank you. I am actually here just to reintroduce to you both Tim Birch who is the Director Manager over our policy development and Sergeant Joe Turner, they work together as a team. So I've asked them to actually present to you and so I just simply wanted to make the introductions. This is Sergeant Joe Turner.

[Chairman:](#)

Thank you. And welcome.

[Joe Turner:](#)

Thank you. Thank you for having us. Good evening, Commissioners, members of the public. So I am here, or as the Chief said, my name Sergeant Joe Turner. I'm the member and Supervisor of the Policy and Publication unit in the Oakland Police Department. And so I have had the opportunity to work with Tim and with the Executive Team on this policy. And so what I would like to do is speak a little bit, as you said, Mr. Chair, to the attachment B in everyone's agenda packet. Attachment B is the OPDs version of the Probation and Parole Policy and I can just point to some of the changes. I know that was something. And then if there are questions about the rationales for changes or anything like that the chief or Tim can speak to those.

[Joe Turner:](#)

So I was looking at the agenda packet today on the website it's for the 24th. It had about a hundred pages and this was one of them, am I correct? Okay. Sorry. So if there aren't people with attachments, if you could share? It should say attachment B at the top. It sort of looks a little bit like this. So as I go through, I'll try and highlight the changes that we've made proactively to try and improve this policy because when there was the impasse or, in this policy or was paused a little bit, we did have the chance to keep working on it and we have not stopped. We have continued to work and continue to try and make this policy better because, as much as we can, we try and do that.

[Joe Turner:](#)

So there are some things that we have added. On page one of attachment B in the Command Intent. We actually added, so we have a line that says, "the department values the abilities of Oakland police officers to make sound

judgments when using law enforcement tools available to them, such as probation and parole/PRCS searches to ensure officer community and subject safety." And we added that part and that was put into to the command intents to ensure that safety was the number one priority, community officer and subject safety.

[Joe Turner:](#)

The next thing that we did proactively, add was these definitions that you see in A1, A2 and A3. The nonviolent offense, A1 a will come up a little later, but we did define that. So that is very clear as to what the department's expectation is. And then we also defined a cursory search, also known as a Terry Search or Weapon Searches, Pat Searches and other term that's used sometimes and then a Full Search, including a citation to a United States Supreme Court case, about the sort of extent or scope of a Full Search.

[Joe Turner:](#)

So, as I move on with the highlights to the next page, page two of attachment B. If you look in a B3 inquiring about probation and parole status, what we did is we actually did take the commissions suggestions and work very hard on them and came back and did say that absolutely we needed to change where it said, "Officers, should" we change that to must. "Officers must refrain when possible from immediately asking whether a person is on probation or parole/PRCS. We also changed, "and any subsequent inquiries about probation and parole/PRCS status must be framed in a respectful manner." And that was directly came from, if you see attachment A in the agenda packet, that was in section A3, the Police Commissions Changes and you'll see that was a must and that was a change that was made and we responded to that change and accepted it.

[Joe Turner:](#)

As we move on to section c where it says requirements for probation or parole/PRCS searches, we broke out this one sentence, this first sentence for emphasis and moved it actually to the top, to this part right here, right under where it says requirements so that it's very clear to the officers and to anyone who's reading this policy exactly what the requirement is. And that is probation and parole, PRCS searches Shall, which is the same for us as must, be conducted in consideration of the totality of the circumstances surrounding the encounter. And that was another response to the Police Commission, before it was "should" now it is "shall." So it is a directive, it is an order from the Chief of police. And so that was very clear there.

[Joe Turner:](#)

As we continue on into C1 in knowledge, so what we did here was we were a little proactive in number two, check of law enforcement databases. The Commission suggested a must for check for using Crims and Corpus, I believe. Or Clets, excuse me, Crims and Clets, but those are not the only databases. And if sometimes they are wrong and we want the officers to be as right as they can. And so what we do is we said that the officer's, should use a check of law enforcement databases. And we inserted a footnote at the bottom saying that Crims is the recommended database for confirming probation status and clets is the recommended database for confirming parole status, but they're not necessarily always 100% accurate. So we didn't want to represent that that was

true when, when in fact it might not be. And we don't have any control over those databases. Those are county and state databases. And the information for probation is put in by the county probation department and the information in Clets for parole is put in by the CDCR, the California Department of Corrections and rehabilitation.

[Joe Turner:](#)

Let's move on to number three in C1 where the confirmation in these cases where an individual tells us proactively that he or she is on searchable probation. In such cases the officer shall, it was should, it is shall, confirm now, in response to the Commission suggestion. Shall confirm the status of the individual and in cases where the individual is mistaken concerning status, the officer shall provide the correct information to the individual and document the results. So if that person is a mistaken and they tell the officer that they are on probation or parole and they are not and the officer does the required check and figures out that that's not true, the officer shall tell that person you are not on probation. You do not tell anyone else that you're on probation. So that that problem doesn't happen again.

[Joe Turner:](#)

As we move on to section C2 it's on page three of attachment B. Individuals on probation or parole for PRCS, excuse me, for nonviolent offenses. And so as I said, we did change this out and carve this out and, and the Chief and the Assistant Chief are here can speak to the rationale for that, but as I pointed out, nonviolent crimes is defined in A1. And so we have a very specific definition of what nonviolent crimes is. But then we said for those individuals who are on probation or parole/PRCS for nonviolent crimes officer's shall, again, taking direction from the come from the Commission, shall is as opposed to should, consider articulable facts, which tend to show that the individual is connected in some way to criminal activity or some other things. And we have some examples and we moved to C3 where we broke out the a difference between nonviolent and then person's on probation or parole/PRCS for violent or weapons-related offenses.

[Joe Turner:](#)

And that is broken out that there is a rationale for that. That I will let the Chief or the Assistant Chief speak to. As I move into C4, Cursory and Full Searches. This speaks to if a person is on probation, parole, PRCS, and a Cursory Search of that person is justified and if they have a clause which allows a full search of their person, that the officer may conduct a full search. It is not, it was should, it is now may. And it is again, in keeping with the overall intent of the policy, which is that all these searches should be conducted within the totality of the encounter.

[Joe Turner:](#)

So it it is something where the officer will be expected to articulate what the totality of the circumstances where that were informing their decisions as we'd expect of all the officers. We expect them when they're making these decisions and using these police powers that they have articulable facts and reasons as to why they do that. Memorializing the facts of the search. There was one last thing, with a Commission question was what was an MDT? And so that was

spelled out and it says Mobile Data Terminal. It's the computer that's in the police car in the front. It's kind of an older term because it used to be actually a computer that was mounted in the trunk and then there was a wire ran it. But that's neither here nor there. So that's all the changes that we have. If there are any questions for me, I probably can't answer any substantive ones or they won't let me. But uh, welcome to take-

[Chairman:](#) Thank you. Commissioner Jackson.

[Comm. Harris:](#) Hello Thank you. Hello? Sorry,

[Tim Birch:](#) Sorry, sorry man. Tim Birch from OPD. Sergeant Turner is here as well, I apologize.

[Comm. Harris:](#) You can be side by side. That's fine.

[Tim Birch:](#) Well, he's the smart one.

[Comm. Harris:](#) No problem. I want to ask a couple of questions and it's really based upon my quick lookup of Webster's dictionary. When we look at Shall, it's a strong assertion. When we look at must. It's obliged to, to be commanded or urged. Earlier you mentioned in, C for the requirements for probation or parole searches that shall be conducted was in your terms, must. And if you're suggesting that Shall is like must, I definitely see a distinction between the clarity, between assertion, which kind of seems like a soft suggestion versus a, "you got to do this." And so, I realized that, it may have started out as should and it went to shall, but I think that in that particular scenario, if we really mean must should say must.

[Tim Birch:](#) Okay. Yes ma'am.

[Chief K.:](#) I'm going to go ahead and choose to address that. One of the biggest things about the change in this policy is that when we use shall language in our organization, it is now converted the policy to being subject to discipline. So a shall, in our world is an order, it is a direct order by the Chief of Police. And so if there is a violation of the policy, it is now subject to an officer's discipline. And so that's the impact of the change of the language.

[Comm. Harris:](#) Chief Kirkpatrick. Thank you for that clarity. I'd like to understand if that definition is now in a legend somewhere where it's able to be referenced? That shall is an order.

[Chief K.:](#) I believe it is in manual of rules, which is our policies. So in police culture probably across the country shall language is clearly understood as an order.

[Comm. Harris:](#) Okay. Thank you very much ma'am.

[Chairman:](#) So I just want to say one part of myself under section B3, where we have, "officers must refrain when possible from immediately asking whether a person is on probation or parole, PRCS." I think that that's one area that we can do work in. And that I'd like to see, I think we'll put together an ad hoc committee around this and work around that, because the words when possible, are a little vague to me. So, I think we could do work, in converting those words, into something that's more concrete, that really shows that it's a very limited circumstance under exceptional, areas. And so that's just one area that I'd point out, after a review that I think that we'd want to come back to. And, once we assemble an ad hoc committee to talk, Commissioner Harris.

[Comm. Harris:](#) Thank you. Hi, Sergeant.

[Joe Turner:](#) Hello.

[Comm. Harris:](#) I think the ent-

PART 1 OF 5 ENDS [00:35:04]

[Harris:](#) Hi Sergeant.

[Joe Turner:](#) Hello.

[Harris:](#) I think the intent of the first written component of the probation search policy was that we intended it to have teeth. So when the chief verified [inaudible 00:35:19] means subject to discipline, that's what we were looking for. I think, as we all know, this policy affects the African American community the most. Like Commissioner Smith said, when you use when possible it gives the leverage of discretion and right now the Oakland Police Department is under the NSA because their discretion or their choices have not been very good. This is why we took that out: when possible or given discretion. Because we don't want any room for anyone to get hurt. And that usually, in my experience, has been the case. When people are on parole whether they're walking or being stopped for nothing and it's being used as an excuse to harass and go on hunches or red flags, I should say.

[Harris:](#) So when you have C13, you have the officer shall provide the correct information to the individual. You know, I would say must because that's the law, right? You're writing a policy that holds the officer accountable to give the information that is correct not the information that maybe I should give it or maybe I shouldn't.

[Joe Turner:](#) Yes ma'am. Sorry. I want to make sure that there's no confusion with what the chief said. Shall and must for the Oakland Police is the same. We can get the manual of rules which actually spells out. It is a little strange. When I first came I didn't understand sort of what that was, but it's one of those things where a word enters the vernacular and the next thing you know everyone uses it as

something where it may not necessarily be exactly how it's defined. But for us "shall" is a must. They are interchangeable. So when it says that "the officer shall," that can also be read as "the officer must."

Harris:

Thank you.

Chairman:

Commissioner Beth can I slip in one more comment? So the other point under C2, and I'd like to also sort of call this out, cause this is something that concerns me, so some examples of facts that could support a search include but are not limited to the following: The individual is connected to a crime reduction strategy such as Ceasefire or specific crime reduction plan. I mean, that troubles me because if an individual is involved in a crime reduction plan I hate to think that that's gonna be used against them as an example of something that could support a search. Obviously the positive intent of them volunteering for a crime reduction program is going to be something that they're going to think twice about and maybe not even do, if they know that there can be a penalty for it, and especially if they think that it may support them being searched.

Chairman:

It doesn't seem to make- it doesn't make any sense to me why we would do something like that and that's another part of this policy that I'd like to highlight and like to call out I think that we need to do work on.

Joe Turner:

May I just, Mr. Chairman may I say one thing about crime reduction strategies if I may.

Chairman:

Yeah.

Joe Turner:

So crime reduction strategy and you're absolutely correct that the wording is not necessarily as clear as we'd like, because the Ceasefire is predicated on strategies that include services and counseling and communication with people who are working with folks who have gotten out of jail or who are changing their lives, so there is that aspect but a crime reduction plan also is, and Ceasefire is also predicated on finding those people who are the most violent, and who are not responding to our calls in attempt to get them service.

Joe Turner:

And then those people are... we are trying to make sure that not only they are not involved in violence but they are not targeted for violence, sometimes they are the ones who are in an active feud or something to that nature where it's very dangerous for them for instance.

Joe Turner:

So Ceasefire is beyond just being involved and taking advantage of the services. So if someone is say a- or been in contacted by Ceasefire and are taking advantage of the services and have gone through the job training or something like that, that is the intent of this. It is more of the intent of if we now with the Ceasefire strategy, are doing the intelligence-based policing that we are doing. So to your point, ma'am, that we are not going on fishing expeditions but there's verifiable intelligence that this person is say armed with a gun or in an

active feud where they have been posting say on social media that they want to shoot someone, not that person is lets say we say this person needs to be part of our Ceasefire strategies so we can ensure that a shooting doesn't happen. So that's the vein that it works in, I understand your concern that it seems like maybe it says that if they are involved at all even in the positive aspects of which there are many in the Ceasefire program that they could be a target and we don't want that.

[Joe Turner:](#) And so that's definitely something I think we should address.

[Chairman:](#) Commissioner Benson?

[Benson:](#) Thank you.

[Chairman:](#) And then Commissioner [inaudible 00:41:07] after Commissioner Benson.

[Benson:](#) So I have 4 quick pieces but first I do want to say I appreciate the spirit it which y'all are coming here. It definitely is clear that you have taken time and effort to factor in what the commission and members of the community are saying. So I appreciate that and I hope that that's the spirit- seems like that's the spirit moving forward so looking forward to 2019's renewed way of partnership.

[Benson:](#) So to build off of Commissioner Smith I think that if you're saying that verifiable intelligence is necessary I would state that. I think that what I've heard from the Chief is that there's a move towards information-based looking for folks as opposed to just random stop-and-searches. So if it means that then I would offer that we should say that. Right? That there is verifiable info that holds officers accountable to documentable information that has come in so I would suggest that.

[Benson:](#) The other thing I would suggest is that C4, in those instances were a cursory search is justified, I found myself wondering "Well, what does that mean, that a cursory search is justified, that's a very broad generalization." And particularly on the first page where it says "a cursory search is most typically conducted if the officer has reasonable suspicion to believe that the person being searched is armed and dangerous, I would actually swap out, if I'm unclear about where cursory search is justified because in A2 it says it's most typically but it's not directed, I would modify that to say "a cursory search shall be conducted if the officer has reasonable suspicion." That was really the crux of our whole argument, that we want to show good faith and reinstate as many constitutional rights to people who have been on parole and probation. So that would be my second comment.

[Benson:](#) Thirdly, also under C2, a couple bullet points above what Commissioner Smith said, that first line item for me is incredibly contentions, it's been a spirit of a lot of conversation in this nation. "The individual is a known gang-member and/or affiliate." As a former high school principal in Oakland, and I live in East Oakland,

off 99th and MacArthur, I don't know what you mean by affiliate, but I know many hundreds of students that would have been perceived as gang members and then technically myself and other teachers because we spend time with these students, potentially you, we are affiliates. It's a dangerous dangerous slope. I would remove that entirely.

Benson:

And finally, I actually would just suggest if, particularly because we're short staffed in OPD, particularly because as we're revising and working with the Chief on the goals for OPD, I would remove C2 entirely, or I would just say "If you're on parole or probation for something non-violent, why are you searching?" It's a non-violent crime, it's a low level crime why are we even engaging in that at all. So those are just my thoughts as I'm reading through it, but again in the spirit- I know we're gonna get someone that we can all land on so thank you for your [inaudible 00:44:00]

Joe Turner:

Thank you.

Chairman:

Commissioner [inaudible 00:44:05]. Oh I'm sorry, Commissioner Prather and then Commissioner [inaudible 00:44:09]

Speaker 1:

Sure. Thanks Commissioner Prather. I had a couple comments on- I thought it was interesting you used the words "Rehabilitative interest" on B1 "Probation and parole searches must further legitimate law enforcement or rehabilitative interests." Can you define that? And also farther down in B2, it talks about probation and parole contacts can use the means of providing counseling referral to rehabilitative resources. What kind of training has been done in OPD, particularly among those who deal with these kinds of stops, to appraise them of all of the what I would assume to be rehabilitative resources, but I would again go back to your definition. So I'm really interested in that line of reasoning.

Joe Turner:

Great question. So first in terms of rehabilitative interests, part of this, especially that first line in B1 where it says they must further legitimate law enforcement and rehabilitative interests, that reiterating case law, and law about probation and parole, or probation searches and parole searches, that has come down from say the California Supreme Court that governs all peace officers in the state. It's reiterating the law that's in our policy, but in terms of rehabilitative interest I could give you sort of my definition which is to get this person back on their feet, you know I think we all agree that that's the goal with every person as they're re-entering society on supervised release like probation or parole is that they never ever go to jail again. That would be the goal and so rehabilitative interest is in that mind.

Joe Turner:

And then in terms of your second question training, there's a few things that I touch on just from my personal experience that I know and then Timmer the Chief can talk about some more but a couple things from me would be, the first is the procedural justice that Chief Armstrong has got every sworn officer in the

OPD to attend 2 session and I believe the third is in the works and it's going to be an ongoing cycle, just like our continuing professional training, just like when we practice our skills and driving and stuff we will also be practicing our procedural justice on an on-going yearly or bi-yearly or what have you basis.

[Joe Turner:](#)

So there's that, which speaks to the wholistic idea of rehabilitation and reentry into society, and the idea of how the police would be interacting with communities. The seconds is, that's a little bit more specific to your point, is the training for custom notifications that comes with the Ceasefire program. SO the Ceasefire program is very versatile way of interacting with the people that not only is sort of intelligence based but it's also meant to give the officers a lot more direction and resources when it comes to trying to steer someone that may be teetering on the edge of really having a problem towards the right direction. And so those custom notifications are "Hey, this is something that's going on, right?" And we say have gotten information about that you were are target or you have been involved in violent crime or something to that effect, we don't want you to go to jail, there are some consequences if you engage in that behavior, however, there are also this, this, this and this services rehabilitate. And so that would be that probation and parole in the context of the Ceasefire strategy.

[Joe Turner:](#)

For instance, would be one what where I'd say that these contacts are way to refer to rehabilitative resources through that custom notification program.

[Chairman:](#)

Commissioner Prather.

[Mr. Contreras:](#)

Thank you Mr. Chair. Thank you both for being here tonight. I appreciate the edits and the effort. I have a question and then some follow up questions and- I wanted to know whether in the process of creating the policy, or in the process of making your edits you had meetings or took input from local prosecutors offices?

[Joe Turner:](#)

So I have had input from local prosecutors in terms of how things work, how they work, what they see, probation, parole, and how it works in terms of our relationship with us. But it's more informal because we do talk to the prosecutors sometimes on a daily basis. I used to be an investigator so we talked to them. I can't speak to any sort of higher level than that.

[Mr. Contreras:](#)

So, and that's great, and I'm glad you had a dialogue with the Alomena County DA and the attorney's office. Here's my issue as a criminal defense attorney, this is my wheel house, right? SO fore example the language of the parole search, as it under California statutory law "every inmate eligible for release on parole is subject to search or seizure by a parole officer or other peace officer at anytime of the day or night, with or without a search warrant, with or without cause." It's pretty draconian. There's no wiggle room there and it's imposed in every parole case.

[Joe Turner:](#) It's very broad.

[Mr. Contreras:](#) US Attorney's office, right now, has a policy of every plea agreement, whether it's a low lever offense or somebody trafficking 100 guns implements this search condition "The defendants shall submit his person, residence, office, vehicle, electronic devices, and their data, including cell-phones, computers, or electronic storage media, and any property under the defendant's control, to a search. Such search may be conducted by US probation officer or any federal state or local law enforcement officer at any time, with or without suspicion, failure to submit to search may be grounds for revocations, the defendants shall warn any residents that the premises shall be subject to searches." Also very- it's a hard line search. And here's my problem is that ultimately the problems is with the prosecutors office cause you would think that they would impose search conditions this draconian in nature, this hard, only in cases that warrant it. And so when it comes to you, I don't know if your office if the Police Department has the assumption that it is imposed only in specific cases but here's my problem, is in real world application of what we're talking about here, we can kinda get rid of a lot of this stuff because the policy as written says,

[Mr. Contreras:](#) "When a cursory search is allowed, when the language of the cursory search allows for a full search which our law enforcement, our prosecutors offices Alameda County DA, our US Attorney's offices, are imposing these in every case whether the case warrants a search clause or not, then suddenly you're reasonable suspicions stop, you're pat and frisk is turning into a full search, right? And then you're not talking about "Hey I'm just searching this person, you're talking about a guy in the back seat of a car who gets pulled over and and Hey, you've got a federal probation, you've got a search clause, I'm searching the whole car, I'm searching the trunk, I'm searching the glove box, I'm searching your friends, I'm gonna go to your house and I'm gonna search your house and then I'm gonna take your phone and then I'm gonna search your phone, and the policy has this loophole.

[Mr. Contreras:](#) I think we're on the same page that this part of it's gotta get fixed, right? And it's not, I feel like, the prosecutor's offices have as much to blame in this as anybody else because of their arbitrary imposition of this search clause and I see the Chief making her way to the mic, which I appreciate, but to me that's the hole here. Is that if we assume that it's imposed only when necessary, then I think a lot of these policies work, but in light of the arbitrary application of search clauses in probation matters and parole matters, I don't know that this works.

[Mr. Contreras:](#) So I'm open to dialogue I'm open to discussing it I want to be convinced otherwise, but based on the language of he search clauses, it's really hard to take a different take away from this.

[Chief K.:](#) Commissioner Prather thank you. You articulated it very well, these were agreed upon plea bargains that we're between prosecutors and defense council. We were not a part of these plea bargains. So that is exactly what we at Oakland PD

are trying to do is to shift that although we have search clauses that were agreed upon, we are saying and trying to accomplish through this policy the limitation, we're trying to change the mindset and the culture that Oakland police officers should not just automatically execute the plea bargain the search clause. So that's what we are trying to accomplish here and we are back here taking notes about some of the changes of what you're looking for, but that's what we're trying to do exactly what you asked, that's why we're saying "You shall not, officers, just immediately invoke a search, especially if the underlying reason that there was even a plea to begin with was for a non-violent crime. So that's why we are saying by policy "Officers, we don't want you doing that search unless you have a plus factor." So we're trying to accomplish that.

[Chief K.:](#) We're actually on the same endgame we may not be getting there quite yet.

[Mr. Contreras:](#) I appreciate it Chief, I think where they're a disconnect still is that because of the nature of the search clause, the way it's written right now, your cursory search.

[Chief K.:](#) Yes.

[Mr. Contreras:](#) The language of is of the searches are full searches

[Chief K.:](#) Right.

[Mr. Contreras:](#) They automatically can turn into full searches, and what the language of C4 says is a full search may be conducted, so it's permissive.

[Chief K.:](#) Right.

[Mr. Contreras:](#) And so you can usurp all the other protections you've put in place by just jumping straight to C4. And I get it, I appreciate the effort, let's fix this.

[Chief K.:](#) I will look at C4 as well and go back and we will look at the impact of having the C4 and see if we can work toward a different resolve on the policy.

[Mr. Contreras:](#) Thank you Chief. We will work with you.

[Chief K.:](#) Thank you.

[Mr. Contreras:](#) And we will I think, I don't wanna speak for-

[Chief K.:](#) That's alright Ted.

[Mr. Contreras:](#) I don't wanna speak for anybody, I would like this commission to work with you to shore up and I think we can all be better. Not to say that the efforts aren't appreciated but the goal here is to get the best policy possible for the residents of the city of Oakland, right? So I think we can all agree on that.

[Chief K.:](#) Okay, we will do that with the committee, we will come to the table together and look at the impacts of what we're trying to accomplish, but I think we share this common goal.

[Chairman:](#) Commissioner Harris.

[Harris:](#) Thank you. So I think too in writing this policy I would like or I would ask that OPD be mindful of what happens after the search. Many times in my experience, people have to be white-carded, and white-carded is when it's documented they then stopped. And it has to be reported to the parole officer for whatever reason within 10 days that they've been stopped. And 9 times out of 10 in my experience, they violate them for being stopped, whether they did something or not, so it's a revolving cycle of institutional racism, and so that's why the commission is very adamant about changing the language because there's after affects of these policies. If you have someone with a non-violent crime, they shouldn't even be subjected to this. Period. If you get out of prison and you get out you've done your time, the Oakland Police Department is not responsible for rehabilitation, that's not your role. The role of you is to protect and serve, right? And parole has it's own office that has they're own parole officers that handle a big portion of this policy here.

[Harris:](#) So I haven't heard anybody speak of that as of yet, and again 95% of the people in jail are black, and they keep going back to jail because of policies like this. And so this is what we want to prevent, but I don't think anybody even thought about that. Like what happens after I search you. I'm searching an 18 year old kid who took something and did 30 days in jail or 1 year, he had a paper commitment, right? He didn't go to prison, but he did some county time but he's on paper parole, right? So you stop him and he's got to report it to his probation officer who's having a bad day that day and says I need you to come in. Okay so he goes in and he handcuffs him and he takes him to the 7th floor. That's the reality of this so I would really ask that when we come back to the table to be mindful of that.

[Chief K.:](#) Yes ma'am. Thank you for that. And that's why we need your voice, so thank you.

[Chairman:](#) Okay, I want to go to public comment and then we can wrap run without... so let's start with Henry Gage, then John Jones, Ms. Asada, and Rashida Granage. Then Mary Bale, then Selene Bay.

[Henry G.:](#) Good evening commission, Henry Gage III, coalition for police accountability.

[Henry G.:](#) Many of the comments I'm about to make have already been made by various commissioners, thank you for that. I'd like to echo the comments made with respect to the use of the phrase "When possible." I also have concerns with that use. Initially the section on page 3 under C2 is also problematic and the language seems very loose and potentially manipulable. And I have to credit the

Department staff for catching something in their attachment that I missed on my first look through, if you go back to the commissions attachment A and look under B2, it says that a full search should be conducted, and I believe that when you go back to the table should be changed to "may" in line with the Department's red line, that's a good edit on their part that I think should be incorporated into yours as well. Thank you.

[John Jones III:](#)

For the record, John Jones III. I just wanna share some contextual grounding information in my opinion. I am 44 years old, I have been on probation, parole, bail, or incarcerated in a correctional institution for 2 thirds of my life. And I can share with you there have been 0 difference as it relates to being stopped by OPD in between me being on probation, parole, or bail, or me being "free."

[John Jones III:](#)

When we think about the study that Dr. Ipohart conducted between 2014 and 2016, 68% of the stops were African Americans. Here is where it's key to focus on. First of all, in order for OPD to even know the individual is on probation or parole, 2 things must happen. First, A they ask you, but that means you've been stopped before, so there's assumption that you're on probation or parole, and I my experience, every single time I've been stopped, I've been asked A "Am I on probation or parole?" Or B "Do I have a weapon?" Whether I'm on paper or not. The second way they can know if you're on probation or parole is if the car is registered in your name, they run the plates, they run your name, they can find out that way. Absent of that, I think it's very important to focus on this, this is larger than whether or not someone's on probation or parole. This is just racial profiling at its core. And that's the secondary aspect of it, the justification of why people are being stopped.

[John Jones III:](#)

So I think its very important that we consider that, right? Cause at the end of the day, I think about what Dr. Henry P. Newton said "The police is the instrument of the system." The system we speak of in America is the system that's governed by both white supremacy and capitalism. That's what this is about. This is why we're still here debating the same things week after week, because if we don't get to the heart of the matter, we'll be spinning our wheels. So thank you very much.

[Chairman:](#)

Ms. Asada

[Miss Asada:](#)

I'm gonna wait until whatever is decided goes to either the public safety committee or the full council. And because I know for me to present all of what I think to this body, it's gonna be insignificant because the council is gonna make the decision. I have to convince the council what is important relating to the policy changes. Cause you don't have no power. And I don't know in the scheme of things, if once this document gets to council, public safety, or the full council, if they're gonna be able to make the changes they feel need to be in this policy, or they have to give an up or down without making any changes. I don't see anything in writing that says how that works.

[Miss Asada:](#)

But I want to spend the rest of my time making it perfectly clear that we talking about African Americans. And when you did the presentation at the council you talked about parole black and brown people. This ain't have nothing to do with brown people. Don't have nothing to do with brown people. The stops: 20,000 African Americans, Hispanics 6000. That's 20% That's less than the whole population of Oakland of Hispanics. Stops on Probation 2703, Hispanics 673. Stops on parole 533, Hispanics 86. Searches African Americans 8601, Hispanics 1841. It's not black and brown people. And I'm not gonna let anybody in this city try to make it seem like we got group dynamics going on as it relates to police inappropriateness or misbehavior or misconduct. So please don't do that anymore. And the last thing is citations. African American's 6194, Hispanics 2933.

[Chairman:](#)

Thank you Ms. Asada. Rashida Granage. Mary Vale, then Selene Bay.

[Rashida Minaj:](#)

Thank you. I guess I'm interested in what process you're going to engage in to come to some finality here. I know that the public safety committee is anxious to get this back in front of them. So I'm hoping that before the discussion ends that you will discuss that.

[Rashida Minaj:](#)

For me this issue in a way has more to do with stops than searches cause you're not gonna search unless you have already stopped. And so the question is, why was the stop conducted in the first place? And that does go back to the Everhart study because once again the issue is "Are we stopping on the basis of status, or are we stopping on the basis of actionable intelligence." That is a reason to believe that the person or persons in the vehicle have committed a criminal act.

[Rashida Minaj:](#)

If there is no basis for that, then there's no basis for the stop. And then the issue of search becomes peripheral. So what- I agree with all the comments that have been made, but let's be clear, the issue here is status, whether the status means that you're a black person, or the status means that you're driving a model of car that we identify with a certain group of people, or whatever the characterization or stereotype is, that is not a reason to stop a vehicle. Period. And that is the most often the most frequent. If you look at the date, and the name for this we all know is "Pretext Stops," right? Back light out, expired tags, whatever. Most of the stops are so called equipment, right? Not intelligence based. So let's start drilling down on this and let's question the basis for the stop. Thank you.

[Chairman:](#)

Mary Vale and Selene Bay.

[Mary Vale:](#)

First, seconding Rashida's process observation, I think that council had some struggles and I certainly had going through this packet tonight, there's so many layers of reports that only have small differences and actually the Department's presentation in terms of which one shows their latest changes to yours, so I hope that there's a further consultation with the Department that goes to public

safety and when it gets to that stage, boil down focus on the remaining differences in the 2 drafts so that it's readily understandable to the public.

[Mary Vale:](#)

I have major problems with anyone being stopped, and of course he it's the status cause you're on probation or parole, for minor traffic. The way it's listed here, it can cover everything from slow California stop at a stop sign, or you've got tail-light or registration problems, or stuff. Obviously you would try to stop speeding, reckless driving, some other indication that violence risk to the public is present. I don't know when this first was being debated there was all this "We can't do the commission's version cause it would interfere with Ceasefire which is supposed to get everyone fearful and ready to defer to the Department's wishes. And I still see no basis, even with your sharp questioning, particularly after it, to have any references to crime prevention strategies or Ceasefire. It just seems almost sentimental, it will not come to any good in terms of the public out on the street with the Police Department. And the last thing-

[Chairman:](#)

Thank you Ms. Vale.

[Mary Vale:](#)

Gang member or affiliate, again, there's too much discretion or the cop's knowledge of the street that comes in that allow people to be jacked up basically and be pulled back into the justice system. Thank you.

[Chairman:](#)

Selene Bay.

[Celine Bay:](#)

Just for historical context, the 13th amendment abolished slavery in 1965, supposedly. We won't even get into June 10th and how many people were enslaved for how long after supposedly it was abolished, but it says that it's abolished with the exception of incarceration.

PART 2 OF 5 ENDS [01:10:04]

[Celine Bay:](#)

But it says that it's abolished with the exception of incarceration, or conviction of a crime. Or in this case, a plea deal taken. So, slavery never really ended. So what happened is, the slave catchers went from slave catching to running down people who they were arresting, putting in chain gangs, putting on plantations, still using their labor, free. And then when they finished their incarceration and were put out on the street, they then had a jacket on them. They have a leash on them. And it's called parole. Probation. And it gives the police the ability to continue to put black people in slavery.

[Celine Bay:](#)

Because as a black person who was formerly incarcerated and out on the street ... Not myself, but a black person who was formerly incarcerated on the street, they are in constant fear every time they drive down the street, that the Oakland Police Department, who has a proven record on very many levels of profiling black people predominantly. So here you are, you don't have freedom. And it's the ability of the police department to go in and arbitrarily, and call it under discretion, to choose who they want to stop.

[Celine Bay:](#) And again, I don't have a record. Yet if I was riding in the car with somebody, I would be subject to the same indignation that they are. So let's get back to really what it is. It's racial profiling. It's the ability of the police to indiscriminately choose a black person or a group of black men, and go up to them. It's mass incarceration of black people that allows this to continue. So, all of the people who are still in jail, versus the people who are out of the jail, and you multiply all those together, and you see the impact on the black community. And that it is actually racial profiling that you should be digging down to. Also, MOR, Manual of Rules, is online and the chief should have the number on that, whatever it is.

[Chairman:](#) Okay. That's all the comments cards that I have for this item. So the second part of this is to figure out a process for working with OPD incorporate the recommended provisions to policy. I think we need to set up an ad hoc committee to deal with this, and to sort of advance the dialogue and the policy. And so, if you're available, Commissioner Prather, are you available and interested?

[Mr. Contreras:](#) I serve at your pleasure, Mr. Chair.

[Chairman:](#) Great. I'm definitely interested in serving on it. Do we have a third who is interested? Is there a third who is interested in serving? Commissioner Jackson? Okay. So, we have an ad hoc committee. We'll advance that. And we will bring this policy back as soon as we get some additional progress made on this topic. Is there any other - yeah, Commissioner Benson?

[Benson:](#) Yeah. I remember actually voting on this, initially stating my reluctance to vote on it because we had actually just decided on a process. That would be three reads and community input, and making sure that we had community input from folks in the community or groups in the community that are impacted by the particular issue. So I'd like to read it just for the ad hoc committee to be ... I'd like to read what we voted on, so the ad hoc can be mindful of it.

[Benson:](#) So it looks like we've gone through step one, which is an initial announcement of the intent to review. And we've drafted, it looks to me we're at stage two. Which is hold a commission meeting where we engage feedback, generate key points, et cetera. And then the third step would be an ad hoc creates policy or edits existing drafts based on the initial commission meeting. However, one key piece that we agreed is that we'd follow up with implications for the, it says outreach committee, and or ad hoc committee, to generate a list of community groups to outreach to as they relate to this topic. So I just want to name that for the ad hoc committee to please be mindful of.

[Chairman:](#) Yeah, and if people also, just in theme with that. If people right now are thinking the names of groups, you can either mention it now, or pass it to one of us. And we can make sure that we get them involve.

Benson: And just the one last thing I wanted to remind us of is that when it's to come back, we said we would announce a second review, although in this case it'd be a third. With three to four weeks notice prior to the date, with a plan for outreach, making sure impacted parties are well invited and included, and consider before the meeting the use of social media, newsletters, and outreach to generate feedback in multiple ways. So just reminding us of our awesome process. Thanks.

Chairman: I appreciate that. Okay. Any other comments? Okay.

Chairman: Then we'll move on to the next item on the agenda, and I'm going to pass this to Commissioner Prather because I know you've been doing the work on this. Commissioner Prather, it's the request for qualifications for legal services for outside counsel.

Mr. Contreras: Thank you, Mr. Chair. So I did have the opportunity over the holidays to work with Larry White, attorney, also a representative of the Coalition for Police Accountability. Taking into consideration their comments and edits, and he and I came up with a joint draft, which is the red line draft, or blue line draft. Which is attachment five in your packet this evening. There is both a blue lined draft, and then a clean copy. So if the clean copy is easier to read, that's the second document. The first document is the red lined so you can see our changes.

Mr. Contreras: The changes to this document were basically to address the city attorney's use of what we, I think Mr. White and I felt, was a boilerplate form that the city attorney used for all outside counsel. And a lot of it didn't apply to us. A lot of it also made not completely accurate representations in terms of the city attorney's relationship with our counsel. We believe that the edits that we've made address all of these. You'll see a lot of language was removed from their version, as well as the entire City of Oakland Outside Counsel Policy, which on your red line draft starts on page six and goes to page nine. So we feel that that's also not applicable to what our needs are in this case.

Mr. Contreras: The action we would like to take, that we're recommended to be taken this evening, is that we vote to approve this version, and it go to the city attorney's office for their, hopefully, adoption and use. What's that? The core changes, Mr. Chair, were to remove improper city attorney references to their power and control over our counsel. That is all.

Chairman: Do any other commissioners have comments on this? Okay. So, if no commissioners have comments, let me look to public comment. And then we can take a vote on it. Larry White? And Rashida Granage, then Selene Bay.

Larry White: Good evening commissioners, Larry White with the Coalition for Police Accountability. Obviously I'm up here to support the draft before you of the RFQ. And as Commissioner Prather really said it all, I'm going to be very short. The changes reflect what the measure LL and the enabling ordinance specify for

the counsel for the commission and the agency. I guess I'll say one thing. So we all support the draft that you've got there. This is important. The importance of this is underlined by a court proceeding that's going on right now. And that's a writ taken by the OPOA as a result of an interaction with the former interim agency director, Mr. Finnell.

[Larry White:](#)

And if you look at the complaint of the OPOA, it refers to actions Mr. Finnell took, and the allegations include the fact that Mr. Finnell took these actions as a result of advice from counsel. Well, the complaint doesn't say who the counsel was, and who the lawyer was that Mr. Finnell was referring to. I don't know. It was probably, I suppose, somebody in the city attorney's office. You need to have your agency director know, who your agency director is getting legal advice from. And have a sense of trust that that advice is going to be useful and correct. So, we encourage you to adopt this. Thank you.

[Chairman:](#)

Thank you, Mr. White. Rashida Granage? Then Selene Bay.

[Rashida Minaj:](#)

Thank you. Ditty to what Larry said, particularly with respect to the current legal challenge. As your next agenda item or, I don't know if it's your next one, but you have an agenda item tonight for the Inspector General, status of that job. That is going to also require legal counsel for you, because the city is still not necessarily in agreement. That is, the city administration is not in agreement with the ordinance.

[Rashida Minaj:](#)

And so, the question of who the Inspector General reports to may very well be a subject of contention. And with any degree of luck, you will have your own legal counsel hired and serving you by that time. Because otherwise, you are at the mercy of an opinion that is already contrary to what's in the ordinance. So, sooner or later, something's going to have to give. And the sooner you get your own counsel, as well as CIPRA having it's own counsel, the better. For clarity sake, if nothing else. So I'm hopeful that you will adopt this tonight, that you will forward it to the city, and that they will post the job. And I also, I wonder, I don't know if you've given thought to where this job announcement should be posted. But I would think you want to give some consideration to how it's announced, and where it's announced. Thank you.

[Chairman:](#)

Selene Bay.

[Celine Bay:](#)

Selene Bay. Also, for historical context, in 2014, Investigator Swanson, federal investigator for the NSA, was charged with investigating the city attorney's office. And specifically how the city attorney had a track record of throwing arbitration cases for officers that were disciplined. So in other words, in the very, very rare case where an officer was disciplined, it would go to the city attorney's office, to then go to arbitration with the officer's legal counsel. And then it was found independently by the NSA court that the city attorney's office was actually throwing those cases. So even in the very rare instance where officers were being held accountable, the city attorney's office was sabotaging

that. The same thing happened when the city attorney's office placed your initial attorney on here. She found every single reason why you couldn't move forward. She found every single reason why she couldn't investigate racial profiling. Which is in the charter that says, you are mandated to investigate racial profiling.

Celine Bay: So the most important thing when dealing with the city attorney's office is to know that she represents the administration. The administration which also has, the city administrator, is on record at one of the city councils, saying that this body's connection to legal counsel is not legal. I don't even know if that's ever been resolved, or anything like that. Or did they follow up with it, or anything. But bottom line is, when you're talking about the city attorney's office, you're talking about a corrupt body. Because the city attorney's office, if they were actually prosecuting corrupt police officers, this body wouldn't exist.

Chairman: Okay. That's all I have for public comment for this item. So, I'm going to pass this back to Commissioner Prather.

Mr. Contreras: Yeah. I move that we send, adopt and send this version of the RFQ to the city attorney's office for their approval and adoption.

Chairman: Is there a second?

Com Jackson: I second.

Chairman: It's been properly motioned and seconded. We'll go around for a vote. Commissioner Dorado.

Com Dorado: Aye.

Chairman: Commissioner Harris.

Harris: Aye.

Chairman: Aye for myself. Commissioner Prather?

Mr. Contreras: Yes.

Chairman: Commissioner Jackson?

Com Jackson: Yes.

Chairman: Commissioner Benson?

Benson: Yes.

Chairman: Alright. The motion passes. It shall be done.

[Chairman:](#) Alright folks. If there's no further comment, we've taken action, we'll take our recess and then be back in eight minutes.

[Chairman:](#) Alright. Okay, folks. So we're back in session. The next item on the agenda is working session on suggestions for standing and/or ad hoc committee tasks and work plan. I'm going to pass this part of the agenda to Commissioner Benson.

[Benson:](#) Alright. So the infamous attachment seven, which I think has been attachment nine or eleven in other meetings, it's the same document we've seen before. In general, I think doing the intensive work of creating all these committees, we may want to reconsider for the future. But for now, I'm just wondering if folks on the commission and/or in the community see any very time sensitive issues that we need to make an ad hoc committee for at this time, that hasn't been. So we just invite folks to take a couple minutes and look at attachment seven and just see if there's anything in particular. I know for me, what's at the top there, we had made a motion quite a while back to follow up on an appeals plan, and/or discovery in the issue of new evidence for the Bay case. I know there was some confusion, there was an ad hoc committee created, and then some changes to that. So for me, that would be something I'd like to resolve, so we can honor our commitment to that motion. I just want to invite other commissioners to share if there are other time sensitive issues.

[Chairman:](#) Commissioner Harris.

[Harris:](#) One of the time sensitive issues for me is the follow up on appeals as well. I agree, it's been on our agenda for quite some time, and then it fell off, kind of. And so I would really like to put this to resolve, as well. And a point, that interim Inspector General, I think we also started that process. The Inspector General job description was given to the city administrator's office, and so we did get some feedback on that. But I'd like to complete the process.

[Benson:](#) Just a point of clarification, as we did get a personnel standing committee going, the appointment of the interim Inspector General is actually on that agenda list.

[Chairman:](#) Commissioner Prather?

[Mr. Contreras:](#) Thank you, Mr. Chair. I think the two things that ... sorry, I don't know if they exist on here ... that I'm turning my attention to next. One is the annual report issue. I don't know if that's ... I know that I have volunteered to kind of take a laboring oar on that.

[Chairman:](#) I volunteered to join you.

[Mr. Contreras:](#) Thank you, Mr. Chair. I plan on tackling that next. I also have, to the extent that we want to start considering changes to our Rules of Conduct, a while back I had done the research and put together changes to our Rules of Conduct for conflict of interest issues and things like that. And that can be added in to a meeting

agenda at any time. I'm almost done with those changes. So when we are ready to discuss it. I don't think that's time sensitive, but it's something we can accomplish in the short term that will, I think, help us govern this body.

[Chairman:](#) Commissioner Benson?

[Mr. Contreras:](#) Thank you, Commissioner Benson.

[Benson:](#) My pleasure. So I'm making a note of that. Again, this was actually the revised document, so all of the items that are mandated and have deadlines have been assigned. And we're following up on that. These are all the existing items that are not under measure LL or the enabling ordinance. So I made a note as well, finalizing our bylaws and rules.

[Chairman:](#) Any other comments? Commissioner Benson?

[Benson:](#) I'm very comfortable with an awkward amount of wait time. This is a two page document. So maybe we want to give folks sixty seconds and scan it and see if there's anything else. As a teacher, I'm happy with wait time.

[Chairman:](#) On the appeal question, I know you and Commissioner Harris were both interested in that. Did you want to form an ad hoc around that? Okay.

[Benson:](#) Yeah. We just need to clear up the confusion. So there was, that was the meeting where Commissioner Harris was chairing the meeting, so we did make an ad hoc committee. And I think Commissioner Prather was referring to a different ad hoc committee. So let's just get clear about who that ad hoc committee is, and we can get going on it. So is there a third person who would like to be on that ad hoc committee?

[Chairman:](#) Third person, anyone? Commissioner Dorado? Okay.

[Benson:](#) Great. Are there any other issues on here that are burning? I know we have a lot already going on, but any other issues on this list that people want to see urgent time sensitive follow up? Thank you.

[Chairman:](#) Commissioner Harris?

[Harris:](#) The budget. I know we've had an old ad hoc committee, and we kind of stuck with that, and been working on the budget stuff. But I guess we should make it official.

[Chairman:](#) Commissioner Jackson?

[Com Jackson:](#) While it's, I think the racial profiling issue is urgent, continues to be urgent. But if what we're going to do is ... I mean, it says deep dive, but I don't know if that is a community forum on the subject, or what. So I'd love to, maybe in the midst

of the parolee policy that we're talking about, maybe we can talk about what that's going to look like, so that then we can identify how much work and what the accordant timeline would be, apropos, for it. But I think it's very important.

Chairman: Commissioner Benson.

Benson: Agreed. Just a point of information, so Commissioner Dorado and I met with folks from the Coalition regarding the public hearing on homelessness. And one of the pieces that came from that conversation was the need to have a ... we're required by the, I think it's the enabling ordinance, to have at least one ... no, measure LL. To have at least one, but we're not obligated to only have one. So I'd love to suggest, and this came from our conversation, that if we do have this public hearing on homelessness, it's actually an opportunity to build a model for what our public hearings could look like. And so this, along with potentially budget, there's great topics that I know there's a lot of community interest in. So I just want to clarify, in addition to the ad hoc committee on parole and probation, are you then saying you're interested in a public hearing that would allow folks to engage on a deep dive, or?

Com Jackson: So I don't want to speak for the commission. I know I am particularly interested. It's obviously been a burning topic for the community. I'm just not sure if we as a group want to clarify and define what "deep dive" looks like. For me, it looks like a public hearing, because we want to get community ... we want some of the young people that folks have been talking, we want some of the folks ... we want everybody. So, it sounds like our date for the homeless hearing might be sooner than later. So maybe we can follow up, I don't know, maybe by May or so.

Chairman: And we could think about direction to give the staff. We have Ms. Love who's helping us, and so if we have ideas of how we'd like to kick that off, we can think about direction that we can give her to help us with a subsequent public hearing, if we wanted to do one.

Benson: Okay, we can do that.

Chairman: Commissioner Dorado.

Com Dorado: I'm not proposing we make an ad hoc committee at this time, but I wanted to put on everybody's radar again about community policing. And let everybody know that I personally went to a CPAB meeting and proposed to them a number of things. One of them, that the CPAB, the measure Z, oversight committee, and our commission form a taskforce centered on community policing. And relate that directly in our capacity as the commission, to the chief's evaluation. I just wanted to throw that out. Right now, I think the topics that we have are primary. But this is something that I want to put on people's radar. We definitely are going to come back to it.

[Chairman:](#) Commissioner Harris.

[Harris:](#) One of the issues I think that's time sensitive is the chief's goals. The chief's goals, I think, and that was ...

[Chairman:](#) An ad hoc?

[Harris:](#) Yeah. That's an ad hoc.

PART 3 OF 5 ENDS [01:45:04]

[Harris:](#) ... and that was ... I mean-

[Chairman:](#) An ad hoc?

[Harris:](#) I mean, yeah, that's an ad hoc already, but it's under the personnel ad hoc.

[Benson:](#) Well it's tech- ... actually, there's an ad hoc ... it's not a personnel standing committee, my understanding. I think it's an ad hoc committee of you, Commissioner Dorado and myself ...

[Harris:](#) Yes.

[Benson:](#) ... and so we've already started just to give an update on that. We've already started revising and drafting that, we're in the process of getting some community input and the expectation is hopefully within the ... hopefully, the next meeting ... the worst case scenario, the next two meetings. Would you all agree? ... we'd have some goals for everyone to look at. So that's just an update.

[Harris:](#) Another time-sensitive is the training, I think. To complete the training, I think that needs to be a real priority.

[Chairman:](#) Commissioner Jackson?

[Com Jackson:](#) I was trying to seek clarification around whether that was each individual commissioner's training or something else. So, I got the answer. Thank you.

[Benson:](#) So, currently this is what I have and if there are any other running issues ... so, following up on the appeals plan and our discovery of new evidence for the big case, I have Commissioners Benson, Harris and Dorado ... the appointment of the interim inspector general falls under the personnel standing committee. We've identified a priority for training committee to identify trainers for their remaining training. So that's actually the facilitation for those five areas that we've identified, one of which is community policing, Commissioner Dorado. So I'd hope we can actually get that on agenda. We can talk about that in item ... I think it's 11. An ad hoc committee for the budget, which ... I know we have a

meeting tomorrow, Commissioners Harris and myself. If anyone else is interested in budget, holler. That's a lot of work.

[Benson:](#) And then on the next page, I see Commissioner Prather interested in finalizing the rules and bylaws. Is there anyone who wants to work with Commissioner Prather on that?

[Com Jackson:](#) I could do that.

[Benson:](#) Okay. Aw.

[Benson:](#) And then Commissioner Jackson has expressed an interest in the deep dive on racial profiling, planning a public hearing on that some time in the near future, the spring. Those are the notes I have. Is there anything else?

[Benson:](#) Okay. Thank you for the time, Mr. Smith.

[Chairman:](#) Okay. Let's see if we had public comment on this item ... Okay. I've got Celene Bay, then Rashida Grinage.

[Celine Bay:](#) Celene Bay. I would just encourage the commission to move as swift as possible with that ad hoc committee to bring this issue with our case to a completion. I believe that it's gone on way too long.

[Celine Bay:](#) In addition to that, I believe that the community should be engaged to make sure that the chief's list is not only representative of the community, but also that the chief is held responsible for that. I believe that the chief hasn't come up with anything that I've heard her say about racial profiling since this commission has been formed. Even when held ... even when holding a document that said "racial profiling," the chief wasn't able to say anything. She didn't come back the next week and go, "You know what? I dug down in and racial profiling is an issue."

[Celine Bay:](#) How do we know racial profiling is a issue? Because the very last monitor's report just in the ... at the end of the September says that DGO, Department General Order, M19, which forbids racial profiling, is still a issue. That's the independent NSA monitor and NSA is above the commission. It also ... I haven't heard the chief of police say anything about exactly what she's going to do to address racial profiling. How is she going ... how is she gonna change this? What ... how is she going to change the mentality of the department that obviously hasn't changed as of this date?

[Celine Bay:](#) So, I want the commission to please hold the chief of police accountable for racial profiling if nothing else.

[Rashida Minaj:](#) Thank you. I want to appreciate the work that Commissioner Benson has done on this extraordinary document. I want to also support Commissioner Dorado's

idea for the task force that looks at community policing issues that are outstanding, which there are many. I ... I find this difficult, this ... this document difficult to work with, although I'm not a commissioner so I don't need to work with it, and so ... but I would say some of these items have already been accomplished and maybe they should ... there should be like a column that says "done," which would make people feel really good so that they're not all considered still outstanding.

[Rashida Minaj:](#)

Some of them, especially in the first section, I think could be designated to SIPRA because they involve investigations of specific incidents. So I'm looking at the Nagiri Smith case, I'm looking at the Bay case, I'm looking at Joshua Pollock. And so those could just be in a separate kind of off-ramp. So I just think that maybe, given that structure ... that people could rank them in terms of urgency and maybe you could devise an agenda based on the collective input of urgency findings.

[Rashida Minaj:](#)

'cause I think that there's just a lot of different kinds of material here and they're not all necessarily agenda items. And so maybe somehow you can work out a system whereby all of this information is rendered a little bit more user-friendly in a way that you could actually step forward, but that could just be the way my mind works on. If you guys were all cool with it, that's fine with me. But I do recognize that is a major accomplishment. So thank you to that ... for that.

[Chairman:](#)

Okay. That's all of the public comment I had there.

[Benson:](#)

May I just offer one more piece of-

[Chairman:](#)

Commissioner Benson.

[Benson:](#)

Thank you. One more piece of information for the public. So ... I guess I can't respond directly to Ms. Grinage, but I'll just say an update is that our awesome new admin assistant, Chrissy Love, has taken all of this, put it into a spreadsheet, there's color-coding around priorities, there are dates we intend to project out. Right? The idea of which agenda items will be on which meeting. For me ... I can't speak for the commission, we haven't voted on this ... but my goal would be that the ... that the community would know at least three months out in general which of these topics would be on which dates. And so, to Ms. Grinage's point, that is in process and it just wasn't complete in time for submission for this agenda, but the idea is to make it user-friendly, fit it on one page, easily digestible and put it on our website so it's a live document for anyone in the community to see.

[Rashida Minaj:](#)

Excellent.

[Chairman:](#)

Okay. Any other commissioners have comments on this?

[Chairman:](#) Okay, we'll move on to the next item. This the plan for policy assignments. And so the commission will determine the priority and timeline for the review of OPD policies. The commission will also assign its intermediate priorities to the ad hoc policy committees. So, what you have in attachment eight is OPD policies and procedures currently under revision, for everybody who wants to take a look at it. We can go about trying to prioritize those.

[Benson:](#) Mr. Chair?

[Chairman:](#) Commissioner Benson.

[Benson:](#) I think there's really important information here that would be necessary for us to do this. So, a couple of key pieces of information. Ms. Tom actually wrote a response to this. So this was given to us by OPD, which I requested specifically because of our policy around making sure we had 12 weeks advance. And so getting these policies on the whim was not helpful. So, Mr. Birch did put together the current policies that are under revision. Ms. Tom wrote a response to these policies and said, based on the patterns of what they're seeing in SIPRA, it would make a lot of sense for us to prioritize and as well they're compiling a list of policies that they would suggest we work on. So, I guess I want to say I appreciate the efforts of OPD and I'm definitely seeing some difference in terms of how they're showing up to the table, but rather than OPD lead the work on our policy, I ...

[Benson:](#) Oh, I'm sorry. And one more key piece. Um, Henry Gage was really generous enough to volunteer some time to go back through a substantial amount of the independent monitor reports to also look for patterns of noncompliance in other areas. So I would just say I feel like we should look at all that information together to determine which policies are important. Otherwise, if we do just do it with this document, OPD is directing the work and I feel like we're lacking multiple perspectives that would help do that. So I would ... I would make a motion to table this until we have more information and be able to do a comprehensive analysis of those policies.

[Com Jackson:](#) I second.

[Chairman:](#) Okay. It's been properly motioned and second. Commissioner Dorado?

[Com Dorado:](#) Aye.

[Chairman:](#) Thank you very much. Hold on there before we go through. Henry Gage for public comment. Then Rashida Grinage, and then Celene Bay.

[Henry G.:](#) Thank you, chair. Henry Gage III with the Coalition for Police Accountability. When I'm looking through the list of these policies, I see at least two that might be useful to refer out to the Police Advisory Commission for some professional input. I'm looking at the ... sorry ... the automated license plate ... can't

remember what the "R" stands for ... review? ... and the body worn camera policies. That's DGO I 15.1 for BWC and Lexipol 430. I do know that the ALPRs are something that the privacy commission has been looking at previously. Pardon me. The ALPR data and the aggregation and collection of that data is something that the privacy advisory commission has looked at previously. It might be worth reaching out to them to get their input into your revision of these policies as well. And that's it. Thank you.

Chairman: Okay. Rashida Grinage is passing. Celene Bay?

Celine Bay: Celene Bay, concerned community member. Any type of policy list or priority has to start with racial profiling. Has to. Because a lot of the other things below that dovetail from racial profiling. If you fixed racial profiling and OPD, you'll fix a whole host of other things, discretionary stops, the probation and different things like that. So, racial profiling has to be the primary goal of this commission, to start with that. Make sure that everybody's held accountable for racial profiling in OPD. Makes sure that the chief has ... comes up and makes a report every meeting on what the progress is on racial profiling. Since ... racial profiling is at the core of what created this commission and at the core of what really affects the black community is what I'm really speaking about.

Celine Bay: Because, as a black man going through Oakland, I'm subject to this same profiling. When my children go through Oakland, they're subject to this same profiling. When anybody in my family goes through Oakland, we've been living with this for a long time. A lot of people don't have to deal with this and don't even know what it's like to be under constant threat whenever you're just driving and think ... you see a police officer, "is he going to pull me over?" Not because anything is wrong with my car, not because I'd done anything wrong, but because he sees a black man driving a nice vehicle or any vehicle or a hoopty or anything.

Celine Bay: So, until we get that racial profiling down and taken care of and have OPD held accountable for that ... all the rest of this stuff is important, but until you take care of racial profiling, you'll find out how many of those other things happen to disappear. So start with racial profiling please.

Chairman: Okay. That's all I had for public comment on this item. So, we have a motion that's been motioned and seconded. Commissioner Durado?

Com Dorado: Aye.

Chairman: Commissioner Harris?

Harris: Aye.

Chairman: Aye for myself. Commissioner Prather?

[Mr. Contreras:](#) Yes.

[Chairman:](#) Commissioner Jackson?

[Com Jackson:](#) Aye.

[Chairman:](#) Commissioner Benson?

[Benson:](#) Yes.

[Chairman:](#) The motion passes. We shall move on.

[Chairman:](#) Okay. The next item on the agenda is an update on the Inspector General position and Commissioner Harris is going to give us that update.

[Harris:](#) Thank you, chair.

[Harris:](#) So I reached out to the city attorney ... I mean the city administrator's office, inquiring about the job description that we submitted to them some time ago, and it was unable to make it to ... it had to go through the civil service process and they weren't able to do it before this meeting. So she ... I spoke to Mr. Luna, and Mr. Luna said it will be available to us February 24th ... possibly February 24th. That's the soonest they thought that they can get it to us. So that is the update.

[Chairman:](#) Mm-hmm (affirmative). Any commissioners have comments on that?

[Chairman:](#) Okay, we'll go to public comment and we've got Henry Gage, Rashida Grinage and Celene Bay.

[Henry G.:](#) Henry Gage. More general question: has the ... has the question of the reporting structure for the Inspector General been addressed with city administration? Because it seems to be an outstanding issue with respect to the hiring process versus something that's kind of floating out there for now. Thank you.

[Chairman:](#) Rashida Grinage?

[Rashida Minaj:](#) Yeah, I have the same question and I'm wondering if it would be worth asking to see the job description that they are planning to put forward to HR to make sure that it is what you approved and not what somebody else thinks is appropriate based on their understanding of the city charter. I would say you don't want the job description that goes to HR ... I mean, that goes to civil service, to not be the job description that you approved. So I think it might be worth doing a check on that just to be sure. Thank you.

[Chairman:](#) Celene Bay.

[Celine Bay:](#) Celene Bay. So the city administrator's office has been hamstringing and sabotaging this commission from the beginning. I would be very wary of anything that comes back from the city administrator's office. And as a matter of fact, city administrator's office publicly said in the city council meeting that the legal person was illegal in the way that you were doing it.

[Celine Bay:](#) So, to defer to the city administrator for anything as associated ... if it is ... if you have to do it, you could do it, but make sure that it's your language. Make sure you fight for your language. Don't settle for whatever the city administrator ... because the city administrator has shown that she's hostile to change and reform. And the bottom line with city administrator's office is city administrator's office is over OPD. If the city administrator's office was doing a good job of managing OPD or even attacking the reforms that were needed to get out of the NSA, the city administrator's office wouldn't have ... I mean, the actual police commission wouldn't be in existence right now. So as it applies to the city administrator's office, make sure that it's the commission's wording that goes there and you fight for that.

[Celine Bay:](#) And if they come back with anything that waters down or deflects what the IG responsibilities are ... because an independent IG is at the heart of credibility for this commission. If the IG is not seen as independent by the community, then the commission will be not seen as credible by the community. Thank you.

[Chairman:](#) Okay. Commissioner Harris, did you have any final words on it?

[Harris:](#) No, I'm good. Thank you.

[Chairman:](#) Any other final comments? Okay.

[Chairman:](#) Moving on to the next item, a review of the agency's reporting process and review of the agency's administrator closure dismissal complaints, pending cases and completed investigations. Ms. Karen Tom.

[Tom:](#) Thank you, Chairman Smith. Good evening, commissioners. Thank you very much. I wanted to first to say thank you very much for your patience in working through the process with our agency and coming up with a new template. I know it's taken a bit of time to get something to you and I do appreciate your patience with working with us and being ... cooperating with that.

[Tom:](#) With that said, I just wanted to give you a brief overview because there are some major differences from what was previously being reported and what I'm currently reporting on. So I just wanted to make sure that everybody understood and was on the same page about the new process.

[Tom:](#) Firstly, the agency has identified three specific reporting requirements for the commission and those are mandated by both the charter and by the ordinance. So what you'll see is there is one action item, which are the administrative

closure / dismissals, which you received as part of your email back on January 17th for review. That was one of the items.

Tom:

The second item that you are mandated to have information on is also a monthly reporting on the pending cases, which is required by ordinance. And you also see in your packet as part of exhibit ... or attachment ... the attachments are a little bit backwards, but it's part of attachment 10B. You will see that the pending cases are listed with some additional information now. That should be more helpful in terms of following along with things that are required by charter. So there are some additions of having the 180 day goal. There is also additional information. You still know who the investigator is and then there's a description of the complaint on the end.

Tom:

The third item that we've identified that you received is also the item that you received via email back on the 17th, which is a submission of the written findings and proposed discipline on a completed case that was reviewed. So that was also included in your packet because that's a different format of items that you have.

Tom:

So, just to sum up, in the email you received there were the four cases that were part of action items for you to review and consider, and then there was the additional reporting out, which is for information purposes only. Same thing as the pending case list, just for informational purposes. Also, in the packet you will see as part of exhibit 10A, there is also a summary for you of recently completed investigations. Now, there's been more than that, but my main focus is giving you some information. So the case that you received information on in the email is also listed on this list.

Tom:

My goal with this was to make sure that there is transparency with what is going on with our cases. So what you should see ... and the entire purpose of this is that you should see and be able to track basically the life of a case once it's been assigned to an investigation, right? Initially it will begin on a pending case. Once it is ... well, assuming it's not one of the administrative dismissal or ... or, administrative closure dismissal cases, you will see then that it will then move to the completed case list, where they are recently completed, and that should be consistent with what you are receiving at some point also on your cases that you've received via email.

Tom:

So, with that being said ... hopefully that was clear enough for you, to follow the new formatting system ... with that being said, there's also ... what I intend to do, unless there's some objection, is that I'll continue to report out the pending cases once a month as they come in. You should see any changes will be able to be tracked consistently with the closed cases. And then I will submit the closed cases to you in batches, because I think that would be a little bit easier than getting them piecemeal. And so you will be getting them, and my expectation is that they will come at the same time we mail out agenda packets, or right

around that timeframe. So just check your emails and you should be getting the closed ... or, the completed cases with that.

Tom: So, with that being said, the one action ... and that's all informational except for the action item, which is the ... which is pursuant to Oakland Municipal Code 2.45.070M, which ... so, at this point for the action items I would request that we review each of the cases and that my recommendation is that you accept my ... well, my request is that you accept my recommendation on the action items, which is to accept the agency report.

Chairman: Commissioner Jackson.

Com Jackson: Karen, when we first got this in the email, I responded to you that I was very appreciative of the additional information and the formatting process.

Com Jackson: We are well on our way, I think, to understanding the puts and takes of these things, and this is a great first start.

Tom: Thank you very much.

Chairman: Commissioner Prather.

Mr. Contreras: Thank you, Mr. Chair. I think my only comment is now that it appears that we'll be getting more robust information, I'd like to make a suggestion that this ... rather than be what is typically sort at the end of our agenda really be moved to more of the beginning of our agenda. I think a lot of times we're doing housekeeping matters at the end of our meetings and the crowd thins out and maybe those watching at home aren't watching anymore.

Mr. Contreras: And one of our roles here is police oversight, and a big part of that is these ... the CPRA investigations, and to me it would just make sense to have this front loaded in our meetings when we have them. It's always been traditionally at the end. I'd just like to see it move to the ... towards the beginning, and definitely before the recess, so that people can really still be paying attention to this important work. So, thank you, Ms. Tom.

Chairman: Any other ... Commissioner Benson.

Benson: Yeah, I think ... I'm a fan of moving it up early as well, particularly if we're going to have a closed session, that we could begin having closed sessions to have dialogue about some of the more confidential information. And I also want to applaud your efforts to get us a significant amount more information than we'd had.

Benson: I asked ... and I'm trying to figure out how I want to frame this question here ... so there's ... in part, there are things that are necessary to be in closed session, but also, given the new state law, I'm wondering, particularly around deadly

force, dishonesty and sexual misconduct, what that looks like, to have a more comprehensive look, 'cause that seems that ... I mean, maybe there's a version of that document that needs to be in closed session, but it also seems that there's a version of that document that does not need to be in closed session any longer. And just wanted to have some dialogue about that as we're moving forward, to be more transparent ... as the chief said, "transparency and truth," right?

[Benson:](#) So, what are ... I'm curious, other folks' thoughts on that. And also, you answered that email, so I don't know if you want to speak to that.

[Tom:](#) Yeah. I would be happy to speak to that.

[Tom:](#) As you all know, SB 1421 passed early this year, January 1st. And ... so definitely there will be some discussion as to broadening the amount of information that is permitted to the extent of the law, because ... to the categories that are under that umbrella of 1421, we do understand that there will be additional disclosures that we believe will ... are permitted to the commission, and I will continue to work with the city attorney's office to see what that ... what form that can take.

[Tom:](#) Clearly, right now we only have one case in our office and that is the officer-involved shooting that would qualify under that SB 1421. So I am aware of that, and, in fact, it will be good going forward to find a way to specifically track those particular cases that would qualify for broader disclosure. What the form that looks like at this point in time, that is still a process issue and we're working through that. My understanding is that the city has a citywide response to responding to these SB 1421 requests. And so they've gotten a large volume of requests for this information, and so they're also working through that process as well. And so there's a lot of cases to work through and all the cases go through a rolling basis. They answered the ... they answer and respond to the requests as they come.

[Tom:](#) But I am definitely aware of that issue and I will be working towards seeing what we can do to accommodate additional disclosure to the extent permitted by the law.

[Rudin:](#) And ... may I add to that as well, one issue with SB 1421 is the timing when those disclosures can be made because there are ... there's ... there are issues under SB 1421 with regards to the timing of when information as to those categories can be made because there are exemptions for disclosures during pending administrative processes or pending criminal investigations into those activities as well.

[Chairman:](#) Commissioner Benson.

[Benson:](#) Yeah. One more question: you said in your response to me, Ms. Tom ... let me find it here ... that SIPRA relies upon the city attorney's office when responding because we are relying on the city attorney's interpretation of the statute, and that they're working on a briefing for us. So I'm excited for that. But you had also mentioned ... because I asked about cases that have been closed already and I guess this is to both of you all ... so cases that have been closed, even though we don't have discipline jurisdiction, we ... I ... I'm not an attorney, but my read of this is that we would have a right to go back and look at the personnel files, if nothing else for short of quality, for a quality check and to be looking and seeing about how these investigations are handled.

[Benson:](#) I recognize we wouldn't be able to do anything with that information, but to me that informs a lot around the quality of investigations, what training and support might be needed. I'd also be really curious to see ... in relationship to Internal Affairs. So I feel like there's actually a lot of information and closed cases under these three categories that would benefit our work.

[Benson:](#) So, anyway, I know you said that's sort of up to the city attorney, and perhaps I'm excited to get our own attorney so we can have those kinds of dialogues.

[Benson:](#) But, anyway, just curious, more thoughts on that at this time, and I ... if you're ... if y'all are preparing a briefing, or the city attorney's preparing a ... you are not "y'all," let me just stop. If the city attorney is preparing a briefing, if so, does anyone know when we can expect that briefing?

[Chairman:](#) Any ... do you have any insight? [inaudible 02:14:30] I think it's-

[Rudin:](#) I ... the only thing I can say is I was informed the city attorney is working ... their office is working on the briefing. I was not told as to when you could expect it.

[Chairman:](#) I think it'd be interesting. Maybe we can also talk with them and find out if they can provide us with some oversight, at least a general overview as they can at our next meeting of the laws, since it's so impactful and so important.

[S:](#) [inaudible 02:14:53] the chair.

[Chairman:](#) Mr. [inaudible 02:14:55]

[S:](#) So these conversations have been ... clearly they started a while ago and they've been ongoing between all of the various parts of the city because, as noted by Commissioner Benson, it's not just our files, it's also internal affairs files and all files related to these particular categories. The city did receive public disclosure requests at 12:02 on January 1st that were directed to all parts of the city. And a number of cases have been identified as part of that process. Just so that the commission, and frankly so that the public is aware, you may have been reading about the responses from other jurisdictions. The case in Oakland is that ... I

believe it's somewhere ... ballpark, ten cases, but that's thousands of pages of documents.

S: And so there are kind of two parts of it. The first part is identifying the cases and identifying what the realm of disclosure it might be, and the second part is redacting everything that is in those cases, because although information about those cases is disclosable, not all information in those cases is disclosable.

S: And so it's ... other jurisdictions have estimated as much as tens of thousands of hours of staff time that are going to be taken to redact all this stuff. And honestly, looking at the pile of redaction that ... that part is another part that we still have to figure out. How are we going to ... just in terms of staffing, how redactions and all of that is going to happen, and it's not going to be disclosed in the next week or the next two weeks. It's a process [inaudible 02:16:47] and I'm sure the city attorney would be happy to brief more fully, but, in the interest of disclosure, that process is underway. Those cases have been ... preliminarily have been identified, and they're moving forward.

Chairman: Thank you, Mr. S. Thank you. Okay. Commissioner Benson?

Benson: Sorry, just one more quick ... this just popped into my head. I mean, I'm aware of a substantial surplus that we have in the state, and since this is a new state law, I'm wondering, has anyone had conversation with Sacramento to get funding to address that? That's a very real issue, right? Now there's a substantial amount ... there was already a ton of work, as we've heard from OPD, in regards to FOIA requests. That department is substantially backlogged. Now there's going to be a whole new realm of requests.

Benson: So I'm just wondering, from any commissioners or if anyone in community ... has anyone talked to Sacramento to see about police departments getting funding to address this real issue? There's now an increased need for resource to redact this so we can get it out in a timely manner. Anyone know of that? Or anyone maybe want to organize?

Chairman: I think we might be drifting slightly outside the scope of our ... that might be drifting slightly outside the scope of this agenda item. So, yeah.

Chairman: Ms. Tom, are you complete with your report? Because if ... so we can go to public comment.

Com Dorado: Mr. Chair?

Chairman: Yes, Commissioner Dorado.

Com Dorado: I just had a quick question. On the ... on the first page of the pending cases ... no, I'm sorry, second page ... there was quite a delay. The case 180381, and then

97 and 98, IED received the case in February but CPRA didn't get it until October in those three instances. Do you know why?

Tom: I'm sorry, [inaudible 02:18:46]

Com Dorado: Second page, up at the top. Case 180381, 97 and 98. It was quite a delay between the time, evidently, that IED got the case and CPRA got it.

Tom: I would have to look at the specific circumstances of the case.

Tom: Sometimes if we're not made aware of a complaint ... and I don't know. Again, I'm just speaking hypothetically because I don't have the specific facts of this case in front of me. Sometimes there are times where the case went in to Internal Affairs and if the person came into our office at some ... there was a significant delay. That could be why that happened maybe initially because back then this case ... this is not a ... this is not one of the class one ... it doesn't involve one of the mandated categories. And so it could be very well possible that maybe the person came in later. Maybe at the time the director declined ...

PART 4 OF 5 ENDS [02:20:04]

Tom: The person came in later. You know, maybe at the time, the director declined to accept the case, or maybe they weren't aware of it. I don't know the circumstances of it. But, it could also be, then, perhaps then the person came to CPRA at some point in time later and then filed a complaint at that point in time.

Com Dorado: Okay. Well, maybe the delay had to do with the officer threatened complaining. In any case, would you mind looking into it and getting back to us on it? Would you mind looking into it and getting back to us on it?

Tom: So, you wanted to check on 18-0381? Oh, you know what, I think I remember this case now. I apologize, it's a little bit difficult. I think this might have been a case, if I recall correctly ... there are certain cases that maybe we are not originally assigned, and the investigator may decide they want to take a look at that case. I believe that was one of these cases, and that's why. Basically, it was a decision made later on, that they wanted to take a look at this complaint, and then it was opened at that point in time.

Com Dorado: Okay. Could you get back to us with exactly what the reason was?

Tom: On, I'm sorry, what was the second case number that you were interested in?

Com Dorado: 18-0381, 18-397, and 18-0398.

Tom: Okay. I think I recall the circumstances of this case, but I can double check.

Com Dorado: Thank you.

[Chairman:](#) Okay. So, we're going to go to public comment, and I've got Rashidah Grinage, Henry Gage, and [Selene Bay 02:21:40].

[Rashida Minaj:](#) I have a number of concerns, and I'm sure I'm not going to be able to fit them all into two minutes, but the first concern I already brought to the attention of Director Tom, which is that the pending list that is on the CPRA website differs from the attachment. They are not the same document. So, there needs to be a reconciliation so that there are no discrepancies.

[Rashida Minaj:](#) One of the things I noticed in the document that was posted on the website was that in one case, what was listed was that the incident occurred in the fall of 2017, which is extremely bizarre to not give a date, especially in terms of the 33-04. So, I don't understand why that was represented.

[Rashida Minaj:](#) In the case of [Camisa 02:22:47] Palmer, they were listed as four separate complaints even though the incident date was the same. So, there are some anomalies, I think, that need to be looked at.

[Rashida Minaj:](#) In the current packet, it's clear that the incident on 12/12/17 is the subject of the OPOA filing, and what appears to be the case is that IAD had exonerated these four officers. Your investigators had not. However, what is not clear is ... and I think this should be clear in the way that you provide the table, is whether something is a level one, or not. You have priorities here, but I don't know if the priorities are related to what OPD classifies as a level one, or not. So, I think that that's important, because if this were a level one, it should have gone to a discipline committee, because your findings differed from IAD's findings. That is when you are supposed to be the final arbiters.

[Rashida Minaj:](#) Assuming that this comes in within the 33-04, which was very close at this point anyway. That's another issue, is that if CPRA doesn't finish its work in time, then even if something is referred to the discipline committee, it's going to blow the 33-04 deadline. So, we need to start paying close attention to these matters. Thank you.

[Chairman:](#) Thank you, Miss Grinage. Henry Gage, and then Selene Bay.

[Henry G.:](#) Henry Gage. I'd like to thank staff for the updated template. It provides much more useful information. It's much easier to track than previous versions. I'd also like to echo some of Rashidah's comments with respect to the process concerns here. It's not okay to be seeing so many of these things so late in the process. I'm looking forward to getting an earlier read on these sorts of complaints.

[Henry G.:](#) Additionally, I'd like to note that a number of the sustained allegations with respect to the December 2017 claim were for untruthfulness and I want to call that out specifically, because that should not be happening. I can understand failure to perform duty, I can understand failure to turn on your PDRD. I can

understand messing up the laws of search and seizure, occasionally, but no OPD officer should be on the force if they can't understand the need to tell the truth all the time.

[Henry G.:](#) Thank you. And I'd hope that using these sorts of templates going forward, we can start to make positive changes to really put the fear of god into officers that mendacity is not something this commission will be willing to accept. Please, put the fear of god into officers that mendacity is not acceptable, because if they're going to strap on the badge and claim to represent the people, that kind of behavior is totally unacceptable.

[Celine Bay:](#) Selene Bay. So, first of all, there's two types of information. There's hearsay and there's firsthand knowledge. Right? So, what I'm telling you is what I know firsthand about the CPRB/A. It's a failed organization. This body should never have folded them in underneath you because if they were doing their job, the people would not have voted you in 84%, because if they were holding officers accountable, if there were more cases that IAD was closing and the CBRB was saying were sustained, then the CPRB would have a leg to stand on.

[Celine Bay:](#) The issue is, is that I have filed more than one CPRB complaint. First complaint that I filed was in 2007. It was July 13th, 2007. It was 07-0538. That complaint was closed summarily by Ms. Tom. So, flash forward seven years later, 13-1062. The exact same people, the exact same complaint was found sustained. So what does that say about Ms. Tom and your choice of the people who it is?

[Celine Bay:](#) The other issue is, how can the CPRB and CPRA and IAD have two separate start dates if the CPRA and the IAD have to make sure that both of their findings line up? So, you're saying that, according to this, IAD, which is not correct ... that IAD can have a complaint, and then unless that person walked over to CPRA and made the exact same complaint, there would not be a same number complaint. That's not correct.

[Celine Bay:](#) So, CPRA/B and IAD work together. When one complaint is made, another complaint of the very same number is opened by the opposite agency, in this case the CPRA.

[Chairman:](#) Okay. That's all the public comment I have for this item. Do we have any other ... Commissioner Benson?

[Benson:](#) I'd just like to make a motion to hear these more in-depth in closed hearing or in closed session.

[Chairman:](#) Is there a second for that motion?

[Speaker 2:](#) I'll second.

[Chairman:](#) Seconded. Okay. Commissioner Dorado.

[Com Dorado:](#) Aye.

[Chairman:](#) Commissioner Harris.

[Harris:](#) Aye.

[Chairman:](#) [crosstalk 02:28:36].

[Benson:](#) I am.

[Chairman:](#) I affirm myself.

[Mr. Contreras:](#) Yes.

[Chairman:](#) Commissioner Prather? Commissioner Jackson?

[Comm. Harris:](#) Yes.

[Chairman:](#) Commissioner Benson?

[Benson:](#) Yes.

[Chairman:](#) Motion passes. Did you have a comment, Commissioner Dorado? Did I-

[Comm. Harris:](#) Just a real quick one regarding the comment by Henry Gage. Not only is it the police officer's serious responsibility, and serious isn't a strong enough word, to tell the truth, but if in fact they are not, then they cannot testify. Many of them are doing desk work because they cannot testify. So, how many of those are there? What is it costing us because of their untruthfulness?

[Chairman:](#) Okay. Is there any other comments on this item? Ms. Tom.

[Tom:](#) If I could just ask, if you're going to schedule a closed hearing, is there a way to schedule the date at this time? Because there was a recommendation of a date and I don't know if that worked for you, but I sent it to you via email yesterday. I didn't know if that date would work for you, but it would be probably be better to schedule the date that would work for you all at this time, so we could get [crosstalk 02:29:57].

[Chairman:](#) Well, I think one part of the equation is, how soon could you be ready?

[Tom:](#) I sent the email to you yesterday and I believe the proposed date was the 31st.

[Chairman:](#) Okay. You could be ready by then? Okay. And, does everybody have their ... I mean, for those of us who are here now, if we want to check and see whether that works for us. Is there general commentary?

[Harris:](#) Chair.

[Chairman:](#) Commissioner Harris.

[Harris:](#) So, the only issue I had was with the time.

[Tom:](#) We could be flexible with the time for the Commission on that day.

[Chairman:](#) Good.

[Chairman:](#) Okay, so maybe what we should do is, maybe we should just do the scheduling offline. We can figure out the exact time that people are available [inaudible 02:31:02]. But, does that date of the 31st, generally ...

[Tom:](#) That's the off ... hold on one second.

[Chairman:](#) [crosstalk 02:31:12] Wait, let me check my calendar.

[Tom:](#) [crosstalk 02:31:14] That's the off week, I believe. So that would be next Thursday evening was the initial proposed time, but if Commissioner Harris can't make it, then I believe-

[Chairman:](#) Oh, you want to do it on a night that's not a meeting night?

[Tom:](#) That's correct.

[Chairman:](#) Oh.

[Tom:](#) Because, now, if you did want to review all four of the cases, I did just want to let you know that that will take some significant amount of time, so I would schedule a window of about two hours to go through each of the cases. You know, just to be safe, so you can cover them all.

[Chairman:](#) Okay. Let's-

[Benson:](#) I have a suggestion.

[Chairman:](#) ... I think we should, yeah, Commissioner Benson?

[Benson:](#) I mean, if it's a quick yes, then yes, and if not, we go offline for a doodle poll, but could we schedule a closed hearing from 5:30 to 7:30 on February 14th? No, on the next meeting date.

[Chairman:](#) Oh, I just want to be clear, February 14th is Valentine's Day, right? Is that right?

[Benson:](#) It's the next meeting date.

[Chairman:](#) Is that Valentine's Day?

[Tom:](#) And also, I won't be here, either, for that. So, I'm not going to be here for that meeting.

[Chairman:](#) Yeah.

[Tom:](#) Just so you know.

[Chairman:](#) Yeah, I was going to say, I don't think ... okay.

[Benson:](#) [crosstalk 02:32:09]. Okay, so then we'll do it offline. Thanks!

[Chairman:](#) Okay. Let's do the scheduling offline. I think everyone wants to do this, so we'll figure out a date that works for everyone that we can accommodate. Yeah. Commissioner Harris?

[Harris:](#) Yes. Thank you. I'm okay with any date, I just, it has to be before noon.

[Chairman:](#) Okay. Let's try to work out the scheduling, because I think that might ...

[Tom:](#) My only request would be that that would be done quickly, because of the fact that ... to the extent, if there is a re-opening of the case, again, every day that ticks by is a day less for the investigation.

[Chairman:](#) I'm still wondering if we can just marry this with a meeting, and I don't know, maybe that means we have to do two closed sessions, but I think that might be the scheduling solution, because I don't know that everybody can do it before 12, and I don't know that these other days ... but let's just work it out offline. Yeah. Okay.

[Harris:](#) I have a question, Chair.

[Chairman:](#) Commissioner Harris.

[Harris:](#) Is it possible we can do it in two separate ... if some people can't go during the day?

[Tom:](#) The other thing that you need to be aware of is there has to be a quorum.

[Harris:](#) Okay.

[Tom:](#) So, that probably would not work logistically.

[Chairman:](#) Yeah. Okay. The next item on our agenda is meeting minutes format. So, the Commission [inaudible 02:33:34] discuss and vote on a new format for the meeting minutes that will reflect the action items and votes, a summary

dialogue during the meetings will be separate document, not part of the minutes themselves. Does anybody want to discuss this item? Thank you. Commissioner Harris.

[Harris:](#) Last meeting, I remember, when we were talking about the minutes, we were thinking about having translation services. So, just to narrow down the pages and get an accuracy of the minutes so we wouldn't have to spend so much reading them. I don't know. I mean, we tabled it, so I don't know if we want to revisit that now.

[Chairman:](#) Commissioner Benson.

[Benson:](#) I mean, I'd make a motion that we move to have our minutes specifically have the topic and the action items that we voted on, and who voted on them, and that an attachment to that is the transcription service we've paid for, so we can not go back and forth about public comment, but it's there, and it's done. It would take a substantial amount of work off of [Radine 02:34:40] and the CPRA. It would give us precisely accurate, so we're not going back and forth about what someone inferred or what they said.

[Rudin:](#) Commissioner, and if I may help the Commission on this particular issue.

[Chairman:](#) Yes.

[Rudin:](#) The mandatory format for all legislative body minutes for the city of Oakland, it's in the Sunshine Ordinance in 221-60. Basically, it states that at minimum, the minutes shall state the time and meeting that was called to order, the names of the members attending the meeting, a one sentence summary of, and the roll call vote on each matter considered at the meeting, the time the local body began and ended in closed session. Those members of the public who spoke on each matter, if the speakers identify themselves, and the time the meeting was adjourned. So, typically the minutes themselves don't have to be long at all. That is the mandatory format.

[Chairman:](#) Yep. Commissioner Harris.

[Harris:](#) Thank you, Counsel. So, before you came on, we are very clear on how the minimal amount of wording there needs to be in the minutes. But, we agreed as a Commission, for transparency's sake, that we'd like more in the minutes. So, we just ... and this was before your time. So, that's where the whole translation thing came up. I don't know if you were around when you were seeing the minutes that were pages long.

[Harris:](#) So, instead of having them so long, get descriptive information, but accurate, because right now we have a nice woman in the CPRA who types them. She listens and watches the video and she types word for word. Right? So we were discussing translation services.

Chairman: Commissioner Benson.

Benson: I'd amend my motion to say that the minutes should adhere to that rule that you just cited, with an attachment so that people who are interested in more depth can go ahead and read the transcription that is already in the budget, that can be outsourced. Then we can have accurate, precise minutes that are in accordance with the Sunshine.

Chairman: Commissioner Prather with a question.

Mr. Contreras: A question, and maybe other commissioners know this. Maybe members of the public, maybe Mr. Gage knows this. Do other commissions, or does the City Council transcribe public comment? It would just seem to be a weird thing to me to do, if we're the only commission-

Chairman: I don't think so.

Mr. Contreras: ... that's transcribing public comment. It would seem to be unnecessary because we have a video recording of each meeting. I think those funds might be better spent elsewhere. But if others are doing it, then I'm kind of a follow-along kind of guy. But, if no one's doing it ... I would like to know if others are doing it.

Chairman: I don't believe that anybody else is doing that. Counsel, can you give us some-

Rudin: I mean, I advise four public agencies, three cities and one special district. I'm not aware of any of them transcribe their meeting minutes.

Chairman: And that's my experience, too. I don't know of any of them that do that. Commissioner Benson.

Benson: Yeah. I like being a trailblazer. Let me just say that. So, I hear that, right, wanting to know who else is doing things, but I would just say in the spirit of accessibility, when you have a transcription, someone can convert that to any language they want to. You can't do that with a tape. It's also substantially easier to go back and look rather than watching a tape, to go back and search for who said what during an agenda item. I just think it's significantly ... even though other folks aren't doing it, it's not a substantial cost. We actually costed it out because there's already a line item for transcription services for the investigators.

Benson: So, we literally tallied how much it would cost. I think it was ... actually, I don't know, let me not speak to it. But it wasn't a substantial increase over the line item. It would be a rapid turnaround, and I just want to reiterate it would take a substantial amount of work off of the, I think she's the office manager in CPRA. So. I appreciate wanting to know what other folks are doing and hey, maybe we can be ahead of the curve here and increase accessibility for folks who speak other languages than English.

[Chairman:](#) Commissioner Jackson.

[Comm. Harris:](#) It seems to me like this whole meeting has really been around creating efficiencies. You know, with the recommended language for the RFQ and all these different kinds of things. I think that maybe we should try to do that, and see if we like it. I mean, if the community doesn't like it, if we don't find it helpful, then we could always quit. Shall I make a motion?

[Chairman:](#) So, we have a motion.

[Comm. Harris:](#) Oh, okay [crosstalk 02:39:09]. Okay. [crosstalk 02:39:12] I second that motion.

[Chairman:](#) We have a motion and a second with point of clarification.

[Mr. Contreras:](#) May I [crosstalk 02:39:16] make a comment?

[Chairman:](#) Commissioner Prather?

[Mr. Contreras:](#) So, I just sent out today, in a legal context, an audio tape of an interview. The cost I was recorded for transcription was \$6 per ... I'm reading it, \$6 per recorded minute. So, a five hour meeting, which we do sometimes, will cost us about \$1800 to transcribe. I don't know, I'm sure that's high, because my need is legal, but I would want to know before I agree to spend any amount of money, even though it's already budgeted, how much? If it's \$50, I think that's okay, I get it. Accessibility. But if we're spending \$1500 a meeting ... you gotta weigh cost benefit at some point, and I-

[Chairman:](#) Are you proposing a substitute motion?

[Mr. Contreras:](#) No. I'm not. I just will vote no.

[Chairman:](#) Just questioning? Okay.

[Mr. Contreras:](#) Yeah, it's just, sorry. Sorry Mr. Chair.

[Chairman:](#) Okay.

[Mr. Contreras:](#) [inaudible 02:40:14].

[Chairman:](#) Commissioner Benson.

[Benson:](#) I definitely recall that the research Mr. Fennell and I did when we did this was substantially less than that. It was not \$1500 a meeting. It was definitely in the realm of ... maybe you or Mr. [inaudible 02:40:32] know what the transcription services are. Maybe you all can speak, because they have a bulk package. Right? So they're doing thousands and thousands and thousands of hours of interview transcription, so in the scheme of things, we were only adding ... how many

times a year do we meet? 24? So, 24 meetings, times three hours. So, compared to how many they're already transcribing, it wasn't an amount. But I recognize and share the fiscal responsibility that we should know that, and I appreciate that question.

Tom: Just to give additional clarification, I believe it's a dollar a minute, so it's very relatively reasonable in terms of cost.

Chairman: Dollar a minute for four hours, okay. So. Yeah, so \$240.

Benson: [inaudible 02:41:14]. Times four.

Chairman: Yeah, it's \$240.

Benson: \$240 a meeting.

Chairman: Four hours.

Benson: That's not bad.

Chairman: Okay. We have a motion, we have a second. Ready for the vote? Commissioner Dorado.

Mr. Contreras: Did you do public comment already on this item?

Chairman: Oh. Sorry. Thank you so much. We have no public comment, though. So, ready for the vote? Commissioner Dorado?

Com Dorado: Aye.

Chairman: Commissioner Harris.

Harris: Aye.

Chairman: Abstain. Commissioner Prather?

Mr. Contreras: No.

Benson: You seconded it.

Comm. Harris: I know, but I didn't know it was going to be that much money. Okay. Sure. Yes.

Benson: Yes, and for the record, it's already been budgeted. It was in there. But I will make a commitment as someone on the budget subcommittee with Ms. Harris that we will revisit that and make sure, because there's going to have to be budget cuts for next year, so, we'll revisit that by the end of the budget cycle.

[Chairman:](#) Okay. The item is done. The final ... are we to the final? Let's see. Yes. The final item on the agenda is agenda setting.

[Benson:](#) [inaudible 02:42:30].

[Chairman:](#) Yes. The motion passed, in case ... so the motion did, in fact, pass. The final item on the agenda is agenda setting and prioritization of upcoming meeting agenda items. We know that at the next meeting, we know a couple things. One, it's Valentine's Day. I'd just like to repeat that. Keep it all in mind, folks.

[Chairman:](#) The one item that we definitely have upcoming for the next meeting is the election of the new chair and the vice chair. We have other suggestions for the meeting upcoming? Commissioner Benson.

[Benson:](#) So, I'm actually just also going back to attachment seven. That might help folks if other things were burning for the next meeting. I'm really interested, and I think it's really critical in the spirit of 33-04, to get an update on the investigation of the Joshua [Pollack 02:43:31] matter that happened in March, and so-

[Chairman:](#) Yeah, we've been checking on that. We haven't been able to get an update yet. We did get a timeline back. Ms. Tom, do you remember what the timeline was that we got back? So, we will check with them. We checked for this meeting. It wasn't ready. I want to say that they said they wouldn't have it for the next meeting, but the one after that, but we will ask again. I've been asking before every meeting, so that's going to be every meeting ask, until they've prepared to give us the update.

[Benson:](#) Okay. And then the chief goals.

[Chairman:](#) Yeah, [crosstalk 02:44:14] you guys are ready to-

[Benson:](#) I mean, if we're not, we'll pull it, but I would suggest it for now. We're meeting again next Tuesday and refining.

[Benson:](#) The other thing that, and actually this speaks to 33-04, one of the other items under here is the review of budget and resources for Internal Affairs. In our discipline training, we'd had a conversation with Captain [Millington 02:44:34], who's head of Internal Affairs. He's actually created a budget proposal and submitted it to the Chief. But, just wanted to make some space to talk among it with you all, to substantially increase the amount of officers or lieutenants and sergeants that are working within Internal Affairs. I won't speak much more on that because it's not agendized right now, but the budgeting process is coming soon, and I would love to engage the Commission in a conversation around advocacy for increasing Internal Affairs resources and decreasing the outsourcing of investigation to sergeants.

[Chairman:](#) Okay. Any other suggestions for the next meeting? Commissioner Prather.

[Mr. Contreras:](#) Are we optimistic that our subcommittee will be able to meet with the police department on the parole and probation search and give a report? I can't hear you either.

[Chairman:](#) Yeah, I think it makes sense to put a placeholder on there, if we can get that meeting accomplished. It sounds like that's what you're suggesting, and I would agree. If we can get it, for the probation and parole policy, if we can get the meeting before then. Yeah.

[Mr. Contreras:](#) Ms. Bosserman, I commented that perhaps we should optimistically place the parole and probation search issue on the agenda if the ad hoc committee is able to meet with the police's ... our counterparts at the police department in time before the next meeting.

[Speaker 3:](#) [inaudible 02:46:11].

[Mr. Contreras:](#) You're welcome.

[Chairman:](#) Commissioner Harris.

[Harris:](#) So, Chair, we have some time-sensitive things on this list and one is the appointment of the interim Inspector General. Again, I don't think it'll be for next meeting because she said or he said it would not be available, but I don't know. The follow-up on appeals plan and discovery of new evidence for the Bay Case.

[Chairman:](#) Mm-hmm (affirmative).

[Harris:](#) Oh. And the training. The training, the training, the training.

[Chairman:](#) [inaudible 02:46:50]. Okay. Okay.

[Benson:](#) Regarding the training, that's around having the facilitators ... I would just acknowledge, let's put that as a placeholder, but pending some information. Ms. [Love's 02:47:06] been doing a lot of research to pull that together. But yes, I'm happy to-

[Chairman:](#) Yeah, so a number of these will be dependent upon whether or not folks get this stuff done in time, so we'll be checking up with you to see if you are ... as we move closer to the agenda, if you have items that you'll be able to place on it. Yeah.

[Harris:](#) I was actually speaking of the mandated training. The mandated training, because we're on timeline. So, the mandated training, I think we should look at that and start making it happen.

[Benson:](#) You got it. So, do you mean an update on everyone's progress on their mandated training, is that what you're-

[Harris:](#) Yeah.

[Benson:](#) ... okay, thanks.

[Chairman:](#) Okay. Okay. Okay, if there's nothing else, then we'll do public comment, and we've got Henry Gage, Selene Bay ... and Rashidah Grinage.

[Henry G.:](#) Thank you, Chair. Henry Gage. I was looking through Attachment 10-B. I was looking specifically at the 33-04 dates on that attachment because the conversation you were having earlier with respect to going into closed session and delving more deeply into a number of different investigations, has me thinking that if that process is going to be a recurring one, it might be worthwhile to begin the process of agendizing with some sort of closed session or something on a regular basis. There's at least two I can see that appear to rise to the level of something that might come before this Commission as a disciplinary committee matter. If you decide to look more closely, you're going to be a week away from the 33-04 date by the time of your February 14th meeting.

[Henry G.:](#) So, kind of under the gun to some degree. It sounds like you're working through a process of trying to figure out what people's schedules look like for that sort of closed session deep dive. I want to press urgency that these cases are coming up very quickly and looking further down the list, there's other cases that are also going to be coming up. So, I do believe it would behoove the Commission to institute some sort of recurring closed session, because you're going to want to look at these more closely.

[Rashida Minaj:](#) Following up on Henry's remarks. You might consider what the City Council does. What they do, is schedule a closed session just prior to their public sessions. So, before the Rules Committee on Thursday, they have closed session. Before Council Meetings on Tuesday, they have closed session. That might work better for your schedules, since you're already committed to this evening, to just come an hour earlier or an hour and a half earlier, maybe combine that with your dinner, and dispose of the issues in front of you at that time and not have to worry about taking another day, or another evening.

[Rashida Minaj:](#) So, I would suggest that you think about that. To underscore Henry's comments, you have a number of cases for 33-04 closing imminently, and some of them appear to be Level One, which means if you disagree with the findings of IAD, then the Discipline Committee needs to be appointed and start work. Again, to the mandated training, you all have to have done that in order to participate on the Discipline Committee.

[Rashida Minaj:](#) But, if you don't ... you not only have to convene your Discipline Committee within 33-04, you have to notify the officer of your intention to discipline within the year. So, that means your Discipline Committee cannot be right up to the edge of the one year. So, you need to really start looking very seriously at this caseload and start holding CPRA accountable.

[Rashida Minaj:](#) If they need more investigators, then maybe you need to make sure that's in the budget for next year. So, I would suggest that you start prioritizing this issue. Thank you.

[Chairman:](#) Selene Bay's gone. Okay. Henry. Okay. Commissioner Benson.

[Benson:](#) Yes. Thank you, actually, Ms. Grinage. You reminded me. I can't believe I missed it. It was right here at the top of my page. Another agenda item I would suggest, particularly because we've been hearing about how short-staffed CPRA is, is apparently we had a freeze on hiring and they're short-staffed now three investigators instead of two because of the promotion of Ms. Tom as acting director. So, I would actually suggest we agendaize removing the freeze because the budget's there. We need to act on getting people in these seats. That's why, part of the reason it's taking so long from CPRA is they're short-staffed, and part of the reason it's taking so long is we've been told from IAD, is that they're understaffed there as well.

[Chairman:](#) Yeah, [crosstalk 02:52:23] that's an important point. I agree with it. Yeah. Okay. Is that it, folks? Okay. So, we've had public comment. We've finished that item, and the next item on the agenda is adjournment. Do I have a motion?

[Comm. Harris:](#) I move that we adjourn the meeting.

[Mr. Contreras:](#) I second.

[Chairman:](#) All right. [inaudible 02:52:46] motion, second, all in favor, say, "Aye."

[Comm. Harris:](#) [crosstalk 02:52:47] Aye.

[Chairman:](#) Any opposed? Any abstentions? Okay. Goodbye folks.

[Speaker 4:](#) [inaudible 02:53:03].

PART 5 OF 5 ENDS [02:53:16]