



**CITY OF OAKLAND
OAKLAND POLICE COMMISSION**

Meeting Transcript

Thursday, November 14, 2019

6:30 PM

City Hall, Council Chambers

1 Frank H. Ogawa Plaza, Oakland, California 94612

Ginale Harris: Henry, can you do me a favor?

Henry Gage III: What's up? Let me help with speakers?

Ginale Harris: Yes. Please.

Henry Gage III: Yeah, I got you.

Ginale Harris: I just need the open forums for right now.

Henry Gage III: Let's organize the...

Ginale Harris: Yes. Thank you. If you could help me with that, that'd be great.

Ginale Harris: Hello, we're going to get started. So it is 6:34 and we are going to start the Police Commission for Commission Meeting for November 14, 2019. The chair is going to be a little bit late today so I will be stepping in and chairing this meeting until she arrives.

Ginale Harris: So we're going to call to order. Commissioners.

Ginale Harris: We're going to do role call and welcome. Commissioner Anderson. Here? Commissioner Dorado?

Jose Dorado: Presente.

Ginale Harris: Commissioner Jordan?

David Jordan: Here.

Ginale Harris: Commissioner Gage?

Henry Gage III: Here.

Ginale Harris: Commissioner Harris. Here for myself. Commissioner Smith?

Thomas Smith: Here.

Ginale Harris: Commissioner Prather.

Edwin Prather: Here. Thank you.

Ginale Harris: Alternate. Commissioner Brown.

Chris Brown: Present.

Ginale Harris: Thank you. Mr. Alden, just for the record.

John Alden: Also present. Thank you.

Ginale Harris: And Mr. Rouse for the record. Present. Thank you. Okay, thank you and welcome. Thank you.

Ginale Harris: We have a quorum. Thank you. Okay, so welcome everybody. We are going to open it up for open forum and I have speaker cards here and I will just read out the names and you can come up to the podium in any order you like. Ann Jenks, Paula Hawthorne, Meredith Cohan. There's no name on this one, but it's the organization is the Latino Task Force Coalition for Police Accountability. Mariano? Okay, got you. And Jane? Ms Jane? Thank you. Okay. And Michelle? Okay, so open forum. Got you. Okay.

M. Contreras: Good evening and I apologize for forgetting my name. My name is Mariano Contreras with the Latino Task Force and the Coalition for Police Accountability. This is Meredith Cohan. I'll let her introduce herself in a minute. At the last commission meeting I informed the commission that the Latino Task Force along with the Coalition was going to be doing a listening session at the Día de los Muertos, November the second. We did. There was seven young individuals that came out and helped and we did interviews with participants. Our goal was to gather street level information regarding Oakland's residents experiences with Oakland Police Department and our goal is to compile that. We did, and to present it to you folks and we're doing that now hopefully to assist you in formulating better policy, particularly when it's around the use of force.

M. Contreras: I want to thank Commissioner Henry Gage for coming out and assisting helping setting up the booth. I want to also thank Commissioner Jose Dorado who was there to set up and also spent about a good three hours at the booth and also I want to thank Director John Alden who also attended towards the end and he also helped break down the booth. Thank you.

M. Contreras: I want to introduce Meredith who has some information on the data that we collected.

Meredith Cohan: Hi, my name is Meredith, myself and two other millage, sorry. Most college students along with the Latino Task Force conducted interviews at this event. We asked if they had stories to share regarding an experience or experiences with Oakland police, good or bad. We documented 72 stories. Their stories were either personal or they witnessed an account. Here is what we found. 40% of the people said that the police had slow or no response. 32% said police were rude, disrespectful, or not fully engaged. 32% also said they experienced or witnessed racial profiling. 19% said they experienced or witnessed the use of force. 0.06% said that they needed better treatment of homeless people. 13.8% said officers should live in Oakland. 33% said that language, cultural skills and mental health training are needed. 13.8% said that there was a need for more non-armed responders. 0.5% had good and positive experiences with OPD. 3% of residents said that there needed to be more ride alongs and 17% need said there needed to be more deescalation training.

M. Contreras: So some responses had more than one concern. Some declined to state demographic information, but all for some reason stated gender. So that's why the male female equals 72. Only 12 participants said that they had any knowledge of the Police Commission, which is alarming to us. We did have three conversations with police officers that came by the booth, but only one wanted to be documented, so we only documented one interview with a police officer. Demographically there was 60% females that responded, 40% male, 11% white, 52 almost 53% Latino, almost 17% African American, 5% Asian and 4% other.

M. Contreras: The district that were represented where these are just in numbers, not in percentages. There was three residents from district one. There was three residents from district two. District three had two. District four had two. District five had 26. These are out of the 72. District six had nine and district seven had 11. I told you the breakdown. The ages were 17 of 18 to 30, 32 of 30 to 50, 50 and up were 14. There were 16 students, eight retired, four stayed at home, 11 professionals, 12 blue collar, six unemployed and one policeman. Like I said, these don't add up to 72 or a hundred percent because a lot of them declined to state this kind of demographic information.

M. Contreras: Observations and conclusions. From this smallest sample of conversations with Oakland residents, we found that there is a large more than half of the 72 residents that do not call police due to slow response or no response at all, particularly in district five. It seems that this community in district five has lost confidence and trust in the police. The police department is not servicing and protecting this community in district five because of these responses. Racial profiling and disrespectful engagement seems to be the norm because this was a high response. Close to 20% of the responses were either personal or witnesses of unwarranted use of force. Either this occurred during stops, there were search, there were handled roughly or some were arrested in a manner that that did not warrant excessive use of force.

M. Contreras: Spanish speaking, culturally sensitive officers and mental health deescalation skills needs to be part of this according to what people were telling us. This needs to be part of the every training beginning at the Academy level. This is a recommendation, the commission, the Police Commission and [inaudible 00:14:18] perhaps needs to develop an outreach, a PR campaign, if you will, to inform Oakland residents about the commission because very few folks know about the commission. From an even smaller sampling of three conversations with police officers, it was clear that Oakland police sworn officers or boots on the ground if you will also have little knowledge of the commission and we suggest that you also do, if you can, if possible to do an outreach campaign to the police department to inform them of the commission, of your existence.

M. Contreras: Thank you so much and I have copies of this. I don't know how to turn it over to you. I didn't bring enough copies for the, I only brought 10 I wasn't sure that I needed to have enough for the audience. So if you want, I can even provide the actual interview notes because there were some of them that have some very specific issues that you may want to look into. Thank you for your time.

Ginale Harris: Thank you.

Jane Kramer: Jane Kramer. Correct me if I'm wrong. Hopefully I'm wrong. I thought I heard at the last meeting that the purchase of real heavy duty weaponry would be on this meeting's agenda?

Ginale Harris: Ms. Kramer?

Jane Kramer: Yeah?

Ginale Harris: So the draft ordinance on military police equipment is on the agenda.

Jane Kramer: That's it. That's it. Okay, thanks.

Ginale Harris: Yes, ma'am.

Michelle: Good evening, Commissioners. My name is Michelle [Azanea 00:16:20] and I'm here representing the Bandabaila family. Chief Kirkpatrick's decisions or lack thereof indicate that she's not capable of leading the Oakland Police Department to reform. Reforming a department that's been through the rioters, Celeste Guap, Joshua Pollack, and more recently the OBOA's allegations of racism and bias. The recent reopening of the Chauncey Bailey case and the arrest of former Oakland city councilman Wilson Riles. The reform proves to be a difficult process and will be met with internal resistance.

Michelle: After 16 years of NSA reports and recommendations, existing problems continue to be uncovered by this commission and citizens like me. It's almost counterproductive and illogical to expect a department with allegations of racism, bias and coverups to objectively assess themselves. Since the NSA

doesn't seem to be producing the reform and changing culture that OPD needs, we must ask ourselves why? The NSA has made years of recommendations, but the chief must embrace those changes, challenge the existing culture and get rid of the bad apples. Chief Kirkpatrick promoted some of the bad apples who covered up the Celeste Guap abuse and she hasn't even assigned someone to update the 151 department general orders, the "Bible of the Police Department," one of which is over 31 years old. Invite the National Organization of Black Law Enforcement Executives, NOBLE to assess OPD. Once the bad apples hear that NOBLE is coming to audit the department, many will start to leave on their own. Let me repeat the list of significant issues that Chief Kirkpatrick has failed to address in two years.

Michelle: OPD's dispatches out of compliance and timeliness and answering 911 calls. Updating all of OPD's department general orders. No social media policy. Special Victims Unit has been understaffed for three years. The Missing Persons Unit has no current policy or procedures that meets the current best standards. It's 10 years old. NSA reports under reported use of force. Bias and racism alleged in the recruiting and backgrounds division. And a complete failure in the Jonathan Bandabaila missing persons case. I'm asking the members of this commission, the city council or the mayor to invite NOBLE to do an audit and assessment of OPD and complete the cleaning of the "frat house" that Chief Kirkpatrick was not able to do.

Michelle: Jonathan Bandabaila, 19 years old, suspiciously disappeared 196 days ago. His family has been begging OPD, Chief Kirkpatrick, acting Chief Cunningham, detective Sides, and this commission for answers for six and a half months and they'd been given almost nothing. And the last communication was initiated by Jonathan's father. Other than that, not one person has called him since our special meeting with the liaison, which is Commissioner Harris. In the last communication, the father was given information that was not confirmed, which upset the family very much. So I would ask you again to please look into this case and to change the culture at OPD by getting rid of Chief Kirkpatrick.

Mr. Bay: Good evening Commission, Oakland in general. I just wanted to start it out by saying thank you for everybody who supported me and us all along the way, but this is just the first step. This is not the last step and congratulations. I'd like you to hold that until justice is done for these people right here who cannot be here for themselves. That's why I'm here. If I wasn't here, I expect my brother right here to be here. All right?

Mr. Bay: So it's not over. You hear 07-0538. It was filed on July 13th, 2007. Four days later, I gave that story about the police complaint to Chauncey Bailey on 17/07. One of the specific things about that story that really moved Chauncey Bailey was the day before the person who ultimately ended up being convicted of murdering him, was released the day before. He was wanted out of San Francisco on a \$360,000 warrant that became a no bail warrant. And magically while standing in front of a judge in Solano County, which is more clan like Coco

County than it is Alameda or San Francisco County, this young black man was able to walk free while under investigation by the Joint Terrorism Task Force Oakland, everybody. He would not have been able to give the order to murder Chauncey Bailey if he hadn't walked free the day before. There's no way without federal and law enforcement help that this young man could have stayed on the street for two years after having been arrested for vandalizing a liquor store on film and stealing the shotgun in 2005 that the police watched gun walked all the way to 2007 when it murdered Chauncey Bailey. So yeah, no, we're not done until Chauncey Bailey and all of these people get their justice.

Ginale Harris: Thank you Mr. Bay. So we have Arlene, Bruce [Shmeakin 00:00:22:04], Meredith Cohen.

Ginale Harris: Okay. So that's all we have for open forum. So we're going to move to the next item, which is draft ordinance on military police equipment. Do you have any cards for that, Henry?

Ginale Harris: Okay. I'm going to call a few people to the podium. So we have John. Excuse me? Okay. So I'm going to go to attachment four in your agenda packet, which is the staff report. Do we have anyone from OPD here to report on this?

Captain Wingate: Yes, yes we do, ma'am. Sorry, I apologize.

Ginale Harris: Hi. State your name please.

Captain Wingate: Hi. Good evening. I'm Captain Wingate from the Oakland Police Department. Chief Armstrong is in route. He had a call in for cease fire that started right at six so he's trying his best to get here.

Ginale Harris: All right.

Captain Wingate: As I said, he's trying his best to get here.

Ginale Harris: Oh he's just [inaudible 00:23:50].

Captain Wingate: Literally, just now.

L. Armstrong: Cool. All right. Good evening commissioners. Lauren Armstrong, Deputy Chief of Oakland Police Department. So what we have before you is our response to the commission's requests for us to review the militarized equipment draft that was sent by the Police Commission. The Oakland Police Department prepared a response, which Captain Wingate will be leading that response. Captain Wingate is the commander of our special operations division and he is the subject matter expert when it comes to departmental equipment. So he'll be providing the presentation. I think from our standpoint he's going to lay out a sort of foundation of how we at the police department militarize equipment based on the inventory of equipment that we have. I think what we want to make sure

we establish is that most of the equipment that our officers are provided is post certified equipment.

L. Armstrong: And so for those that may not know the Peace Officer Standards and Training is the governing body for the state of California for all certified police officers, peace officers in the state of California. They also provide most of the training that our officers receive, which is post certified training and all curriculums are certified through POST and it is the mandated training within the department. So Captain Wingate will take you through our response and then we'll be prepared to accept questions from the commission.

Ginale Harris: Thank you.

Captain Wingate: Okay. Again, good evening. So we looked at the proposal, we looked at the 1033 Program. We identified three general classes of items that are on the list that are pertinent to what we're speaking of. One of the items is specific military equipment. Specific military equipment is the things that raise your eyebrows that we don't want to see on our streets. It is the extremely large mine resistant vehicles like the MRAP. It is the vehicles with machine gun turrets. It's vehicles of that nature that specifically have one purpose and that would be in a combat zone, in a place of war. The other category was specific police. So there's items on the list that are specific to police that the military may possess, but it's because they're trying to achieve policing activities, whether it's here in the United States with a National Guard Unit or abroad. And so there's items that are specific to police that the military happens to possess.

Captain Wingate: And then there's that interesting category that I think we're all very interested in. And what this is focused on is the military-like equipment that was modified for police. I think when you're talking about the police having rifles, long guns, the ones that you see slung around somebody's shoulders, that is a military weapon, but it has been modified for police use as a response to the threat that has occurred in the United States. So if you can buy an AK-47 or an M16 in the United States, then the police have to be able to meet that threat. And one of the examples in the report was the North Hollywood shooting in 1997 when bank robbers went with military grade weapons, military grade body armor and the police couldn't stop them.

Captain Wingate: So those were the three kind of classifications. So the first classification of specific military, the Oakland Police Department does not have anything on that. Anything that's specific in military. The specific police, we have a lot of it obviously. And the last category, the items that come to light that would be military like that is modified for police would be like the armored vehicle, the Bearcat that we speak about, which is extremely light armored vehicle. It's not quite military. The military could not use it in the battle zone because it's not that kind of armor, but yet it's just enough for us in the police world to protect against rifle rounds. The long guns itself, the AR15s and again we have the AR15s. We did not select to take any M16s from the 1033 Program when it was

offered years ago. We do not have fully automatic weapons that the military would have. So we always stayed away from things like that.

Captain Wingate: When it comes to the actual acquirement of the weapons that we do have that cross over on that list there is a... So if we wanted any kind of weapon off that list or any kind of equipment, we would submit that for purchase. It would go to Public Safety first, a public forum for review. It would come to this commission for a policy to support the use of it if it was granted and it also have to go through City Council. So really we look at the proposal as we are already on track and we have been on track for a very long time to not militarize the Oakland Police Department and there are safeguards in place to ensure that when we do purchase an item that not only does the post, the police officer standards and training of the state support it and actually have a standard for training, but it also goes through the committees that are already existing.

Ginale Harris: Thank you. Commissioners. Any questions? Commissioner Prather?

Edwin Prather: Great.

Ginale Harris: Thank you.

Edwin Prather: Thank you, Vice-Chair Harris.

Ginale Harris: Sorry.

Edwin Prather: Captain Wingate, Thank you. I have a number of questions for you. I guess first let me start with, I had thought that there was some, and maybe I missed it, so I apologize. There was some discussion of there was an inventory being done. In fact an inventory, was that done and is it not being shared with us for some public safety reasons or can you update us on the status of inventory?

Captain Wingate: So we did. We did look for the items on that list that we have and we did do an inventory. It was a spreadsheet and I'm not sure about the deliverables on the spreadsheet.

L. Armstrong: Did submit the spreadsheet?

Captain Wingate: We submitted this spreadsheet, we did. So I guess we'll have to...

L. Armstrong: We submitted the spreadsheet.

Ginale Harris: No, it was here on the [inaudible 00:30:18].

Edwin Prather: Sorry it wasn't in my packet, but now I see it. Okay, great. Thank you Captain. Can you tell me about when these items are identified? Do you purchase, no matter what category you're talking about, whether it's a militarized weapon or a law enforcement weapon that also happens to coincide with the military use.

Do you buy based on need or anticipated need? For example, you know what? I think we're going to have more riots next year so we need more riot helmets. Is it based on an anticipatory need or do you say, "Hey, you know we had three riots last year and we didn't have enough riot helmets, so we need to buy more riot helmets in the next cycle." Can you tell me more about how those decisions are made?

Captain Wingate: So I would say there's not one simplistic way to cover all pieces of equipment. The example you use as far as helmets, those helmets, so those helmets grow old, they age, they have to be replaced every five years. We have new officers, we generally don't hand a helmet down if it's been used for 20 years, we don't give it to the next officer to use. So that would be something that we do keep on hand. We do have to be always ready for unrest, that is part of the standards that we have as part of our mission. We also have a obligation here in the city of Oakland to facilitate the peaceful demonstration of everybody. So we do have, I knock on wood, protests. I mean we've had peaceful assemblies and we have had our years of protests, but that was one of the things that as a matter of just standard preparedness, we had to make sure that every officer had the safety equipment, which would be the helmet for riot situations or for any projectiles.

Edwin Prather: And don't get me wrong, I'm not either advocating or criticizing the use of a riot helmet or any riot gear or anything like that. I'm just talking about purchasing.

L. Armstrong: Yeah.

Edwin Prather: How are purchasing decisions made on these items?

L. Armstrong: All right, so what the practice is, is that our training division administers that equipment, the helmet equipment. We traditionally provide every new police officer in the Police Department with a riot helmet as a part of their issued equipment. If those that are already on the department and have that equipment, if it exceeds the five year mark, the expire mark, they come back to the range and they either trade that in for new helmet. So we go as needed basis. We are not ordering an inventory in advance.

Edwin Prather: So I apologize. I think using a riot helmet as a hypothetical was a bad hypothetical. Let's go to a different item because it sounds like everyone gets a helmet.

L. Armstrong: Yes. Sir. Yes.

Edwin Prather: So let's go to something that not everyone gets, let's go to a long gun

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Edwin Prather: So let's go to something that not everyone go... Let's go to a long gun or a sniper rifle. Not every officer gets a sniper rifle, correct?

Captain Wingate: No.

Edwin Prather: Okay, so let's use that. So how are decisions made? How many rifles need to be purchased by the department? Is it based on perceived need, past need, anticipatory need? And then let's add a corollary to that question. How many is enough? What is the science behind deciding, we need five rifles as opposed to 15. 15 as opposed to 50. 50 as opposed to 500. I'd like to know what is the mechanism for the decisions that go into purchasing these items. Is it a committee? Does the star chamber get together, sit down and say, "Okay, this is how many sniper rifles we need for the cycle because this many are now past a certain expiration date and we need new ones." Or "There's a new technology out so we need to get something." Or is it, "Hey, we have use it or lose it money. So let's buy some."

Edwin Prather: We need to understand better, I think, to get into the weeds on this issue. We just need to understand generally, how do you decide to buy something? How do you decide you need something? How do you decide how many of something do you need? So I hope I've explained my question right. It's kind of a convoluted question but I hope I've got it across. Captain, thank you.

Captain Wingate: Okay, thank you. So we will use the rifles as an example. The sniper rifle isn't necessarily a good example because we only have 10 snipers for the entire city. That's not something very common. So on the entry team, the SWAT team, we have 24 officers on the team and they all have rifles. That is for specific incidents, the high risk SWAT incidents, whether it's something that emerges or whether it's something that's pretty preplanned.

Captain Wingate: So for patrol where you have absolutely no idea what to expect, the patrol rifle program is managed as a separate program. But the rifles, that the patrol rifles have, the math that we use is how can we make sure that we have availability during every shift of every day if something happens that we actually needed a rifle. So it's not every officer gets a rifle. The program's extremely strict. You have to actually go through a process where you prove that not only can you safely shoot, you can make good decisions and you're tactically sound. They have to qualify constantly. If they don't qualify, then they lose that rifle.

Captain Wingate: But the dispersal and purchase where it essentially goes out to how do we ensure that we actually have coverage from one end of the city to the other end of the city. And that's not every officer having a rifle, maybe one per squad. You have five squads throughout the city and then three different shifts. So we know that that's the number that we have to come up with. Then you've got to compensate for people can be on vacation people that would be... Because that rifle is the sole responsibility of the officer, it stays at the department. It deploys with them when they start their shift, but it's not something that's handed off. That officer is assigned to them specifically.

Edwin Prather: Captain, that's great. So there is a logic. There is a rhyme or reason to a particular item, like a sniper rifle, and how many are using it sounds like maybe even at 10 we might be short. We might not have enough, maybe, as the department would like. Okay, so let's just put a pin in that issue for a minute.

Edwin Prather: I'm going to not put Mr. Gage, Commissioner Gage, in a position to advocate for sort of his own authored policy here. So I'm going to do it for him. What I heard the department's position on it, on this draft policy that was presented is that, look, we don't need the policy because we already do what you're asking, police commission. We submit anytime that you want to talk about use or where you want to talk about purchasing, that goes to public safety and that goes to the city council.

Edwin Prather: Do I have that right? So therefore we shouldn't add an extra step in to go to the police commission because we already go to public safety and we go to the city council. I just want to make sure I'm getting it right.

Captain Wingate: With the additional bullet point that we don't subscribe to the 1033 program and we don't receive anything from the 1033 program.

Edwin Prather: Let's just assume for argument and I don't know if all of my colleagues will agree with me. I'm sorry.

L. Armstrong: So I want to clarify the question that you asked. I think yes, but with the caveat that if we were to try to or attempt to procure new equipment, which would require an additional policy, we would bring that policy forth to the police commission for approval. So for what you're mentioning, a current equipment that we have, if we want it to replace it, we don't believe that there would be a need to come back to the body and request permission to purchase a replacement equipment. Policy is already in place that governs that. The council as well as public safety has already approved that equipment. So it wouldn't seem to be a need to come back again. But if we wanted to attempt to purchase new equipment that we had never purchased, then we would have to create a policy, which would come before the police commission. So the police commission does have a step in the process if we were to try and get something additional.

Edwin Prather: Thank you. Okay, so we're going to assume for a moment that there are legitimate uses for all the equipment that OPD currently has in its possession. Okay. We're just going to say that. I'm not saying that that isn't true, but I'm just, for purposes of this discussion, we're going to assume that, okay?

Edwin Prather: So if we say everything we have is okay. What this ordinance talks about, what this change that we're talking about is having it come before this body to talk about use, to talk about deployments, to talk about an annual report, to talk about other checks and balances that would be necessary to have to make sure

that the department has proper oversight and we are an oversight board, we are oversight body. And then that we would submit these items or these issues to the public safety committee and eventually the city council.

Edwin Prather: As you know, perhaps captain you don't because I think this is your first time here, there's been a lot of criticism lately upon OPD for a number of different things. I think the chief has been in that same spot talking about really making a true change to the department. I just don't understand, and maybe you can answer this and maybe you can't, while we're talking about reformative change of why we're talking about getting out from under the consent decree, if we're talking about having OPD gain credibility with the federal monitor, why would you resist this policy? It makes no sense.

Edwin Prather: If your answer is, "Well, we don't like the policy because we already do it." Then why wouldn't OPD just want to agree to it? What I didn't see in your response, and I haven't heard so far, is that there's something in this policy authored by Commissioner Gage that is... That doesn't comport with the way OPD operates or that it would not allow OPD to properly use the equipment it has. And I'm going to tell you if there's a riot, we need to have people out there with riot gear to maintain the peace. It's true.

Edwin Prather: There's time and place for everything and I think that the example you use, the bank robbery example is just one of those examples. But what I don't understand, and again, maybe you can answer it, maybe you can't, is that why is it that we are resists... Why is it that OPD doesn't want this to happen because it needs this to happen. It needs the additional oversight and by resisting the additional oversight, you're putting yourself in a worse position. Your turn.

L. Armstrong: I think that's a matter of opinion, right? I think from my perspective, I believe that the data supports that the policies that we have in place in the process that we have currently in place has been working. Now, if there are instances that you would bring to the department's attention where we haven't had control over equipment or... That's why we presented to you an actual spreadsheet and list. No different than we heard information coming from people saying that we had no governs of the BearCat. And then we presented you a spreadsheet that showed we're document and when we use the BearCat. So if we're speaking of creating an ordinance for the sake of having an ordinance, that's fine. But we're talking about... When you're questioning are we holding our people accountable to how they use the equipment? And we say yes. It's not a resistance to the commission wanting to go another step further. But to say that we are not holding our people accountable or we don't have policies in place, I don't believe that's accurate.

L. Armstrong: I believe that you might want to go further and that's up to the commission. But I think when it comes to... We are one of the few departments that have policy for the governance of using equipment like this. So I think, sometime we take a

lot of criticism but it's also that... I mean, it's a testament to that we have been progressive in terms of when we give this equipment. We actually have the data to provide to you to show that we're actually monitoring the use of the equipment. We have 50 patrol rifle officers. All 50 officers document every time they use that rifle, deploy that rifle. All of them receive ongoing training. I mean, so there are some things that we don't get credit for that we are advanced beyond other departments. But the assumption comes from the [DIAs 00:43:30] that the OPD is completely not holding itself accountable. And that's where I say that's just not supported by the documents.

Edwin Prather: Before I continue, I feel like I'm monopolizing the floor. Do any of my colleagues want to jump in or may I continue? Is that okay? Okay.

Edwin Prather: So sir. I think I'm going to agree to disagree with you on that.

L. Armstrong: Okay.

Edwin Prather: I don't believe that the DIAs that the commission sits here thinking that OPD is out of control on militarized weapons. I don't think we're sitting up here saying that you don't have policies. I will tell you that I don't have any of your policies in front of me, so I can't tell you what your policies are or aren't. But I trust that you do have policies to cover the use of these items.

Edwin Prather: What this is about is oversight. And when you resist oversight to the body that is tasked with providing you oversight, it's just a bad look. So let me give you an example. Does OPD resist the provision of an annual report on the use of militarized weapons? That's something in the document, in the ordinance that we're looking at. Does OPD resist that?

L. Armstrong: No.

Edwin Prather: Okay. So we're making progress. Let's go ahead and do that. Okay, that's great. But otherwise what we're talking about, right, is elevating what you already do and providing it more of a forum. Providing it to the body that oversight. Providing it to the public. And unless I hear some kind of public safety concern, like, "Look, we can't talk about inventory because that's, not necessarily a trade secret, but it's a law enforcement tactic or secret that we need to keep from the public." Okay. Look, if that's the case, then we'll make arrangements to get that information another way or make the argument on the way.

Edwin Prather: But I'm not hearing you say that. I'm not hearing you talk about the way we deploy militarized equipment affects the way that we can properly keep the peace. Right? So for that very fact, why aren't we being more transparent about it? Because this is about transparency. This is about oversight. I'm going back to my original question and I appreciate the response, which is, "Hey, look. We don't need oversight because we're doing okay." Well, we're kind of not doing

okay in other areas. So we need to expand to this area. And it's not because one incident happened involving a militarized weapon, even though there was one incident with a militarized weapon that happened, that was pretty bad, right? We're not saying that this one incident causes a problem. But where we can improve, the Oakland Police Department, our oversight, we're going to take that opportunity.

Edwin Prather: I want to commend my colleague, Commissioner Gage and his colleagues for writing this for the amount of work that went into it, for the amount of legal analysis that went into it, for the amount of subject matter experts they consulted. And look, I get it. I read your response. What was absolutely missing from your response was any criticism of the way we would provide you oversight. At this point I got to tell you, we're going to provide you oversight on this issue. It's going to happen. Now the question is, do you want to tweak or edit or provide any comments into Mr. Gage's document regarding how we provide oversight to you? Because that's something I haven't heard. We've now kicked this over for a few meetings so that OPD would have the opportunity to do that. We don't have that in front of us. I get it that, again, you're sort of not... You don't have the support for... I'm going to stop. Go, go ahead.

L. Armstrong: No, no, no. So I think, in a way, with all do respect to Commissioner Brown, I think there's a miscommunication. I think the draft specifically spoke to there being an ordinance created. So we have never put any language or made any statement to say that the department was resistant to anything that the police commission has asked us to do. I think those are two different issues. I think if you asked us for a response to the draft that was submitted through Commissioner Gage, it spoke to a city ordinance at the city council level. That was this, different than the commission level.

L. Armstrong: So I think that's not accurate portrayal of the department stance. We have not submitted anything that said we were resistant to any oversight and we also haven't said we were resistant to anything in terms of an annual report. I think we simply submitted a response like we were asked to do. And I think if there's further discussion about where we go from here, that's fine. I think we just did what we were asked to do, which was respond to the draft that was sent to us. So I think that was the department's mandate and that's what we presented.

Edwin Prather: I just want to thank you. If I ever misstate your words or your position, I would like to be corrected. So I appreciate you correcting me on that. You are correct that the cover letter from Chief [Kirkpatrick 00:48:38] does say that your response is in response to our request to address Commissioner Gage's draft. And you've done that. My five minutes are up so I'm going to...

Speaker 1: Any other commissioners?

David Jordan: Yeah. Hi.

L. Armstrong: Hello.

David Jordan: In reading the department's response to the proposed legislation, I was struck by something that is... I feel like it is maybe beyond our scope in some ways, but I think deserves conversation here that some of what was described earlier around the semantics between military equipment, police equipment and military equipment that becomes police equipment is really something that we need to keep a close eye on. I feel like it's a little bit of a slippery slope from a public safety and policy perspective. I think part of that is because a lot of how that's...

David Jordan: So we'll go back to the sort of the definition that's cited in your response around assault rifles, assault weapons. A lot of that definition is around form versus function. I think that part of the problem around policymaking around weapons, guns in general, is that they're coming a lot of that... Some of this is coming from a perspective of lacking an understanding of what exactly that means. I think that an assault rifle is not the form, but it is the function. And the function of assault rifle is primarily around its efficacy in combat. Yeah?

L. Armstrong: Yeah.

David Jordan: That has nothing to do with how many forward grips it... Whether it has forward grip or some sort of muzzle device or a lot of those other things. It has mostly to do with the caliber of the cartridge that it utilizes. But if you look in the lawmaking around it, they don't talk about that necessarily. They're not talking about the difference between sort of a small arms at a pistol caliber, hunting caliber, and then sort of an intermediate caliber, which is what assault rifles essentially use. Yeah?

L. Armstrong: Yeah.

David Jordan: AR-15, which is, what you guys carry, an intermediate caliber, which means it's higher velocity, lighter, higher capacity. Those are the things that make an effective in combat. We can't unring the bell. Those things have been determined to be military equipment that has transitioned into a police equipment. Part of that's because it's available to the civilian population legally or illegally. And we don't want our police force to be outgunned by people outside of the law, of course.

David Jordan: But I think all of that is to say that though we can't unring the bell on what things, what military items have previously been determined to be police items. I think the intention here is to be more cautious going forward given the current political climate and the current cultural climate around weapons in general for police, for everyone. That we take a closer look at how that process takes place, that when we determine a thing, steps outside of the world of just combat and

becomes something that we use on the streets of our cities to protect our citizens. Unfortunately, occasionally, kill our citizens. Yeah?

David Jordan: To me that's the most important thing in it and it really is... I don't understand why we would resist having further oversight into that process and really interrogating that as fully as possible. I think it's also important to note that, though, you as police officers may be very well trained and knowledgeable about these weapons and what their parameters are and how they're used, your average citizen can't tell the difference between a BearCat and the, I'm sorry, the armor-

L. Armstrong: MRAP.

David Jordan: Acronyms. They're great. Am I correct though? Do you feel like your average citizen is going to see a BearCat and MRAP and except for maybe a machine gun turn on top, is going to think those are essentially the same?

L. Armstrong: I think that's true for any professionalized career, right? That I don't know how to run a bank, right? I mean, but I'm a professional police officer. I've been doing it for many years and so obviously I'm going to have a different knowledge and experience based on the equipment that I need to do my job every day.

L. Armstrong: I will say that in the last 24 hours, we've had almost five different incidents where people in our community was using rifles against other people. So the reality for the Oakland Police Department is that we also have an obligation to be able to safely go in and prevent certain crimes and apprehend those that might be using those weapons in our community. So we have, I think, went a step beyond most law enforcement agencies because it is the standard that most police agencies are issuing rifles to each one of their officers.

L. Armstrong: AR-15s. The Oakland Police Department does not issue rifles to every police officer. We only have 50 patrol rifle officers. So out of nearly 350 police officers that are in the field on our streets all day, it's only 50 of them that are actually have access to a patrol rifle, if needed. So we have taken a stance that we don't want to equip every officer with a rifle. Those that have rifles receive significantly more training than the average police officer. They're not interchangeable. You can't use them if you don't have the training, every time they'd deployed, it's documented.

L. Armstrong: And then I'll say again, we are not resistant to oversight. We haven't said that. Under no circumstances have we said that we are resistant to the police commission providing oversight over any of our items. If we need to move forward with some ad hoc committee so that we can have further discussion about, you get more exposed to what equipment we have and how it's utilized and what policies govern that, I think we're open to that. But I will clearly say

that we have not been resistant to oversight from the commission on any of these issues.

Captain Wingate: Sure. Can I add to that? I think to your point and I absolutely love the fact that say we can't unring the bell. I wish we could, but that's a really good fact.

Captain Wingate: One of the things that it comes to the rifles the chief was talking about. So you can't really tell a difference a rifle on a soldier or a rifle on a police officer when it... So we limit the use of it. You cannot walk around with your rifle. When a patrol rifles out there, they request permission over the air saying, "Hey, permission to deploy the rifle." A lieutenant has to say yes. Then that gets recorded by dispatch and then there's a followup on it and every time it's used, it's logged. So they don't just take it out at their own discretion. They will request it and then it's authorized to use and then it's logged and it's documented, it's tracked. Just like with the BearCat, it doesn't leave anywhere until there's permission from a commander to take and it goes from point A to point B. Once it has accomplished that one specific task, it goes right back. It doesn't patrol, it doesn't randomly drive around.

Captain Wingate: So I think that's to minimize what you're saying is perception and you can't stop the perception because an M16 and AR-15, doesn't matter who's holding it, right? But we want to minimize that. We want to limit that perception of weapons like that on the street.

David Jordan: I appreciate that. This sort of wrap up that thought for myself. The point for me was that those things have a certain amount of a BearCat or AR-15 in the hands of, kind of, anyone. But the police has a certain amount of emotional or psychological impact. Some might call it psychological violence just by its presence in the community.

David Jordan: I respect the fact that you guys are doing your best to minimize its uses and minimize an impact. And I also do understand that those things are sometimes necessary. But I guess what I really wanted to sort of the summation of all of this was that there's a lot of new military technology that exists that we see on the news being used in a lot of other places. And part of what's in this legislation is really trying to ensure that, going forward, when that sort of semantic boundary is crossed between what is military and what is police as far as equipment and what is necessary that we put that we interrogate that to the greatest extent. So that we are not just saying these new technologies are useful to the police, but are they necessary? And I do get that there is oversight in existence. I think we're all just looking to bolster that oversight.

L. Armstrong: No. No problem with that. I think one of the... We've worked closely with the privacy commission on whenever we want to secure any technology. We go in and it's a very collaborative and we accept recommendations and go back and

make modifications if necessary. There are equipment that we don't bring forth because we believe that is not appropriate for the City of Oakland.

L. Armstrong: Oftentimes at the chief's level, people make a lot of offers to us about new equipment that they like us to purchase or that they like to sell to us and we say that it's not appropriate for the City of Oakland. So I think we continuously examine what's appropriate for this city. I think what our relationship through with the privacy commission and bringing forth that, we can also do that if it's necessary at the police commission. We're not resistant to that. We'll have those conversations and I think we can all collectively figure out what's appropriate for the City of Oakland.

Speaker 1: Thank you. Commissioner Brown.

Chris Brown: Thank you vice chair. Good evening. Thank you guys for coming tonight. Out of three of those, the first of which, and this is also is for Commissioner Gage. My reading of the draft proposal says that section three subsection G2 requires that the police department essentially reauthorize existing equipment through the process and would use to authorize equipment. Is that a misreading or is that accurate?

Henry Gage III: In general, that is an accurate reading. I'm happy to explain it further after you finished some of your comments.

Chris Brown: Okay. Well, if you want to clarify now, that would be fine.

Henry Gage III: Sure. The key issue that I believe needs to be addressed by legislation like this is reevaluation of use. Or to use a different term, continual threat assessment. What is the actual risk? How are we mitigating that risk and does that risk still exist in the future? So for example, needing ballistics protection is an actual risk. It's very straight forward. It's a real risk and I can understand the need for ballistics protection. The question then turns, once that risk has been identified by the members of the department, how can you best mitigate that risk in a way that's acceptable to the public? Maybe that's a BearCat. Maybe that's some sort of mobile armor system. Maybe it's additional trauma plates. You can think of all sorts of ways to mitigate that risk, but you need to continually evaluate whether the method you've chosen is still applicable to the threats you face for year after year after year. I'm concerned that if we continue down the road we're currently on, we can acquire equipment but never go back to think if we still need to use it or if it's meeting its original justification's going forward.

Chris Brown: Thank you very much. Insight to that respect, Chief [Armstrong 00:28:31], the idea that replacing things, it seems to be that replacement would essentially require reauthorization that you can't just say, "Well, we had one before." And said, "We're going to replace it." Apparently we have to evaluate whether or not it's still a reasonable thing to have.

Chris Brown: So now my next questions go to what is necessarily reasonable and I'm looking for mostly clarification here. My first question is, does the City of Oakland have any features that would compel us to have certain kinds of equipment? We have a port, we have an airport and we have a big airport, relatively. Do these require special equipment that other police departments wouldn't normally have?

L. Armstrong: Oh, Yeah, have that mic. Sure.

Captain Wingate: So the airport is actually policed by the L.A. County Sheriff's Department. Some of the specialized equipment they got were waterborne equipment because our runways or landing strips are actually, they face water. So you'd actually have a boat, you'd actually have to have certain boats, you'd have to have certain technologies that could look under the water. So I believe they have a lot of that technology that can do that and that is something identified that they needed that we don't have.

Captain Wingate: As far as the port, we do have responsibility of the port. And we have boats that can actually go and look at the port from the water side. That's really the limit. That's really all we have.

Chris Brown: Okay, thank you. So my next question goes to the regional emergencies. I'm not sure what emergency equipment San Francisco Peninsula have for terrorist attacks or for insurrection and riots and things like that. But whatever they have is not helpful over here. So we are the largest city on this side of the Bay. The question is, are there any requirements that we have in coordination with other police departments where that would compel us to own certain equipment because we're the largest police force over here?

L. Armstrong: No, there is no such ordinance.

Chris Brown: There's no agreements?

L. Armstrong: No.

Chris Brown: Is there any coordination regionally about what to do in case of a terrorist attack?

L. Armstrong: Yes, there are. I'll let Captain [Wingate 01:03:52] speak to you how we address those types of things.

Captain Wingate: So we work with the L.A. County Sheriff's. We work with the open fire and we try to get at least one annual, we call it a mass casualty event. We don't necessarily say it's a terrorist event. It could be a natural disaster. The earthquake we had here was horrific. Anything that produces mass casualty. So we try to get the police with fire with the county. So how many county is our

first go to for mutual aid and support. And we try to work with the medical, which is now Falck, it was P and P. So we tried to get an organized all the leadership from those elements that would be the ones to respond to any kind of act, whether a natural disaster or a terrorist attack. We try to work together once a year to kind of test and see what equipment might we need, what equipment might this jurisdiction have that we don't have. We had gaitors, but Oakland Fire needed more gaitors because we can transport wounded people who can't walk, etc.

Chris Brown: Okay. So along those lines then, specific to militarize equipment, I'd be more interested, not so much in natural disasters, but manmade events and whether or not there would ever be a... Is there any perceived need where people would say, "Does anyone over here have a blank?" And it would fall on a city like ours to actually have one of those around?

Captain Wingate: The one thing I could think of would probably be the BearCat. Because not every small city can afford that or has that. A lot have acquired it in Alameda County and our surrounding cities. That would pretty much be one of the only things I could think of.

Chris Brown: Fantastic. Thank you so much.

Speaker 1: Commissioner Anderson.

Tara Anderson: Thank you. For the purposes of my colleagues and the public, I'm referring to page 20 of the packet, which includes a column called OPD policies. And this is in response to key elements in the draft ordinance. Here are listed 11 policies. 5 of the 11 are training bulletins. This discussion-

PART 2 OF 8 ENDS [01:06:04]

Tara Anderson: These, five of the 11 are training bulletins. This discussion is the first time we've seen this enumerated for us. Absent us having this debate, we would not have this level of transparency and information about the existing policies within the police department. That to me signals that we need clear instructions and we need clear expectations and directives from the police commission to the police department to ensure that we don't ... I do not see the process that we went through when we reviewed the procurement of the BearCat as a successful check and balance.

Tara Anderson: I think it was thankful. I'm thankful to our leadership at city council and on the public safety committee for flagging that it needed to come to the police commission for review, but that is not the process that I believe should take place when reviewing procurement of that type of equipment.

Tara Anderson: I also see that on Tuesday's agenda of the public safety committee was, I believe that seems set of grant funds but a new purpose for them, but I find out about it just because I happened to look at what the public safety committee agenda was. We clearly have an issue with communication, and I believe the only way forward is to have clear directives and I see that only coming through a policy similar to that has been drafted and we're in discussing today.

Ginale Harris: Thank you Commissioner Anderson.

L. Armstrong: In response, we did not resubmit that to public safety, that was a different funding stream. A different grant was approved for public safety at Tuesday's meeting. We are reallocating that monies. I think I spoke to Vice Chair Harris about this that we have actually put a freeze on that funding that you identified. We'll be going back to ask that that be repurposed and allow for us to spend it in a different way.

L. Armstrong: We were asked to provide both the original spending plan as well as the new spending plan with a new curriculum versus the old curriculum that was used. That funding, it's a different set of funding.

Tara Anderson: It's the same funding source though, so it just must be a different fiscal year because it's COPS Funding?

L. Armstrong: COPS has multiple funding streams, multiple grant streams for different reasons. What was presented the other night was a COPS Steps grant that is being used for our traffic division. That is different than the actual grant that we will be using for use of force.

Tara Anderson: Thank you for clarifying that. I guess that just actually helps I think, further reiterate my point that we need better communication, clearer communication, and clear expectations.

L. Armstrong: I think ... Commissioner Anderson I'll say that, I think the challenge is that there are hundreds of policies that are in existence. I think when the commission brings forth any written proposal asking for feedback, we will provide that. I think it's just a matter of us not knowing what the commission would like to see. To your point, had the draft not been put forward by Commissioner Gage, we probably wouldn't have been having this conversation.

L. Armstrong: I mean the department recognizes that your draft precipitated this conversation. That's the challenge, right, it's that there are a lot of policies and we don't necessarily know which one you would like to review or what you want to be advised of. I think we'll work through that process and we're open to that but I think it's a challenge for us guessing what's important to the commission. If you submit something to us we will respond, and if it's appropriate for us to have further discussion on that policy, we're open to that as well.

Ginale Harris: Thank you Chief Armstrong. I will say, I understand what you're saying, but the neglect of the policies that we have seen and that have been brought before us, I don't think there's an excuse for that. Right? However, the department has been understaffed for many, many, many, many years. Right. We keep stealing from Peter to give to Paul. Right. Clearly our policies have been neglected all the way around, but our policies are what govern us in this department and keep us safe. Right. We have policies to keep us safe. We can't do that if they're not current.

Ginale Harris: It's things like this, a lot of bad events had to take place to bring things to light and this is one of them, so just keep that in mind. I did ask Commissioner Anderson for both copies because I want to see what was written and what the new rewrite, the ask for, because I know that you were interested in that and I to myself would like to see, but just, food for thought. Any other commissioners have any comments on this subject? Commission Gage.

Henry Gage III: Thank you Vice Chair. Chief and captain first thank you for your time coming here and talking about your response to this proposal. First I wanted to mention that during this conversation I've heard some frustration from you and I think it's understandable, particularly because if you are indeed conducting internal audit activities, if you are indeed engaging in the discussion of what types of equipment for example is or is not appropriate for use on city streets, I think that's laudible.

Henry Gage III: Unfortunately, if you're having those discussions internally and we have no window into whether they're happening, the public has no window, it's frustrating both of us. It's frustrating for you because you don't get credit for good work you might be doing. It's frustrating for us because people who have no other reason to trust you will assume the worst and people who might have a reason to trust you will still be distrustful.

Henry Gage III: I think we can improve on that going forward and as Mr. Anderson has mentioned, communication will be key but, I think it's important to state that I understand that frustration and I think we can work to remedy it. A few direct questions and then Vice Chair I'd like to ask my coauthor to begin his presentation then turn things over to public comment.

Henry Gage III: First, you had mentioned something earlier about a purchasing procedure that you go through. I understand generally the procedure to go to council, but is that outline specifically anywhere?

L. Armstrong: Yes, our city contract and ordinance requires us when purchasing we have to get three bids. I mean I think there was a presentation that was provided. I don't want to go verbatim, but there was a presentation that was provided about that. That presentation that covered how city purchasing has done is consistent

with the department and we follow that protocol, the city's protocol, unless it's a sole source not sold by somebody else.

Henry Gage III: Thank you. Is it accurate to say then that the city's contracting ordinance is the sole governing policy for purchasing decisions made by the department?

L. Armstrong: Yes.

Henry Gage III: Okay. When you are acquiring equipment, when is the policy for use of that equipment developed?

L. Armstrong: After we have gotten city approval to purchase that equipment, then we begin the policy development process.

Henry Gage III: Is that policy developed process generally concluded by the time that purchase has been concluded?

L. Armstrong: It could be, but it will be completed before it's issued. So nothing, no equipment can be issued or trained to until there's a policy

Henry Gage III: That sounds like you will request permission to purchase, save your research and writing resources until you receive permission, which I honestly makes sense, and then once the purchase is approved you'll then go through the policy writing process but the policy itself might not be ready until sometime after the purchase but before deployment?

L. Armstrong: Yeah, there may be some preliminary information is drafted for the request for purchase as to why there might be a need for that particular equipment, but until we actually receive the equipment, then we'll put our subject matter experts together to begin to create policy before and training before it begins to be administered into the field.

Henry Gage III: Okay. Thank you. That's all I have for now Vice Chair. I'd like to ask that this be turned over for public comment.

Ginale Harris: Okay. We'll be taking public comment, and that's John.

John Alden: I'm wondering if ... Is this on? I'm wondering if I could have a few extra minutes. We had understood that we would be able to present the ordinance, I thought actually even before the OPD staff report or you ... maybe people could seed time, however you want to do it but ...

Ginale Harris: I-

Speaker 2: [inaudible 00:08:57].

John Alden: Okay. We'll see how it goes. How many we need?

Speaker 5: [inaudible 01:14:59].

Ginale Harris: Okay.

John Alden: I don't think this will take more than six, seven minutes. Thank you for considering this tonight, the list of militarized equipment that this ordinance will control, which is listed in section two, was created because the appearance of such equipment sends a message to both officers and community members that officers are warriors, that they are at war as well as because of the physical capacities of these types of equipment to create specific harms.

John Alden: Tonight you will hear from some community members, some of whom who have experienced this equipment firsthand. Five years ago when police in Ferguson Missouri killed Michael Brown and wide protests ensued, police deployed militarized equipment as if they were at war.

John Alden: President Obama created a blue ribbon panel and issued Executive Order 13688, which banned some equipment in the Department Of Defense 1033 surplus equipment program such as bayonets and tracked tanks, it also subjected other types of equipment to civilian controls that are similar to this proposed ordinance. The same equipment list was included in AB-3131, state legislation proposed last year that passed The House Assembly and Senate and was then vetoed by then governor Brown.

John Alden: The proposed ordinance before you is modeled on this list of equipment. It's also modeled very closely in process on the surveillance equipment ordinance, which requires OPD to submit use policies and impact statements to the Privacy Advisory Committee, and then for general counsel decision.

John Alden: As noted, OPD does not participate in the Pentagon's 1033 Program, but it obtained similar equipment from other sources, including purchases made from the general fund and from cash grants by state or federal agencies. The proposal to acquire a second BearCat was for a California grant, which is how it got onto the city council agenda.

John Alden: OPD seeks to distinguish between equipment that is only used by militaries and military like equipment used by police, but also pointed out that the US military has used police equipment in operations in other nations, often when military troops are at war or an occupying force. One thing we're also seeing is the pollicization of the military when the military is an occupying force.

John Alden: However, this does not mean that the city council, public safety committee, or police commission ever get to review the acquisition of equipment. In the 21,000 line Oakland city bi-annual budget, there is nothing that would permit

members of the city council or the public to identify militarized equipment that is to be acquired or used, for example, by use of the words, "Armored, BearCat, tactical, arms, helmet, baton, rifle, specialty, munition, launcher, LRAD, explosive, pyrotechnic, caliber," et cetera. None of these are words appear in that 21,000 line budget.

John Alden: I have emailed to you a matrix that we made for provisions of the ordinance on what policy exists, what was just being discussed, or doesn't exist for each of the 15 types of equipment listed in the ordinance. OPD does not currently have equipment in six of the categories, some of which are prohibited. For only one type of equipment, the munitions launchers, is there anything approaching a use policy?

John Alden: I want to emphasize that for all of the equipment types covered in the proposed ordinance, there are no impact statements to review purposes, fiscal costs, community impacts, alternatives, or the track record of the equipment. There were no guidelines for acquisition for any item, any of them that is written down. There is no reporting of their use except in some cases when they are part of a documented use of force.

John Alden: Training bulletins that reference specific equipment are not publicly posted. In testimonies we have heard often, it is not just one specific type of equipment that makes people feel violated, but the combination of gear and weaponry that creates an impression of shock and awe. Let me just say something about three of these.

John Alden: Armored vehicles, the BearCat and armored suburban are those vehicles which would come under the ordinance. The OPD owns an armored vehicle known as the BearCat, which it acquired in 2007. The deployment rules for that BearCat were first issued in 2016 nine years after it was acquired. It was acquired through a federal grant and then it also owns an armored suburban.

John Alden: The BearCat was deployed at least 127 times in Oakland in the 18 month period between January 2018 and June 2019. During a majority of these events, in 70 there were no arrests. There were 10 injuries including one death, Joshua Pollack, a suicide, and attempted suicide. Some deployments were made to situations that at least from the dispatch information appeared to be very dangerous. 14 times the BearCat was sent to Raiders or NBA games, the Warriors parade, the New Year's Eve event, or Michelle Obama's appearance when there was no apparent specific threat.

John Alden: This is in spite of the fact that the rules for deployment for the BearCat say that the tactical equipment shall not be deployed for incidents that do not receive actual threatened or suspected violence related to loss of life or serious bodily injury or crowd control situations unless articulable facts dictate the need to deploy the equipment.

John Alden: That means the deployment to Raiders games and First Night, it becomes meaningless unless there's also some oversight of the actual execution of any kind of deployment rules. The log of BearCat events released by OPD did not include the deployment of the BearCat to Juneteenth in Eastmont of this year. OPD has said that it does not consider training activities with the BearCat to be deployments.

John Alden: Assault weapons. OPD owns assault weapons that are called patrol rifles as well as sniper rifles. In California and seven other States, the civilian possession of these weapons is banned. Assault weapons brandished by police are among the most traumatizing of experiences for community members, especially youth and children. We have heard this repeatedly in conversations with young people who witnessed SWAT raids as children. That is why it is crucial that the acquisition and use of these weapons specifically be reviewed by this commission.

John Alden: It should also be noted that when an AR 15 is shot, if it meets human flesh, there is much less likelihood of survival than with many other firearms. OPDs general order K-6 on the patrol rifle program guides who can use assault rifles in training but not the circumstances for use. The policy for requesting use of the rifle from a higher ranking officer does not give criteria for the request in the policy.

John Alden: Third, the Long Range Acoustic Devices. A federal court rule last year that NYPD could not use LRADs, which are also known as sound cannons, indiscriminately because of the potential to be used with excessive force. They were used in 2011 by OPD and witnesses at the time said that they fell over and were vomiting because of the impact of it. It has also created permanent hearing damage among other people in other places. It has also been used by military forces as a weapon in Israel and Iraq, therefore it should be considered a kind of militarized equipment although it is not on the original list of the 1033 Program.

John Alden: In conclusion, I think we've done our homework here. This is closely modeled on the surveillance equipment ordinance, and I hope that you will consider voting and passing this on to the city council this evening if you're able to. We have a less than four minute video of testimony by two youth, who I hope that can be shown now. Is that okay?

Ginale Harris: Yes, that will be fine.

Brian Del Rio: My name is Brian [Del Rio 00:17:50]. I live in Oakland California. When I was in the fifth grade, I was more or less around 10 or nine years old. It was three o'clock in the morning and I heard a loud bang go off. My understanding, it was either gas cans or flash bags that were used.

Brian Del Rio: I thought we were getting broken into because I heard a lot of banging on the door and then I heard the door. I was thinking when we're getting robbed and too scared. I didn't want to move, like make any rash decisions during dozens of people come into the house.

Brian Del Rio: I'm terrified. I'm thinking, "Oh my God." I'm like, "Something really bad is going to happen." All I hear is the name of my mom's boyfriend get called out saying that they had a warrant. As soon as I heard that I'm like, "Is that the police or what's going on?"

Brian Del Rio: Our door was locked, and so I just hear them break it open and like three to four people come in with automatic weapons and turn on the lights and they're pointing at me and my brother. I couldn't tell how many officers there were, but they were all in military gear, bulletproof vests, and helmets. I'm like, "What is going on?"

Brian Del Rio: They search through our room, my mom's room, the kitchen, the backyard. As soon as they were done, they just left. They left the house how it was, like all the mess. It looked like we'd really just got robbed. At the end of it they were just like, "Oh, do you want us to give your kids a ride to school?" My mom was like, "What?"

Brian Del Rio: I felt a lot of different emotions. First of all I felt really confused. I felt fear before I knew what was happening but I still felt fear even during. Seeing a barrel of a gun just pointing at me, it was really like that was it, I was going to get shot. They haven't been held accountable for it.

Brian Del Rio: Militarization is just making that even worse because it's striking terror into the community. it's treating it as if it's a war zone. You know? I feel like we were violated. You know? Even though they had a warrant for arrest, that wasn't necessary. All the things they had, all the equipment they used, it wasn't necessary. Why do it at four in the morning? It's just one person, why are so many people involved? You know?

Marczari: Hi my name is Marczari and I'm here so I can share my story. It was a raid on my house. It was about 11 o'clock at night and it was a flash bang that they threw in there. Luckily I wasn't in the living room because I would add an epilepsy attack. They came into the living room and they pointed the gun at my little brother and told him to get on the floor. Then they came to my room.

Marczari: I was asleep so I woke up, and they told me to get on the floor. I got on the floor. I did what they asked me to do because I didn't know what was going through their head, then they took me and my mom to the living room. They put me in handcuffs and they kept on asking me, "Where's he at?" When they asked my little brother, they still had the gun pointed to his head. They was like, "Where's he at?" He was traumatized so-

Speaker 3: How old was your little brother?

Marczari: 12. He was 12. After that I was like, "Wow, they really just don't care."

Speaker 3: What were you thinking?

Marczari: "Just please don't shoot," because I know they have no remorse for us as Black people.

Ginale Harris: Thank you John. The next speaker is going to be Maureen Benson. Okay. She went and stepped out, okay. How about [Celine Bay 00:21:31]? Mr. Bay. Kathleen F. Kathleen F.

Saline Bay: Celine Bay. That was pretty long. One of the things that I wanted to point out for the first thing is that the officer was talking about how no issues have come up with their use of this and where the whole issue with Joshua Pollack is that they hid behind these tanks for 40 something minutes and looked at a man who was sleeping through these high powered rifles through scopes, when everybody in the community knows, when a man is passed out that's the best time to go and kick anything out of his hand.

Saline Bay: I want to also say, as I started out I said Chauncey Bailey's story was about 2005 to 2007, OPD gun walking of high powered military grade weapons in our ... illegal weapons in the hands of known OPD shooters that were being aided by OPD. Over that two year period, five murders later, many shootings later, many injuries later, much destruction in our community later, 250 soldiers/officers from all over the Bay Area trained at an army base, blocked off miles of San Pablo, came with troop carriers and BearCats and raided a bunch of teenagers, ultimately only convicting three teenagers. With 250 officers, all this military equipment, flash bangs, this, of people that they created.

Saline Bay: You see, they knew about these weapons between 2005 and 2007 so, when they say that they need these things, they create the atmosphere in our community that becomes dangerous. Then they come back and go, "Oh well you know, we really need, because look at all these weapons," but I'm just saying, you left all these weapons on the street in the hands of these teenagers so you can't justify weapons that you left on the street as a reason for building up your military against the community.

Ginale Harris: Thank you Mr. Bay. Maureen Benson.

Speaker 2: [inaudible 00:24:01].

Tara Anderson: Kathleen F.

Kathleen : Hello. Thank you for your time. My name's Kathleen Donnelley Moran. My Whiteness has protected me from a lot of police violence and negative interactions with the police, but I do remember the month after I moved to Oakland, I was out downtown the night that the Warriors won the championship, and was very struck by the police presence I saw that night and the gear they were wearing.

Kathleen : I just thought, "Wow, people are just here to celebrate the Warrior's victory, but that the police find that to be very threatening and that they responded with so much riot gear." I support this ordinance to increase accountability and oversight of police equipment. Thank you.

Tara Anderson: Thank you. Lincoln J.

Speaker 4: Proceed.

Tara Anderson: Thank you. Eleanor Levine.

Elanor Levine: Hello. I'm speaking on behalf of Annie [Bodom 01:31:21] who was not able to be here tonight, she's ill, and so I'm reading her statement. This is all a quote. "I am here to represent WILPF East Bay, Women's International League for Peace and Freedom, CODEPINK, and citizens who do not want militarization of the Oakland Police Department. We want our police commission to protect citizens with regulating military equipment coming to the Oakland Police Department and limiting it.

Elanor Levine: Since 2013 Homeland security has been providing more than 900 million, that's a big number, 900 million in counter terrorism funds, which have been used to purchase military weapons, drones, tactical vehicles, even tanks to arm peace officers as if they're ready to occupy an enemy city. This has been largely unknown by the public. Arming police offices like they're ready to occupy an enemy city is totally contrary to the society envisioned by the founders, they are turning Protect and Serve into Command and Control.

Elanor Levine: We support the efforts of the American Friends Service Committee ACLU to urge cities to pass ordinances severely limiting and regulating police militarization. Oakland Police Department has been under federal oversight since 2003. It has in the past been indifferent to, or even ratified practices that violate civil rights.

Elanor Levine: It is alarming to us that the attempt to set regulations, let alone limit the use of military and weapons on citizens, has been met with resistance and rebuttal from the police chief. Military equipment needs to be regulated, if needed at all. Those regulations need to come from the city council and there needs to be transparency." Thank you.

Speaker 2: [inaudible 01:33:18].

Ginale Harris: Wilson Riles.

Wilson Riles: Commissioners, my name is Wilson Riles. I served on the Oakland city council from 1979 to 1992. I wish this ordinance had been in place when I was on the council. I wished there was a process that's laid out by this ordinance where a body like yours, independent with some experience and some expertise, would take a look at the equipment that our city council was asked buy for our police department and view that in the context of what was going on in the department and within the city.

Wilson Riles: While I was on the city council, the department asked us to purchase a helicopter. It was at the end of the Vietnam War. The Military Industrial Complex was losing some of its sources for helicopters and they were pushing helicopters on cities all over the country. We were convinced partially by the Oakland Police Department that having a helicopter would reduce the car chases on our street.

Wilson Riles: That was looked at what would be the result of us having a helicopter in addition to the other kind of support that the police department said, "Well when you look at the data, it didn't reduce any of the car chases by the military on our street." In fact, it helped to push this idea of an occupation force by the Oakland Police Department and to separate the Oakland Police Department from the community more.

Wilson Riles: If the Oakland Police Department needs anything, it's the trust of the community and a working relationship with the community. All of these things that they're talking about buying that they want, there is no indication that that's going to improve this trust between the Oakland Police Department. I was given a ride ... Just a little more time. As a council member who opposed the helicopter-

Speaker 2: [inaudible 00:29:35].

Ginale Harris: Thank you.

Wilson Riles: I did a ride along in the helicopter. I went up in the helicopter with the officer who was flying it at that time, one of the things he did was buzz the street walkers on San Pablo Avenue with the helicopter. There was no reason for doing that other than him trying to show off to me.

Wilson Riles: There is a real danger which I think this ordinance takes into account, of mission creep. Once you get these kind of equipment, they say they're for one thing and like in the military, there's mission creep that takes place and they end up being used for other things because somehow they don't want them just to be sitting

in a garage or in a parking lot somewhere so they try to find some other uses for them, take them to a ball game or something and show them off.

Wilson Riles: That's not acceptable and the consequences of that is that it just adds to the problems that the Oakland Police Department has. It doesn't reduce crime and it doesn't do what we need the Oakland Police Department to do.

Ginale Harris: Thank you. Paula Hawthorne.

Paula Hawthorne: Thank you. In order to try to make your time more efficient, we've been asked, we in The Coalition for Police Accountability, to try to just have one speaker on each item. I was asked to represent the coalition as I speak tonight to say, of course, we are in favor of this ordinance. It increases the transparency, it increases the ability of the community to control which of these weapons of war are in our community, and that's kind of it. I mean you've heard all of the other arguments.

Paula Hawthorne: If you don't mind, I'm going to take a minute to talk about something very close to my heart, and that is trying to get these guns off the streets. When I hear, and this is Paula, this is not the coalition's position, although I suspect it would be, when we hear, "We need these weapons because the bad guys have these weapons," then why don't we get the weapons out of the hands of the bad guys?

Paula Hawthorne: Why don't we have really good proactive programs to pull these weapons off the streets? I hate it. I hate it. When a policeman is killed, I hate it, I do. I hate it when any human being is killed. I am not an especially good mood today because I am a gun violence prevention activist and therefore my phone has been blowing up this morning. We've had 66 homicides in Oakland so far this year and, my phone didn't blow up because of that but it should have.

Paula Hawthorne: We have too many guns. We have too many guns, we have to get them off the streets. These high, high velocity guns that the police then need to have tanks, "No, it's not a tank," I understand, it's an armored vehicle, to stand up against, well why don't we move the guns? Remove the guns. Thank you.

PART 3 OF 8 ENDS [01:39:04]

Paula Hawthorne: Up against, well, why don't we remove the guns. Thank you.

Ginale Harris: Thank you Ms. Hawthorne. Liz Long.

Liz Atkins: Good evening commissioners. My name's Liz Atkins Pattinson and I am representing the YWCA Berkeley, Oakland in showing up for racial justice Bay area chapter. And we are in support of this ordinance. I'm born and raised in Oakland, and just think this absolutely needs to happen. There needs to be

oversight and transparency and while there's all these metrics of what these militarized items are going out to do or what might happen that they might respond to, what's really happening is the harm that's being caused to the Oakland community and disproportionately to communities of color within Oakland. It enrages me that such a disproportionate amount of Oakland's budget first goes to the police, rather than housing, rather than our schools and infrastructure that actually keeps people safe.

Liz Atkins: When I was 16 I was in a home that got raided by the squad, which was incredibly traumatizing. But also what would have happened to me if I hadn't been white? I might not be here. So I think it's incredibly important that this ordinance is passed. I think it's the least that we can do. And the use of military grade equipment by Oakland does create trauma and fear in the community, especially among children. And there are no controls over this. I definitely just want to speak on that and make sure that this gets passed. Thank you for your time.

Ginale Harris: Thank you. Ben.

Jane: Different cultures have different senses and definition of disruption. And different cultures have different responses to it. So the goal I would think is not for more control, but the eventual balancing of the police's need for authority with their ability to peacefully resolve dispute in disruption. And part of that comes, I would think from raising the quality of a community's lives, which in itself gets rid of a lot of fear in a lot of dispute, in a lot of hatred. That's not your responsibility, but I would think it would be your responsibility to quietly inform and pressure, low key pressure, the city council to get their act together and get that done. Thank you.

Ginale Harris: Thank you Ms. Jane. So I'm going to call a few names. If you could just line up at the podium, that way we can just go through this. This has been Semina Osman, Oscar, I believe Semina Osman. You have two cards here for the same speaker. Paul Brickmoore, Elizabeth Strain and Michelin. I hope I'm saying that right. Thank you. Hi.

Ben Keller: Hi, my name is Ben Keller. I'm speaking tonight on behalf of East Bay For Everyone, which is a signatory to the ordinance. The voices that you heard this started public comment from the kids, I think can seem very far away from this space and this body, but it's really important to keep those kids in mind when you're thinking about these issues and multiply those videos and the testimony that you heard a thousand fold, to really hear the experiences of kids of color and how they grew up in the city.

Ben Keller: These kids shouldn't have to feel like they're living in occupied territory in order to exist in Oakland. That's, wrong and that's immoral. It's criminal frankly, that that's the experiences that they have to live with.

Ben Keller: One of the officers earlier in his testimony tonight, casually mentioned that the OPD has 10 sniper rifles. That's shocking to me and I know that's a minor fact in light of all this testimony, but that really drove home for me just how different that universe is from the universe of the vast majority of us who live in this city. And I think it really underscores the need for this public process and this oversight that the ordinance is proposing. And so I really urge you to vote tonight to pass this ordinance and to send a strong message, hopefully a unanimous message to council that this is something that the police commission strongly supports. Thank you.

Ginale Harris: Thank you.

Semina Osman: Hello, my name is Semina Osman and I'm the Government Relations Coordinator for the Council on American Islamic Relations. Our organization is also in support of this ordinance. Our organization also was involved when Oakland was considering the surveillance ordinance and also the facial recognition ban.

Semina Osman: One thing is that, we need to make sure that there is transparency when the city considers acquiring some type of military grade technology. And I'm shocked that we don't have something like this in place in the city of Oakland when we do have our police department, they do have military grade equipment. Studies have shown that when police officers do have this type of military grade equipment, they are more likely to use force against civilians.

Semina Osman: Now we already have issues with police over use of force and we have people who have been killed, innocent civilians who have been killed at the hands of our police. So to add military equipment in their hands without any public process, without any transparency, is just unconscionable. We need to have this ordinance in place. It is imperative that we have this.

Semina Osman: And if we want to just talk about dollars and cents, some say, okay, well, we might get this equipment for free. But again, there's maintenance costs, there's training costs and of course there's going to be cost when it comes to lawsuits, when people are going to sue the city of Oakland for this misuse of equipment. And then of course, if we have to acquire this, pay for this type of equipment, we don't need this. And if we do, why don't you make an actual, real argument for the need for this type of equipment. Again, we need transparency, we need accountability, we need to use policy and we need this at the hands of our civilian body. And we want to make sure that our Oakland city council is also weighing in on this issue rather than it just being acquired. Thank you so much.

Ginale Harris: Thank you.

Speaker 6: I have a couple of questions and then a brief comment. First of all, I'm not sure if anywhere in the ordinance or in the discussion today, anyone asked what

weapons OPD is allowed to carry when they are working as state TTF or FBI liaisons, when they are actually deputized as federal agents. So that's probably something to look into. And as Mr. Bass said, and as we all know, the JTTF was investigating the bakery for no actual good reason. And we don't know how often that has happened in terms of our masjids and Islamic cultural centers.

Speaker 6: So I also wanted to ask, there is a spreadsheet in the packet but it's not clear what it is. It looks like the bear cat usage deployment. It looks like there's some file numbers that would indicate the incident number or the day, date stuff. But it's not whether that's the inventory of weapons that captain [inaudible 00:01:47:58] was referring to. It would be good to have that, if not.

Speaker 6: And then the last thing is I live in East Oakland and three times in the past six months, the police had been on my block with AR15, in front of a house with lots of kids that live there and hang out there. And at one point in time, a young man who's probably no older than 15, but is quite a tall for his age, was in handcuffs in this environment. And the kids were on the sidewalk, with someone walking around on my block with an assault rifle strap to their back.

Speaker 6: That leaves an impression, especially at that age. At leaves an impression for me because I was trying to film this to keep everyone safe. And one of the police officers was bullying me to get out of the way. He was pushing me back with his body in such a way that if I had moved in the wrong way, it would have looked like I assaulted him. And there's somebody with an assault rifle right there. So this can't continue. There was no reason for that. They were doing searches or whatever. There's no reason for any of this.

Ginale Harris: Thank you.

Speaker 7: I just want to reiterate that when you give people military presence, it can confuse them and make them feel that they are an occupying force. And occupying forces are always abusive. That's what studies show. So I just encourage oversight. I encourage reduction of militarism for our citizens and for our police officers. It's not good. The whole equation is not a good equation. So that's...

Ginale Harris: Thank you.

Speaker 8: Hello, I'm an Oakland resident and a public school teacher. The arguments have been made and been made and I am here because I'm grateful that this commission exists. I'm grateful for the fight, the struggle to make that happen even. I'm grateful that the ordinance has been written. I'm grateful for this conversation and I just urge, I believe it's essential. I believe we need to be able to maintain that conversation and push it forward and make it. This is a vehicle that can work and that I hold as really valuable and having a potential to really make a difference. And I really hope it happen.

Ginale Harris: Thank you.

Paul Vick: Hi, my name is Paul Vick. I'm speaking in support, kind of echoing what has recently been said because of the issue of mindset. When you give people the tools of soldiers, the decisions that are made, even if it's not exactly in their hands at that moment, are going to be different. And we need to know what those are. You might say that we might need these just in case, but I prefer, I want public servants and not soldiers in my community and we need to know what is going on. So thank you.

Ginale Harris: Thank you. Okay, so that concludes all of the public comment. So at this time I think I'm going to turn it over to commissioner Gage.

Henry Gage III: Thank you vice chair. Thank you members of the public and thank you staff for your reporting. Staff has kindly asked for the opportunity to sit down and ad hoc and discuss some of the details. I think that is a prudent option at this point. I'd like to request that any members of this commission that would like to participate in that ad hoc identify themselves timely so we can form a committee, meet with the department and come back at the next meeting with final language for potential approval. And to that extent and with my thanks to the department, I'd like to move that we form an ad hoc committee, table this item until the next meeting.

Edwin Prather: I'll second commissioner Gage's motion. I'd also like to mention that in a conversation that I had with Chief Armstrong, I do want to indicate even further, I think that today's discussion and dialogue around this topic has really sort of lit a light bulb with OPD. I think public comment was well taken by OPD. They've indicated both a need and desire to have oversight over this issue. And so what we're doing is allowing them to have the opportunity through ad hoc committee to address the actual language in the ordinance. So what we're not doing is, I think we're moving past sort of the need for the ordinance, everyone, both the public, the OPD now and this body by taking this action is signaling that there is a need for the ordinance and the ordinance will happen.

Edwin Prather: Now what we're moving on to is the actual wordsmithing of the ordinance and OPD has indicated that they would like an opportunity, they have committed to, if we can get ad hoc together with them to complete wordsmithing by the next meeting, and I believe our next meeting is the first meeting in December, and so we would bring back the ordinance with tweaks and language changes at that time.

Edwin Prather: But OPD is indicating that it is willing, and credit to both the chief and the captain today for committing to having any reports, committing to additional oversight and actually recognizing the issue. And let's be clear, a lot of times OPD comes here with a sort of a stubborn face and will not change its position and change its face. And I want to give credit to them for coming tonight for

listening to all of us listening to the dialogue and saying, look, yes we need this additional oversight and we want to work with you together to be a partner on this language. Again, I second the motion. I want to also give thanks to commissioner Gage again for bringing up this important issue. That's all I got.

Ginale Harris: I'd also like to say thank you to you Chief, Deputy Chief for your leadership role. I feel like you have been an essential part in this bridging from community to police department. And so I just want to acknowledge that that's what leadership is about. So thank you.

Ginale Harris: Okay, so does anybody want to join the ad hoc? Okay, I have Commissioner Gage, Commissioner Jordan, Commissioner Dorado, Commissioner Brown. Thank you. Well it only could be three. So we have Commissioner Brown, Commissioner Gage, Commissioner Jordan. Is everybody good with that? Okay, so we have our ad hoc. Yes Mr. Smirkin, please come to the podium.

Smirkin: Just a point of information or a suggestion, if you come back with a ordinance based on a revision of this, wouldn't be possible for the agenda and for the documents, the attachments to give a version that shows the strikeouts, so it's easy for community people to understand what the process was and then they can ask relevant questions relevant to actually what happened. Is that possible?

Henry Gage III: Yes. I can prepare that document.

Ginale Harris: Okay. So we have our ad hoc, so that will conclude that agenda item. Commissioner Anderson? So let's take a vote. Commissioner Anderson. Commissioner Dorado. Commissioner Gage. Commissioner Harris? Commissioner Smith. Commissioner Prather. Thank you. And it is unanimous. So the motion passes. Very good.

Ginale Harris: Okay. So we're going to move on to the next agenda item, which is a report and review of CPRA pending cases, completing investigation, staffing, recent activities and executive directors 100 day report.

John Alden: I do have a little bit of a presentation to make about a hundred day report. Would it be all right if I use the lectern so it would be easier to see all the commissioners and fill your questions with a longer presentation like that?

Ginale Harris: Give me one second, Mr Alden, one second. Just let them conclude whatever it is they need to. Commissioners Gage? Commissioner Jordan? We don't have a quorum? Thank you gentlemen. Okay, thank you Mr. Alden.

John Alden: No problem. Thank you for making time to hear my a hundred day report. When you first were interviewing me and hired me for this position, I told you one of the things that was really exciting for me about it as I thought Oakland was

really on the right track under Measure LL. And that I liked the direction I see here in Oakland around civilian oversight of law enforcement.

John Alden: After my first hundred days, I still feel very much that way. I see a lot of potential here. I think there's a lot of reason to be optimistic about where we're headed under this model and I think it is the right model for Oakland.

John Alden: That said, I have also had now some opportunity to really dig into what's going on at CPRA specifically. And so my report tonight is going to be about how we're doing at CPRA on our core function of investigating cases and what I think we're going to need to do in order to make sure that we accomplish the promise of LL, that we actually are delivering the service as described in that measure.

John Alden: I think that can be done, but I also think it's a longterm project. And so what I'm going to lay out for you here is a plan that is probably going to take somewhere in the four to five year range to execute. And I hope that this is therefore the beginning of a conversation with the commission and with the public about how we can best accomplish those goals and which ones we want to have a short term goals and which one is longer term. I'll lay out some ideas and I imagine perhaps say at a future retreat we might talk about these some more.

John Alden: I think it is easy when doing this work to focus on the day to day. For anyone who is an investigator in cases like these, it's easy to be thinking about how I get the next document or how I set up the next interview. Likewise, it is I think easy when one is managing an institution like this to think from day to day how many cases are pending this week? How many cases did we close last week? Those are important considerations. But I'm much more concerned about maintaining a longterm perspective about improving the overall performance.

John Alden: As I've told some people in the agency, I know we're really behind and we have a big backlog and some days it feels like we're all standing in a ditch and it's filling full of water and they're wondering why the executive director isn't there with a bucket right alongside everybody else. So what I've been telling them is I am trying to get the backhoe, and once I get it over here, this is going to improve a lot. So if you don't see me with the buckets it's because I know we have a backhoe, it's almost here, we're queuing it up and it's going to be a lot easier once we get it in place.

John Alden: And I think the same is true here. It would be very easy for us at this level, as I'm talking to the commission to focus on the challenges we have from meeting to meeting, particularly when perhaps on a given issue, not everyone in the city's on exactly the same page about an issue. But one of the things that I am really impressed by in Oakland is the fact that while there are significant disagreements about some things, on the whole, Oakland is a city that has a remarkable level of consensus among city leaders about the fact that civilian

oversight is critically important and should be prioritized now. And we should be taking advantage of that.

John Alden: That doesn't happen in every city. That hasn't always been the case here in the past. It may not always be the case in the future. Now's the time to take advantage of that consensus as best we can and find the areas where we do agree make best use of those. And I say that in part also because I see three significant challenges coming our way at CPRA, and therefore to the commission as well. I see all three of these challenges as fundamentally external to us and if we don't work together here at the commissioner in the city to be prepared for these challenges, they could swamp us. But I think we can as long as we stick together and work proactively on them.

John Alden: The three main challenges I see are first of all, that civilian oversight in this era is primarily about, in my opinion, changing police culture in Oakland, in California, nationally. That is not easy. I think Oakland has already made incredible strides in that regard. I think in any particular police department, police culture isn't monolithic. You'll find some units, some people, some folks have different ranks, for example, have different attitudes towards it. I've seen far more promise in OPD than I have in many other departments. That is not to say we're done or that we're there, but I do want people to know that this department I think has actually made some progress. Other departments have not. The probation and parole search policy earlier this year is a good example of that. And we should take advantage of those opportunities to collaborate where we can. They're not always going to be present. Some days they're going to be struggles or we're not on the same page, but when we can collaborate, I think we should take advantage of that.

John Alden: That said, you're going to see police culture still be in opposition to us. I know the commission has already had the experience of lawsuits being filed by the Police Union about cases that the commission has worked on already. That's a matter of public record. That's no secret. I would imagine you will probably see that again. We have already in our office, without naming names or getting into cases, I can't do in a public fashion, had at least two officers refused to come in for interviews with us. That's another sign, in my opinion, of an unhealthy police culture, at least among some people within OPD.

John Alden: These are the challenges that are going to confront us more than anything else we've worked on together over the last three months. And we need to be prepared for that.

John Alden: The second major challenge I see is the NSA frankly. The NSA has been a great tool for a forum in Oakland, but for those of us in civilian oversight, we need to remember that that NSA applies to us too. It's not an NSA as to the police department. It is an NSA as to the city of Oakland. In the long run, I'm concerned that CPRA needs to be able to keep up with some of the goals in the NSA. One

of those is completing investigations within 180 days for example. As you have heard, as you've seen in my presentations over the last three months, we're generally completing our cases in the 11th month, nowhere near the 180 day mark. It's going to be a challenge for us to get there.

John Alden: I do not ever want to see civilian oversight in this or any other city be the reason why we're not making a goal under an NSA. And we're going to have to really focus on our investigative process and improving that so that we can be a partner in meeting that 180 day goal, instead of being the reason why the city doesn't meet that 180 day goal.

John Alden: The third is, this system has a lot of promise. I think there's a certain public expectation that we'll be able to increase transparency and accountability. I think we're making progress in that regard, but we need to stay focused on that. If we're not meeting the public's expectation about transparency and accountability, we're not providing the product we've been asked to provide under LL. And public support for civilian oversight could be diminished if we're not able to provide those two essential products. Moreover, those are the two products that I think civilian oversight provides and that helps improve the discipline system. Ultimately at the end of the day, at least at CPRA specifically, that's what we need to be providing every single day. And while we're close to providing that and the level I would like to see, we're not quite there yet, and we're going to need to continue to focus to make sure we get there.

John Alden: In that regard, I've been looking at staffing. Our case load and our quality of investigation, database and our internal procedures, these four factors are all the ones that I'll be focusing on over the next few years and I might need some of your help with.

John Alden: With respect to staffing, the staff at CPRA have a really good attitude on the whole and are excited about this transition. They like that the work they're doing now really makes a difference in discipline cases. They feel included in the process in a way that I think many of them did not in past years under CPRB. That's really stoked their excitement about the case and their enthusiasm for the work. And I'm really excited to work with them for that reason, but also take advantage of that while they still feel that way.

John Alden: The flip side is that our caseload is simply put too high. For our first line investigators, the case ratio on pending cases today is about 17 cases per investigator. That's a little bit too high. It's a little bit more daunting when you think about it in terms of the number of cases they each have to close in a year. It's a little hard for us to have an exact count of how many cases we get in a year, but since the implementation of LL and the advent of these mandated cases that now CPRA health has to take, I would estimate we're probably looking at 250, 260 cases in a year. That's compared to CPRB doing at its peak, maybe 40.

John Alden: For our investigators, that's a dramatic change. That's maybe a six fold increase in the amount of work they need to do now. We've also significantly increased the number of investigators but not six fold. So we're going to have to be much more efficient about how we take a look at those cases.

John Alden: Over time, I do think that case load is going to come down because we have a significant backlog now. If we were getting our cases done in 180 days, that caseload would be about half and that's right about where we want to be. Right at the moment, this has caused a really high level of overtime use. In the first quarter that I've been here, we've logged about 540 hours of overtime among our six investigators and three of them have only been here for a month. That's a big number.

John Alden: We also have a lot of comp time on the books, meaning people worked some overtime and they chose to get paid for that in the form of time off. That's kind of like borrowing at 50% interest on a credit card because every hour that the investigator works, it's paid back in comp time, gets paid back with an hour and a half of time off. Obviously that's not something we can keep doing. Altogether, our investigators have about six months of comp time on the books in addition to other forms of vacation. So that means really, we have five investigators this year, not six.

John Alden: In the long run, we're going to have to spend that back down. This means in the short term, we don't have really staff at all for outreach, policy, supervising contracts or other projects other than investigating cases. That's something that really only Mr. Russ and I can do in the time that we have available, squeezed in with everything else that we're doing.

John Alden: In the long run, that's also not sustainable. We also know that eventually when the inspector general is set up, Mr. Russ and his policy analyst position will move over there. So for that reason, I think we're going to need at least three more staff and I could use your help on the commission with this idea.

John Alden: I think we're going to need someone to be an assistant to the director, to take on some of the executive tasks like payroll, personnel, longterm planning. Many of those tasks are currently being done by Mr. Russ, but when he leaves, we won't have anyone to do those.

John Alden: I do think we're going to need also a program analyst too, for outreach. It used to be under CPRB. Our total caseload was such that different investigators could do some of the outreach themselves in between other cases. We just don't have the resources for that now. Having one person that could help with outreach both for CPRA and the commission, I think would be extremely helpful and really essential if we're going to do any substantial outreach.

John Alden: And I think we also need to have an admin analyst too added to our folks because we just don't have enough administrative support. We need that to be someone who is skilled enough that they can take care of things like putting together some of the presentation materials for the commission, following up for the commission on some of the longterm tasks that you have and also a lot of the planning and organization inside CPRA. This is in addition to converting one of the investigator positions from complaint investigator two to complaint investigator three, which I've talked to you about before. That's in the works now and I am hopeful that that is approved by the end of the year. Once we have that person on board, we'll have two mid-level supervisors for all the investigative staff and I think that's about the right level.

John Alden: Adding these other three positions is about a \$500,000 a year ask. There is about \$500,000 in a year. We're going to have to ask the city council for a mid year budget change to do that. I'd like to, with your support start that process in the new year. That means these staff probably wouldn't be with us until about a year from now, which if the inspector general process moves the way everyone seems to think it's going to move, might be about the time that Mr. Russ policy analyst position moves over to the IG. So that would actually be fortuitous timing because if we lose Mr. Russ, we're really going to have a hard time following up on projects other than investigations.

John Alden: As to our cases and quality investigations, one of our biggest challenges right now is lack of clarity about some language in the charter, having to do with personnel records. There is a phrase in the current charter that comes from LL, that talks about a personnel records only being accessible by the executive director. Now, generally speaking, in police personnel work in California, most of us think of personnel record as referring to a complaint and any material that's investigated from the complaint. And that comes from a definition in the penal code. So if you draw that out to its logical conclusion, if we think the language in the charter about personnel files only being accessible to the executive director, would mean that I would be the only person at CPRA that could look at the complaints that come in or any of the materials generated as they're being investigated. Obviously that doesn't make any sense because that's what our investigators are doing all day.

John Alden: That lack of clarity we've been trying to address as best we can. I think there is a consensus right now...

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John Alden: ... and to address as best we can. I think there is a consensus right now that at a minimum it seems to mean that investigators at CPRA probably should not have access to prior records of discipline and that, in and of itself, is crippling to the system. It's really slowed us down. I have asked those who've been working on potential amendments to LL to include a fix in that regard, and as that moves

through the process over the next few months, I anticipate I'll need the commission's support in that regard too. If we could fix that problem it would increase our efficiency tremendously, and also the quality of our investigations.

John Alden: Our staff is really hungry for training. They haven't had a whole lot of training over the last few years. They have had some, but they, pretty much to a number, report they haven't had enough. And they've given me a pretty significant menu of what they'd like to get in the way of training. We're really aggressively working through that right now. I would say most of our folks have been to at least a week, if not two weeks, of training just since I came on in the last three months. That slows down the cases in the short term, but in the long run it increases our efficiency. It means we'll get more cases done, so I'm glad to see that.

John Alden: But one area in which we really don't have enough training right now is on the really most serious cases like officer-involved shooting cases or cases in which officers are alleged to have sexually assaulted someone. Those are both kinds of cases that we know have been a great concern to the community in the past. Hopefully we never have any of those again. It would be unrealistic to plan to never have any of those again. Because these are low frequency, but very high consequence cases, they're ones we really need to be training on better. It's going to be some time before we're in a place where CPRA staff could, say, respond live to an officer-involved shooting scene. That's going to require a really high level of training we don't have, more staff than we have, a lower caseload than we have, and some fairly thoughtful arrangements with the Police Department about what that rollout would look like. Honestly, we're at least a year away from making that happen. Probably more likely to. That to me is a very important goal, but I also recognize it's one we're not going to accomplish in the short term.

John Alden: Third issue I've been looking at in addition to staffing and the caseload and quality investigations is our database. We've talked a lot about that here. It clearly needs improvement. The public facing part is remarkable. I've never seen a database like that that allows people in the public to submit their complaints directly to the agency and even download documents, and that part is commendable. I really like that. Internally, inward facing, we do not have the ability to run the reports or the searches that we need or track cases in the way that we need to. All of the reports you see in our agendas are essentially tracked by hand on Excel spreadsheets by several of us in the office, including Mr. Ruce and myself and [inaudible 00:02:55]. That's not an acceptable way to create those reports moving forward.

John Alden: We are meeting next week with the folks at IT here in Oakland. We have a pretty good list of what it is we'd like to see out of the database. I don't know how long that's going to take. My past experience at other places is database improvements like that usually take some time, and I hope to have a report for

you in the near future about how long it's going to take in our case and what that might look like. But in the meantime, if you're looking for data from CPRA, please do be patient with us. The only reason we're slow is that we don't have the right tool, and we are going to be working hard over the next year to make it the right tool. I'm hopeful that a year from now we have a really excellent database, not just outward facing but internally as well.

John Alden: Fourth and final item is internal procedures. We have none. One of the things that became very clear to me within the first couple of months of being at CPRA was that we had some internal procedures from CPRB days but most of them were inapplicable to the work of CPRA. We've been aggressively developing those over the last three months. We still have a lot more to do in that regard and we're also going to need to memorialize them. That requires a fair bit of time. That's one reason why it'd be great to get the complaint investigator three additional positions we've talked about authorized and in place, because that person could really help us out as well.

John Alden: I do think completing that process is going to take until at least mid-2020 but, once we're done with that, that should increase efficiency. It will provide a templates and structure for a lot of the folks in the office. Hand in hand with that is updating the job descriptions and performance plans and investigative protocols we use, all of which still date from CPRB days. And so, that will take us well into 2020. So, that's going to keep our hands full internally as we generate those things.

John Alden: All of these also lead me to say that while we're working on these things at CPRA, it is really important that the Inspector General's Office get up and running as quickly as possible. And that's not something we have direct control over at CPRA. Some of the conversation that the city's been having about amending the charter as to certain aspects of the IG position are really important conversations to have. Once that process is done, I'd really urge the commission to focus intently on making sure the Inspector General gets hired as promptly as possible. Several of the things that we're struggling to do at CPRA really are ideal for the Inspector General. Assessing, say, the results of the most recent use of force audit that the Police Department's Inspector General put together is something we're trying to work on as best we can now, and Inspector General would be better positioned to do that.

John Alden: Some of the specific investigations we've talked about here at the commission, like the Bay Case or the OBOA Case, would really be best run through an Inspector General's Office. Policy work, like the use of force work we're working on now, some of the public outreach that Raheem has offered to do, that we'll be talking about later today, could also potentially be run through the IG. And if they had a few more staff, I think that would be the ideal place to house that, and it would help us at CPRA do a better job in our investigative tasks.

John Alden: All of that's to say we haven't done, as you can imagine from hearing this, a whole lot of outreach yet. I'd like to be doing a lot more outreach and that's one reason why I think we need another outreach staffer. I had originally hoped to be doing a lot more outreach by this point within the first hundred days, but now that I understand the scale of the challenge we have internally at CPRA, candidly, a fear of mine is that if I do a lot of outreach right now and our number of complaints increased, I don't know that I'd be able to do as thorough a job on those as I would like. And that does not feel good. So, I'm trying as hard as I can to make sure we've improved our investigative methods and our capacity to take on investigations immediately. And I do think that'll allow us to do a much better job with outreach moving forward.

John Alden: I should say that one of the things I notice in that regard is that the vast majority of complaints that we're investigating at CPRA are ones that the public lodges with the Internal Affairs Division first. It is honestly pretty rare that people come to CPRB directly. That is maybe five to 10% of our caseload, I would estimate. Again, since our database isn't quite functioning the way I'd like it to, it's hard to give you an exact number, but I think that's a pretty good faith estimate. I would be curious to see a year from now if we had increased the capacity and we had some more outreach, whether or not a good number of those people who are currently complaining would choose to come to CPRA first instead of going to Internal Affairs. And I think that would be a positive, and in fact, it might be at the end of the day that our caseload doesn't increase, but people have the opportunity to come to CPRA to make their complaint and find that a positive experience.

John Alden: Those are the goals that I have for the next few years. I'm really looking forward to hearing back from the commission about what you think about some of those goals and what you think about how we're doing so far at CPRA? I hope there's a conversation we can continue to have over the next few months, but I think the bottom line for us is I'd really like us to be focused on meeting public expectation, being prepared for the inevitable pushback we're going to get from those parts of our local police culture that aren't with us on civilian oversight, and making sure that we're doing a good job on our part of the NSA, particularly getting our cases done on time. I think those are going to take longterm focus. I think they're accomplishable, but I also think that this is going to be a marathon, not a sprint, and it's one I'm looking forward to running with you. Thank you.

Ginale Harris: Thank you, Mr. Alden. Thank you for your presentation and I was really excited to hear about your first hundred days and the assessment of the CPRA office. I'm disappointed a little in regards what I heard tonight, but I'm not surprised. It's exactly what I suspected, but now it is confirmed by you. I agree that I think the staff is one thing, but my concern is the investigative experience. That is my concern. And so, now it answers a lot of questions a lot of us had on this [inaudible 00:09:31], why we were getting so many outcomes that we were getting in regards to some of the cases. It's lack of experience. When former

Commissioner Benson was on the commission, when we did the budget, we looked at... What's the word I'm looking for? Reorganizing the CPRA, and what does that look like?

Ginale Harris: And so, you said something up there, you said when Mr. Ruce Goes to the Inspector General's Office, and I don't think that's the way it goes. I think we are planning to do outreach and hiring just like we did for your position. We don't grandfather people into positions. This is new. CPRA is new and upcoming, so we want to start with the investigative part. And I think when I took the training for the investigation for IAD, the light bulb went on for me. They have a really extensive department, even though they are short of staff, but they do and they have this incredible training that they get, which we don't. And I think we should look into that. Why can't we use their resources since we don't have them? I don't want to wait five years. I don't want to wait two years. I would like if we could possibly help and assist our investigators get the training that they need or we can discuss that.

John Alden: I think that's a great point. One of the things we've done already is about a month and a half, two months ago, we sent all of our then-current investigators to the same IA training that the Police Department uses for two reasons. One, it's a good training, but then secondarily it helps one understand what's going on in Internal Affairs because then you're getting the same background that they are. Now you might not agree with the outcomes that they reach, but at least you have an understanding of how they got there, and I think that's sometimes useful in analyzing why your conclusion is different. So, I was pleased at the Police Department made space for us at that training, told us about it in time for us to get people in there and helped us arrange that. That was one sign that, at least in that regard, there was a healthy culture amongst some of the folks at the Police Department who do that. I like that they included us in that training.

John Alden: We have three investigators who have come on since that training, and we're going to get them to the same training over the next couple of months. Some of the other training resources we use are some of the same ones that police use. And then, some of the ones that we use are ones that are more commonly used by folks in civilian oversight. I like having a mix because the more perspectives you get about how to investigate a case I think then the more tools one has. I also think a big change at CPRA right now is that in the CPRB days, as the name of the agency suggested at the time, the Civilian Police Review Board, oftentimes the work done by many of the investigators was merely a review of a file that Internal Affairs generated. So, the interview would be done by Internal Affairs, then someone at CPRB would read it and see if they came to the same conclusion and then write a report about that.

John Alden: That's a model that was very popular in California in the 70s and 80s. In my opinion, that's not sufficient for Oakland, and it's not the model I think that's

envisioned in LL. I want to see us doing investigations and that means that our people are doing the interviews. Either they are doing it first, they're doing it second, they're doing it together, doing it solo. However they're doing it, they're interviewing people.

Ginale Harris: Very good.

John Alden: And for some, that's a transition. For others, that's a moment of excitement because they've always wanted to do more interviews and they love doing interviews. Either way, that's the direction of the agency. I think you're going to see more thoughtful, more in depth analyses in the cases as a result. I would note that if you look at the report we submitted for this meeting about the case closures, we had, just in that set you see there, about a 75% sustained rate. Now that's a little bit misleading because one of the things we have been doing, and I think this was an old CPRB tradition, is only reporting to you the closures on the cases that were assigned to investigators. I don't like that model.

John Alden: Our next report will include cases that we closed regardless of who worked on them at CPRA. If you include those, our sustained rate in the last few weeks was probably closer to 35%, but that's double national averages. That was an unusual period maybe in some ways, but I do think our sustained rate is going to be higher than you see in other places because our folks are digging into the cases in more detail. And I have seen some cases in which our investigators have found things that caused the city of Oakland, that meaning including the Police Department, to change its position from something other than sustained to sustained. And I think that's a real credit to the investigators who are taking advantage of this opportunity to dig in. So, I see positive direction and I agree with you about the direction you just laid out.

Ginale Harris: Thank you, Mr. Alden. Commissioner Gage.

Henry Gage III: Thank you, Vice Chair. Director, thank you for your report. One item you mentioned that I'd like to turn back to is the idea of realignment. I think it's an accurate representation of what we're asking you to do with CPRA. What I'm hearing tonight is essentially a request for resources. Sounds like you're looking for money to hire additional staff and given the need to realign CPRA, it's an understandable request. That is, of course, some will be beyond your purview and some will be beyond ours to increase our own budget. That's going to be on us to help you get the resources you need.

Henry Gage III: In the interim, while we can work on getting additional money for staff and while we can work on helping create additional capacity via an OIG, I like to try to keep a running tab of issues raised and identified by CPRA investigators. I remember seeing something from Mr. Ruce sometime ago with respect to policy issues identified via the investigation number of these cases. I'd love to see that list continue to pop up so we can keep a tab on the types of policy

issues that are coming up, so we can hopefully start addressing them before we get the additional staff we need. There's no need to wait for an IG to start digging into some of the policies that you're saying right now. That was my request from the agency at this point and I can understand that you're doing the best you can with the resources you have available. And for that, you have my thanks.

John Alden: Thank you. I should note that one of the changes we made in our monthly report for this cycle was inclusion of policy recommendations in the closed case list, which we haven't done before. But that way at least you and the public have some idea of what policy recommendations we're making, what's popping up along the way. And we'll keep a list of what we've seen over time so that, as resources permit, we can figure out which of those might be the highest priority for us to really dig into.

Ginale Harris: Thank you, Commissioner Dorado.

Jose Dorado: [inaudible 02:29:30] I think it's clear we really appreciate you, those excellent report and things are moving along well. There are a couple of quick questions. One is what would be an ideal caseload if there is such an animal, and secondly, what an irony that the better job we do at outreach, whether it be through your staff or on the commissioner or combination, the tougher job you have in terms of handling with the potential additional cases. I don't have an answer for that then maybe you had a quick thought about that.

John Alden: I'll start with the last question first. Clearly, our goal is to take every complaint that comes to us and to have enough presence in the community that anybody who has an experience that they're unhappy about with a police officer, can come to us, knows how to find us and that we're easy to reach. I think that's an essential part of our mission. So, it is really important to me as a longterm goal to have a level of outreach that lets people know who we are and where we are and how to get to us. And then also to have staff, enough staff and enough training and capacity to take on all those complaints. That's really important to me. I think that's a top shelf priority. And that's one reason why I want to think longterm about making sure we have the resources to make that happen because they're both important. I don't want to shortchange one for the other if I can.

John Alden: Sorry, I forgot your first question. Ideal caseload. Thank you. That's a topic that a lot of people debate in this field. Any time I run into investigators who have 20 at a time, they just look stressed out and they tell me they can't really do a good job when they have that many all at once. There are some who say maybe 20 in a year is a good case load and, when you think about that, that means about two weeks on each case, a week and a half maybe, to work on each case. And I think that's about right. But that means you probably have 10 at any given time.

John Alden: So, half of what we have right now would be I think an ideal caseload. It is also hard to compare one case to another. Some cases are pretty simple as you'll see from our closure reports. In this particular set, we have one case that has a couple dozen allegations altogether, and others that had two. And so, some cases are just a lot more complicated than others. Honestly, I hope we don't, but if we had an officer-involved shooting in the near future, I'd probably put someone on that full time for several months to really dig into it because it would require that level of focus, and that would increase everyone else's case load for a time. So, that's a factor to think about too. You want to have enough room in the caseload that if something really dramatic happens, you can task someone to it without the rest of the system falling apart. So, 10 at a time, 20 in a year, something like that.

Ginale Harris: It's my understanding that we have intake, and it's my understanding that the intake technicians gather a lot of the information in the beginning of opening a case. Does that alleviate any of the process for the investigators itself and if so, because we have quite a few intake technicians, correct?

John Alden: We have three.

Ginale Harris: We have three?

John Alden: I do think it's a big help, and one of the reasons it's a help is that some of that work at the beginning takes a bit of time, is a little bit laborious, it's a little bit repetitive. And having someone who's good at getting out requests quickly for the information that you need and making sure it's all gathered in the file is a real help. In the long run, I think having those folks work cooperatively with the investigators on the really complicated cases would be even better than the model we have now of having them look at each case for intake, gather documents and pass it on to an investigator.

John Alden: But I do think that system has been a real help and I'd like to keep it. I do think that the intake technicians have expressed some concern that they haven't gotten enough guidance in the past about how best to do that job. And so, we're trying to provide that guidance to them piece by piece now, based on what we're seeing from them about what their concerns are and what their challenges are. That's one of the ways in which we need to create more internal procedures and expectations and I do think that probably takes us well into next summer to make that work well. And I'm looking forward to continuing to do that collaboratively with the intake technicians. They have some really good ideas. They're thoughtful people.

Ginale Harris: Well, ID has a guideline and this is one thing I was very impressed by because they have a guideline, and why invent the wheel if it's not broken? We have a guideline on investigative procedures and you can go to any department in America and they all have guidelines on investigations on what is to be

gathered, what is to be asked. We ordered books from [inaudible 02:34:36] that shows the steps and investigation. And those are very good resources. I think our department, our agency could really benefit from having those kinds of resources in the meantime.

John Alden: Yep.

Ginale Harris: Commissioner Prather.

Edwin Prather: Thank you, Vice Chair. I just want to echo I think what I'm hearing from the rest of the [inaudible 02:35:03] tonight that I've heard it from the public, I've heard it from other of my colleagues, Mr. Alden, I've not actually said it and I think this is a good opportunity at this hundred day report, but I just really want to appreciate you. You have brought a level of professionalism and transparency, credibility to that to the agency. I would have never fathomed a year ago having this kind of civilized discussion of give and take with our prior leadership of the CPRA, to be able to ask just poignant questions, to have educated, intelligent responses, and I'm not being facetious, I'm actually being very truthful about this. But to have you have answers and to share answers and to share answers, not only with us and the public, does nothing but just create a level of confidence in the CPRA that I would like to think it is at an all time high. I don't track that kind of thing.

Edwin Prather: But if the citizenry of Oakland doesn't have confidence in the CPRA to come in and make reports, to make claims to come in and tell us about things that have happened, then the system completely breaks down. And to have you just come up here and report on a hundred days and to tell that I hope that that is being felt by the public because I feel it sitting here and I think all my colleagues do as well. So, I do want to thank you for that. I have a couple of things I do want to remind you because I feel like I'm the Debbie Downer on this issue. We need to have a public storefront space. Let's not forget that. I'm not saying it should be at the cost of additional staff or anything else. Additional staff from the case you're making is very important.

Edwin Prather: We are mandated to have this storefront space and we have neglected to address this for over two years now. It's not your fault, but you are picking up the pieces to it and it is something that we need to have a plan for. I've not yet seen a plan. We need to have a plan of how that's going to happen. I've heard you talk about it before. This is just a reminder that this issue is out there. The other thing I wanted to mention is that do you compare, for example, of course, it's apples and oranges. One investigation to another, one investigation might have 20 witnesses. One might have two. And so, the quality and the amount of time that may go into one is obviously different from the other. Two investigations that have two individuals, depending on the subject matter or depending on the complexity, they may have the same witnesses but one may

take an inordinate amount of time and one may be very simple. And so, you can't compare numbers.

Edwin Prather: But I'm wondering, is there a check and balance for you as an agency director against other type of oversight entities, other entities that do the same kind of review of cases? Are you able to compare to San Francisco's numbers, to other jurisdictions, where you're able to say, look, the average police-involved shooting takes someone six months, and to bring in outside numbers. Because I think that may be the only way we can tell, and you can tell, when your staff is not taking long enough, where they're taking too long. But it's just a point of comparison. I'm not trying to get in the weeds on how you do your job. I'm going to leave you to do your job. Maybe that's more of a suggestion than anything that requires a response. But thank you for what you do. I think we all appreciate you very much.

John Alden: Thank you.

Ginale Harris: Very good. Very good. Commissioner Anderson.

Tara Anderson: I wanted to bring up one very specific area because I think it's important and it helps demonstrate us thinking outside of the box of what CPRA can mean to community, and really seeing every complaint that comes in. A root of what's experienced by that survivor of violence, there's trauma. And regardless of whether or not we're able to sustain a finding, there is still harm experienced by that person and healing that needs to happen. And so, at different points, we've talked about how we can connect those individuals to resources that they need. So, I'm curious, when you thought about this program analyst position, if you thought that in the scope of their outreach would be identifying very specific referral agencies, or do you see that as something that we need another FTE to support the goals of being able to carry that out?

John Alden: I would probably have to get that person on board and see how things went in the first year to know for sure, but my first impression is that probably could be part of an outreach person's tasks in the first year, particularly if the resource that we're using is referral to other places where you could get some counseling, some help with their stress, their grief, their trauma. In the longer run, I'd also be interested, in addition to that, in considering whether or not there's support in the city of Oakland for a mediation program.

John Alden: Most complaints with regards to the police, I think, are not amenable to mediation. There are some times complaints where people feel the officer was just discourteous. That's the only complaint. And that's a really substantial issue for the person that experiences it. I have seen in some other city's systems in which then that officer and that individual end up at a mediation with professional mediators that have experience and had of create reconciliation, and have an opportunity to get to a better place at the end of it.

John Alden: In some cities where that's been done, it's been received with great public support. San Francisco has had a program like that. I don't know this is active right now, but for a good decade, it was very successful and very popular with the public. And also actually, popular with officers who felt like, hey, I had an opportunity to take this interaction. It was really quick, that didn't go well. When I had another call. I had to get to and five other things I had to do that day and a report to write, and maybe I wasn't at my best. And now, I've got a chance to sit down with some other people who can help me talk to this member of the public for maybe an hour. And talk about where we were coming from, and why that interaction went poorly, and how I could do better, and help them understand what some of my challenges are, and help me understand how they're experiencing me as an officer.

John Alden: Because how many officers have the time, in a city like Oakland or San Francisco or San Jose, to really have a chat with somebody like that. And I think there probably are a number of other restorative justice models we could look at too. It's something that I know some cities have started working into the discipline system, and we don't have that here yet, but I anticipate those are things that would probably take us out into year three, year four, year five. But I think those are great programs and they can really make a difference in the public's experience with policing. So, I'm glad you're asking about those.

Tara Anderson: I would hope in the near term that, at a minimum, we can identify appropriate referral resources and I know that there's members of the public and community that could help us identify those organizations. It's extremely valuable to have a full time person who's devoted to doing that work, but absent that I don't want us to lose the opportunity to connect people to what they might need.

John Alden: I think that's a great idea and I think that is something we could definitely accomplish in the next year without too much difficulty.

Ginale Harris: Thank you, Mr. Alden. Commissioner Brown, I'm sorry.

Chris Brown: Thank you, Vice Chair. Thank you, once again, Mr. Alden, for doing this presentation tonight. I wanted to speak to two issues. One was the combined issue of restorative justice and mediation. My experience on CPRB tells me that people lack a visceral sense of justice from a legalistic process. And I think that for a lot of people, that visceral sense of justice, that sense that they're actually getting to speak with someone about their pain comes out in a mediation or restorative justice process. And so, I'd like to emphasize that we should move in that direction as soon as we can to give that feature to our process.

Chris Brown: The other thing is that, in terms of referring people to community resources, basically I think I agree we should have a social worker in your group who can do that kind of referral. We might be able to do some of that by being mindful, as

you make out your internal processes, that that should be part of the formal processes, just gathering facts but also taking care of these people at that stage of their complaint. And so, although it sounds good, having someone come out and do outreach to make sure people are okay, like a social worker could, at least it'll get people started to make sure they don't fall through the cracks in terms of making sure they get some kind of help.

Ginale Harris: Any other comments from the commissioners? So we'll take public comment. Rashida Grenage and Daniella Karanova. Did I get that right? Okay. Close enough. Thank you.

Speaker 9: Thank you. On-

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Ginale Harris: Okay. Close enough. Thank you.

Speaker 10: Thank you. On this latest point that was just brought up about mediation, Mr. Rouse knows the history of this. And the history of this is that his predecessor, Anthony [Pinel 00:00:16], came up with a plan for mediation based on the plan that it has been in place in San Francisco for quite a long time. This program has existed there for at least five years if not more. Mr. Alden probably is very familiar with it as well.

Speaker 10: The plan was written up fully. It was in one of the CPRB packets. And of course, it went to die where everything dies, which is in meet and confer. And if anyone, attorney or otherwise, can tell me why this kind of policy should be subject to meet and confer, I'll give you a nickel. Because I have absolutely no understanding of why this should have gone to meet and confer at all to begin with.

Speaker 10: But here we are two years, three years down the line and we don't have mediation in place. So maybe Mr. Rouse can rustle it up and pick it out of the archives and bring it back, and not send it to meet and confer this time. Just do it. Thank you.

Ginale Harris: Mr. Alden, can you see that we get that report, or?

John Alden: We'll see what we can find. I do think we have some material about that. We'll get it to you.

Ginale Harris: Okay, thank you. Hi.

Daniela K.: Hi. I am Daniela Kantorova. I'm with the Anti-Police Terror Project. I'm the co-chair of the First Responders Committee, and I am also president-elect of Psychologists for Social Responsibility for 2020. I just wanted to thank Mr. Alden

for your report. We want to back up your requests for more investigators because we have been doing these investigations for the past five years as volunteers. And they really are very taxing, very time taking.

Daniela K.: We investigated deaths of Rudy Henderson, who, by the way, was shot by an AR-15. We investigated the taser death of Marcellus Toney, Nate Wilks, [Damaria Hog 00:02:37], many, many local police killings. It's very complex work. It's very traumatizing work. We have developed a model for investigations that's trauma-informed.

Daniela K.: We would be willing to provide training for your investigators. We also have a model of family support, which has not been published yet. It's coming to print, but we can also provide that training. Because like you said, Commissioner Anderson, the families suffer devastating losses, devastating traumas and they get nothing right now. So they don't get an apology. They don't get any services. They have to go through lawsuits to get anything, and the lawsuits take years, and they're also very traumatizing.

Daniela K.: So with all of that said, we have witnessed very directly the complexity of the work. And if I have time just yesterday, before our meeting, we have an office on MLK and 12th. There was a huge incident of police activity. There were about 14 police cars that detained about six children, and those children were about middle school age. The youngest looked about eight. And so we will be filing complaint about that. But investigating something like this would be really time-taking too just to figure out all those kids, all the cops who were there, and everything. So I just want to back that up, the difficulty of that work.

Ginale Harris: Thank you.

Daniela K.: Thank you.

Ginale Harris: Okay. Thank you, Mr. Alden, again. That concludes item number five. And I just want to do a time check to the Commissioners. It is 9:18, and there are several items that need to be dealt with. Some of these items will be tabled at the Chair's discretion, because I ain't staying here until 12:00. So let's move on to ... We're going to do a vote to approve the resolution to enter into contract with Raheem. Oh, is he not here?

Female: [inaudible 00:04:59].

Ginale Harris: Oh, that's okay. No worries. We'll skip that item. Oh, you're right. You're right. You're right. Well, he's not here. Okay, so we'll just skip over that.

Male: [inaudible 00:05:23].

Ginale Harris: Yap.

Thomas Smith: So we have a couple of different options. We can suspend the rules and go in a different order, or if we're going to still do that item, we could do public comment on the item and then do the discussion after and hopefully he's back by then we can ...

Ginale Harris: Okay. So I would say let's suspend the item. I don't want to do public comment until he makes a presentation. Right? So I'd like to ... Counsel, is that okay?

John Alden: I would just advise you to vote to suspend the rules to rearrange the agenda items.

Ginale Harris: Okay, no worries.

Thomas Smith: So we'd say we just had to figure out what order we want to do it in and then we can make a motion to suspend the rules and then second it, and then vote.

Ginale Harris: Okay.

Thomas Smith: So choose your order.

Ginale Harris: We're going to skip over the items, item and go to the next item. Is that okay?

Thomas Smith: So motion to suspend the rules to skip item number-

Ginale Harris: Six.

Thomas Smith: ... six and move to item number seven. And we'll return to item number six.

Ginale Harris: Actually, I'd like to skip all the way to the subpoenas regarding the OBOA if that's okay.

Thomas Smith: That's item number what? What number?

Ginale Harris: It's nine.

Thomas Smith: Okay.

Male: May I just add something? If we skip item seven tonight altogether, the city council won't be able to move those IG funds until probably February.

Ginale Harris: We're not skipping. We're coming back to it. It's just temporary.

Male: Okay.

Thomas Smith: And so, when do we want to come back to six and seven?

Ginale Harris: After we do the OBOA.

Thomas Smith: Okay. So a motion to suspend the rules. We'll go straight to item number nine and then we'll return to items six and seven and take the rest in order.

John Alden: Second.

Thomas Smith: Vote.

Ginale Harris: Commissioner Anderson.

Tara Anderson: I.

Ginale Harris: Commissioner Dorado.

Jose Dorado: I.

Ginale Harris: Commissioner Gage.

Henry Gage III: I.

Ginale Harris: Commissioner Harris. I.

Thomas Smith: I for myself.

Ginale Harris: All right. And the motion passes anonymously.

Male: Anonymously?

Ginale Harris: I mean, unanimously. I'm tired. Okay. So subpoenas regarding OBOA allegations of racial discrimination. The commission will discuss and possibly take action on whether or not to serve subpoenas relating to the Oakland Black Officer's Association allegations of racial discrimination.

Ginale Harris: So commission, again, we have had this agenda, I mean, this item on our agenda quite a few times without having any action taken. I'd like to make a motion that we distribute subpoenas to Sergeant Smith in regards to the OBOA allegations of racial discrimination in close session.

Jose Dorado: Second.

Speaker 10: Okay. The motion has been seconded by Commissioner Dorado. Can we take a vote? Commissioner Anderson.

Thomas Smith: Public comment.

Ginale Harris: Oh, I'm sorry. Public comment.

Thomas Smith: Item number.

Ginale Harris: Item number nine. It's out of order. Okay. Michael Tiggs? No? He left. Okay. Okay. Commissioner Anderson.

Tara Anderson: I.

Ginale Harris: Commissioner Dorado.

Jose Dorado: I.

Ginale Harris: Commissioner Gage.

Henry Gage III: I.

Ginale Harris: Commissioner Harris. I. Commissioner Smith.

Thomas Smith: I.

Ginale Harris: Commission Prather.

Edwin Prather: I'm going to abstain.

Ginale Harris: Thank you. And the motion passes. Four Is. One, two, three, four. Five Is and one abstain. Okay. Okay. He's still not back in the room. So we're going to do the review-

Thomas Smith: Suspend the rule again [inaudible 02:54:54].

Ginale Harris: Okay.

Henry Gage III: Vice Chair.

Ginale Harris: Yes.

Henry Gage III: I suggested instead of suspending the rules and attempting to continue the reorder, we simply lay the item on the table for the time being and we can pick it up at a later point in the meeting.

Ginale Harris: Right.

Henry Gage III: Consequently, I move that we lay item number, pardon me. Lay item number six on the table and we'll reconsider it in the future when appropriate reporting is

provided. In the meantime, continue with the remainder of the agenda starting with item seven.

Thomas Smith: Second.

Ginale Harris: Commissioner Anderson?

Tara Anderson: I.

Ginale Harris: Commissioner Dorado.

Jose Dorado: I.

Ginale Harris: Commissioner Gauge.

Henry Gage III: I.

Ginale Harris: Commissioner Harris. I for myself. Commissioner Smith.

Thomas Smith: I.

Ginale Harris: Commissioner Prather.

Edwin Prather: Yes.

Ginale Harris: Okay. And the motion passes. Okay. So let's go to item seven: Review proposed resolution to city council requesting reallocation of funds. Mr. Alden.

John Alden: Thank you, madam, sure. Attachment seven and item seven on your agenda tonight is the resolution memorializing the motion made at the commission's last meeting to ask the city council to reallocate additional salary savings from Inspector General's office to other purposes that we identified at that meeting.

John Alden: Staff believes that this resolution matches the intent of the commission from last time. It is a little bit detailed and complicated so we want to make sure we had a thoughtful resolution. I did notice one error on this since it went to press. We went through several drafts of this document.

John Alden: And on our final draft, we neglected to make sure that the caption on the top matched the final language. That only requires a couple modest edits. The dollar amount in line to have 250,000 should be 649,204, which is the full amount of the salary savings at the Inspector General's position for this fiscal year.

John Alden: And then the other would be that the last few lines lay out a list of expenditures, and that should have a comma after Walker and Associates. Delete the and after that. That's the third line from the bottom, and then add to

the end of it comma and other expenses period. And staff can make sure that the final copy that we forward onto the city council matches that edit.

Ginale Harris: Commissioners, any commissioners have any comments or questions? No? Okay. So we'll go to public comment. Ms. Jane.

Ms. Jane: I probably don't have to tell you but I will. I've gone to enough city councils' meetings over the years to know that they come up with a budget on paper. And by the end of the year, it doesn't look anything like it did when they adopted it. So make sure that your claim is secured.

Ginale Harris: Thank you.

Henry Gage III: Vice Chair.

Ginale Harris: Commissioner Gage.

Henry Gage III: Thank you, Vice Chair. Vice Chair, I move approval of the item provided at the edits recommended by staffer incorporated.

John Alden: Second.

Ginale Harris: Okay. We have a second on the floor. Commissioner Anderson.

Tara Anderson: I.

Ginale Harris: Commissioner Dorado.

Jose Dorado: I.

Ginale Harris: Commissioner Gage.

Henry Gage III: I.

Ginale Harris: Commissioner Harris. I for myself. Commissioner Smith.

Thomas Smith: I.

Ginale Harris: Commissioner Prather.

Edwin Prather: Yes.

Ginale Harris: Okay. And the motion passes. Commissioner Anderson. Okay, great. Okay. We're going to go back to item six, which is vote to approve resolution to enter into contract with Raheem. Thank you. Hi.

Raheem: Hi.

Ginale Harris: How are you doing?

Raheem: Sorry, I'm out of breath. I had a dog at the emergency.

Ginale Harris: It's okay. It's okay. Okay. So the commission will vote to approve the resolution that is in the packet. Have you had a chance to look at the resolution?

Raheem: Yes.

Ginale Harris: You're okay with the resolution?

Raheem: I'm okay with the resolution.

Ginale Harris: Okay. Would you like to stay anything?

Raheem: Not particularly. Wow, okay. Oh, not in particularly. Just for the opportunity to both present and fail and learn through this process in which it is somewhat time consuming, probably more so for you all. And an opportunity really I'm looking forward to working with you.

Raheem: A couple of things that I'd like to add. I'm really glad that Commissioner Anderson brought up the healing and restoration of people after they talk about the experiences that they've had with police. It's really important that when a person has described their experience, they are ... In one case when they submit a complaint, they're asking permission, right? They're asking for permission to be seen as a person worthy of healing, and worthy of acknowledgement to violence that has happened to them. And so that sustained rate is not a sustained rate of how well we discipline officers, but it is really a sustained rate at how we recognize people as being human enough and worthy enough of our restoration.

Raheem: Secondly, just as a practical matter, I'd really love an opportunity to sit down with the ad hoc committee on use of force so that we can create both the questions that will go into the product, but also what we hope to gain at the end of this three-month process. And I talked to Director Arden and he named a few people. But in terms of who are part of that use of force committee almost, I think it was.

Raheem: So I just love an opportunity to sit down and schedule the date because we're creeping up on Thanksgiving holiday. I don't know about y'all but I'm going out of town. I'm going to have some turkey. So I think that it might be a good idea for us to schedule that sooner rather than later.

Ginale Harris: Okay. We're going to go to public comment. Okay. We have Ms. Jane and Maureen Benson.

Maureen Benson: Good evening. Maureen Benson, former commissioner and Anti Police-Terror Project. Just wanted to be here in full support of interesting Raheem and the brilliant work of Brandon. I appreciate you all for taking time to engage with such a brilliant thoughtful community oriented person. He's exactly right type of folk who is doing really powerful work. So we just wanted to throw our support. Thank you.

Ginale Harris: Thank you.

Ms. Jane: I would hope that this would be a prelude or beginning to garner direct organize community input long-term over this whole process.

Ginale Harris: Thank you, Ms Jane. Okay. So is there a motion on the floor?

Tara Anderson: I'd like to make a motion to approve the resolution to enter into contract with Raheem.

John Alden: Second.

Ginale Harris: Okay. Commissioner Anderson.

Tara Anderson: I.

Ginale Harris: Commissioner Dorado.

Jose Dorado: I.

Ginale Harris: Commissioner Gage.

Henry Gage III: I.

Ginale Harris: Commissioner Harris. I for myself. Commissioner Smith.

Thomas Smith: I.

Ginale Harris: Commissioner Parther.

Edwin Prather: Yes.

Ginale Harris: All right, and the motion passes. Okay. Okay. So we're going to go to item number eight, which is ...

Male: Seven.

Ginale Harris: No, we did seven. Yeah, we did seven. So we're going to go to item eight, which is legal counsel, RFQ process. And the commission will discuss the process used to engage outside counsel, which is attachment eight. Do we have any public comments? Okay. Any commissioners have any win?

Henry Gage III: Vice Chair.

Ginale Harris: Yes, Commissioner gage.

Henry Gage III: As I understand the current situation, we are presently unable to contract with legal counsel outside the established procedures for engaging outside counsel through the city attorney's office. I'm unsure about what action is desired to be taken on this item. However, given that is the current status of things under the charter we have at present. Can you clarify?

Ginale Harris: Well, I don't see anyone from the city attorney's office here. Is there, for clarification? No. So the chair's not here right now. So I believe she's in communication with the city attorney's office in regards to this. So what I would suggest that we do is we table this item, and we bring it back on the next agenda item and request that they come and give us an explanation. Commissioner Prather.

Edwin Prather: Thank you, Vice Chair. I don't know that we necessarily need to table this issue. I think that we had originally put this matter on our calendar back in January to report on the fact that we wanted to seek the retention of outside legal counsel for us. Obviously, we do now have legal counsel. We never reported on the actual document that was signed that that document needs to be publicly available and it's part of the agenda packet.

Edwin Prather: And so to the extent that the public wants to comment on our contract, the contract between the city and our new legal counsel, I believe it can. But otherwise, we now have counsel that firm sits at our desk. Thank you for being here. My suggestion, Madam Vice Chair, would be to just open it up for public comment. I don't know. I agree with Commissioner Gage. I don't know that there's an action for us to take because the city attorney takes that action. But we do need to in the word of transparent ... In order to increase transparency, provide this to the public.

Ginale Harris: Okay. So this is just for the public to look at the contract.

Edwin Prather: I believe it's informational only enough for us to take action.

Ginale Harris: Okay. Very good. Do we have any public comment? No? Yeah, you're right. You're right. Okay. So I don't think any action is due. So we're going to move on

to the next agenda item, which is item 10. Report on policing of Oakland's unhoused communities. So originally this item is supposed to be tabled, these items for time sake. These are two big things that we had on the agenda and it's going to take a lot of time for this. This is a particular item that I'm particularly interested in. But a lot of people want to speak on this. And it's late and nobody's here. So I make a motion that we ... Okay, hold on. Hold on. Hold on. I make a motion that we table this item.

John Alden: Second.

Male: [inaudible 00:23:09].

Ginale Harris: Right, right. So that's just fine.

John Alden: Second.

Ginale Harris: Thank you.

Speaker 11: We asked somebody to come who was involved in the research, and everybody else who signed up is just signed up to ensure that he has enough time to make a presentation.

Ginale Harris: Right. So let me just tell you why I'm saying this because last meeting we stayed here until midnight, and that is not going to happen again. And this originally was not ... It was on the agenda. However, we swapped it out for the militarized equipment because it's a priority. This is a priority too. That's why it was on the agenda. But these are two big items that need lots of discussion. And so, we don't have that time tonight. So that's where it's coming from.

Henry Gage III: Vice Chair.

Ginale Harris: Commissioner Gage.

Henry Gage III: Thank you, Vice Chair. To the public, is the presenter for this item present?

Female: Yes, and Chair knew he was coming. Nobody said-

Ginale Harris: The Chair is not here.

Female: [inaudible 03:09:30] that process.

Henry Gage III: Vice Chair, given that we do have a presenter present and willing to present, I do think it's incumbent on us to hear them.

Ginale Harris: With all due respect, Mr. Gage, we still have one, two, three, four, five, six items left on this agenda and it's 9:39.

Female: [inaudible 03:09:53].

Ginale Harris: I did. Yeah.

Tara Anderson: I'm curious if Commissioner Gage is willing to table his item about requesting city council to create a standing policy and legislation committee and that would potentially alleviate time on the agenda to allow for this presentation

Henry Gage III: Vice Chair.

Ginale Harris: Yes.

Henry Gage III: Thank you, Vice Chair. Looking at the remainder of the agenda, it appears we have a number of items that should not require substantial discussion. Voting to create a policy committee, voting to cancel meetings, ad hoc committee, meeting minutes, agenda setting. The two items I imagine that would take the most amount of discussion time would be the police officer's Boulevard's training and the report from the coalition on policing in that housing communities. Given that it is nearing ten o'clock, I do believe those both can be accomplished within the next hour if we are expeditious with our own comments.

Ginale Harris: Commissioner Gage, I'm not staying here for an hour. At ten o'clock, this meeting is to be adjourned, at ten o'clock. That's why I'm not doing that. Ten o'clock. So, do you want to table your item?

Henry Gage III: I don't believe we need to table any of these items.

Ginale Harris: Okay. So I'm asking you again, do you want to table the item?

Henry Gage III: No.

Ginale Harris: Okay. Okay so-

Female: [inaudible 00:26:30].

John Alden: Motion on the floor.

Ginale Harris: Yeah, motions on the floor. Commissioner Anderson.

Tara Anderson: I.

Ginale Harris: Commissioner Dorado.

Jose Dorado: I.

Ginale Harris: Commissioner Gage.

Henry Gage III: To confirm, this is a motion to what exactly?

Ginale Harris: To table the item.

Henry Gage III: Which item? This is the-

Female: The motion.

Henry Gage III: Thank you. No.

Ginale Harris: Okay. Commissioner Harris. I for myself. Commissioner Smith.

Thomas Smith: I.

Ginale Harris: Thank you. Commissioner Prather.

Edwin Prather: No.

Ginale Harris: Okay. And the motion passes. We have four yeses and two nos. Okay. So yes, public comment. So we have elite Alene Bruce [Shemican 00:03:12:31], Anne Jenks, Lorelei Bosserman, Richard Spiegelman, and Michael Triggs. Triggs. I'm sorry if I messed up your name.

Richard S.: Good evening. I'm Richard Spiegelman. I've been an Oakland resident for over 40 years. I have a doctorate in criminology, did a post doc in public health, have been doing public health research for 30 years, I guess. My colleague, Jean Norris, and I were central in the design implementation data analysis and reporting for the first three homeless counts in Alameda County, including specific reports for Oakland.

Richard S.: And I served as an advisor to the authors of this report that I'm about to comment on about during its conceptualization and implementation. Since the authors are not available this evening, I was asked to summarize the report justice for all the policing of Oakland's unhoused communities, which came out in May. This was a research report for the coalition for police accountability and it was prepared by [Almond Amadom 00:28:50], Olivia Linson and Robin Lovenson, graduate students at the Goldman School of Public Policy at the University of California.

Richard S.: As the homeless crisis continues, the City of Oakland allocates increased resources and energy to combating the issue. With the few shelter beds held for homeless residents without criminal convictions, outstanding warrants, pets, or a history of drug use, there is no place for many in housed residents other than encampments in an era of no affordable housing.

- Richard S.: When housing is inaccessible and individual manage life outdoors, mental health and other health crises are more likely to unfold in public, which can then increase the likelihood of encountering police often in conflictual contexts. The report authors state court, we believe that this analysis will provide the police commission with evidence of the over-policing of homeless residents and with policy reforms that can help OPD protect the public safety of all Oakland residents, end of quote.
- Richard S.: Policy option recommendations that they list for consideration to decrease tensions between unhoused residents and the police include: define the police department's role in eviction and property seizure. Ensure homeless residents and advocates are involved in the eviction decision and implementation process. Improve tracking and reporting processes for property seized by the city. Reducing Kampmann evictions of our all and prioritize housing first policies. Improve and emphasize crisis intervention training for police officers. Increased funding for mobile mental health response teams to accompany officers and reroute mental health crisis calls from the police department to mental health providers.
- Richard S.: I want to say just a couple of words about the reports, background methods, findings and conclusions as time permits. In Oakland, both waste management and the department of public works refuse to interface with homeless residents without police accompaniment. This results in police presence without responsibility or input on the eviction process, and ensures that police interact with homeless residents during an extremely tense situation when residents are subject to property and vehicle forfeiture.
- Richard S.: The method that the students used was to do a literature review on the current state of policing within the homeless community, both nationally and locally. They held conversations with key informants and collected resources from those people, and they conducted interviews with 35 homeless individuals residing in Oakland during a February 16, 2019 public town hall hosted by the police commission in West Oakland.
- Richard S.: Self-reported demographics. 90% of the respondents were between the ages of 35 to 64. 74% described themselves as males, 57% as black or African American, 20% multiracial. 18% had been homeless less than 19 months. Excuse me, less than nine months and the rest 82% between nine and 12 months.
- Richard S.: The first finding that I wanted to share is that Oakland police officers have too much discretion in handling unhoused residents property. Most unhoused individuals voiced that an encampment eviction was the most negative interaction with OPD. That's pretty profound, I think. The process of eviction is not transparent, and many homeless individuals at risk of losing their property were caught by surprise.

Richard S.: Unhoused neighbors of ours reported that contrary to city policy. They suffered loss of possessions, vehicles, clothing, tents, bikes, and other basic necessities. And then there was loss of ID, which exposes them to identity theft, loss of documents, and loss of contact information. The ramifications are serious, including interruption of services with which these individuals may be linked.

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Richard S.: With which these individuals may be linked. Arrest for minor charges results in further disruption and expands to losing a spot in an encampment community and potentially having additional court dates, which if missed, expose them, excuse me, expose them to further arrest. The second finding I wanted to stress, despite annually thousands of 911 calls for mental health services, Oakland police officers have little training and knowledge on deescalation methods in mental health crises. Responding officers are not equipped with alternatives to arrest, to handle the problems they confront. Though the crisis response team exists, there are significant clinical staff shortage, which makes it unavailable most of the time. This leads to officers relying on psychiatric holds to address mental health crises and Alameda County has one of the highest 51 50 hold rates in California, but three quarters of those transported for a psychiatric hold according to the research, do not meet medical necessity for inpatient acute psychiatric services. So that's not what ought to be happening.

Richard S.: Third in terms of the research findings, 22 of the 35 unhoused residents highlighted the need for officers to treat unhoused people with more respect, interaction with police officers are often negative. Many unhoused residents talked about the need to call someone other than the police, but they didn't know who to call, so I think they often called nobody. Unhoused residents also expressed concern that officers do not take residents public safety complaints seriously and did not respond to their important calls. Those conducting the interviews heard from too many respondents of lost hope that police will protect them. There is then a problem with both over and under policing within the very same neighborhoods. In the discussion section and in the conclusions of the report, some of the points included the following. In cases of mental health crisis, police are generally first responders which raises the risk of a violent encounter between cops and mentally unstable individuals.

Richard S.: In fact, according to the treatment advocacy center, "Reducing encounters between on-duty law enforcement and individuals with the most severe psychiatric diseases may represent the single most immediate practical strategy for reducing fatal police shootings in the United States." So this is serious business. The complexity of serving mentally ill unhoused residents is not addressed by current OPD policy, further exacerbating the issue of how unhoused residents are treated by officers. Oakland needs to train officers in deescalation techniques and to change policy so mental health providers are the primary contacts for homeless residents battling mental illness.

Richard S.: Research and alternatives to police focused 911 responses led the report's authors to look for and find a successful model in Eugene, Oregon where non police respond to certain 911 calls, both the cahoots, a mental health response model in Oregon and the city of Charleston's handling of encampment evictions should be considered as illustrative solutions to address the interconnected issues of homelessness and mental illness. And there's more on these in the report. Two next steps that were recommended that I went to mention, coordination with the mental health response teams to learn operational realities and an in depth investigation of police policy regarding property seizure. Thank you very much.

Ginale Harris: Thank you. Okay, we're going to go to the next item which is vote to submit requests to city council to create standing policy and legislation committee. Commissioner Gage.

Henry Gage III: Thank you, vice chair. Moving forward, I anticipate that we'll need to both review, analyze and discuss additional policies similar and different to the one that was previously discussed this evening. To that end, I think it's prudent of us to request a standing committee on policy and legislation be formed. The procedure do require the chair make the request to city council and city council approve any requests for the creation of a new standing committee. Consequently, I'm curious if any commissioners have comments or questions with respect to the prudence of that item.

Ginale Harris: Commissioner Anderson.

Tara Anderson: I appreciate the emphasis and the importance on our work around policy and legislation. I feel as though we need an opportunity to pause and have a plan for all of our standing and ad hoc committees. I'm hesitant to move forward with any sort of vote to create an additional standing committee when we have some that haven't had any meetings and the flexibility that our current ad hoc process permits to be responsive to policy and legislation, there's a nimbleness that I think we've been able to take advantage of. I also hear the call for a greater transparency as outlined in Commissioner Gage's memo, so I would request more time and counsel guidance on our relationships between standing committees and any ad hoc committees that would grow out from a policy and legislation standing committee.

Tara Anderson: Just examples from this last year, we wouldn't have been able to move as quickly with the revisions to the stop and search policy. We would not have been able to vote in support of AB-392 which I think was extremely important to do so in a timely way, to have our voices heard as that piece of legislation was considered at assembly. I don't think that having a standing committee would prohibit us from successfully carrying those things out, I just don't currently support the idea of moving forward with another standing committee when we still haven't gotten our other committee business together.

Ginale Harris: Commissioner Prather.

Edwin Prather: Thank you Madam vice chair. I wasn't prepared to speak on this issue, but hearing Commissioner Anderson's thoughts, I'd like to not only echo those thoughts but add in one additional consideration, which is, I like the fact that when we have different policy considerations that different members of this commission populate that committee. For example, I served on the probation search committee and then I was asked not to serve on the use of force committee so that there could be a diversity of opinion and I'm not against that, I actually think that that was a very good thing. It would be as if we had a discipline committee and the same three commissioners served on the discipline committee all the time. I just think it's way too important not to try to involve everyone and I think a standing committee stands in the way of that.

Edwin Prather: I think you just get stuck having the same three people weigh in on policy matters and frankly there's some intellectual horsepower on this dais and I don't want the same three individuals always weighing in on policy. I like the fact that everyone comes from a different sort of, not walk of life, but has a different opinion and a different background coming into it. And I think the ad hoc process does speak to that and actually helps foster that. So I just want to thank you Commissioner Anderson because I wasn't prepared to speak but it did trigger that thought, so thank you.

Ginale Harris: Anyone else? Okay, we're going to go to public comment. Do we have any public comment cards on that, item number 11? Okay. Ms. Benson, Maureen Benson and Ms Jane.

Maureen Benson: Given the the bedtime curfew, I won't take up much time. I appreciate you all wanting to wrap early. Commissioner Anderson, you said most of everything I was going to say, I just want to remind you all of rule 2.16 which actually I authored, which gives you the flexibility but also the criteria to deeply and thoughtfully engage community, the impacted community members, in three reads of policy before you read it. So I was actually just discussing with my colleague out there, if you implemented that rule, you actually would address many of these things, but you'd have the flexibility of ad hoc committees to be able to move different people with different levels of expertise or community connections around. So thank you.

Ginale Harris: Thank you.

Ms Jane: Yeah, I think I'd just like to reiterate with council members or commissioner members who are saying, I've watched committees in the city council become bogged down in maintaining a stance and not coming up with, not so much a compromise, but coming up with an alternative to what they might originally have walked into the meeting with. So I like the idea of you being nimble.

Ginale Harris: Thank you, Ms Jane. I have two more speaker cards. John Lindsey-Poland and Lorelei Bosserman.

John : It was helpful to hear the comments from Commissioner Anderson and Commissioner Prather, as well as Maureen Benson. I do believe that if there's not a standing committee, there's a need for actual implementation of rule 2.16. There is the concern also that when it's around ad hoc committees, when the composition of those committees is switched up, you lose the expertise that you get with a standing committee and you also lose some of the transparency of brown acted meetings that you would have with a standing committee. So I guess my main concern is just that the commission figure out a way to move forward in a way that is moving these things within your bandwidth in order to move them forward. Because with the military equipment ordinance, you're going to have a set of policies coming your way, assuming our friends in the department begin to produce those draft policies. And it will be important to have some expertise, whether that's on a standing committee or an ad hoc committee, of people who work that overtime.

Ginale Harris: Thank you.

Lorelei: Thank you for taking my comment, I'm Lorelei Bosserman. My only concern with not having a standing committee is that no one's going to be looking at policies in general and saying, "Oh, we should work on this one. We should work on that one." So they're sort of going to bubble up in a haphazard manner like the two that you've worked on so far. No one was looking at it and saying, "These are the first two we should look at." Does that make sense? All right. Don't know what the answer is, just thought I'd share that. Thanks.

Ginale Harris: Thank you, Ms Bosserman. Anybody? Any more public comments? No. Okay. Going to take a vote or is there a motion on the floor? Yes, Commissioner Gage.

Henry Gage III: Thank you. I am mindful of the positions taken by fellow commissioners with respect to the nimbleness, in the words of Commissioner Anderson, that ad hocs afford this commission and I think that is a beneficial aspect of the ad hoc committee system. I remain concerned both with the capacity of this commission to do the kinds of work that will be expected of us should something like an equipment ordinance pass and with respect to the future review of policy. And if we do not create a structure like this, we will be doing ourselves a disservice. Not to say that we need this structure immediately now, but I do believe this is a necessary structure for this commission to become a more professional oversight entity.

Henry Gage III: I'm also mindful of Ms Benson's comments with respect to the need for a more straight forward and a more transparent policy review process. For example, our reporting out of the current work being done in the ad hoc use of force policy is something we have not done a particularly good job of and we need to

do a better job of going forward. However, flexibility aside, we also need to be able to call in experts, we need to be able to call in staff, we need to be able to call in members of the public and that sort of process is simply not conducive to meetings that are scheduled in ad hoc basis. We need to give people plenty of advanced notice. I strongly urge this commission to consider that while we may not need to use this structure immediately, forwarding a request to create one is likely in our best interest.

Ginale Harris: Thank you, Commissioner Gage. Any other comments from the commissioners? Okay. Is there a motion on the floor?

Henry Gage III: I move that we request city council approval to create a standing policy and legislation committee.

Ginale Harris: Is there a second?

Jose Dorado: Second.

Ginale Harris: Commissioner Anderson.

Tara Anderson: No.

Ginale Harris: Commissioner Dorado?

Jose Dorado: Yes.

Ginale Harris: Commissioner Gage?

Henry Gage III: Yes.

Ginale Harris: Commissioner Harris? No. Commissioner Smith.

Thomas Smith: No.

Ginale Harris: Commissioner Prather?

Edwin Prather: No.

Ginale Harris: And the motion doesn't pass. Okay. Going to go to the next agenda item, which is votes to council meeting scheduled for November 28th, which is Thanksgiving, and to approve offsite meeting on December 12th. So I don't know if the commission is aware, but our next commission meeting would be scheduled for Thanksgiving day, which City Hall is closed and everybody's at home. So I like to just make a motion to cancel our November 28th meeting.

Thomas Smith: Second.

Ginale Harris: Thank you. Commissioner Anderson. Oh, I'm sorry, public comment. Do we have any public comment on item 12? Yes, we do. No, we don't. We do not. Commissioner Anderson?

Tara Anderson: Yes.

Ginale Harris: Okay. Commissioner Dorado.

Jose Dorado: Yes.

Ginale Harris: Commissioner Gage.

Henry Gage III: Aye.

Ginale Harris: Commissioner Harris? Aye. Commissioner Smith?

Thomas Smith: Yes.

Ginale Harris: Commissioner Prather?

Edwin Prather: Yes.

Ginale Harris: Okay. And the motion passes unanimously, I was going to say anonymously, I don't know why I want to say it. Yeah. Okay, and so also we have to approve offsite meeting for December 12th. We are required to have two offsite meetings a year. We have already conducted one and the chair has offered the East Oakland Youth Center as a location to hold the December 12th meeting. So we need to take a vote on that. There's no public comment on that. So I'd like to make a motion to have the offsite meeting at the East Oakland Youth Center on December 12th.

Henry Gage III: Second.

Ginale Harris: Thank you. Commissioner Anderson?

Tara Anderson: Yes.

Ginale Harris: Commissioner Dorado.

Jose Dorado: Aye.

Ginale Harris: Commissioner Gage.

Henry Gage III: Aye.

Ginale Harris: Commissioner Harris. Aye, from myself. Commissioner Smith.

Thomas Smith: Aye.

Ginale Harris: And Commissioner Prather.

Edwin Prather: Yes.

Ginale Harris: Okay. And the motion passes.

Jose Dorado: Vice chair Harris.

Ginale Harris: Yes.

Jose Dorado: I'd like to have the commission consider the second site for an offsite meeting being United For Success on 35th Avenue. I've spoken already to Marcus Garcia, the principal, they have a facility there that has actually tiered seating, 200 plus people can fit in there. It's right in the middle of Latino district. It's easily found on 35th, they have off street parking. I think it'd be an excellent site. He's just waiting for some suggestions of dates so he can begin the application procedure.

Ginale Harris: So are you saying that it's open now for our second meeting?

Jose Dorado: Yes.

Ginale Harris: Oh, okay. Okay.

Jose Dorado: He just wants some dates.

Ginale Harris: Right. Okay. So you mean after the 12th, the December 12th meeting?

Jose Dorado: We can do it Thanksgiving. No, after, after.

Ginale Harris: Okay. So I'll note it.

Jose Dorado: Okay.

Ginale Harris: Okay. Thank you. It's called United For Success. Okay.

Jose Dorado: What about Christmas?

Ginale Harris: Okay, so we are going to move on to the next item, which is meeting minutes approval from May 23rd, June 13th and June 27. So I'll give the commissioners a few minutes to look at these minutes. Oh, I'm sorry. I'm sorry. I skipped an item.

Creation of an ad hoc committee for a mental health model as an alternative for calling police.

Ginale Harris: Did you guys get that? Did all the commissioners get that? Okay, so the commission will create an ad hoc committee for a mental health model to convene a group of local mental health providers, specifically those who work with the most impacted families in the Oakland Bay area, to gather key components of a model that is alternative to calling the police. Is anyone interested in being on that ad hoc? Commissioner Dorado, I'm interested too. So commissioner Brown. Great. So one, two, three. No one else. Okay. Dorado and Ginale, ad hoc.

Ginale Harris: Okay. So I'm going to go to public comment and we have Maureen Benson, Ms Jane, Daniella Kantorova. Okay. Lorelei Bosserman, Rashidah Ginage and Anne Jenks. Any order? Anybody? Nobody?

Ms Jane: Somewhere, I used to have a piece of paper that said I had an MSW. I have a problem with this label that everyone seems to use, which is called mental health model. One size doesn't fit all. You can have an individual showing "symptoms" or showing certain behavior, it gets interpreted differently depending on what the practitioners outlook is. So for instance, it may be someone's flipped out for emotional reasons that they can't handle at the moment. It may be that someone has "flipped out" because they have an auto immune deficiency problem that doesn't get properly diagnosed. So what I'm saying is be very eclectic in your model because the same behavior may be triggered off by different circumstances.

Ginale Harris: Thank you Ms Jane. Maureen?

Maureen Benson: Thank you. I'm Maureen Benson, anti-police terror project. Just wanted to appreciate vice-chair Harris for putting this on the agenda and for context commissioners, just so you understand where this is coming from, this is pretty important because you all put forth the cahoots motto and there's been concern in the community that the organizing, the report coming from urban strategies isn't necessarily including community voices. So just so you're clear, there was a commitment from urban strategies who's writing the report on an alternative to calling the police for mental health. They committed to convening a steering committee, made up of mental health workers, impacted families, organizations that work with mental health issues. That commitment happened in September in a meeting convened by Noel Gaia, which included cahoots, several community organizations and urban strategies. To date even though this report is due in December and here we are in mid November, that steering committee has not met.

Maureen Benson: And we are members of a statewide coalition on mental health alternatives, the Ella Baker Center, Anti-Police Terror Project, which Dr Daniella will speak about

in a moment. Oakland Power Projects, Courage policy link, Justice Teams, Network, Critical Resistance, California Families United for Justice, the Berkeley Free Clinic and people who have personally experienced or had family experience police violence like Maria Moore and Aziza Ahmad who you all saw here at the last meeting, testifying to her atrocious experience, are all ready to serve on the steering committee.

Maureen Benson: Given that the steering committee has not yet met and the report is due in less than a month, we are concerned that the local voices necessary at the table will not be represented. So I'm here on behalf of these organizations and people to fully support this ad hoc committee so the commission can get input from the most impacted and engaged community on this matter, which you will all be revisiting as policy on how police engages with folks with mental health issues. So I want to introduce my colleague, Dr Kantorova, who just came a few moments ago, who co-leads anti-police terror projects, first responders team to share more about, it's so necessary to include the voices of impacted people. Thank you.

Daniela K.: Hello again, thank you Maureen. So over the last seven years or so, our team has worked with maybe 40 families that have been impacted by police terror. And the trauma of the loss, or of the violence that's experienced by the family is not the only trauma that the families experience because in the aftermath of the incident, usually there follows more harassment and more neglect from institutions. And so I think it's really important to listen to the families because they are the experts on their experience and they can speak to their needs the most. They can speak to their ongoing fears for safety, from police officers, et cetera. We have investigated cases where people were in mental health crisis and ended up being killed by police as well.

Daniela K.: So we just really want to call on the voices from the community, who are directly impacted and they should be giving the primary input. I am a mental health practitioner, I'm specialized in trauma. That's what I do for a living and that's what I do as community work as well. And I would not want to be the leading voice in that because I am a white professional. I think people who should be really leading the definition of what should be done, should be the people who have most direct experience. So I just wanted to reiterate the fact. Thank you for your attention.

Ginale Harris: Thank you. Lorelei Bosserman? No. Rashidah Ginage? No. And Anne Jenks? No. Okay. So we don't have any more public comment. Commissioner Anderson.

Tara Anderson: One point, I just want to reiterate from the earlier conversation about standing committees, is that I do think we need to get our committee work in order, understanding what are the key goals of each of our ad hoc committees and what the plans are for the next year because we are already spread rather thin and I don't make these comments to take away from the merits of the

importance of being able to have, in particular the conversation around how to respond when there's incidents of serious mental illness or just symptoms of serious mental illness that do not warrant a police response. But I just want to again caution us to be mindful of all of our committee work and making sure that it's adequately staffed, supported and has clear goals and objectives. So that just does not mean I'm going to vote against it but it would be inappropriate for me to make that point earlier and not make it again under this item. I'm more comfortable with a positive vote on an ad hoc committee, over a standing committee.

Ginale Harris: I think you are absolutely correct in saying what you're saying. I agree with it 100%. I think we need to find a way to have that discussion and I think that's priority and I think that is a discussion that we need to be attentive to, on figuring out the processes and work with our legal counsel on the processes of how these things are going to go. Because again, as Commissioner Prather acknowledged, it's the same people doing the stuff on ad hocs or standing committees or whatever. And so it has to be equally distributed so that we can get the quality of work. So I agree. Commissioner Dorado?

Jose Dorado: I moved that we create the ad hoc committee for a mental health model as an alternative to calling police.

Ginale Harris: And I second. Commissioner Anderson.

Tara Anderson: Aye.

Ginale Harris: Mr Dorado.

Jose Dorado: Aye.

Ginale Harris: Commissioner Gage.

Henry Gage III: Aye.

Ginale Harris: Commissioner Harris. Aye. Commissioner Smith?

Thomas Smith: Yes.

Ginale Harris: Commissioner Prather?

Edwin Prather: Yes.

Ginale Harris: Okay. And it passes. So it's Commissioner Brown, Commissioner Dorado and myself. Would you like to be on the ad hoc? I can step. Is that why you're asking? Oh, okay. And Ginale. And Harris. Okay, next item, meeting minutes

approval. The commission will vote to approve minutes from May 23rd, June 13th and June 27th of 2019.

Jose Dorado: Move approval of those three-

Ginale Harris: We'll have to do them separately.

Jose Dorado: Have to do them separately, okay. I move approval of May 23rd. The minutes of May 23rd.

Ginale Harris: Okay. Is there a second?

Thomas Smith: Second.

Ginale Harris: Okay. Commissioner Anderson?

Tara Anderson: Abstain.

Ginale Harris: Commissioner Dorado.

Jose Dorado: Aye.

Ginale Harris: Commissioner Gage.

Henry Gage III: Abstain.

Ginale Harris: Commissioner Harris. Pass. Aye. Commissioner Smith.

Thomas Smith: Aye.

Ginale Harris: Commissioner Prather.

Edwin Prather: Abstain.

Ginale Harris: Okay, it doesn't pass. So we have one, two, three abstains and three. Counsel do the rule on three equal amount of votes?

Thomas Smith: I think there may be a, I'm trying to think if there's a special rule when you have minutes, but you don't have, it's just for a minutes if you don't have enough. But I can't remember what it is.

Ginale Harris: No.

Thomas Smith: Did we not have it pass because people weren't here, you weren't here. Yeah we need counsel to look into that, see if there's, when there's not enough. You come back with the answer, I guess.

John Alden: I would be happy to.

Thomas Smith: Yeah.

Ginale Harris: Thank you. Okay. So council will come back. Okay. Is there a motion to pass June 13?

Jose Dorado: I motion we approve the minutes of June 13th.

Ginale Harris: Is there a second?

Tara Anderson: Second.

Ginale Harris: All right. Commissioner Anderson.

Tara Anderson: Oh, I thought you were acknowledging my second. Sorry. Aye.

Ginale Harris: Commissioner Dorado.

Jose Dorado: Aye.

Ginale Harris: Commissioner Gage.

Henry Gage III: Abstain.

Ginale Harris: Commissioner Harris. Aye. Commissioner Smith.

Thomas Smith: I wasn't here. But for the record, I think they need to check because I think I was probably excused because I think I did give notice. But just noting that for the record but I have to abstain because I wasn't there.

Ginale Harris: Okay. And Commissioner Prather.

Edwin Prather: Abstain.

Ginale Harris: Okay. Counsel, can you look into that one too? Thank you. Okay. Is there a motion for June 27?

Jose Dorado: Let's try this again. I move that we approve the minutes of June 27, 2019.

Ginale Harris: Is there a second?

Tara Anderson: Second.

Ginale Harris: Thank you. Commissioner Anderson.

Tara Anderson: Aye.

Ginale Harris: Yay. Commissioner Dorado.

Jose Dorado: Aye.

Ginale Harris: Commissioner Gage.

Henry Gage III: Abstain.

Ginale Harris: Oh, commissioner Harris. Aye. Commissioner Smith.

Thomas Smith: Aye.

Ginale Harris: All right, Commissioner Prather.

Edwin Prather: Abstain.

Ginale Harris: The motion passes. All right. Okay.

John Alden: Now you all are so tired. You won't have many questions so they'll go right quick. I imagine you'd probably want to put this to another date and my feelings will not be hurt if you want to do that.

Ginale Harris: Okay, how long is the training Mr Alden?

John Alden: It does depend on how many questions you have. I think it would take me not more than 10 minutes to explain the rules here, and most of them are details you're not going to need to worry about as commissioners most of the time. So it'd be pretty fast.

PART 7 OF 8 ENDS [03:51:04]

John Alden: You worry about as commissioners most of the time. So pretty fast.

Ginale Harris: It is.

Tara Anderson: [inaudible 03:51:06] It will be challenged.

Henry Gage III: We passed another matter whether a member of the public was going to present. I think we should pass and tapers a minute or two.

Ginale Harris: Yeah, he did.

Henry Gage III: I've heard a lot from Mr. Alden tonight. I can hear from him in December.

Speaker 12: Okay well, I think the [crosstalk 03:51:30]

Ginale Harris: So just so you guys.

Speaker 12: The default rule is that we listened to it.

Ginale Harris: Well, the thing is this is a required training. So me personally, I would have put it in the front of the agenda.

Tara Anderson: Vice Chair?

Ginale Harris: Yes.

Tara Anderson: Given the importance of the content of this training and we would never want anyone to infer because the delivery of the information was expedited in any way and therefore not consumed appropriately, I think to preserve the integrity of the information that we'd be receiving and our responsibilities as recipients of that information. I would recommend that it be on the December agenda as one of the first items of substance. And I would like to make that a motion.

Speaker 12: Second.

Henry Gage III: What they said.

Ginale Harris: Okay. Aight. Commissioner Anderson? Commissioner Dorado?

Henry Gage III: Aye.

Ginale Harris: Commissioner Gage?

Henry Gage III: Aye.

Ginale Harris: Commissioner Harris. Abstain. Commissioner Smith?

Henry Gage III: No.

Ginale Harris: Commissioner Prather?

John Alden: Yes.

Ginale Harris: The motion passes.

John Alden: Well, if that's the plan, I expect bright eyes and lots of questions. Lots of questions. Two from each.

Ginale Harris: That's what you want. Your 12th okay. Oh,

Ginale Harris: Okay. We have one public comment, Ms. Jane?

Ginale Harris: No? Okay.

Ginale Harris: So our next agenda item is the agenda setting and prioritization of upcoming agenda items. So we have a few items on this agenda that will be passed over until December 12th and I can tell you what those are for the record. One is the draft ordinance on militarize military police equipment.

Ginale Harris: The next one is police officer's bill of rights training and the report on policing. Well, we got the report today. However, we could have the discussion on or, we can put it back on the same how it is a report on policing of Oakland's on house communities December 12th.

Tara Anderson: And Vice Chair I just want to bring to attention the ad hoc committee on use of force. We'll need some time on that agenda as well.

Ginale Harris: Okay.

Ginale Harris: On use of force.

Ginale Harris: [inaudible]

John Alden: Vice Chair?

Ginale Harris: Yes, Commissioner Gage?

Henry Gage III: Thank you, Vice Chair. I'd previously committed to offering a revision of the commission's rules of procedure or rules of order, can't remember which term is used. I believe I can have a draft of that ready in time for the next meeting if that's something we can consider so we can have that in place moving forward for 2020.

Ginale Harris: So, I know that Commissioner Prather did the rules of order and we had an ad hoc for that. Do you want to be on it?

Henry Gage III: Happy to meet with an ad hoc provided we can get it done before the next meeting.

Ginale Harris: Okay.

Henry Gage III: Maybe just the two of us. Okay [inaudible 00:04:49]. Okay. Three of us.

Ginale Harris: Prather, Smith and Gage. So I believe this yesterday Chrissy loves, I had her send out to all the commissioners a list of all of our ad hocs and everything, so I'm going to revise it with the new ad hoc committees on there so that everybody's updated. Okay?

Ginale Harris: Commissioner Dorado?

Speaker 13: I'd like to have an agenda item of the next, the planning of the next outreach meeting. At least a quick discussion. Ideally with some dates who I can give to the principal of a nine for success. I can start having him get that process in motion.

Ginale Harris: Okay. So next meeting after the 12th. So the 12th is their outside meeting. So after the 12th so the next meeting would be

Ginale Harris: [inaudible] after the 12th because we're only having one meeting in December as well because of Christmas. January 9th would be our next meeting. January nine.

Ginale Harris: [inaudible]

Ginale Harris: Commissioner Prather?

Edwin Prather: Thank you. I just wanted to bring up one topic that had come up and I emailed the committee, the chair and vice chair about this several meetings ago. We had a presentation from OPD regarding their towing policy and if you'll recall colleagues, OPD came prepared and presented on the wrong sort of narrative of the policy and we were seeking something completely different. We sent them back to the drawing board to research and come back and present to us. We never heard back. So I think it's incumbent upon us to agendize the issue so that we can have them come back because we never heard anything about the topic that we wanted to discuss. So we need to put that on there. Secondly, this is starting to get to be a little pet peeve of mine, so I'm just going to throw it out there.

Edwin Prather: We're doing a lot of things in regards to, rules and ad hoc committees and homeless issues and militarized weapons. And I just think in 2020 we need to give it, get back to the core of racial profiling. We are so far afield from racial profiling right now and that's one of our main tenants, our touch points and we're sort of off script on that and I get that everything is important, but we're starting to get to the low hanging fruit and we're starting to miss the really big issues that we need to be focusing on. I just feel like every time you know, and frankly we're guilty of it and the public's guilty of it too. Every time we focus on

some issues that aren't squarely upon racial profiling, we get further far afield. So I just.

Ginale Harris: I agree.

Edwin Prather: We don't have to have a debate on it just in 2020 we need to start focusing on what we need to focus on [inaudible 03:59:19] Vice Chair.

Ginale Harris: Commissioner Gage.

Henry Gage III: Thank you, Vice chair. With respect to the telling policy, I suggest that we refer that to the ad hoc committee on. Yes. It's a mental health model however it's not an ad hoc committee on policing in the house list because the tone is so closely connected to issues with respect to policing the hook house list. I'd like to think that there's some nexus between that and the response model, but there may not be, they retract that statement.

Henry Gage III: With respect to us getting far afield, I must disagree, Commissioner. We can't sit here and simply pass an ordinance outlawing racial profiling, but we can work on legislation to address the tools people use when they're committing excessive force, AKA militarized equipment, and we can pass ordinances that will directly affect how police officers view both community and themselves. I don't think we're far afield is all the bear cat based on the deployment model was used mostly in the flats and East and West Oakland. That's against black people. When we talk about policing and the in house communities, the majority of people who are homeless are black people, so when we talk about creating policies to protect those people, we were doing exactly we're supposed to be doing here. I'd like to reiterate that we're not as far afield as you might think and you can't just enact an ordinance stopping racial profiling, but you can chip away at the edges for these kinds of policies.

Speaker 13: Mind if I share it, I might?

Ginale Harris: Yes.

Edwin Prather: And Commissioner Gauge, and I fully want to reiterate my appreciation for you and the work you put into the militarized weapons research and policy, but we're not addressing the fact that the Chief hasn't been here in three meetings. We're not addressing the fact she's not listening to public comment. We're not addressing the fact she is ignoring what's going on in the city right now. And we can pretend all we want that it's okay, we're making progress. Yeah, we are. We're making incremental progress, but we're not doing the things we need to be doing. We're doing things, I appreciate we're doing things right? But there are other things that we need to get to where there's business meeting to get to. That's it.

Ginale Harris: Commissioner Prather. So there are two things. So as you all know, a couple of weeks ago when Ms. Gleason was up on the dias and was doing the report, it was in regards to the towing and it was in regards to the towing because as you all know, I'm the liaison for the [phonetic Johnathan Vanderbilla 00:10:50] missing persons case and his car was towed, not to our tow yard, but to another tow yard.

Ginale Harris: And I looked into the policy for towing just for that specific reason, but I had been asking in regards to the towing policy since January for an incident that was not related. And when I looked at the tow policy, that was one of the policies out of the 151 that were not looked at and outdated. And I have an email in my hand, which I don't think I can share because I didn't have copies for the public, but it's a spinner and it again addresses putting blame on someone else. It belongs to records, it belongs to this and we really need to buckle down on not just policies itself but just answers. For them to give us credible answers. So I know it has nothing to do with racial profiling or discrimination, but I just wanted to share that. [inaudible 04:03:04]

Speaker 14: And Vice Chair Harris, this is skipping back a little ways. You agendized an item for the next offsite meeting. Might I suggest that for the first meeting in January you attempt to schedule both offsite meetings that are required for next year so that we have lead time? Because those require AV equipment contracts and you've been scheduling a month in advance and it makes it very hard from a logistical standpoint. Whereas if you did it upfront, wouldn't have the problems. That's all.

Ginale Harris: Got it. Thank you.

Tara Anderson: Vice Chair Harris?

Ginale Harris: Yes.

Tara Anderson: I'd like to make a recommendation for the January 6th or [crosstalk 04:03:41] 9th agenda to hopefully have a report out from our strategic planning session that theoretically should provide us additional direction for our priorities for the next year. And I believe the nature of our conversations there emphasize Commissioner Prather's points about focusing on racial profiling and many of the points that have been made on the dias.

Ginale Harris: Okay. So I have a quick question that I want to ask. I know that holidays are coming up and people are traveling to see families. So, we want to do something that's feasible so I want to make sure, I won't be here for the 12th. Will Anybody else be absent? December 12th will everybody be here? We'll have a quorum. Yeah. Okay. Now January 9th do you think that is too soon? Because we're only having one meeting to schedule or put on the agenda about scheduling out for the meetings. I just want to give people time cause they're

going to be celebrating with their families. They're not going to be thinking about stuff like normal.

John Alden: Vice Chair?

Ginale Harris: Yes.

John Alden: I'm glad you asked that question about January nine because it does remind me that we'd have to have the agenda items set, as I understand it January the 3rd, two days after January the 1st, and we'd also have to have all the attachments ready to

Ginale Harris: Correct.

John Alden: post by then. Now, I happen to be around during that period of time but I wouldn't expect many other people to. So if we were to keep the January nine date we might need to make sure we got the agenda, the attachments together kind of over the Christmas holiday which is also okay with me cause I'll be around then. But I mentioned that to you now cause I know you and the chair are usually very heavily involved in that process and I don't know what your timing is like.

Ginale Harris: Well, next December 12th is the use of force. We have to be compliant with the law by January 1st so I want everyone to keep that in mind as well. And the use of force ad hoc is more than three people. So that's all of us and we have been meeting regularly a lot to make sure that this happens and so we have to be compliant with the law by January 1st so we have to get it submitted by December 21st I believe to Chrissy.

John Alden: I do think having the December 12th date to talk about the use of force product is important.

Ginale Harris: Right.

John Alden: because of the reasons you just mentioned.

Ginale Harris: Right. And so I don't want to put too many things on the agenda because that's a big one.

John Alden: [Affirmative 04:06:34].

Ginale Harris: Agreed? Mr. Gage? Henry Gage? No thoughts? Okay.

Ginale Harris: So this is what I have as far as the agenda. So the rules of order ad hoc, we'll come back with something on the 12th. January 9th meeting we're going to, no, sorry. That's January 9th are we still putting the tolling policy on the 12th? No?

Okay. Report out from strategic planning session on the 12th? No. On the 9th? Right. Okay.

Ginale Harris: And the tabled items, draft ordinance on military, military police equipment. That's a tabled item that we'll go over and

Ginale Harris: and reporting on policing of Oakland's unhouse communities. Okay?

Ginale Harris: The training for the police bill of rights.

John Alden: Which ever date you'd like.

Ginale Harris: Okay. Yeah [crosstalk 04:08:21] All right.

Speaker 13: Lots of questions.

John Alden: Lots of good questions.

Speaker 13: Sorry, I have a question.

Ginale Harris: Yes.

Speaker 13: Is, given that the meeting on the 12th is going to be at a different location, is that the best environment to do that training? I suspect that we might have, I think that's a good place to have the conversation around policing homelessness, but I'm concerned. Dr. Alden, how do you feel about?

John Alden: Well, as for me, I'm happy to give that presentation pretty much anywhere, anytime. It is an open session presentation in part because the charter requires that and so that will limit some of the topics we can talk about. There are some things like litigation strategy about emerging issues under a Cobra that we would not be talking about. In any event, in the open session training. I suspect some members of the public might find it very interesting and helpful educational. Others might find it a little dry. I defer to the commission. I'm happy to give it either on December 12th or January 9th.

Speaker 15: It feels like if this is a part of our public outreach, this maybe a training on something very dry. I really want to get this training off the agenda and done. I do have concern that it might not be the appropriate place, but I leave that to...

Ginale Harris: We're going to [phoMr. Ruse 04:10:05] . Rose and then commissioner Prater.

Speaker 15: I just quickly also say for the 12th it's an offsite meeting, so the end time for the meeting is much more fixed than it has been here. I think it's booked until 10 for the AV and the location and everything else. So just mindful of that.

Speaker 13: Are we having an offsite meeting because it's required that we have an off. Offsite meeting?

Tara Anderson: Yessir.

Speaker 13: So the last offsite meeting, I think you all will recall as well, Maureen Benson's laptop that John Burris did the presentation. We didn't have a regular meeting. We had open forum and then we went into a presentation that was engaging because those meetings in the public are about public outreach and about showing them and really engaging them with very topical issues. If we're going to go out to the public for that, for that purpose, the whole purpose is public outreach.

Speaker 13: We need to totally change the next agenda and make it public friendly. I don't know if it is or not, but I would give the chair and vice chair this sort of lead way to go ahead and adjust the meeting plan as appropriate because the last thing we want to do, start turning people off right from, from what we do.

Speaker 14: If we did the POBA at following up on that note, if we did the POBA presentation on December 12th with the public then my comments to go with the slides would be much more about here's why we do what we do and here's why you can find out about this information and not that information. If I did it to some January, I'd probably make it a little bit more of a Q and A for the commissioners.

Ginale Harris: Well I think my concern for the location, I didn't want to have it there. We had a meeting there prior and the turn out was not good and so it wasn't accessible. It's right off of international, they're doing construction over there, it's not an easy place to get to. There's no parking so it's not accessible. And so that was my concern. I did not want to have it. However we didn't have enough, we didn't have outreach for to us to go around. We didn't have the time. So the chair just said, well we can do it at the East Oakland youth center. But me personally, I didn't want to do it there. But you know, again, it's up to the consensus.

Tara Anderson: Well we've already made a motion to approve having an offsite meeting at that location. So that's the circumstances we're in. I'm not in my understanding that won't change. What can change is what information we discuss and how it's presented at that location. Given the nature that it's a youth center in a particular space and how previous meetings that have been in the community have been conducted. So I think that having the core item of substance being the use of force policy and thinking about how we can ensure that that isn't a dry representation of policy and is engaging and could include a subject matter expert on short notice that is of the Bay area, that there might be opportunities to model the format that was done previously and, and still meet the same overall goals.

Ginale Harris: Well, I will say that I did reach out to the ACO EU who offered to do a training for us in public if we wanted in regards to the use of force and how the law affects how the new law affects,

John Alden: yeah. Yeah. I think that'd be great.

Ginale Harris: So we will be doing the bill of rights and the use of force.

Ginale Harris: Yep. Commissioner Brown.

Speaker 13: Yes. I wanted to speak to, to director Aldean's points. One of the problems we had with CPRB was that people came in with bad expectations about what we were capable of and how the process worked. And so for director Alden to speak and really clarify this to the public is going to help. It has to happen sooner than later

Speaker 13: that we've set our client's expectations so that they're not disappointed.

Ginale Harris: Commissioner Smith.

Speaker 12: Just wanted to point out its past.

Ginale Harris: Commissioner Jordan.

Speaker 15: Sorry to belabor this, but I really do feel like the given that we had to table the conversation around policing homelessness and that offsite meeting is starting to feel a little full of if we're having two separate trainings and a conversation on policy, could we move that to the next month so that we can really having in-depth discourse about it. Cause I feel like it deserves to Jen, Jen.

Ginale Harris: Which one? No, which topic?

Speaker 15: The homelessness on house policing of home. On how, people [inaudible 00:24:39].

Ginale Harris: Move it to January?

Speaker 15: Yeah. Or May. Yeah.

Speaker 12: Yeah. We had the presentation today actually. I mean so I'm comfortable with that cause we heard it today.

Speaker 15: I just don't want it to get short shift because we're packing the what potentially doing an offsite meeting could mean, could potentially mean a lot more public engagement. Who knows, but it just feels like let's not, let's give it its due

Ginale Harris: Commissioner Gage.

Henry Gage III: Similarly, I'd like to recommend moving, updating the rules procedure to January as well. You don't need to do that in front of, in this sort of context. It's not an appropriate topic.

Ginale Harris: Okay. January 9th yay. Good work guys. Yes, commissioner gage.

Henry Gage III: So to confirm, I have items for the 12:12 agenda being training on the peace officer's bill of rights ad hoc committee on use of force report. It sounds like you're reaching out to the ACLU for additional training on the 12th.

Ginale Harris: Yes.

Henry Gage III: Okay.

Ginale Harris: December 12th and I'm going to try, if I cannot, I will ask them for the ninth or even sooner.

Henry Gage III: Okay. And the final item is the report out from the ad hoc on the military equipment policy? Yes. So those four. Okay. Yes.

Ginale Harris: Okay. Commissioner Smith.

Speaker 12: Motion to adjourn.

Ginale Harris: Mr. Anderson. Commissioner Dorado, commissioner Gage commissioner Harris. Commissioner Smith. Commissioner Prather. Yes. And the motion passes and we are adjourned. Thank you. They're going to train on the new law.

PART 8 OF 8 ENDS [04:17:57]