



OAKLAND POLICE COMMISSION

MEETING TRANSCRIPT

February 25, 2021

Regina Jackson: Good evening and welcome to the meeting of the Oakland Police Commission for February 25th. It is 6:30 and I would like to call this meeting to order. Next I would like to make sure that we have a quorum. So I would like to take attendance starting with commissioner Dorado. Are you here?

Jose Dorado: Present.

Regina Jackson: Thank you, commissioner Gage?

Henry Gage, III: Present.

Regina Jackson: Thank you. Commissioner Garcia?

Sergio Garcia: Present.

Regina Jackson: Thank you. Commissioner Harbin-Forte?

Brenda Harbin-Forte: Present.

Regina Jackson: Thank you. Commissioner Singleton?

Tyfahra Singleton: Here.

Regina Jackson: Thank you. And I, Regina Jackson, I'm here as well. And what I didn't do correctly at the last meeting I am going to correct as we move forward. Because we only have six commissioners on the day is I'm going to elevate. I elevated David Jordan last time, I'm going to elevate Marsha Peterson this time, but I didn't elevate him at the beginning of the meeting and that's when I should have done it. So I'm going to correct my error and then moving forward I will keep it in line. So alternate commissioner Peterson, are you here?

Marsha Peterson: Present.

Regina Jackson: Excellent. Thank you. And commissioner David Jordan, are you here?

David Jordan: Present.

Regina Jackson: Excellent. Thank you. So for the purpose of this meeting, alternate commissioner Peterson, you will be a voting member. Okay?

Marsha Peterson: Yes.

Regina Jackson: Okay. Excellent. Thank you very much. So we do have a quorum. And I want to do a welcome. I do have a message that I would like to read. Today my opening message is about what happens when first responders are called to a scene where a person is going through a mental health emergency. Right now across the country America is failing this basic test about whether our



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families can trust the police. Personally, I find it downright demoralizing when any city's police find an unarmed person in crisis and make the situation more dangerous and more deadly. Recently in Rochester, New York, a 41 year old man named Daniel Prude lost his life due to police escalation. The police placed a hood over Mr. Prude's head, when he reacted to the hood, the police pressed Mr. Prude's head into the pavement. They told him to calm down. One officer reportedly jammed fingers into a nerve below Mr. Prude's jaw to cause him pain. Mr. Prude died from this police encounter and a medical examiner said Prude's death was a homicide caused by asphyxia.

Regina Jackson: The incident in Rochester breached the public's trust. Mr. Prude's family called the police for help. They trusted Rochester to keep their entire family safe. Mr. Prude's death is not merely a teachable moment, it is a shameful failure. It was a grotesque example of deadly incompetence, and it requires nationwide action right now. What every city in America must do, including Oakland, is to focus our energy and work on an entirely new approach to helping families who call first responders about a person in mental crisis. Oakland's model currently in development as a pilot program, will send these emergency calls to different first responders. That program is named MACRO.

Regina Jackson: MACRO will then disperse, excuse me, dispatch personnel who are trained in peacefully resolving crisis episodes. That's not all MACRO will do, but that's an important piece of it. Beyond MACRO, the response we expect in Oakland is for this department to double down on hiring sworn officers who would care about these complexities, even when it is difficult or inconvenient. This department must ensure its officers are exhaustively trained and deeply sensitive to the complexities of mental health emergencies. That is the end result this department is expected to deliver, to ensure that Oakland is serving and protecting every family with someone experiencing mental health challenges. Would what happened in Mr. Prude's case turned out differently in Oakland? We hope so. And we will continue to ask until we are sure we are leading the entire country in reform. Thank you. At this point I would like to turn it over to Mr. Rus for open forum and public comment. Mr Rus.

Juanito Rus: Thank you, Madam chair. If any member of the public wishes to make a comment during the open forum portion of this meeting, please raise your hand in the Zoom queue, and you'll be called in the order in which your hands are raised. Let me up the clock. The first hand in the queue tonight, I should also mention that the commission received two written public comments prior to tonight's meeting from Jennifer Tu and Mary Vale, and those will be available in the transcript. The first speaker on this item is Jennifer Tu. Good evening, Ms. Tu, can you hear us?

Jennifer Tu: Hi. Yes. Thank you. This is Jennifer Tu, from now district four, and I wanted to call in and thank the rules committee ad hoc for all of their work in figuring out rules to make the meetings more efficient. And I would ask the commission to please consider keeping open forum at the beginning of the meeting rather than moving it to the end of the meeting as the rules committee has recommended. There's two reasons for this. One is that it gives people a specific time in which they know to be here. The time is currently 6:36, and I need to be here at 6:30. And it's really challenging to know when I can speak at open forum if it's not got a specific set time.



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- Jennifer Tu: The other reason I want the commission to consider is it makes it really challenging to agendaize anything when open forum is happening at the end of the meeting. I know all of you have day jobs. It's a really long meeting, and I hope that you're able to bring the fresh perspective that you have at the beginning when considering open comments. Thanks so much. And yield the rest of my time.
- Juanito Rus: Thank you Ms. Tu. The next speaker in the queue is Kevin Cantu. Good evening, Mr. Cantu, can you hear us?
- Kevin Cantu: Yes. Good evening everyone. I'd like to echo Jennifer's comments. And additionally, I'd like to say that when moving this open forum, this ability to talk about every topic, or any topic in the agenda, or outside the agenda, to the end of a meeting, there is a very real risk that in the absence of being able to, for us the attendees being able to see your faces, that we will get the impression, correct or not, that you all have just left your computers on and gone off to go sleep. And I don't think that you want that, and I don't want that. I am also curious about longer term rulemaking, or plans around coordinating meetings post pandemic. It would be interesting to see some conversation about that. I personally would really love to see the availability of Zoom access to meetings continued even into the time after this when we'll be able to attend in person, it would still be nice to be able to attend remotely and get the full experience like this. Thank you very much. Have a good evening.
- Juanito Rus: Thank you, Mr. Cantu. The next speaker in the queue tonight is a telephone attendee, with the last four digits 0185. Good evening, 0185, can you hear us?
- Michele Lazaneo: This is Michele Lazaneo, spokesman for the Bandabaila family. Let's be clear, inaction is inaction, inaction is complicity. For almost two years we've been speaking out to this commission about Jonathan Bandabaila, and about OPD's outdated missing persons policy. They're understaffed missing persons unit. They're inconsistent use of their cellular sites simulator and automated license plate readers to locate missing persons, and their failure to fully utilize their social media platforms for missing persons cases. For 21 months we have been asking for OPD to post information on their social media, to inform the community about the steps they should take to make a missing person's report, and what they should expect. In 21 months two anti-human trafficking awareness campaigns, and we're almost at the second anniversary of Jonathan's disappearance, and where are we at? Not one post from OPD for missing persons awareness.
- Michele Lazaneo: Have you heard about Katlin Gallaread, the missing 14 year old girl from San Francisco? If you google her name, you will see quote, "San Francisco father begs for help finding 14 year old daughter struggling through pandemic." It's not just Katlin. What about Priscilla Castro? Devontae Morgan, Donald Stanifer, Sydney West, Tatiana Sunshine Dugger, Antwan Whitley? If someone had listened to us when we first mentioned Jonathan Bandabaila at these meetings 21 months ago, maybe one of those families would have read the community awareness post by OPD. Maybe they would have known what to do and what to expect. Maybe they would have known that they could demand from law enforcement. They would have known that the California penal code requires law enforcement to take specific actions in every missing persons case. Maybe the



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parents of Jonathan, Devontae, Sidney, Tatiana, Antwan, and Katlin would already have answers, closure, or have them back home safe. Inaction is inaction. Inaction is complicity. Take action, prioritize missing persons and include the Bandabaila and Dugger families for input and recommendations when you [crosstalk 00:12:57].

Juanito Rus: Thank you Ms. Lazaneo.

Michele Lazaneo: ... update OPD's policies.

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

Megan Steffen: Yes, I can. Thank you so much. I am calling tonight to say, I think not for the first time that I hope that the police commission reconsiders the way the ad hocs are currently run. I also appreciate the ad hoc committee on rules' new proposals. I will say that one thing that does worry me is the amount of discretion given to the chair to add or remove community members and other subject matter experts from ad hoc committees and standing committees. This is no criticism of our current chair, who I know everyone is very happy with, and who was voted in unanimously, but I think procedurally it's worth thinking about a time in the future, which could be possible when the police commission is less united and more divided, and whether or not it makes sense to give one person the ability to decide who does, and doesn't get to be on a committee.

Megan Steffen: Additionally, I think ad hoc committee meetings, I understand that there's a reluctance to have them live because real work needs to be done in them. But I think that the re-imagined public safety task force had an excellent compromise of simply recording meetings and making those meeting recordings available to journalists, interested members of the public, and other people who wanted to know how the process was happening. Recording meetings and making them available, I think is a good compromise if the commission is unwilling to make ad hoc committee meetings public. Right now, a lot of what I hear as a member of the public is being asked to trust that that work is being done in a good way because of the people who are there. Perceptually, I'd rather be able to see it. Thank you.

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

Assata Olugbala: Yes.

Juanito Rus: The floor is yours.

Assata Olugbala: All right. First I'm going to address the issue of hate crimes. The Attorney General of the state of California annually publishes a hate crime report. The 2019 hate crime report identifies the victims of hate crime by race. The race of the victims are 41 whites, 297 black, 154 Hispanic, or Latino, Asians 58, Arabs 30. The report also identifies by city hate crimes for 2019. For the city of Oakland in 2019 offenses 17, victims 17, suspects two. We need to get a breakdown by race in the



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city of Oakland, because right now it's being perpetrated that black people are targeting Asian-Americans. And as I said, the report indicates from 2010, I'm talking about the Attorney General's report annual, from 2010 to 2019, the highest victims of hate crimes has been African-Americans. There has been a surge in 2020 of Asian-Americans due to the pandemic is the main reason. Also I am very upset about the fact that police officers who arrested an individual in Chinatown for shooting a gun reported that they did not agree with the area captain's decision to have them arrested. And the investigators also didn't agree [crosstalk 00:17:36].

Juanito Rus: Thank you Ms. Olugbala. Your time has expired. The next speaker in the queue is a telephone attendee with the last four digits 5802. Good evening, 5803, can you hear us?

Saleem Bey: Yes. Good evening. This is Saleem Bey, and I'd like to call the public's attention to the commission's attempt to bury the outcome of the Bay independent investigation under closed session. Mr. Alden should have no contact with this case whatsoever. In fact, when he was first hired, he agreed personally with me to recuse himself, to get the information together, but hand it to the independent investigator. After not touching it for six plus months, Mr. Alden, after the first of the year, all of a sudden is doing the primary presentation to the city council regarding our case. That's unacceptable. Mr. Alden is the supervisor of multiple people in his charge who are under investigation for failing to investigate our case. So Mr. Alden, who represents the city, first of all, cannot make the legal, establish it as a legal precedent that our case should be under closed session when Mr. Alden represents the city.

Saleem Bey: Senate Bill 1421 says that the Oakland police commission can be viewed in public session because there aren't any individual officers that are named in as the major complainants. So Mr. Alden's intervention is very suspect, especially since Janell Harris is off the commission and not overseeing him, and now all of a sudden he's leaning towards the city's interpretation of protecting dirty officers. That's not going to go down. Mr. Alden has to re-recuse himself and remove himself from these cases, especially when we found out that the Oakland police department has admitted they never investigated my brother's murder case because his case file was stolen [crosstalk 00:20:03].

Juanito Rus: Thank you.

Saleem Bey: ... by an ex officer [crosstalk 00:20:05].

Juanito Rus: Mr. Bay, your time has expired. The next speaker in the queue is listed as Reisa Jay. I believe that's Reisa Jaffe. Good evening Ms. Jaffe, can you hear us?

Reisa Jaffe: Yes I can. Thank you so much. I listened in on the retreat and I agree with keeping the comment open forum at the beginning. I'm a little bit confused on where you all landed as far as maintaining comments for each agenda item. So I hope you'll be keeping those separate from open forum. I was hoping that I would see this agenda for report back from the chief would no longer have crime statistics reporting, I heard in a prior meeting where that was recognized as not the best use of that report, and I thought that the agenda would clarify that. So I hope that, that



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will get addressed and clarified, that what we want to hear from the police chief and what he's doing to address the racial discrimination and equity in the police department. And I would also ask at city council meetings, we can now get to see city council members. So the technology to make that happen obviously exists. And I would really appreciate being able to see your all faces, at least the people who are speaking at the time that they're speaking. Thank you.

Juanito Rus: Thank you, Ms. Jaffe. At this time I see no other hands. Oh, I'm sorry. There's one hand that just got raised. The next speaker in the queue belongs to an attendee listed as Lady B. Good evening, Lady B, can you hear us? Lady B, you can unmute yourself. Lady B? We seem to not be able to hear Lady B. So I see no other hands in the queue, Madam chair. I will return the meeting to you and lower your heat pans, Lady B, if you wish to speak again, you can raise your hand again.

Regina Jackson: Thank you, Mr. Rus. We have a question from commissioner Peterson.

Marsha Peterson: That was by error. I apologize.

Regina Jackson: No, no problem. Thank you. So if you can move our slide ahead, Mr. Rus, I think we have the police chief update next. Chief Armstrong. Are you with us?

Chief Armstrong: Yes. Good evening chair. Can you hear me?

Regina Jackson: Yes, sir. We can.

Chief Armstrong: All right. Good evening to the chair and all of our police commissioners. Honored to be with you again. Just wanted to cover a couple of topics in our brief update. And as some mentioned, there was a conversation of not including so much of our crime data. And I have reduced that to one single sheet, which is our current year to day crime stats that I included. And the first thing I'll say is that my feeling as the chief of police is my first responsibility is to be, to make this city the safest that we can be, but while also holding our officers accountable and practicing constitutional policing. But I think it does center around public safety. That's what my job entails, and I think that's important that we convey the experience of what's happening in the city of Oakland when it comes to crime.

Chief Armstrong: So I want to offer that and just say currently today, the city of Oakland has had 23 homicides so far in the year 2021, 15 homicides in the month of January, and eight additional homicides so far in the month of February. I will say one of the most alarming homicide is the one that occurred yesterday, where at Concordia field, in East Oakland, while the Oakland Dynamites youth football team was having a pee wee practice, an individual showed up to the field and shot another man multiple times, fatally injured him in front of 60 kids and adults on the field. Obviously that incident caused a traumatic effect in the community. Young people had to see what happened out there. And the city is working closely with our department of violence prevention to provide emotional support services for all those that were in attendance. But it just goes to show you how serious our violence is right now in the city of Oakland, and I'm doing everything I can to manage that violence. So I just wanted to offer that.



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Chief Armstrong: Also on Monday, February 22nd, the Oakland police department and the city of Oakland appeared before judge Orrick for our CMC. During that hearing the judge provided some, I'll provide you some updates from that hearing that I can. I thank the police commission for the hard work that they did completing the three policies that we were asked to complete by the judge. He recognized the work that we all completed, and was appreciative of that work. But in return, he asked us to complete three more policies in 45 days and bring those back to court, submit those before the court by April 8th. Those three policies that he would like to see by April 8th is the IED policy in protocol, which is already with the police commission, and chair Jackson has already formed an ad hoc for that. We hope that that moves pretty fast.

Chief Armstrong: Our second one would be a memo, a chief's memo around administrative leave related to level one uses of force in officer involved shootings. The last policy is the criminal investigations division policy and protocol, which will include our response to an investigation of level one uses of force and officer involved shootings as well. All of which we have, we're working on drafts and they are in the review process soon to be forwarded to, the last two soon they'd be forwarded to the police commission for review. We also continue to make improvements in our data sharing. We've been working with our city IT to begin with forward facing dashboards for our stop data. We are at the final stages. Our plan is working closely with the city IT to be able to produce what we call a slalom slides that were based on the presentation. That was provided by the IT director to the police commission a couple of months ago. He has moved forward and we're reaching the finishing stages of producing those slalom slides for community view.

Chief Armstrong: Also, the Oakland police department will begin to share our stop data reports on a quarterly basis instead of the one-year basis. So previously we released stop data once a year, I'm going to transition that to every quarter we will be uploading our stop data report to our website for public view in my effort to be more transparent. We also are preparing to produce a compliance report that essentially is our efforts related to the negotiated settlement agreement. So we'll start to share some of the progress, some of the work that we're doing to move this department towards constitutional policing, but NSA compliance as well.

Chief Armstrong: Lastly, we, chair you will be glad to tell you that we have started vaccinations for our officers. A number of officers have been vaccinated and several more are preparing to be vaccinated, they're being vaccinated at the Alameda County Emergency Operation Center by appointment. We also have some being vaccinated at our Oakland Coliseum vaccination site. So there is a plan to allow officers to get vaccinated. We encourage them to vaccinate, but we also have made it a mandate that they continue to wear their maskS even after vaccination. So, that has not changed. So we will continue the practice of wearing masks. And we have been very stern with that requirement and so much reached the level of discipline as a result of not wearing masks. So our staff has been put on notice that officers need to wear masks in the community, whether they are vaccinated or not.

Chief Armstrong: And that's the opening for me, chair. And then I have brought along with me your new liaison, Deputy Chief Joshi in response to a request from the chair regarding overtime worked at



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businesses, including Walgreens and Target. We submitted a report to the commission and deputy chief Joshi, if it's okay with you, chair, deputy chief Joshi is here to present on that report.

Regina Jackson: Yes. And welcome Deputy Chief Joshi. I know that we've had a great opportunity to engage you in the past. I'm glad to see that you are our formal liaison, and look forward to your report tonight, and follow-up for the future.

Deputy Chief Joshi: Oh, thank you, chair. Good evening. First of all, I appreciate this opportunity to be in the seat that I'm in, and I'm going to do my best to serve this commission and the citizens of Oakland to make sure that I'm doing my job as expected. So I know that there was a request for information on overtime assignments associated with OPD at various businesses in the city of Oakland. And so a little bit of background there are businesses in Oakland, such as Walgreens, Home Depot, and then there's also Target that contracts with OPD. The background on why they reach out to OPD is we have a process that's with our special events unit. Anyone can hire a police officer off duty. So there's events such as the downtown nightclubs, or even at the Oakland Coliseum, where we have sporting events. Those are events that third party vendors need additional security to ensure that the patrons that are arriving at these businesses are, them and the businesses themselves are able to conduct business in a safe manner.

Deputy Chief Joshi: And so in the past, some of these businesses, such as Walgreens and Home Depot, they experienced an increase in crime, such as ranging from vandalism, thefts, robberies, assaults, and other crimes that impacted their ability to run their day to day operations. So they reached out to the Oakland police department in an effort to hire officers that would be assigned to these stores. Now, these officers are not taken out of their normal assignment. They're hired on to work these assignments on their days off. These stores, these businesses will then reimburse the city of Oakland at a top step officer rate. And then there's an additional 15% charge that's added to the rate. And so that is an overview of what that process entails.

Deputy Chief Joshi: And as far as overtime, the policies that are associated with the overtime, the department does have a policy on overtime. And so all third-party reimbursable overtime, we assign an overtime code, which anyone who works those has to use that code to claim payment. And this also helps us with accurate charging and reporting of the overtime. Our officers, they can work overtime, but they have to prioritize their regular assignment ahead of any overtime opportunities. Additionally, for officer wellness, our policy requires that officers have a minimum of eight hours of rest in between work periods, and that they have one day off in a seven day week. So with that said, I'm open for questions.

Regina Jackson: So I'd like to follow-up on your report, DC. You mentioned that for these special events, or contracts, these are off duty officers, but then you also mentioned that the police are required to have one day off. Can they, in fact, work six days with OPD and work that seventh day for Walgreens?

Deputy Chief Joshi: They cannot.



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- Regina Jackson: Okay. And you feel like the system that you have in place protects against anyone abusing that, is that correct?
- Deputy Chief Joshi: That's correct, chief. I'm sorry. That's correct, chair. I'm sorry.
- Regina Jackson: That's okay. And [crosstalk 00:34:31].
- Chief Armstrong: And chair [crosstalk 00:34:32].
- Regina Jackson: Yeah.
- Chief Armstrong: Chair, if I could add to that.
- Regina Jackson: Yes.
- Chief Armstrong: This is chief Armstrong. Chair, so this policy really was born out of abuse, right? Abuse of the process. And so some of the things that you are referencing was reasons why we had to include that into our policy because we did previously come out of an audit by the city auditor's office, that officers were not taking days off, that there were not having the proper amount of rest in between shifts, which led to the changing of policy which required the eight hours of rest and the minimum of one day off during their off days. And so, that was a result of the audit from the city auditor's office. I just wanted to offer that, Chair.
- Regina Jackson: Thank you very much. I'd like to also understand what percentage of folks, because I recognize that a lot of the overtime is not being done by everyone but by a smaller percentage of OPD, can you tell us what percentage of OPD is doing overtime or doing lots of overtime so we can get a sense?
- Deputy Chief Joshi: In reference to the third-party overtime or just all forms of overtime?
- Regina Jackson: Oh my goodness. Separated out between third-party overtime because I think that was the specific request for understanding from community was, who's doing the overtime? What's the circumstance around the overtime at the Walgreens and the Target? So why don't we keep it to the third-party for my query?
- Deputy Chief Joshi: Sure. So as far as a percentage, I can tell you the number of contracts that are out there and how many officers are assigned and maybe that can give some type of an idea. So there's one Home Depot contract, eight Walgreens contracts and one Target contract. And at the Home Depot, I know that there's two officers that are working from open to close. And so, the percentage as compared to total staffing at OPD, it's going to be a smaller number, the exact percentage, I'm not certain on. But then if we look at the numbers, it would be less than 20%.



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- Regina Jackson: Okay, that's an important number. Thank you. I don't know if other commissioners have questions about this particular report from DC Joshi, if you do, please raise your hand. I see two hands. Vice Chair Dorado followed by Commissioner Garcia.
- Jose Dorado: Thank you, Chair. DC Joshi, I like the way that sounds.
- Deputy Chief Joshi: Thank you, sir.
- Jose Dorado: If an officer is at a Walgreens or whatever on a third-party contract and a call comes to him or her requiring, let's say backup, something that's fairly serious, if they are allowed to go to respond to that is one question. And two, if so, is there some mechanism by which the Target, or Walgreens or whatever deducts that from what they're paying up that officer because in the fact they have to leave to back up somebody for a couple hours? How does that work? So it's a two-part question, but related obviously.
- Deputy Chief Joshi: Sure, Commissioner Dorado. So the department absolutely prioritizes public safety, right? And so, if there's a public safety issue that's nearby and an officer can respond, the expectation is that the officer response to that call. However, we have enough officers. The goal is to relieve that officer and have an officer that's normally assigned to that beat, respond and take over so that we don't have the instances where the third-party assigned officer is out of play for hours. It's usually a short time a window and then they return back to their third-party assignment. We have not had that happen, we haven't had any reports where an officer is pulled for several hours and it's unlikely that something like that would happen.
- Chief Armstrong: And Commissioner Dorado, it's just Chief Armstrong through to Chair. If I could just to add to that. Yes, if the officer were to break and have to respond to an emergency call, we would not charge the business for the hours that the officer was not on duty at the business, we would charge them for the hours actually worked at the particular location.
- Jose Dorado: Okay, thank you. I appreciate it.
- Regina Jackson: Thank you, Commissioner Garcia.
- Sergio Garcia: Thank you. Thank you. Deputy Chief Joshi, my questions were along the lines of Commissioner Dorado and also our Chair. And I think perhaps these questions are coming up because the memo that you prepared or that the OPD prepared is lacking in any quantification of these third-party requests and the impact on OPD personnel, and OPD priorities and of course, public safety. So, because the memo is silent on those issues, it only has the physical impact and the compensation formula that businesses use to compensate OPD. It's lacking in a quantification of, during the reporting period, how many requests come in? How many officers have spent time with these third-party requests? And what are the number of hours?
- Sergio Garcia: I think that those are the kinds of details that I think are missing from the report. So I want to request that future reports have a quantification, and not only of the physical impact, but the



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impact on the OPD's mission, its public safety mission and on OPD personnel. That is quantification of the hours in total and also the number of officers who have been pulled into these third-party requests, and if there are any issues around any individual officer, I think you've answered that question already that you try not to have individual officers take up too much of their time on these third-party requests. But I think in future reports, that would be helpful to have that kind of data outlined in your report. Thank you.

Regina Jackson: Thank you. Those are good points. I appreciate it. If there are no other commissioner questions, I did have a follow-up question for Chief Armstrong. Yes, I was impressed that the judge gave us three more policies to fast-track. My question is, you're going to be turning over the policy work that you do for the last two, when will we receive that?

Chief Armstrong: Right now, both drafts are with the city attorney. And so, I don't know if you recall... I just want to bring you back to our policy flow chart that we presented a couple months ago, and because we have several new commissioners, we can definitely bring that back just as a data sheet that they know what the flow looks like. We're at our step now where the first draft after review then goes to city attorney for city attorney review, then once it comes back from city attorney, it'll come to me and the executive team for our last feedback. After that, we will forward that policy to our plaintiff's attorneys and to the federal monitor. And then after their review, we'll bring it forth to the commission. We don't believe that that will be a long turnaround, so my hope, Chair is to get it to you, if not by the next meeting, it'll be the following meeting.

Regina Jackson: Oh, okay. So, (1.) That's not going to work because the next meeting is March 11th and we're supposed to get all three of these done before April 8th. Given the fact that commissioners work extremely hard during the day and we're filling their nights as well, we're moving on IED, but the last two we're going to have to have more than two and a half weeks. And I mean, even if they are almost finished, I think that it'll be important to... If you can't give us both at the same time, give us one at a time as you're moving so we're able to move on IED.

Regina Jackson: But the second one, which is the memo and then the third on criminal investigations, and I think I would rather have you all try and send us criminal investigations first. We're going to need some time because typically, we try not to have more than one meeting a week for an ad hoc and if necessary, we're going to have to cram and I would hate to put the lion's share of work on the commissioners' backs, because I don't know if the judge is... We're not going to see him until August, but I know he said he wants this by April 8th and it just makes it really, really hard for us.

Chief Armstrong: So Chair, yeah, I totally understand. So here's what, during our meeting tomorrow with you and the vice chair, let's discuss how we can talk about getting a draft to you so that you guys at least have the draft that will be reviewed by both plaintiff's attorneys and IMT. So maybe we can do those steps at the same time.

Regina Jackson: Okay, that sounds fine. I've just tried to walk back what April 8th means, because I think our meeting is the 9th or 10th. So I'm trying to weigh our workload with the judge's desire,



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recognizing that these policies while they're very important to him, we also have other policies that are also very important. So yes, we can talk about that tomorrow. That sounds good.

Chief Armstrong: Got it, Chair, and I understand. I think I'm often forgetting that you guys don't meet as much as we do, so we definitely will streamline that process to make sure you have enough time. So I'll work with the city attorney in the morning to see how soon we can get it over to you.

Regina Jackson: Perfect. Thank you very much. Commissioners, are there any more questions of either DC Joshi or Chief Armstrong? Okay, seeing none. Thank you very much and we will move on to the next agenda item, which I believe is our training.

Juanito Rus: Madam Chair, public comment, you missed that.

Regina Jackson: Oh I'm sorry. Okay. Thank you very much, Mr. Rus. Public comment.

Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to comment on item four on tonight's agenda, please raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised. Just a second, let me change it to the clock. The first speaker on this item is Jennifer Tu. Good evening, Ms. Tu, the floor is yours.

Jennifer Tu: Hi, thank you. I just wanted to express my appreciation both for the quarterly traffic stop data, that's super exciting, and also for hearing the members of the public in reducing the crime stats report. One thing I was interested in is getting a sense of what the department's top KPIs are and how OPD is making progress towards that. So I would strongly encourage everyone to consider having that become a regular part of the report of picking out a couple of KPIs that would be particularly important to the commission.

Jennifer Tu: I also got a little bit confused about the conversation about the off duty police officers. I wasn't really sure what makes them off duty if they're paid by OPD, if they're in uniform, they have all of their OPD issued weapons, they have their cars that are all marked OPD, I'm just confused about that. And I saw a photo on Twitter of officers at the Walgreens at Telegraph in 34th, and there were three of them, and none of them were wearing masks. And I'm just confused if that's the reason it's off duty, so they don't have to wear a mask or what does it mean to be off duty? That's all. Thank you.

Juanito Rus: Thank you, Ms. Tu. The next speaker in the queue is Lady B. Good evening, Lady B, can you hear us? You can unmute now. (silence).

Juanito Rus: Lady B? I believe Lady B had an issue last time as well. I'm going to lower her hand and she can raise it again and I'll call again.

Juanito Rus: The next speaker in the queue is Megan Steffen. Good evening, Ms. Steffen, can you hear us?



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- Megan Steffen: Yes. Thank you so much, Mr. Rus. Thank you to the chief for his report. I agree that it's really refreshing and I respect the chief's desire to help us keep in mind that public safety is OPD's number one priority. I just want to also keep in that this body, the police commission's main priority is, and I think should be, constitutional policing and making sure that there's oversight for this police department. To that end, I am really concerned about the quick deadlines that you're getting from the federal judge. I know that his objective is to get the department into compliance as soon as possible, and because of that, he has seen that the commission and the department will respond to a deadline and he is clearly using that to encourage these policies to be developed much faster.
- Megan Steffen: However, if the commission through the chair or someone else has a line to the judge, I might simply, for your own sakes, ask if you can have an extension. I know you all work so hard and I've been really impressed by the amount of policies that the judge's deadline has pressed the commission to complete. However, I really want to make sure that in order to meet these deadlines, we're not pushing out suboptimal policies that will then have to live with for a very long time. In addition, I am also concerned about the language around off duty and what this means, and I wonder if the department of race and equity has done an analysis of this policy and what it means for police resources being available to less well-resourced communities. Thanks so much.
- Juanito Rus: Thank you, Ms. Steffen.
- Regina Jackson: Mr. Rus.
- Juanito Rus: Yes.
- Regina Jackson: I just wanted to have a question of Ms. Steffen who mentioned that there were officers without their masks. If you have a picture of that, would you please send it to my attention? Go ahead, Mr. Rus.
- Megan Steffen: Oh-
- Regina Jackson: Oh, go ahead, I'm sorry.
- Megan Steffen: That wasn't me, I had a different picture, but I know the person who did it and I will ask them to do so.
- Regina Jackson: Would you? Thank you so very much. We really want to make sure that this mask issue is no longer an issue, so thank you. My apologies, back to you, Mr. Rus.
- Juanito Rus: Thank you, Madam Chair. The next speaker in the queue on this item is Lorelei Bosserman. Good evening, Ms. Bosserman, Can you hear us?



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- Lorelei Bosserman: Yes. Thank you, Mr. Rus. First, I'd like to echo what Megan Steffen said about possibly pushing back, not pushing back, talking to the judge about the optimal timeline for the procedures just so his urgency is not actually getting in the way of the best possible process for the commission. But I also want to say, I'm concerned about this moonlighting, that officers are allowed to moonlight, because their soul focused as police officers shouldn't be their job at OPD. I believe they get full-time hours at OPD without a problem and I have seen their salaries, they are well-paid, they shouldn't need overtime and I think it probably detracts from their work. I'm not sure if there's some argument that having police officers, rather than other security guards at businesses somehow keeps the public safer, but I would encourage people to consider eliminating that. Thank you, that's all.
- Juanito Rus: Thank you, Ms. Bosserman. The next speaker in the queue is a telephone FMD with the last four digits, 5802. I believe that is Mr. Saleem Bey. Good evening, Mr. Bay, can you hear us?
- Saleem Bey: Yes, Saleem Bey. With the little time that I have, Chief, I'm not going to be able to address IED and CID issues with you because this issue of OPD just telling the public that OPD officers and OPD uniforms are mercenaries for sale, right? You can't cover a side show, but you can cover retailers? You can't show up for violence, you can't stop the violence, you've got all these excuses of why they're in enough officers while there's so much overtime, you can't stop that but you can sit down and watch 99.99% legal shoppers go in and out, and have an officer that's getting paid, I don't know how many dollars per hour, checking bags, that's stealing jobs from the community. You have community members that have security guards that could sit there and do the exact same things.
- Saleem Bey: What that does is an armed officer with a badge is an intimidation of the community, and it is intimidating on the part of the fact that the retailer can lease a dog and a blue uniform to watch over black and brown people and intimidate them inside the retailer when they should be showing up for robberies, they should be showing up to the side shows, they should be showing up to break-ins. But you don't have that type of time, you can't show up to an accident, but you're standing around covering bags, that doesn't make any sense, that needs to end right now. If you have eight hours during your shift at OPD, you don't have any other times because OPD has plenty of overtime, so there should be no third-party contracts or nothing until you can cover safety in the community. Until you can cover safety in the community, you can't cover safety or you can't cover retailers' assets which seems to be more important than all black and brown bodies to OPD.
- Juanito Rus: Thank you, Mr. Bay. The next speaker in the queue is a telephone attendee with the last four digits, 7448. Good evening, 7448, can you hear us? (silence).
- Juanito Rus: Telephone attendee with last four digits, 7448, you can unmute yourself. (silence).
- Juanito Rus: 7448, it appears that you have your phone muted, can you unmute yourself? (silence).
- Juanito Rus: Seeing as that it's still muted, I'm going to lower your hand. If you wish to speak, you can raise your hand and I'll call on you again.



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- Juanito Rus: The next speaker in the queue is Ms. Assata Olugbala. Good evening, Ms. Olugbala, Can you hear us?
- Assata Olugbala: Yes. That 7448, it was my sister. She was trying to call in. My sister was in Walgreens on High Street, and while she was in there, several individuals came in, robbing Walgreens and she was told that this was happening several times a week. And they came in with bags and they just took products and put them in the bag, she was traumatized. But we found out that, because of the high crime of the Walgreens on High Street and the other one, I think on Seminary, as well as the Home Depot, Walgreens was threatening, and Home Depot is threatening to leave the city of Oakland. And the reason why the officers are there is this crime goes on several times a week and the security guards weren't able to do anything. This is not just safety, this is economics. We are losing businesses, in District Six, we lost the bank. We don't have any banks in District Six because of the high crime. Bank of America left East Oakland and Chase Bank is talking about leaving. So I hope my sister can talk about her experience in Walgreens if she can get in.
- Assata Olugbala: Jenet, if you're listening, press *6 to get in. The other thing is, Chief Armstrong, I am very disappointed with this incident with the arrest of the individual firing a gun, which I think your statement is, "We don't want people firing guns." And, at a task force meeting, someone mentioned that they're going to have to get a gun in order to deal with the crime, and that's becoming very concerning for me that we don't have that happening. Thank you.
- Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is Jasmine Fallstich. Good evening, Ms. Fallstich, can you hear us?
- Jasmine Fallstich: Yes. Good evening. Thank you so much for taking my call, Mr. Rus and commission. I'm the person who took the photo that you asked for, Chair, I will send that to you. I do have some follow-up questions that I'm hoping I can get answered this evening. The first is, when DC gave the report, he said that anyone could use these third-party services. I'm an executive director of a nonprofit and we have a small shop on Telegraph. So, are you saying that this is open to me? I could hire OPD to come down to our little secondhand store? Because that's how it sounded in the report.
- Jasmine Fallstich: And then, I also just have some more administrative and costs-related questions. It sounds like there's actually quite a lot of administration behind this third-party program. And so, I'm wondering if whoever is administering this is also being paid by the third-party or are we, the city of Oakland being charged for that? Because to me, it seems like there's a lot of underlying costs here that we're not talking about like, what are the costs of using cars and materials like weapons that we're ultimately paying? And is that being figured into what these third parties are paying or not? And my final point is, there was a mention that the shift at Home Depot is all day from open to close, 6:00 AM to 9:00 PM is a very long shift for someone who already worked six days a week.
- Juanito Rus: Thank you, Ms. Fallstich. The next speaker in the queue is Cathy Leonard. Good evening, Ms. Leonard, can you hear us?



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- Cathy Leonard: Yes I can. Good evening. Cathy Leonard, District One resident, Oakland native. Chief Armstrong, I just wanted to ask, is there some way that when you're revealing the crime statistics that you can all also reveal the progress on the case like if the case has been solved, that would really be useful information for the public to know that if crimes are being committed, they're being solved. Thank you.
- Juanito Rus: Thank you, Ms. Leonard. The next speaker in the queue is Reisa Jaffe. Good evening, Ms. Jaffe, can you hear us?
- Reisa Jaffe: Hi. Yes. A bunch of the questions I was going to publish have already been posed concerning the contracts for private security, so I hope those questions will be answered. I would just add, I heard that police officers are allowed to work six days with just eight hours of rest. I really wonder how that was decided that that amount of time is adequate for police officers whose job entails having to make life and death decisions. Is that really an adequate time period? I'm very worried about these private contracts and whether or not that's the best use of our police officers. Thanks.
- Juanito Rus: Thank you, Ms. Jaffe. The next speaker in the queue on this item is listed as Mente. Good evening, Mente, Can you hear us?
- Tasha Mente: Hello? Can you hear me?
- Juanito Rus: We can hear you.
- Tasha Mente: Yes. Hi, this is Tasha Mente, District One. I want to echo a lot of the sentiments that my fellow residents have spoken to with respect to the private security situation that OPD is essentially serving as for Walgreens, Target Home Depot, et cetera. There are big safety issues in certain districts, and one of the reasons why, say a Home Depot would need something like private security is because there isn't enough of the police force actively resolving some of the violence that's happening, the murders, et cetera. And I'm concerned as well as Ms. Jaffe was, regarding only having one day of rest. That for me, it flags that we might be wearing out our police force and they won't be able to answer these calls that are out in the public sphere, that's what their domain is as opposed to the private sphere. Walgreens can afford private security, so these are all concerns that I have.
- Tasha Mente: In addition, I'm worried about what does this do with their pensions, this particular overtime, is that involved? And I do want to echo what Mr. Bay's comment was around taking away private security jobs from people in Oakland, that's an economic concern as well in a time of COVID where people are losing their jobs anyway. Thank you.
- Juanito Rus: Thank you, Ms. Mente. At this time, I see no other hands raised in the queue Madam Chair, I'll return the meeting to you.



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- Regina Jackson: Okay, thank you very much. So I wanted to thank Ms. Fallstich, so I'll look forward to receiving that picture and we will work on... What I'd like to ask either Chief Armstrong or DC Joshi to do is, can you briefly clarify what it means to be off duty? I've heard that question several times from the community and I think that we probably all need to understand that.
- Chief Armstrong: Yes, Chair. Off duty means that the officer is not working, doing his or her regular shift, it means that they have completed their regular shift and they don't have any obligations to the police department. So they will be working voluntarily during their off time is the only time they can work overtime. These are all voluntary assignments with the large number of officers that we have within the department. These are just a few assignments that don't affect their ability to perform their duties everyday. Part of our risk management and early intervention system, we actually monitor their overtime that they work and look at if it's affecting their work performance. And if it is, we have the ability to limit their overtime and how much they can work.
- Chief Armstrong: And so, these are things that we evaluate as we look at their time off, are they using more sick leave time and then working overtime? We look at all of those things because we consider that to be potentially at risk behavior. And so, we are monitoring officer's work performance as well as the amount of overtime that they work. Also in the issue of equity, we try to encourage our staff to distribute work equally, because it's voluntary, there's only a certain amount of officers that actually volunteer to work those assignments, several assignments sometimes go unfilled, and so, we practice equity and making sure that we try to equally distribute the overtime opportunities throughout the department so that we don't cause burnout.
- Regina Jackson: Thank you. That was very helpful and hopefully that's quite a bit more clear. We will also probably begin to have some of that conversation around ensuring that there aren't any costs that we're bearing to facilitate all of this. So of course, we have the accountant amongst the commission who has a question. Vice Chair Dorado.
- Jose Dorado: Thank you, Chair. Just a quick question really, what is the amount of the top step salary and what's the 15 and a half percent increase? What are those numbers and how much is represented by the benefits that are allotted to this amount? So it's actually three questions, what's the top step salary? What's the 15 and a half percent increase and what is the representative benefits amount? (silence).
- Chief Armstrong: Commissioner Dorado, give me a second, we're looking it up. And so, I'll say that we're looking it up and we'll get it to you shortly. The charging is based on the top step officer. That includes benefits as well with that top step overtime rate. And then the city charges an additional 15% on top of that, and that covers the use of equipment and other things. But we'll get you the exact top step overtime rate.
- Deputy Chief Joshi: I have the total, sorry. I was trying to get off mute. Through the chair. This is DC Joshi. She said it's \$91 an hour, and then the total comes out to \$105.60 an hour.
- Jose Dorado: Thank you. Just as a-



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Regina Jackson: Wow.

Jose Dorado: Madam chair?

Regina Jackson: Go ahead. I'm sorry. I'm just reacting to \$91 an hour. Wow.

Jose Dorado: Well, at a hundred and something an hour, I think it underscores the last comment I heard about taking jobs away from security, private security. I think that's a valid point. Wouldn't it be beneficial, I think, for the city as a whole to develop private security at a much lower rate than I think that's a certainly a worthwhile occupation to provide security to the community in a number of areas. And certainly it wouldn't be at that sort of a rate. So I think I have to consider that a valid point made by the community member who spoke to that. So thank you very much.

Regina Jackson: Thank you, chief Armstrong.

Chief Armstrong: Yes. Do the chair, just in response to that, I think the reality for us is, is that OPD tends to be the last stop for businesses because we, obviously, the cost is really expensive.

Chief Armstrong: It is much cheaper to have security, even armed security. But typically when businesses come to the police department, except that high cost, it is usually because there are dire situations. And we asked, have they had security previously. In every case, they say that they've tried multiple security options, but still incur significant loss. And so those are questions that we do ask as we are approached by businesses.

Regina Jackson: Okay. Thank you very much for the clarification. I think we've exhausted questions for the commission. So we're going to move forward to our training on POBRA. Mr. Alden?

John Alden: Thank you, madam chair. I'll do a quick sound check. Here is my sound quality, all right?

Regina Jackson: Yes. Just fine.

John Alden: Lovely. Glad to hear it. Commissioners tonight, we have on a training about POBRA. For some of the commissioners who've been on for a little bit, you may recall the same, well, not exactly the same training, but a very similar training from December of 2019.

John Alden: We thought we should give it again for two reasons. One is that we have a lot of new commissioners. Another is that there are a few improvements we could have made over that last training, based on some questions we got at that training, and also the fact that that training was not recorded as well as we would have liked. We thought this would be a good time to provide a similar training on the same topics.

John Alden: So for the commissioners who had already been on for a little bit. You will hear some new material tonight. If it's all right with the commission, I'll go ahead and share my screen so I can walk you through this PowerPoint.



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- John Alden: I do think I'm going to need Mr. Rus to enable my screen sharing, which I think would mean making me co-host.
- Regina Jackson: Mr. Rus, can you facilitate that?
- Juanito Rus: He's been made a co-host. Yep.
- John Alden: Excellent. Thank you, Mr. Rus.
- John Alden: All right.
- John Alden: So commissioners, this training has two main parts. The first is going to be about some privacy laws that apply to the work that we do. And the second is going to have to do with some procedural rights that apply and police discipline cases. And I certainly would like to take your questions all throughout. Feel free to interrupt me, please. If you have questions, I will try to keep an eye out for hands raised. But if I miss any, please don't hold back on interrupting me along the way.
- John Alden: Many people describe the police officer's procedural bill of rights as having some strict privacy laws. Technically, we're really talking about two sets of laws here. And while many people tend to refer to both of these two sets as POBRA, technically only one of them really is. I mentioned this here, because this is a frequent question we'll get.
- John Alden: We'll mention to people, privacy protections and POBRA. And folks might go on their own lookup POBRA and not see those there. So, I want to be very clear about which laws we're talking about first. The first set of those laws are found in the penal code. These happened to be enacted at the same time as all of the other statutes that we're going to be talking about, but they are an entirely different part of California law than the remaining parts of POBRA. And these sections are at 830.1 through 832.8 of the California penal code.
- John Alden: These are the codes that primarily describe how complaints are taken at the city and County level about police officers, how they're investigated and the privacy rules relating to public disclosure for results or the contents of those investigations. The second part is the one that is formerly known as POBRA. The legislature literally gave it that title when enacting it. And that's found in the government code sections 3,300 through 3,313. These tend to be more procedural rules about the discipline process. I'll be talking about each of these in this order.
- John Alden: So in this first section, in the penal code, we have penal code section 832.5. At the time this was enacted in the late seventies, this was a groundbreaking change. The idea here was to require every public agency that has police officers or sheriffs or other peace officers to take public complaints and investigate them. Prior to that time, it was a common practice in many agencies that they would just refuse to take public complaints, or if they took public complaints, they would explicitly tell people that they were not going to investigate them, or they'd take the complaints and put them in a file and never investigate them. Obviously, this was a problem that



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created significant public concern. And as a result of that, the legislature decided to require all agencies to take those complaints, to store them, to keep them for at least five years and to investigate every single one of them. A tremendous change, very unpopular with some law enforcement agencies at the time.

John Alden: One of the issues here though, is that the legislature also, as part of a compromise with many law enforcement agencies and law enforcement unions, created this next statute, 832.7, which talks about confidentiality. So, that section prohibits disclosure of any information, uses that word, "Information". So almost any data, detail, et cetera about those complaints or the investigations into them. So I have to say here, as I say, whenever I give this presentation, that I strongly disagree with this law. I think it's contrary to the transparency goals that we in California have been setting over the last few years, and I think it is contrary to public expectation.

John Alden: That said, it is still on the books. It is still the law, for better or for worse. And I do think it's important to understand that back when this law was created, this wasn't an accident. This was very intentionally crafted to literally exclude the public from the contents of these files. And the legislature did that because of the previous rule that I mentioned. This one 832.5 that created the obligation to investigate. That was the deal that was reached for better or for worse. Officer's will be investigated, but those investigations are confidential.

John Alden: So this is regrettably the framework that we're stuck using by state law here in the city of Oakland. Now, an upside of this is, that these statutes give local agencies like ours, a lot of control over how we investigate these cases. And that's part of the reason why we here in Oakland are able to have CPRA, and why cities and other parts of California have their own independent civilian oversight agencies. It does create a space for local agencies to create their own ways to investigate these cases.

John Alden: There are very few exceptions to this confidentiality rule, but I think it's important to know what they are, because they do come up from time to time and people will ask, well, "How is it that this information can be public?" Well, these very few exceptions are the ways we can make at least some information public about these investigations, like the complaints we receive at CPRA or the complaints received at IAD here in the city of Oakland. One exception is for statistical data. The word statistical is literally called out in the penal code section that creates confidentiality.

John Alden: And so, many agencies like ours have wondered what exactly statistical means. It's not further defined. Clearly it would mean the kinds of statistics that you see the state gather and disseminate about these complaints, like how often they're sustained, or the demographic breakdown of complainants or, over the course of say a year, the number of complaints gathered, or the kinds of complaints. Are they about use of force, or are they about racial profiling, or are they about some other category? I think there's broad consensus in California, that those categories I just described, you can have statistical.

John Alden: Beyond that, I don't know that any of us are exactly sure what statistical means. We do know from case law that it certainly prohibits case specific information about individual cases. So



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somewhere in between those two points, broad statistical observations about the numbers of cases over a given year and individualized information about specific cases, there's a line and we're just not exactly sure where that is, given current law

John Alden: Here in the city of Oakland, we have an ordinance. It's part of the commission's enabling ordinance that gives us a little bit more detail at the local level about this. And that Sydney ordinance requires public reporting from CPRA to the commission and to the public of whether allegations are sustained or not sustained, exonerated or unfounded. It requires that re-report case numbers and some related information like, date that the case came in to CPRA, date the case came into IAD, without identifying the individual officers involved. Here in the city of Oakland, we call this report, the statistical report. I'll be given when giving one later tonight. And this reflects a policy decision by the city as a whole, made at the city council level, that we're going to interpret statistical to mean it includes this information that you'll see in our statistical report later tonight.

John Alden: Now, I want to point out here that it's really critically important that we have the statute here in the city of Oakland. One of the reasons that is so important, is that it affirms that the city as a whole is creating this line, that we are concluding as a whole, that we, the city of Oakland, believe that this information counts as statistical and therefore can be disseminated. Therefore there's no one individual say, member of the commission, or the commission as a whole, or individual staffer at CPRA, that's individually responsible for this policy decision about what gets reported. And that's important because the enabling ordinance we have also provides that any member of the commission, any staff member at CPRA and any member of the Inspector General's office, can be removed from office for disseminating any of the information that's protected by these statutes. Even if that dissemination was not intentional. That is an extremely high bar and an extremely powerful consequence for failure to comply with these statutes.

John Alden: And I want to stress to the commissioners, as you're moving forward in your work, remember that violations of these confidentiality rules can result in the city of Oakland and removal of any given commissioner from the commission. So for this reason moving forward, if we were going to make any substantial changes to reporting, I would certainly recommend that the commission put together a package for the city council about what you think that reporting ought to be, and ask the city council to make that an official policy decision of the city by amending this ordinance as to what's reported.

John Alden: I think that eliminates any argument that others might have in the future to justify removal of any given commissioner, or any given staff member that works for the commission. So in other words, this ordinance is a shield that protects members of this body from getting in trouble for revealing anything that might be confidential. And it is also in a way, a sword, it's a very aggressive position taken by the city of Oakland to try to create as much transparency as we think is legally allowable. So it shows the commitment of the city of Oakland to maximum transparency. This is a good place for me to pause and ask if there are any questions.

Regina Jackson: Commissioners, please raise your hand. If you have any questions.



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- John Alden: If not, that's okay.
- Regina Jackson: Yeah. I see no hands at this point. Oh, one hand. Vice chair, Dorado.
- Jose Dorado: Thank you chair Jackson. Could you give me a hypothetical example of what would be a piece of information that would theoretically have a commissioner or staff member removed? Something like that.
- John Alden: Sure. That's a great question. I'll give you a few hypothetical examples that, in my opinion, and I want to underline that in my opinion, probably would be a violation here. And commissioners, I would point out to you that you do have your own counsel for this purpose. So you may want to seek legal counsel about that from your commission counsel on this topic. So for that reason, I'm going to pick some real bright line examples that I think are not controversial.
- John Alden: So one would be, say that the commission had the discipline committee meet to talk about a case. I don't think there would really be any question that commissioners would be prohibited from telling other people the names of the officers, his conduct was the subject of that discipline committee meeting.
- John Alden: I think it would also be a pretty clear violation to have a conversation with someone in the community about the details of the case that were assessed at the discipline committee. Like say, for example saying, "Well, the case was about the following kinds of conduct and these were the sorts of things that happened. And we made the decision X because of Y rationale in the case that we heard yesterday at the discipline committee." Right?. So I would certainly avoid those kinds of conversations and that kind of dissemination. Commissioner Dorado, does that help answer your question?
- Jose Dorado: Yes it does. Thank you.
- John Alden: You're welcome.
- John Alden: And I believe alternate Commissioner Peterson has raised her hand.
- Regina Jackson: Yes. I see Commissioner Peterson.
- Marsha Peterson: Could you please repeat what you said about the commission seeking an amendment or something from the city council?
- John Alden: Yes.
- Marsha Peterson: Yes.
- John Alden: Certainly. So, I would say that if the commission feels that the kinds of information conveyed to the public in our statistical report should be changed in any substantial way, that it would be



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advisable to have the commission reach consensus about what those changes would be, and send a formal request to the city council to make a change to the ordinance to reflect what it is the commission would like to see reported.

John Alden: And the reason I say that is that if the city council then agrees and changes the ordinance in that regard, that provides some protection to individual commissioners or staff for revealing that information in the future. It would then become an official policy position of the city of Oakland. We would all be acting at the city council's direction in that regard.

Marsha Peterson: Thank you,

John Alden: Absolutely.

Regina Jackson: Okay. Those are all the hands I see now. So you might want to go ahead and move forward.

John Alden: Will do. Thank you, Madam chair. Thank you commissioners.

John Alden: So another exception to this rule 832.7, is that the individuals who complain, either to CPRA or internal affairs, or to any other agency that employs police officers, are entitled to a written notification back about the investigations "disposition", which some other statutes described as sustained, not sustained exonerated or unfounded. Basically the finding that is reached in the case. That doesn't really allow us to provide any other detail. Like, we came to that conclusion because we thought x. It only allows for an explanation of the finding. That's a notice we do send out now, and members of the public who receive those notifications have the option to do whatever they would like with those notifications. So far as any of us can tell, there doesn't seem to be any other rule about what that complainant does with that information once they get it.

John Alden: So it appears it's probably lawful for individual complainants to then share that publicly with other people, if they want to. As far as we can tell, an individual complainant could go out and say to the media, "Hey, I got this letter back from the city of Oakland. It says my complaint was sustained or was not sustained. And here's how I feel about that." That does not allow us at the commission level or at the CPRA level to have that disclosure with really anybody else, other than the complainant. But this one rule does allow the complainant to have more information than other people would. So that's a notice we do send out now.

John Alden: One of the concerns we have here as featured in this slide is that it is not clear that the commission in CPRA could release the name of that complainant ourselves. There is not a specific statute about this, but there is a state constitutional provision that provides a strong right of privacy to individuals. And there is, we have a substantial concern that the names of those complainants might be subject to that privacy right. And so in an abundance of caution, we have not been disclosing the names of complainants, because we don't want to violate their right to confidentiality. To the extent they might have one under the state constitution.



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- John Alden: One way this sometimes gets resolved, is that complainants will come to us and say, they want to make their complaint anonymously. In that case we will, we'll take the complaint, but we will not take their name or their contact information. It's not even in the file. Oftentimes this happens through, say, an anonymous phone call, an anonymous letter, an anonymous email. It doesn't even provide us the opportunity to get back to that person. In those cases, we don't have a way to notify those complainants about the result of the case, nor do we have a way to interview them a second time if we want to circle back to them later on. But at least we have the complaint and we can follow up on, on it using whatever information we can find through, say, interviewing the officers.
- John Alden: There have been a few changes in recent years that have added some additional exceptions. These all come from SB 1421, which passed in 2019. And I want to thank our local state Senator Nancy Skinner for pushing this forward. A state Senator from San Francisco, Mark Leno worked very hard on this for many years. Senator Skinner took up the cause and was successful in getting this changed through. This was incredibly hard fought. This was not a small change. I have to be candid from what I've seen in the state legislature. I think the chances of another change like this in the near future are very low, because just this change was so difficult to accomplish. It creates four new exceptions to these privacy rules. And it's important to note that this bill maintained the level of privacy we described above for everything other than the four categories of cases I'm about to talk about.
- John Alden: So you can read SB 1421 as frankly, maintaining the status quo as to almost all of our complaints. If the legislature had wanted to change these confidentiality rules, they could then end the debate that went forward in the legislature about this issue was really, really hot. It was a vociferous, challenging, difficult fight. And that's one reason why that broad prohibition remains. So, that does reaffirm that we still need to keep abiding by confidentiality in all these other cases.
- John Alden: Two of the categories are quite broad. One is any discharge of a firearm at a person by a police officer. So, all of our officer involved shootings can now be public. And that means we can release virtually everything about them, including reports, body-worn camera, transcripts of interviews. On occasion, there are sometimes other details in these cases that might be the subject of other privacy laws, medical information about people who were injured for example, is subject to other privacy laws. That those individuals have a right to. Such that, I couldn't say, disseminate certain medical records of a person's medical treatment if they were at Highland immediately after the shooting, right?
- John Alden: Because that would violate their personal, their HIPAA rights. There are some others involving say, juvenile arrestee's. If a parent came to us and had a concern about the treatment of a juvenile, there's some aspects of that we could release, but we couldn't release the name of the juvenile or any identifying information about them because they have that right. So we still have to do some reductions in these cases, but most of the material can become public. Another exception is, any use of force against the person that results in death or great bodily injury. These tend to happen in uses of force that result in these kinds of injury. We do have a case that we're



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working through the 1421 clearance process now that involves injuries of this sort. And we do expect the alliance share of that material to end up being public. Hopefully very soon.

- John Alden: Two others apply only when there's some sustained finding of misconduct. So these become disclosable only if the city of Oakland ends up sustaining discipline against the officer and actually imposes some discipline on that officer. And the officer has worked their way through all the due process rights they have about that case. So those include sustained findings of sexual assault by a police officer, and any sustained finding a dishonesty by a police officer that directly relates to the reporting investigation or prosecution of a crime or the reporting or investigation of misconduct by another officer. So these are pretty narrow exceptions, but obviously very important categories of cases. It is not common that these come to pass, fortunately, but when they do, they can be public.
- John Alden: Those are all of the slides that I had about confidentiality. Are there questions about confidentiality in general, before I talk about the second part of our presentation, some of these procedural rights we have for police officers?
- John Alden: Okay. Sounds quiet.
- John Alden: The second part of this presentation has to do with some of the procedural rights that police officers have in the course of these cases. These are fairly technical, but a few of them are really important to understand. I won't cover all of them here because there are too many, but I want to give you a short overview of what apply. These rules all apply to police officers. They don't apply to any other kind of employee. They also apply to officers in the course of our administrative internal personnel investigation. These are not rights that officers get in say, a criminal investigation, if they're the subject of a criminal investigation or necessarily in civil cases. These are very specific to these personnel investigations we do in the city of Oakland through CPRA.
- John Alden: One of the reasons that all these apply is that, for our CPRA cases, officers can be punished. They could be suspended, or they could be removed from office. And that's what triggers these POBA rights. We have a parallel provision in the Oakland city charter that reaffirms that, that all officers are going to get these rights in the course of being investigated by CPRA. One is that they are required to have notice about the nature of the allegation. And that means that we need to tell the officer in advance of the interview of, with the officer, what the basic allegations are. So for example, we would tell them that the allegation is about their use of force on April 7th of last year. So that at least that way, the officer has some idea of the subject matter before they come in.
- John Alden: It is also the case that officers are entitled now to have actually, this is an over simplification, but pretty much a good look at the file that we have about their case. If they come in for a second interview, not the first, but the second. Here in Oakland, we have received an order from a court that says that, if an officer is interviewed by IAD and also CPRA, whichever of those two interviews come second, triggers this discovery right. So as a practical matter, we are trying our best to avoid



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having those second interviews by trying to have IAD and CPRA do a joint interview in any case where we're both pursuing. I'm sorry, let me hold on just a second. I'm going to be right back.

John Alden: Thank you. I'm back.

Regina Jackson: Great. Thank you.

John Alden: It is a toothbrushing time in the Alden household and kids are getting a little loud. I didn't think you'd want to hear their arguments about flossing.

John Alden: So there are a variety of other very detailed rules about the interrogation rights and procedures that we then use in these interviews. I won't hit all of them here, because there are just too many for us to get through in a reasonable amount of time. But most of them are things I think people would generally find fairly reasonable. Like, the fact that the interview should happen at the kind of hour when the officer's normally working. So if an officer is normally on a night shift, we try to interview them at night so that we're not interviewing them in what would feel to them like the middle of the night. If they're a day shift officer, we try to interview them during the day. They get to bring a representative. Only two people can ask the officer's questions during the interrogation. They can record the interview, and usually do. And lie detector tests are prohibited. That's part of this statutory scheme since the 1970s. I think at the time of the statute was created lie detector tests were not favored. And so those are explicitly prohibited.

John Alden: It's important to understand too, that sometimes we're interviewing officers about issues that could also be criminal cases. So the overlap of that criminal case, the administrative case, is a little bit tricky. So sometimes in our administrative cases, when we're interviewing the officer about something they did, this is particularly important in officer involved shootings. We do have to inform them of their fifth amendment rights. To not make a statement that would cause them to get in trouble for potentially violating criminal laws.

John Alden: Now, if they invoke their fifth amendment rights in that regard, like any member of the public can, like every one of us in this room can, in this meeting can, we still have an additional tool in these administrative investigations that you don't see really anywhere else. And that's that we can tell the officer, "Okay, we understand you have asserted your fifth amendment rights, but you still have to answer our questions in this administrative interview or else you'll be fired." And because we are allowed to force them to talk, then that administrative interview cannot be used against them criminally.

John Alden: In order to make sure that we adhere to this rule carefully, this also means that oftentimes our administrative files about these cases cannot be shared with prosecutors because of this rule. So it's really important we have very careful firewalls between our administrative work in this regard, and any criminal investigation of the officer in the same case. Things discovered in the criminal investigation can be used in the administrative investigation, but never the other way around.



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- John Alden: So that's something we're very careful to do. We will often go to great lengths to make sure we have all the information from the criminal case and our administrative file without passing any back. This is often called the Lybarger admonition. So if you hear that term, that's what this is about. For those of you in the public, who might be reading at some point in the future officer involved shooting cases, this was a common admonition early in the administrative investigation. And that's one reason why this admonition is done. It also means that we would probably not be able to release this material publicly until any criminal investigation is also done.
- John Alden: This last part, I think is probably the most important for the commissioners to understand, as the commission makes a decision or CPRA and the chief together make a decision about what discipline to impose on the officer. After that step, the officer has two levels of review that they're entitled to, two appeals you might say. The first step is a Skelly hearing. This is where it's really more a conference or a conversation in which the officer and their representative can see all the material arrayed against the officer and have some kind of response back to a hearing officer. Oftentimes that's a Deputy Chief who then writes up a set of thoughts about the case and gives those to the chief of police and the CPRA to review and see if that changes our minds at all about the position that we originally took in the case. If a case has gone through the discipline committee, that would certainly would come back to the discipline committee for review.
- John Alden: So this is a, somewhat informal style of hearing, but it's mandated by state law. If the officer prevails in that process there is no appeal for the commission or CIPRA or the city. That's the end of the case. If the officer is still punished in some way after that, that process, then there's an opportunity for an administrative appeal as a general rule in Oakland, those all go to an arbitration hearing with an outside arbitrator who is hired in part by the POA and in part by the city to then resolve the case.
- John Alden: This is a standard practice in almost every, not all, but almost every agency in California. There are very, very few exceptions. And again, this is not the only way you can do it, but it is the way that's required by our current memorandum of understanding at the peace officer's association. There are a variety of other privacy rights that are included in POBRA. I leave these here in case-people find these of interest. In addition to that, there's a right to go to court that the officer has. This is really unusual in that most public employees can only go to court after their case is resolved, under POBRA officers can go to court while their administrative case is pending, very unusual. And POBRA also affords that whoever prevails in any kind of litigation like that, they can make the other side pay for their attorney's fees. So the police officer could then not only potentially win a suit, if they're correct that their rights are violated in some way, but then the City of Oakland would have to pay for their attorneys. So that could be hundreds of thousands of dollars. That's one of several reasons why we try to be careful about adhering to these rights.
- John Alden: There's a one-year limit for investigating these cases. There are a variety of reasons why the case could be, what's called tolled, meaning extended beyond a year. You'll sometimes see in our statistical reports that we'll note that a case is tolled. It is not required that we keep the case going longer than a year if one of these exceptions applies, but it's often extremely useful in getting more information about the case.



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- John Alden: These are the eight exceptions, I'm not going to walk through every one of them today, but for those who are interested they can go back to this PowerPoint later and take a look at some of these. The one that's most common for us to use is if there's a criminal investigation of the officer in that same incident. That usually applies when it's an officer involved shooting, because there's always a criminal investigation of the officer in those cases, and because those cases sometimes are able to pull together information that we cannot get through the administrative process, we're eager to find out what information is developed in those cases, and we'll go ahead and toll the case in order to take advantage of that.
- John Alden: There's also a provision in POBRA that provides, this is the eighth of these tolling provisions, that provides for reopening a case after the one year statute of limitations has passed. It is an extremely high bar, I don't know that I've seen this used really at all, but that said it is on the books. So two conditions have to be true for us to go back and reopen a case that's already more than a year old. One is there has to be significant new evidence that would likely affect the outcome of the investigation. So it's not any new evidence, or just some new evidence, but something really significant that would shift the outcome, say move a case that wasn't sustained to a case that was sustained, or the other way around, move a case that was sustained to one where the outcomes may be exonerated.
- John Alden: In addition to that it also has to be true that one of these following two things applies, either the evidence could not have been discovered during the one-year timeframe. That's not to say that it wasn't discovered, but it would have been impossible to discover it, or that some new evidence came to light during the Skelly Process, which basically means that the officer brought it forward. That last one, the officer bringing some new evidence to light during the Skelly Process, sometimes that happens. It's pretty rare, but it does happen. Usually the new information they bring is something exculpatory that makes them look better than they did originally.
- John Alden: But this first prong, that the evidence could not have been discovered during the one year timeframe I'm not aware of any instance of anyone actually successfully demonstrating that. I think you would have to have a scenario along the lines of a new technology coming to pass that would allow you to have some new observation you couldn't have before, like back in the day when DNA evidence became available, that probably would have counted, or you'd have to find some material that was affirmatively hidden or locked away in some way that no one at the agency that employed the officer could have discovered it, a lock box under a rock found somewhere. So it's a pretty challenging bar, it does exist.
- John Alden: Those are all of the slides I have for that presentation. I'd be happy to take some questions if there are any.
- Regina Jackson: Thank you, Mr. Alden. I see a hand from vice chair Dorado.
- Jose Dorado: Thank you, chair Jackson. It's more an observation as opposed to a question, but I think it would benefit everyone, it certainly would benefit me, to really have a bright line drawn where everybody understood, certainly me, understands what kind of information can be disclosed, and



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what kind of information cannot, in either a discipline committee or just in general, so that it's really clear, and I'll just say for myself, but in my mind, what kinds of information can be made public or discussed with another person, and not cause any issues. So I'll just leave it at that, but I'd appreciate at some later date, some guidance in that respect. Thanks.

John Alden: Well, I think I could give you a solid answer about that now.

Jose Dorado: Okay.

John Alden: If that's all right with the chair.

Regina Jackson: Absolutely, please.

John Alden: Sure. I would say, if you don't mind I'll share my screen again, and we'll go back to a slide four. This is the rule in penal code section 832.7. It talks about the prohibition of releasing any information about complaints or investigations of complaints. That is about as broad a rule as I think the legislature could have written, and the statistical report exception is really the only one we have. So I would urge commissioners not to share any detail about any case ever, other than the statistical report. And if you ever wanted to point people to the statistical report, I think that is clearly a safe thing to do. I am really struggling to come up with any example of other information that one could provide that would be lawful, but I would also urge the commissioners to check in with your legal counsel about that in case I'm missing anything.

Regina Jackson: Does that work for you, vice chair?

Jose Dorado: Thank you very much, appreciate it.

Regina Jackson: Thank you. Are there any other questions from commissioners? Okay, I'm seeing none, I think we can go to public comment.

Juanito Rus: Thank you, Madam chair. If any member of the public wishes to make comments on this item, please raise your hand in the Zoom queue, and you'll be called in the order in which your hands are raised. At this time I see one hand, Miss Assata Olugbala. Good evening, Ms. Olugbala, the floor is yours.

Assata Olugbala: Yeah, I just want to say, the only way to have a process that allows for fairness is you have to have the ability for equity across the board. And clearly what you just presented says that the police officers have a tremendous advantage in terms of allowing them to be protected while the victim does not have the same advantage or opportunity. So until we can get rid of this bill of rights, and some of these other confidential clauses and other limitations that don't allow the victims or the individuals who are seeking justice, nothing's going to much change. I can't see how you have an unbalanced system and you want to get results that are considered fair and just, it's just not going to happen. The officers have too many loopholes that they can use to avoid being held



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accountable, and the system has got to change. Until that happens, many people will not be able to get the justice they deserve.

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

Rashidah Grinage: Yes. I have two questions, one is how is it that the monitor can include specific details about incidents that he is reporting on without violating those prohibitions on confidentiality? Also, the CPRB used to provide considerable detail about the nature of the allegations they were reporting on, including the nature of the incident, what happened, what the allegations were as well, as the findings, and nobody ever challenged that level of detail of the disclosures. So I would like Mr. Alden to comment on how those things were possible, and are possible, but are no longer available to [SEPPRA 01:55:18]. Thank you.

Juanito Rus: Thank you, Ms. Grinage. At this time I... and there another hand. The next hand in the queue belongs to Cathy Leonard. Good evening, Ms. Leonard, the floor is yours.

Cathy Leonard: Good evening, and this shows us what the problem is. Something happens, the police are involved in misconduct, we never find out who they are, what happened, the facts of the matter, but they will make statements, and the media to is guilty of this, but they will make statements about the history of a victim, an innocent victim. They'll drag them through the mud from the day they were born up until the time they were murdered, or injured by police officers. The cards are stacked against the public. This is outrageous that the police would even promote this sort of policy. We're all citizens. We should all be abiding by the same laws, and they should not get some special protection which only means that they'll continue to harm the public. Thank you.

Juanito Rus: Thank you, Ms. Leonard. At this time I see no other hands raised in the queue, Madam chair.

Regina Jackson: Thank you very much. I'm wondering, Mr. Alden, if, for the chair, if you can respond to the clarification needed by Rashidah Grinage through that series of questions?

John Alden: Absolutely, I'd be happy to I'd also say that I agreed with the comments of Miss Olugbala and Ms. Leonard about the uneven playing field and the lack of transparency being really troubling in the statutory scheme, I agree that that is a fundamental flaw in our current state law and needs to change, even if it might be challenging and difficult for us to make a change. And I would continue to advocate to this commission that if there are any opportunities to be part of that solution at the state level, that that should be a high priority for us.

John Alden: That being said, I thought Ms. Grinage had some great questions. I can tell you a little bit about, I think the most candid way to describe them would be calculated risks, that a couple other agencies take in this regard, and it may be a topic for another meeting for the commissioners to consider whether the commission wants to think about these. And one is to provide to the public short summations of individual cases in a way that does not include any identifying information that could allow one to trace that summation back to an individual case.



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- John Alden: So as examples, for those who are interested, the San Francisco Department of Police Accountability does something called an openness report that looks like this. The city of Los Angeles Office of the Inspector General does a similar style of narrative for use of force cases that they investigate. And in those kinds of summaries, those agencies present a very generalized description of a case in such a way that you really couldn't tell who was involved. So for example, it might describe an officer involved shooting as saying, officer number one was driving a patrol vehicle somewhere in the city of Oakland and saw a suspect pointing a gun at someone else, and that officer got out of their car and drew their weapon, and then et cetera, describe what happened next, and then explain why that was or was not consistent with policy. So from reading that you might not even know the date that it happened, or who the individuals were that were involved, there certainly would be no names in there. And again, city of San Francisco and city of Los Angeles were places where one can see examples.
- John Alden: I don't want to speak for those agencies on their theories about why they would defend those kinds of disclosures, but to be candid, I think those are both jurisdictions that have been very aggressively, historically, trying to challenge these laws as much as possible, and are willing to take a substantial amount of risk on pushing the envelope on these laws by being aggressive as they possibly can, and waiting to see if they get challenged in court over it.
- John Alden: If we wanted to have that kind of approach here in the city of Oakland, we certainly, as a matter of policy, could have a conversation about doing that. That said, I would strongly recommend to the commission that if we're going to do that, that that should be part of the revisions to the commissions enabling ordinance and statistical reporting process, so that there is a clear ordinance at the city level that not only protects the commissioners from being removed from office, if someone later concludes that that was too bold, and also ensures that we have consensus between the commission and the city council about how much risk we're willing to take there. And I think that because there are a couple other agencies already doing that, there might be value in doing that here, but I don't think there's really any question that that also involves some risk, and so that I think would be a question best pose to city council, and then implement in the form of an ordinance.
- John Alden: It's my understanding there were reports similar to that that came out of CPRB at one time, and if this commission wants to look into that, I think that would be a process to see if we could create consensus in the city of Oakland around doing that here now, but that would be a medium term policy project for us to work on in collaboration with council. I think there was one other question that Ms. Grinage had asked about, gosh, I'm sorry, I lost Ms. Grinage's second question, maybe she'll remind me what it was.
- Regina Jackson: Okay. Well-
- Juanito Rus: Excuse me Madam chair, I do not see her hand in the queue, but it was regards to the federal monitors release of information.



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- John Alden: That's right. Thank you, Mr. Rus, I appreciate that. My short answer there is I do not know what the federal monitors legal justification would be for disclosing that level of detail, and it's probably not my role to speak for the monitor, but I think that would be an interesting question to ask the monitor and learn what their perspective is on that.
- Regina Jackson: Okie dokie, thank you very much for those answers. Commissioners, are there any other questions on this training? Certainly since it's part of our meeting, if you ever want to go back and revisit it, you'll be able to access it. In the meantime-
- Brenda Harbin-Forte: There's a hand up.
- Regina Jackson: I'm sorry, I didn't see one. Oh two, sorry, Commissioner Harbin-Forte followed by Jordan.
- Brenda Harbin-Forte: Thank you chair. I was going to say, with respect to the monitors authority, that was probably in the order that appointed the monitor, the court order that permitted access to any of the confidential information that might otherwise be prohibited.
- Regina Jackson: Thank you. Commissioner Jordan?
- David Jordan: Thank you. I just wanted to thank Director Alden for providing us with a very rounded perspective on this material, and one that has enough courage to take a strong perspective in one way or another, because it could very easily have been just a very flat, fact only, and I think he gives us a lot to digest, and I for one think that we should be strongly investigating the exact strategy he just outlined.
- Regina Jackson: I agree. This has been a subject of concern and conversation for about two years amongst individual commissioners, and I know that the agreement is coming up in two more years. So, it would be behoove us to begin organizing some thoughts around what can be done to impact and uncouple so much of this power and extra steps that the officers enjoy. With that, let us, I don't see any more hands, let us move to the next item. So this is the rules of procedure policy. There was an ad hoc created, called the rules committee, commissioners Gage, Harbin-Forte, and Garcia worked on that. I'm not sure who's planning to take the lead, but move forward.
- Brenda Harbin-Forte: I'll take the lead. Thank you chair, and good evening, everyone. We're going to go through the rules first, but I am here on behalf of the ad hoc committee, the members of which you have already identified. Let's go to the agenda item, Mr. Rus, to the agenda packet, let us go to the rules that are in the agenda packet.
- Juanito Rus: Excuse me just a second, get that window open.
- Brenda Harbin-Forte: As we do that, I can make some introductory remarks that one of the things that we wanted to do in the rules committee was to try to revise the rules to make for more efficient meetings, to make sure that we are giving members of the public an opportunity to be heard, to be heard fairly, to also create an atmosphere where we are all working collaboratively to go through these



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meetings. I think we all understand that these meetings can be very emotionally charged, but we think as well that we will need to... thank you, you can keep going, Mr. Rus, through the memo and attachments, excuse me everyone, and let's go to the rules themselves. That's perfect, and we can actually go on over to the first rule, chapter one, next page please.

Brenda Harbin-Forte: All right, we can start there. And the first rule we will talk about is rule 2.3, Mr. Rus. So what we would like to do is to, we've spent a lot of time, a lot of discussion about the rules, how they should be changed, how we can have more efficient meetings, and some issues simply needed to be addressed from a procedural standpoint. We've tried also to plan for the future to the extent that we can. And in addition, we simply needed to make sure that we implemented any provisions of our measure as one.

Brenda Harbin-Forte: So what I'm going to do right now on those is just highlight some of the changes that were made, and I'm going to be following them on with our cover memo on that. These changes were notable, but not earth-shattering. The election of officers, we said we wanted to make sure, that's in rule 2.3, to just make sure that when there's a new election, that the change of guard doesn't occur until after the meeting is over. So that if a new, for example this happened last time, a new vice chair is selected, the current vice chair stays in office until the end of the meeting, and we don't have to figure out who should sit, similarly saying with the chair, that that chair would stay in place until after the meeting ends, and then would be presiding over the next meeting.

Brenda Harbin-Forte: Rule 2.4 is a new rule, and that provides what will happen in the unlikely situation that the commission members have lost confidence in the chair or vice chair, and it provides that an officer can be removed on a no confidence vote that has to be supported by at least five commissioners. Removal of an officer would always require another election for that office, or for an office. If the chair is removed, the vice chair would go in as chair, we'd then have an election for a new vice chair. And if the vice chair is removed, we would have an election for the new vice chair.

Brenda Harbin-Forte: Next would be rule 2.10 speaking time limits for commissioners. We have recommended that we reduced the speaking time on the various agenda items from 10 minutes to five minutes, with of course the chair having the discretion to increase the time as warranted. The next rule, that was the minute rule, 2.13, we'll go there, that just provides what we've been doing generally for the most part, said votes will be taken in alphabetical order according to the surnames of the commissioners, with the presiding officer, whether that be chair or whomever is presiding, voting last, so it's makes sure that everyone is accounted for.

Brenda Harbin-Forte: The next rule would be 2.15, the commission chair, and with respect to that, that was really to just clarify that the essence of this rule is already in place, it was simply clarified that the chair is official spokesperson for the commission when dealing with the press or dealing with other city officials. It also implements changes in measure S1, which authorized alternate commissioners to serve on ad hoc committees, including discipline committees, and it makes clear as well that when an alternate commissioner is appointed to an ad hoc committee, or to a discipline committee, that that alternate has full voting authority. Sometimes there has been some



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confusion about whether as an alternate you have full voting authority on the ad hoc committee, well you do, and we're making it clear that you do, because you are one of the commissioners appointed by the chair to serve on that ad hoc. So we've clarified that.

Brenda Harbin-Forte: With respect to removal as well, because it is the chair who appoints the former commissioners, that the chair can appoint commissioners, including former commissioners, or members of the public, that they can also remove those former commissioners, members of the public, or regular commission members. I understand, and heard the comment tonight, that perhaps that authority should not be given solely to their chair, but since it is the chair who is making the appointment, I think that we should consider, or perhaps affirm, that it should be the chair. I'm not sure what the option could be, I suppose that one could say that if the chair wants to remove someone from an ad hoc, that the chair needs to come to the commission to get approval of the commission. I think that would be inefficient, but I suppose it's something to think about. But our recommendation is to give the chair the authority to remove.

Brenda Harbin-Forte: The next rule, I'm going to skip, well, rule 2.25. Again, 2.25, there were rules that we wanted to make sure would make our meetings more efficient, as some of the regular attendees know, sometimes there may be two or three meeting minutes on four action, and we go through each meeting, minutes of each meeting, and then we have to take three, if it's three meeting minutes, we have to take three motions. This would work some efficiencies, and that we could discuss all the meeting minutes, and only one motion would need to be made to approve all of the minutes.

Brenda Harbin-Forte: With respect to rule 2.26, the next rule, alternate commissioners, again, it implements another aspect of the authority granted in measure S1, again providing that the alternate can be appointed to replace any commissioner who's been suspended by the city council, and the city council does have authority to suspend a commissioner. So during the period of suspension, an alternate commissioner would be appointed to replace any suspended commissioner. And this rule also just reiterates the authority granted by measure S1 that alternate commissioners can serve on ad hoc and disciplinary committees.

Brenda Harbin-Forte: The next set of rules on chapter five we will go over, this relates to a commission's removal of a commissioner. And so we wanted to make sure that we had a procedure for that in the unlikely event it ever came to that, and this amended rule... this is a new rule, I'm sorry, I apologize. This is a new rule, and it spells out the process for the commission's removal of a commissioner, and provides that in the event the commission does remove a commissioner, that we would provide notice to the selection panel, to the mayor's office, and to the city council. That is true with respect to rules 5.1, 5.2, and 5.3, all three of those are new rules to implement a procedure so that we have something in place for any future issues.

Brenda Harbin-Forte: And the reason we would notify all three technically appointing authorities is because there are some deadlines that sometimes have to be met to fill a vacancy, and we would not want to be in a position of saying, "Oh, that's a mayor's appointee, so we just let the mayor know," or, "That is a selection panel appointee, we'll just let the selection panel know," there could be some repercussions if someone doesn't fill a vacancy, for example, the mayor doesn't fill within 90 days,



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then it would default to the city council to make an appointment. So we don't need to do all the math and the tracking or anything, we'll just give notice to all three agencies, and then they can decide on which appointing authority the clock has run. So that's chapter five.

Brenda Harbin-Forte: Chapter six is the rule on things that will happen at the meeting, conduct concerning commission meetings. Rule 6.1 is open forum and time allotted, and what we've done is, as some people have already commented on, is to move open forum, it was recommended removing that to the end of the agenda. One of the things I'd like to do is to make sure that we all understand that there is a difference between open forum, and public comment. And generally speaking, open forum is for non agenda items. And so the Sunshine Ordinance, I'm going to ask you, Mr. Rus, if you could go ahead and put up the Sunshine Ordinance there.

Brenda Harbin-Forte: So the Oakland Sunshine Ordinance says that we have to provide an opportunity for members of the public to directly address a local body on items of interest to the public that are within the local bodies subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless a certain exception is met. So open forum says, things that the entity, the agency, has not agendized for discussion, you get an opportunity to talk about that. It doesn't say when you get that opportunity.

Brenda Harbin-Forte: With respect to public comment on agenda items, we are required to provide an opportunity for each member of the public to directly address the body concerning that action before any action is taken by the commission on that agenda item. And we do that, we do that religiously, and we do it with respect to every agenda item as it comes up for discussion. Unlike, for example, some organizations, and including the city council where public comment is at the beginning of the agenda, so if you want to talk about agenda item one, agenda item six, agenda item 12, just do that as a group at the beginning. What we do, we're maintaining our process of making sure that we hear public comment at the time that the agenda item is being discussed, and before any final action has taken. So we want to make sure that we, again, we preserve the right of the public to inform us on our decisions.

Brenda Harbin-Forte: With respect to some of the concerns that were raised, and the written comment, as well as this evening, a concern, one was that we might not have the benefit of hearing comments about non-agendize items. And, we might not be able to set those matters for later agenda one way. But if it was, if that is a major concern of a number of people, one way to take care of that is simply to have public forum still at the end of the agenda, but make sure that we have it before we do our agenda setting item. So, that could be taken care of. And in addition, there would be nothing to stop us from agendizing for a future meeting, any matter that anyone raises during public comment. Again, we would not be able to address it that night, the night of the meeting in any event, it would have to go on a future calendar. But, we think those concerns can be addressed. With respect to whether or not everybody gets an opportunity to be heard or any inconvenience caused by not knowing exactly when public, I'm sorry, open forum would occur.

Brenda Harbin-Forte: I think the important thing for us to keep in mind is that we need to get to agenda items and sometimes public comment does keep us from addressing an agenda item for an hour or so. So



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we can get to the items that everybody knows on the agenda. The public is going to get the opportunity before we take final action on that agenda item to weigh in. We will have their comments in mind, right then before we take final action on it. But, that will get us through the agenda items and get us toward our goal of getting through the agenda, and not having meetings that last, into the wee hours of the morning. Thankfully, we haven't had one of those in a while, but there is that potential. With respect to whether or not, again, making sure that we hear from members of the public before we make future agenda items. Again, we take care of that.

Brenda Harbin-Forte: The only other thing I would suggest is that what we may do typically now, while we are discussing an item, we'll have the presentation and then we go to a motion typically and a second. And then, sometimes we turn it over for public comment after that, in order to make sure that we are fully considering public comment before any motion is made. The chair could certainly just move to public comment, hold off on asking anyone to make a motion and a second until we've been fully informed. And, that would also better serve the purpose of the public comment items. But we feel that, I think the... I can speak for our members of the Rules Committee, we feel very strongly that we will have more efficient meetings if we put open forum at the end of the agenda, and we continue with our rule of making sure that we get public comment before we take final action.

Brenda Harbin-Forte: So, those are really a combined discussion of Rules, 6.1 and 6.2. With respect to 6.4, audience conduct, I think we appreciate the concern raised in a written comment about whether or not that might have a chilling effect, if we suggest to people that they may get in trouble if they are passionately talking about an issue. I think the Rules Committee certainly does not ever want anyone to feel that way. We want to hear from people again. We all understand that some of the subject matters that are being addressed are very emotional. People's lives are affected by the conduct of the police, other law enforcement officials. And, we want to give people the opportunity to raise those issues and to speak passionately.

Brenda Harbin-Forte: What I do think, if we want to encourage a collaborative and problem solving approach, we also should keep in mind that we do have subject matter jurisdiction over certain things, but not over everything. And, that sometimes if we stay with matters that are within our subject matter jurisdiction, that we can then all come together in a collaborative fashion and try to figure out what the best way forward is. But sometimes, when there are instances of members of the public accusing another member of the public of having engaging in unsavory conduct, and then there is a need to fit to defend that, and then we're all watching a dispute and perhaps getting off track about what's really at issue, that's inefficient. But, our chair has always had the authority. And, if you could, Mr. Rus, if you can put up the slide that shows what the language was of the audience conduct was before.

Brenda Harbin-Forte: The existing rule basically said, and those would to be Rules 3.3 and 3.4, and I'm going to collapse the discussion of the audience conduct rules into both of those, the chair has always had the ability to hold people accountable when they have disrupted the meetings or when they have engaged in conduct that would not foster an atmosphere of collaboration. The chair has not abused that. You'll see that there's a very minor difference in what the old rule provide. The old



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rules is on as Rule 3.3, on the left side of your screen in the yellow language. And, what is in red is the new language that's been added, regarding audience conduct. And again, simply to clarify that we want to foster an atmosphere of collaboration

Brenda Harbin-Forte: And then, with respect to the change in rule 6.5, again, it is to ensure efficient and collaborative meetings. And, the concern in terms of whether to remove someone goes to being rude or disrespectful toward other participants in the meeting. Certainly you criticize, you have a right to criticize the commission and the commissioners actions, other public officials, you certainly have that right. And, we are intending in no way to abridge those rights. But again, if you look at the existing rule and the minor changes we have made, these are not big ticket changes that we're making, or that we are proposing in Rules 6.4 and 6.5. So, that is essentially the rules of revisions. We have indicated as well, that there is still work that we'll be doing.

Brenda Harbin-Forte: We heard tonight that there needs to be some clarity regarding ad hoc committees, how they're structured, what should be expected of them. And, one of our future projects is to bring some clarity to that, to provide rules, recommend some rules that would govern the ad hoc process. And in addition, one of the things that's not in the rules that was in our last set of rules was a procedures for revising and recommending new directives, new police department policies. We need to revoke that, so that it's very clear what needs to happen. And at our retreat, we heard from a former Commissioner Anderson who made some recommendations about what should be included in our new rules. So, we want to do an overhaul of that procedure to make sure it's efficient, to make sure that we provide adequate opportunity for the public to get involved and to weigh in on that. So, that then is our report. Our recommendation is that the rules be adopted. That's not yet in motion though, I guess, until we hear public comment. I can't ask-

Regina Jackson: Thank you very much Commissioner Harbin Forte. I wondered if your fellow members of the ad hoc, Commissioner's Gage and, or Garcia had any additional comments that they wanted to offer.

Brenda Harbin-Forte: I was just about to say we're done unless they have something to add.

Regina Jackson: Oh, my apologies. I didn't mean to cut you off.

Brenda Harbin-Forte: No, that's okay.

Regina Jackson: I see Commissioner Gage's hand up.

Henry Gage, III: Thank you, chair. The Commissioner Brenda Harbin-Forte spoke briefly about the question raised by members of the public with respect to our ability to agendize items that are brought to our attention following open forum. One to note for the public, that while the agenda setting process does occur as part of our agenda, the chair and the vice chair, nonetheless retain authority to agendize items. In particular, the chair has clear authority to set the agenda for the commission. So, there's no real danger here of us being unable to agendize items that are brought to our attention in open forum no matter what point the agenda that takes place.



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- Regina Jackson: Thank you. Commissioner Garcia, did you have any comments? Not required, I just want to make sure that everybody could speak if they wanted to.
- Sergio Garcia: Thank you Chair Jackson. I have no further comment.
- Regina Jackson: Okay, perfect. Thank you very much. So commissioners, well, first off, thank you to the ad hoc. It certainly looks like you've done a lot of work and that there's even more to be done. I certainly have some comments, but I will hold them off until other commissioners have been able to either make comments or raise questions. So, this is the time to do that amongst the commission before we go to public comment. Commissioners, please raise your hand if you have questions. I saw a hand. Commissioner, excuse me, vice chair Dorado.
- Jose Dorado: Thank you, Chair Jackson. First of all, I wanted to thank the ad hoc committee for some really good work. And, I'm sure this was the product of many, many hours. So, I just want to thank them for an excellent product. I just want to comment that, particularly around the fact that we're going to have in the future, no doubt, any number of passionate and explosive subjects that we're going to have to deal with. And I do think that, that the work that they've done to address how our meetings should proceed is really well-worded, because we have to strike that balance between allowing people to express themselves passionately, but at the same time, advance our work of constitutional policing. So, I think they've done a really good job in their wordsmithing to strike that balance.
- Jose Dorado: But, I just wanted to emphasize that we've had to deal with in the past rude and disruptive behavior from the audience that I think we have to address. And once we go back to in-person meetings, make sure that we have a solid policy that we can apply, so that we can move our agenda forward while allowing people to address explosive subjects in a way that adds to the conversation and not takes away from it. So again, I want to thank the ad hoc and that's the extent of my comments. Thank you.
- Regina Jackson: Thank you very much, vice chair. I wanted to take a moment. I know the word efficient keeps being used, and it's not that I don't have lots of work to do, I know we all do. But, I recognize that the meetings that the Police Commission hold are safe spaces, safe spaces for citizens to come share their trauma, listen to procedural movements, updates from the chief and policy discussions from the commission. And as such, sometimes it's really important that we take our time to listen to the members of the public, as well as presentations that quite frankly, create some very important conversations. And so, while I understand that we prefer to get out in three or four hours, if we have to go five or six, I'm here for it. It was part of the oath that I affirmed to do the duty and sometimes the duty is not expedient.
- Regina Jackson: Having said that, I believe that open forum should stay in the beginning. One of the other things that I recognize and has been such since I started on the commission is that the majority of our members are seniors. Now, I'm an early riser, I'm not the late kind of person, but it's not about me. I do recognize that depending upon however long our meetings go, I think it would be unfortunate, and quite frankly, unfair to ask people to hold on for four or five hours to get their



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point across. I think that there are some conveniences that we should owe to the citizens. We were the ones that took the oath, they didn't. And, they're already needing to get in line to raise their issues, and I just think that it would be best for them to leave open forum where it is.

Regina Jackson: As it relates to 5.1, I just want to identify what I think is a typo. It says bases, but it's spelled out B-A-S-E-S, whereas I think it's supposed to be B-A-S-I-S, that's minor. [inaudible 02:36:46] With respect to profanity and all, I think that we've been through some times, there is no question that we haven't, but I oftentimes prefer to reach out to folks and have a personal conversation about respect for the audience, the commission, and any young ears that might be listening. And quite frankly, I feel like a lot of folks have been very responsive to that. And in forum, we had a community forum, I'm going to say back in June, where there were a lot of expletives.

Regina Jackson: And I made statements at the beginning that if there were, that people would be muted, because I believe that our audience is very literate and they express themselves quite well. And so, the choice of profanity is a choice, and it's certainly not one that we signed up for. We know what the rules are, and we really do need to ask our citizens and our fellow commissioners to abide by them. That said, those are my major comments, the open forum, the efficiency and profanity. I think otherwise, everything has been done quite well. Are there any other comments from the commissioners?

Brenda Harbin-Forte: Madam Chair, can I respond to one of your concerns?

Regina Jackson: Sure.

Brenda Harbin-Forte: Thank you.

Regina Jackson: Sure. Mm-hmm (affirmative).

Brenda Harbin-Forte: One with respect to the bases, bases is the plural of basis. Basis is one, bases are two. And, since there are multiple grounds for removal, then-

Regina Jackson: Oh, got it. Okay.

Brenda Harbin-Forte: Okay.

Regina Jackson: Thank you.

Brenda Harbin-Forte: Yes. And, can I say that with respect to the open forum and efficiencies, I don't think that anybody on the Rules Committee is trying to shirk responsibility for taking as long, as many hours as it takes for our meetings to conclude. And, that's not the reason we are suggesting that open forum go to the end. Open forum, there's duplications sometimes with open forum at the beginning, because it's not limited to non-agenda items. It's often on other items that are on the agenda, and everybody's going to get an opportunity to address items on the agenda during the public comment session.



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Brenda Harbin-Forte: So sometimes, there's duplication when things are brought up in open forum and then they're brought up again on the specific agenda item. I think to, perhaps because we're all three lawyers and we look at what the Oakland Sunshine Ordinance provides. And, it says to talk about essentially things that are not on the agenda. I am sympathetic. I'm a senior citizen myself and I am certainly sympathetic to making sure that things get done early. I think that we would actually get to the end of our agendas faster if we do hold open forum at the end, because many people want to bring up things that are actually on the agenda.

Brenda Harbin-Forte: And, when we delay getting to agenda items that people have prepared to come and address us on, because we're talking about knowledge into items, I think that we should consider that and we should consider what would be fair to everyone involved, because people come at 6:30 and maybe they want to talk about what's on agenda item number four. Well, we can't get to four in a timely fashion because we're spending a lot of time at the beginning. We're front loading time at the beginning of the meeting to talk about non-agenda items. So, it would be fair where we think to hold those non-agenda items to the end of the meeting. And more efficient as well, because we can get to the end of the meeting more quickly. But we all signed up, I think, to work as many hours as it takes, and to listen, and to understand the pain of people who come before us.

Brenda Harbin-Forte: Many of us on the commission have our own personal pain, and we know what it is like to lose people, lose family members to criminal acts and how painful that can be, and how sometimes that wound never seems to heal. And so, we want to provide a safe space. And, one of the reasons I was excited about getting on the commission is that it is a safe space, and we want to make everybody feel welcome, and to let them vent. But-

Regina Jackson: Thank you.

Brenda Harbin-Forte: Yeah, a fair balance perhaps would be to try to figure out how we can do it, so that everybody's interests are met. I don't know if any other members [inaudible 02:42:38]-.

Regina Jackson: Yes. Commissioner Gage had his hand up, I was just waiting for you to finish.

Brenda Harbin-Forte: I'm sorry.

Regina Jackson: That's fine. All right. I understand. And, it could be that I am not appropriately delineating the difference and I'll take that. But go ahead, Commissioner Gage.

Henry Gage, III: Thank you, chair. I wanted to echo the comments made by Commissioner Harbin-Forte about open forum in particular. Just thinking back to the last few meetings. There tends to be a high level of duplication of effort and members of the public come to comment either because they're [inaudible 02:43:20] to stay, or because it affords additional time to comment on items of particular concern. The greater question though, is something that you brought up that I think we can begin to address both with these rules and with future rules, and that's the question about our role as a public forum. Because, there's something to be said for the proposition that the police commissioner is one of the few places that people can go in the City of Oakland to feel as if



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they are heard, when they have issues of public safety issues regarding policing and police policy. And, have an opportunity to ask questions directly of both the commission itself, as well as members of police executive staff.

Henry Gage, III: The struggle, of course, is that if we're going to have that sort of forum, we should really question when and where to have that sort of forum. Because as currently agenda items appear, essentially holding an unlimited open forum at beginning of our agendas, and we're holding an open public hearing at the top of every meeting. Now, we could continue to do that, but in my opinion, a better route is to create some other formal procedure to hold public hearings on particular topics of public concern, rather than having this current rolling practice of issue after issue popping up with limited ability to respond in a substantive fashion. In other jurisdictions, we've seen things like having a time-limited open forum at the top of an agenda, followed by the balance of open forum at the end, that's certainly an alternative we could consider. But, would caution that we're not proposing to get rid of the open forum and the public form this commission creates. I think it will improve all of us, frankly, to consider how best to make that forum an opportunity for change to actually happen when issues are brought before us.

Regina Jackson: Thank you, Commissioner Gage. It also sounds like we might be able to play around with this, and perhaps have an open forum at 8:00 PM. And then, if that doesn't work, do something different. I'm just a little hesitant to make a wholesale change as it relates to that specific item, but I am just one vote. So, if there are other commissioners who have comments or questions, please raise your hand, otherwise we'll go on to public comment. Okay. My seeing none, Mr. Rus.

Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to comment on item six on tonight's agenda, excuse me, please raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised. The first speaker in the queue is Megan Steffen. Good evening, Ms. Steffen, can you hear us?

Megan Steffen: Good evening. Yes, Thank you. Thank you so much to Commissioner Harbin-Forte and the other members of the ad hoc for trying in real-time to respond to some of the comments that were already made about this agenda item. I want to say two main things. The first is that I hope that the Police Commission views the amount of public engagement that these meetings have as an accomplishment, because it is an accomplishment. Other boards and commissions in this city don't garner even, I would say, a quarter of the engagement that you do. And, part of the reason that there is so much engagement with this commission, and I think part of the reason that there is also so much public trust in this commission is that these meetings proceed predictably, often very long, but it's very consistent about when you may speak and what you may speak about.

Megan Steffen: I think moving open forum to the end will eliminate a lot of that consistency. And, I think that it will have consequences for the public's trust. The other thing I wanted to say, thank you to Commissioner Harbin-Forte for responding to my point about the chair's discretion in removing community members from ad hoc's. The situation that I'd worry about is that community members wouldn't feel that they could speak freely for fear of damaging their relationship with one single commissioner on an ad hoc. I might suggest that either once community members are



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to an ad hoc, they may not be removed, or else that if community members are to be removed from an ad hoc, the other commissioners on the ad hoc must all agree unanimously. Thank you so much.

Juanito Rus: Thank you, Ms. Steffen. The next speaker in the queue is Kevin Cantu. Good evening, Mr. Cantu, the floor is yours.

Kevin Cantu: Good evening. I think that some of the discussion you commissioners have had today nicely illustrates the utility of having a public comment period, before any items specific discussion of yours occurs. You have been listening and been responding, even those of you who want to change the schedule have been benefiting from having that comment period earlier. And, I think it would be a shame if we lose that. I think it makes this commission function better. That's all for now. Good night.

Juanito Rus: Thank you, Mr. Cantu. The next speaker in the queue is Lorelei Bosserman. Good evening, Ms. Bosserman.

Lorelei Bosserman: Thank you, Mr. Rus. I would like to thank the ad hoc committee for the work that they've done, your changes make a lot of sense. I want to address one which I disagree with, and that is moving open forum to the end of the meeting. I consider this really important. I am begging you to keep it at the beginning. I know it's a hassle, I know it's inefficient, I know it's frustrating. As someone who is merely in the audience at these meetings, I get incredibly frustrated, probably several kinds of meeting, because I feel that someone is repeating themselves, or wasting their time or wasting our time. But I believe that, that is a necessary cost, because the benefit that you get is that you get to hear from the public, and you don't just get to hear from people like me who are die-hards, who will be here until the bitter end, no matter how long the meeting goes, I will get to say my peace because I will stay.

Lorelei Bosserman: But, you will also get to hear from other people, people who have children, I don't have children. People who need to go to work at 6:00 AM. I don't need to be at work until 9:00 AM. People who aren't night people, all of those people need to be heard. The residents of Oakland are traumatized by policing, and we need [inaudible 02:51:29]. We hunger to know that there is someone on the job who we can trust and who will respond to what we have to say. And more so, people not like me who have more direct experience. And to move that until the end and to say that, that's for efficiency basically says, these meetings will be shorter if we move it to the end and people give up on talking, and go to sleep and we don't have to listen to them. That's not entirely fair. You actually made a good point about there is duplication when you have it at the beginning, but I feel that's one of the costs that you have to bear for the benefits. Thank you.

Juanito Rus: Thank you Ms. Bosserman. The next speaker in the queue is Tasha Mente. Good evening, Ms. Mente. Can you hear us?

Joseph Mente: This is Joseph Mente, can you hear me?



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- Juanito Rus: Oh yes, I'm sorry. Yes, Mente. You have the floor.
- Joseph Mente: Just using my wife's computer. Joseph Mente, district one. Many of the proposed changes are very solid, it's good work. One that I strongly oppose is moving open forum from the beginning to the end. This is a really, really bad idea. I appreciate all the work and time that all of the commissioners volunteer for, [inaudible 02:52:51] the time and energy. Other than the community, don't universally have the ability to do that though. Citizens have lives and families and can't spend hours and hours to wait for a specific agenda item, which will come at some unknown time.
- Joseph Mente: They are taking the time and mental energy to show up. Part of the role of this commission is to listen to public comments. Furthermore, it's a very dangerous game to declare if public comment is on topic or not. In my experience a public comment, no one, to my knowledge at least, is actively trying to waste everyone's time. They're trying to be heard, whether we all agree with it, that it's a good use of time, that's not really for us to decide. They feel like they're trying to say something that should be heard. And lastly, while I have some concerns about policing strong language, there is valid concern as well. As someone who uses overly strong language in my private life, I'm not particularly sensitive to it, but others are and we should be mindful of that. Thank you.
- Juanito Rus: Thank you, Mr. Mente. The next speaker in the queue is Anne Janks. Good evening, Ms. Janks.
- Anne Janks: Good evening. And, good evening commissioners. I thought that Commissioner Gage was channeling my every thought until he said he wanted to move public comments until the end. The folks that I'm thinking about are the ones that come every so often to the Police Commission, and they're coming because of a specific situation that they have experienced. There was a club owner who the police, he said were hassling him. There was a woman who witnessed a police. The police respond to a broken down car in front of her house, where they ended up arresting the drivers for no reason that she could understand. These folks who ... They're the folks who don't follow the Police Commission, but they finally have a place to come, when there's something that they have to say about policing. I very much don't want to stop that from happening. In terms of the ad hocs, I think that honestly, you can make any rules you want about who participates so long as the ad hocs are public. I am such a strong believer in the magic of transparency and being able to watch what's going on. Thank you.
- Juanito Rus: Thank you, Ms. Janks. The next speaker in the queue is Jennifer Tu. Good evening, Ms. Tu.
- Jennifer Tu: Hi. Thank you. I really liked that earlier speaker's point. I think that was Joseph Mente. We might think that some members of the public are wasting our time, but every person is doing their absolute best to bring something important forward. That was just a really wonderful way to characterize some of what we've heard through the Oakland Police Commission. I wanted to thank the ad hoc committee for all of your work on this, and especially to Commissioner Harbin-Forte for talking through the committee's thoughts behind the proposed changes. I hope that the



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commission will seriously consider what all of the public speakers have said, which is to keep open forum at the beginning of the meeting.

Jennifer Tu: Those long open forums from June happened just a few times and for such a rare occurrence, why reduced the opportunity to speak? I'm not even sure how many current commissioners were even commissioners when that was happening. Like one of the earlier speakers, I am not a senior citizen, but I think that everyone deserves getting sufficient sleep, no matter their age. In open forum, all of us have heard from children and young people who are still in school. I was just recently talking with a young parent who wanted to be a part of tonight's meeting, but had to leave because of childcare. These are all voices that we wouldn't hear. If open forum move to an unknown time, that happens sometime after 9:00 PM.

Jennifer Tu: I really hope the commission will consider keeping the open forum at the beginning of the meeting and keeping it at a specific time and at a time that is accessible. Finally, different topic, Megan Stephan's earlier point about removing community members from committees. 100% agree. Seems like a dangerous precedent to say, thank you.

Juanito Rus: Thank you, Ms. Tu. The next speaker in the queue is a Assata Olugbala. Good evening Ms. Olugbala, you have the floor.

Assata Olugbala: Yeah. I'm not sure, but we measure LL, the removal of commissioners is the responsibility and the authority that goes with the council. I think that's the way it goes. As it relates to open forum, you all can do it anytime you want. I'll be here. It doesn't matter. Different meetings have open forum, mostly in the beginning, but OSD has open forum in the middle of the meeting. I think Alameda County has it at the end and the beginning. You all decide whatever you want to do with that. It doesn't bother me one bit.

Assata Olugbala: The other thing I'm concerned about is procedurally, you talk a lot about the public, but you don't make clear some guidelines for yourself. When I hear you speaking sometimes, I hear you really off subject sometimes. You say the public is doing it, but you guys do it as well.

Assata Olugbala: My main thing about where you are as a body is your jurisdiction. Because when I talked about Jenelle Harris and you guys step it up to do something and that the coalition for police accountability is involved into the selection panel. You say, it's not your jurisdiction to do it. But I hear you doing things at the last meeting about the vaccination of the officers. Now you're talking about who the public businesses should hire, not hiring police. That's not in your jurisdiction to make recommendations around that.

Assata Olugbala: Last thing is social media. I don't do social. I don't Tweet. I don't do Facebook and none of this, but I've read some things that somebody shared with me from commissioners. You need to check yourselves about what you do on social media in terms of attacking people.

Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is Reisa Jaffe. Good evening Ms. Jaffe, you have the floor.



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- Reisa Jaffe: Hi, thanks. I was just getting ready to lower my hand because I've heard all my comments have been said about open forum. You don't need to spend any more time. You've heard it. Thanks.
- Juanito Rus: Okay. Thank you. With that, Madam Chair, there are no other hands raised in the queue.
- Regina Jackson: Thank you very much. I'm not sure if the commissioners have any other questions. I myself would... Oh, Commissioner Jordan's hand is up.
- David Jordan: Thank you. Not going to be able to vote on this item, but I do definitely have some perspectives. It's sort of been since we talked about this, they're treated and thinking about the issue of open forum. I do agree that there's, sometimes it is. We lack of efficiency and not being able to get to agenda items because of extended reform at the beginning of the meetings. That is a challenge. I might suggest that maybe we do a more hybrid version of that, where in we place a high priority agenda items before open forum and then I have open forum somewhere more in the middle of it, with the boiler plate items, following that just as a suggestion so that we are sure to get to maybe those items that we desperately need to or we really need to, or are maybe hotly contested. Just the thought as far as the removing ad hoc members, I do agree that it is somewhat problematic. I did like the idea of having a consensus among the members on the ad hoc before removing somebody. Those are my thoughts. Thank you.
- Regina Jackson: Thank you very much, commissioner Jordan. I see commissioner Harbin Forte's hand, but I'd like to take some other commissioners comments first place. Commissioner Peterson?
- Marsha Peterson: Yes. Thank you, Madam Chair. I am concerned that in moving the open forum to the end of the meeting might just have a chilling effect on the public because the end of the meetings can be very late into the evening, 10:00, 10:30. It just might dissuade the public from full participation. I think the work that we do is so important that we would want as many members of the public to participate. I think keeping open form at the beginning would encourage more participation. I'm for more participation than for less. That would be my comment. Thank you.
- Regina Jackson: Thank you, Commissioner Peterson. Commissioner Harbin-Forte?
- Brenda Harbin-Forte: Yes, I have a couple of points I wanted to reiterate. One of the reasons we have in our rules, your explicit requirement that members of the public be given two minutes to speak, not only to comply with the policy. But to show the importance of public comment. In addition, members of the public can participate by submitting written comments as well. I read the written comments submitted by Ms. Tu a couple of days ago. This part was prepared to address her concerns. There are other ways to participate.
- Brenda Harbin-Forte: The other thing I think, I'm going to go back to efficiencies in that sometimes during open forum, comments are addressed then even from people who know they're going to make a comment later on the specific agenda item. Perhaps if we are going to keep public comment at the beginning, that there be some rules and forced that they be non agenda items that are brought up. Then there'd be special, like a special dispensation to speak on an agenda item during the



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open forum. That way the people who really want to come in, for example, the person who witnessed the arrest, they want to come in and share that at the beginning of the meeting. That's not going to be on the agenda.

Brenda Harbin-Forte: It is a matter of interest to us and they should have the right to do that. There's going to be some scheduling problems. They'd rather do that at the beginning. That is one thing, but for people who are going to stay until the end anyway, and they want to make a comment on the agenda. On agenda item number five, perhaps even if they would decide or could decide not to make that comment during open forum. Perhaps if the chair would say, "That the item that you're addressing now is on the agenda. Can you hold your comments until then so that you could get through and efficient open forum and give people an opportunity?"

Brenda Harbin-Forte: I'm not saying that I'm suggesting that we not move it, but I'm saying that I think that perhaps if we are amenable to having some rules that are enforced about the scope of open forum, to make sure that we don't address some agenda items, unless someone has a specific reason for bringing up an agenda item. I don't want to point fingers, I'm uncomfortable about it. But I will just say that with respect to Ms. Tu, who said submitted the written comment and we have that, and then an open forum about the rule change and open forum.

Brenda Harbin-Forte: She also brought it up about the rules change, and now we're on the rules change agenda item and it's still those kinds of things. Ms. Tu, I apologize. I'm not trying to embarrass you or anything, but that's what I mean when I say, if someone's going to stay in for the agenda item, perhaps they not use open forum time to make points but wait until there's public comment at the time.

Regina Jackson: To your point...

Brenda Harbin-Forte: Yeah. I was done.

Regina Jackson: To your point, Commissioner Harbin-Forte, I can actually do a better job of delineating between the two. I don't have a problem with that. I accepted responsibility for that earlier in the meeting. I can do that. I just know that we're hearing a lot of pushback from both citizens and several commissioners. I would be willing to move your rules, committee recommendations with the exception of the open forum. I see commissioner Gage's hand.

Henry Gage, III: Thank you chair. Well, one of my struggles when thinking about open forum has been the degree to which we need to have essentially a public hearing at the beginning of every meeting. I think it's important to recognize that members of the public do come and present issues that are especially worthy of discussion and should be brought to public attention and it is appreciated. I wonder if that can be accomplished by time limiting the beginning of the agenda's open forum. I wonder if that can be accomplished by instead holding a more regular public hearing calendar so folks don't feel that they need to come to the next available commission meeting to do it. There's more. I'm not sure what the word is here. More regularly occurring forum for that to happen outside of our regular agenda business. I think my biggest struggle has been the degree to which



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open forum can substantially delay can derail agendized business and balancing those two is a difficult task that we saw that summer.

Henry Gage, III:

I was here, as it was my wife and as was my newborn. What happens when we have hours and hours of public comment? It doesn't mean that comment is unwanted or unnecessary because it was. People have things that needed to be said, and I was grateful to be in a position to hear them and take action on those things. But it's draining and it's a lot. It's a lot. I asked members of the public to be mindful that in order to do even a fraction of the many things you're being asked to do, those require us to be careful about how we spend the limited time we have together. Perhaps that time could be better spent by tackling agendized items first and then moving to a more wide ranging discussion. I think that deserves some serious consideration because it's not about ignoring the public. We do read the written comments, consider written comments. The group is about trying to get this work done because there's so much to do.

Regina Jackson:

Thank you, Commissioner Gage. I wonder if the rules committee would be willing to set aside the open forum distinction now, and we try a couple of different things and see what seems to work best. Because the majority of the changes that you all have made are excellent. But I think that there is a hampering of that one item. Like I said, I'm happy to make a motion to approve all of the recommendations with the exception of open forum. I don't know what other commissioners are thinking. I see a hand from Commissioner Peterson.

Marsha Peterson:

If you are willing to make that motion, I would be willing to second it.

Regina Jackson:

Okay. Well, so moved.

Marsha Peterson:

And second.

Regina Jackson:

Okay. Thank you. I see another hand from Commissioner Garcia. Are you on mute Commissioner Garcia?

Sergio Garcia:

Yes, I'm on mute. Thank you.

Regina Jackson:

Oh, okay.

Sergio Garcia:

Thank you, ma'am Chair. I just wanted to reiterate what Commissioner Gage has said. I don't need to belabor the point. I wanted to do it before the motion was seconded. I think the fact of the matter is the rules committee spent an awful lot of time looking at each one of these proposed changes, including the public forum, the open forum change. I think the best way to look at this is just how Commissioner Gage put it.

Sergio Garcia:

There's no hampering of public or open forum. Just like we hold ourselves to rules of order. This is simply a rule of order. Agendized items come first. Written comments come at any given time, and those are reviewed at all times by us as commissioners. Agendized items come first so we could make sure we cover what has carefully been delineated as our agenda for the evening.



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Open forum, to follow on any item, in the agenda or any non-agenda item. I don't think this should be as controversial as I'm hearing it is. Maybe I'm just naive and maybe I'm just new to the commission, but I do believe that if you have a commissioner like Commissioner Paige, who's saying, "This is simply draining." It's really hard to stay up till midnight to get through an agenda because we spent two hours on open forum.

Sergio Garcia: At the same time having open, basically open forum after every single agenda item, because every single agenda item is an opening up with the forum. Is anybody speaks on any topic between agenda items? We all know that to be true, it's happened and it elongates these meetings substantially. I would make a friendly amendment to what is being proposed. First take a vote on a motion for the amendments to the rules as they have been drafted by the ad hoc rules committee. Given all the hours that the ad hoc rules committee has put into this item. I think out of respect, it would be helpful just to have it moved without any changes first.

Regina Jackson: I certainly respect the work and your commentary commissioner Garcia. My motion that was moved and seconded said that we should actually accept all of the changes with the exception of open forum. What I am suggesting is that we try a few different things with open forum and see if we can come to a meeting of the mind. I don't accept the friendly amendment because that is precisely the issue that open forum is the problem within the entire recommendation that are so good. Absolutely no disrespect.

Sergio Garcia: No disrespect taken. I tried to get in before the motion was seconded. That's why I...

Regina Jackson: Oh, my apologies. I didn't see you. My apologies.

Sergio Garcia: It's all right.

Regina Jackson: Okay. Thank you. I think that we have... Hello?

Brenda Harbin-Forte: I'm sorry.

Regina Jackson: Commissioner Dorado.

Jose Dorado: Thank you, chair Jackson. For me, it's a question of what is the most important thing that we have to do. That is to me, to get through our agenda. I'm happy with the fact that we have the required public comment before we make any decisions on our agenda items. I do feel that the open forum at the beginning of the meeting does extend our meetings. I don't believe that if we in fact, we moved that, that it would result in a loss of trust or that we'd have a great reduction in participation of the public. My preference would be that we follow or we approve the proposed changes as they're written by the ad hoc. Just as a side note, I would consider a compromise where we have a 10-minute open forum at the beginning of the meeting, limited to one minute per speaker.



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- Jose Dorado: In fact, there're people that are coming maybe for the first time and really do want to have an opportunity to bring up an item that is extremely important to them. They want to be able to bring that to the police commission personally and then to have the balance of the open forum at the end of the meeting. I think that's a compromise that I would consider, but the motion is on the floor right now, I will be posting it.
- Regina Jackson: Okay. Thank you very much, vice chair Dorado. I see Commissioner Singleton's hand and then Harbin-Forte.
- Tyfahra Singleton: Thank you, chair. I do appreciate Vice Chair Dorado's compromise and I was actually going to suggest 15 minutes in the beginning. I was not in the meeting where there were two hours of open forum before an agenda item but I do think that it isn't going to allow for real engagement on agenda items if they aren't addressed until most people have become so exhausted. I like that compromise. Like I've said before, I was on the rent board for four years and we had open forum in the beginning and it just never went past about 15 minutes or so.
- Tyfahra Singleton: I think that, that's a good opportunity to just sort of use our discretion and say, "Hey, it's going to be two minutes because there's only six people Or, we'll have one minute because there's 15 people." But if there's a lot more than that, and it's likely about an agenda item, it doesn't make sense to me to go for multiple hours to do that and then also hear it again at any agenda item. That would be, I sort of agree with Vice Chair Dorado's compromise.
- Regina Jackson: Thank you very much. That's precisely my point that we could do some different things and see what works. That's the reason that I put the motion that has been seconded on the floor to accept everything except for the open forum so we can try and figure out what we like best. Commissioner Harbin-Forte, and then Gage and then we need to vote one way or the other, and then try and move this forward.
- Brenda Harbin-Forte: Thank you, Chair. I was going to second. Commissioner Garcia said that we adopt all of the rules. I would be opposing the motion as stated. I think that perhaps what we do is follow these rules. If we find that we actually do need to change them, then we look at changing those rules, but we have a set of rules that puts a open forum at the end. If we find out that there are some people who said that they wanted to say something and they couldn't, then we look at it then. But I just really think that we should try something new and try to see if we can get to the agenda items more quickly.
- Regina Jackson: Thank you. Commissioner Gage?
- Henry Gage, III: Thank you, Chair. I appreciate that proposed compromise that number of commissioners have brought up. That was also something I believe we discussed in the ad hoc. I would note that if something is of such importance, that it needs to be brought to commission attention immediately, the best way to do that is to submit a written comment to our email addresses before there's even a meeting agenda. Given that, that is still existing and will continue to exist, the method of providing immediate and direct feedback. It somewhat blunts the need to have



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even a time limited open form at the beginning. If something is so important that it needs to be brought to our attention, it can't happen even before a meeting is called. With that, well in my comments and ready to call the question if the Chair would like to.

- Regina Jackson: Yes, thank you very much. The whole point about extra energy on the part of citizens, writing or doing whatever, we want to make things easier, not more difficult. Let's go ahead and call the vote. If it goes down, that's fine, then we'll try another one. On the record on the motion that has been moved and seconded, and we've taken public comment. It is to accept all of the rules, committees recommendations with the exception of open forum. How do you vote Commissioner Dorado?
- Jose Dorado: No.
- Regina Jackson: Thank you.
- Jose Dorado: Commissioner Gage?
- Henry Gage, III: No.
- Regina Jackson: Thank you. Commissioner Garcia?
- Sergio Garcia: No.
- Regina Jackson: Thank you. Commissioner Harbin-Forte?
- Brenda Harbin-Forte: No.
- Regina Jackson: Thank you. Commissioner Peterson?
- Marsha Peterson: Yes.
- Regina Jackson: Thank you. Commissioner Singleton?
- Tyfahra Singleton: No.
- Regina Jackson: And yes, for myself. The motion fails. Would you all like to make another motion?
- Sergio Garcia: Yes.
- Brenda Harbin-Forte: I believe so.
- Regina Jackson: Okay. I heard Commissioner Garcia and then I heard commissioner Harbin-Forte. Commissioner Garcia?



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- Sergio Garcia: I move that the ad hoc rules, committees recommendations, be approved by the commission. As is.
- Regina Jackson: Is there a second?
- Brenda Harbin-Forte: Harbin-Forte, second.
- Regina Jackson: Okay. It has been properly moved and seconded. We have taken public comment. Now we are going to vote on accepting the ad hoc rules, committees recommendations in full. How do you vote Commissioner Dorado?
- Jose Dorado: No.
- Regina Jackson: Commissioner Gage?
- Henry Gage, III: Yes.
- Regina Jackson: Commissioner Garcia?
- Sergio Garcia: Yes.
- Regina Jackson: Commissioner Harbin-Forte?
- Brenda Harbin-Forte: Aye. Yes.
- Regina Jackson: Thank you. Commissioner Peterson?
- Marsha Peterson: No.
- Regina Jackson: Commissioner Singleton?
- Tyfahra Singleton: No.
- Regina Jackson: No for myself. We have one, two, three, four, nos and three yeses. Motion fails again. Would you all like to... Let's see, Commissioner Dorado's hand just jumped up. Yes, Commissioner Dorado?
- Jose Dorado: I move that. We accept all of the recommendations by the ad hoc with the addition of a 15-minute open forum at the beginning of the meeting and that the length of the comments be determined by the chair based on the numbers of speakers.
- Tyfahra Singleton: I will second that.
- Regina Jackson: Okay. Thank you. Is there a second?



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- Tyfahra Singleton: I second.
- Regina Jackson: Okay. Commissioner Singleton, so I've heard the motion from Commissioner Dorado is that we accept all of the recommendations of the ad hoc rules committee with the caveat that there'd be a 15-minute open forum at the beginning, and that the length of time will be determined by the chair based upon the number of people that show up to the open forum. It has been properly seconded by Commissioner Singleton.
- Conor Kennedy: Chair, just to understand the rule that's being proposed. Am I right, that it's going to be a 15-minute public forum at the open. Then for the remainder of folks who are in the queue to be continued at the end of the meeting? Is that what I'm hearing or is it just 15 minutes? I just want to make sure that folks clarify that before you take a vote.
- Regina Jackson: Yeah, no. Your point is a well-regarded. Commissioner Dorado, did you mean 15 minutes period or 15 minutes at the beginning and then the rest, if there are more at some other time?
- Jose Dorado: I was in this. Thank you, Commissioner Garcia. No, he's absolutely right. My motion would be 15 minutes to begin with as I had outlined, but the balance to be done at the end of the meeting. My apologies for leaving that out.
- Conor Kennedy: Thank you so much [crosstalk 03:27:03]...
- Regina Jackson: That's okay. That was actually our legal counsel, Conor Kennedy, but that's fine. With that motion Commissioner Singleton, do you accept that clarification or that friendly amendment?
- Tyfahra Singleton: Yes. And I will second that as it was stated.
- Regina Jackson: Okay. Very good. Okay. I've got another hand from Harbin-Forte.
- Brenda Harbin-Forte: Yes. I wanted do a couple of things. I thank Connor from raising the point. I was going to say that we cannot limit open forum to 15 minutes. The other thing is this, we can not put the burden on the public to justify wanting two minutes to speak. If we are going to award amount of time to speak, I think we need to stick with the policy under the sunshine act of giving people two minutes to talk. Then the burden has to be on the chair to justify why the chair wants to reduce that time to one minute.
- Brenda Harbin-Forte: The other thing I would like to say is, if we do an open forum at the beginning, perhaps this as a friendly amendment, that it'd be limited to non agenda items. Non-agenda items. That public comment on agenda items will be the time that people would share with us what they wanted. If it's limited to non-agenda items, unless the chair gives them a special exception, for example. It's item number nine on the agenda, but I have childcare problems. I would like to ask if I could address it right now. Then I think the chair could have discretion to allow the person to do that, but otherwise it should be strictly limited to non-agenda items.



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- Regina Jackson: Okay. Can you clarify what exactly is your friendly amendment then?
- Brenda Harbin-Forte: Yeah, the friendly amendment would be that we have an open forum, an abbreviated open forum at the beginning for a maximum of 15 minutes. Two minutes per speaker, unless the chair justifies one minute and that'd be limited to items that are not on her agenda for that equal.
- Regina Jackson: Okay. Commissioner Dorado, do you accept that friendly amendment?
- Jose Dorado: I would accept that friendly amendment.
- Regina Jackson: Okay. Thank you. Commissioner Singleton, do you accept that friendly amendment to your second?
- Tyfahra Singleton: I do.
- Regina Jackson: Okay. Thank you very much. I'm not going to, well, I will restate that the motion is to allow for 15 minutes of public comment, excuse me, open forum at the beginning. That's two minutes per speaker. Unless of course the chair has some reason for recommending less. And that the rest of open forum, if it is to exceed 15 minutes, be done later in the meeting. So let us vote on this item.
- Brenda Harbin-Forte: I need clarification madam chair. And it was limited to non-agenda items.
- Regina Jackson: Excuse me, and limited to non-agenda items.
- Brenda Harbin-Forte: And the point of clarification, or perhaps point of order of natural I'm not sure if [inaudible 03:31:01] can tell us, perhaps a motion is to amend rule 6.1 regarding open forum to provide for that. So it's not to reject rule 6.1, it would be to revise rule 6.1 to provide for.
- Speaker 1: That makes sense.
- Brenda Harbin-Forte: Preliminary open forum and then the rest at the end.
- Regina Jackson: Okay. Commissioner Peterson?
- Marsha Peterson: I just have a question, a little clarification. How do you take it in the open forum? How do you miss them? Is it first come first serve? I mean, how will people know that their item or their comment will be held off to the end or that it will be heard at the beginning, during the 15 minutes?
- Regina Jackson: So to your point, which is an excellent question, the chair is going to do a better job of delineating where we are in the agenda and redefining what open forum is so that people will follow, like, they've been very well-trained in city council. I want to speak on this item, or I want to speak on this non-agendized item, and then we can appropriately delineate what goes where. So that's my recommendation. And it has been confused. I have not delineated it.



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- Regina Jackson: And so I accept responsibility for that. And I will do a better job, obviously, because we have this motion. I'm hoping that we're going to be able to make a decision and move forward in our agenda. Does that answer your question though?
- Marsha Peterson: Well, no, not really. Because logistically there is a queue somewhere, and there might be 10 people in the queue and you'll just take the first five for instance. Cause that'll fill up the 15 minutes, and that's it.
- Regina Jackson: Well, yeah. No, I thank you for that. I think that Mr. Rus would have to take down the rest of the folks that were in the queue and be able to call them back up, because it is a first come first serve and wherever people fall is where they fall, but then he should be able to say, these are the following members who weren't able to get in within the 15 minutes and you will come in this order at this time.
- Brenda Harbin-Forte: Okay, understand, thank you.
- Juanito Rus: If I may, madam chair.
- Regina Jackson: Pardon me?
- Juanito Rus: I'm sorry, I can't raise my hand.
- Regina Jackson: Go ahead.
- Juanito Rus: I was just going to suggest that the way that council does that, is they have a cut off time for when they take the comments. And so then they'll have a number announced and you can decide how much time to allot to each, given the number in 15 minutes. I don't know if that works, but it's another possibility.
- Regina Jackson: No possibly not, but thank you very much. I appreciate it.
- Brenda Harbin-Forte: I want a quick, I want a clarification-
- Regina Jackson: I'm getting ready to call you Brenda. Just hold on.
- Brenda Harbin-Forte: I'm sorry. I'm sorry. I'm sorry. I apologize. Madam chair.
- Regina Jackson: I know this is important and you're excited. I get it.
- Brenda Harbin-Forte: No, no, no. I didn't know if I had my hand up. I was trying to make sure I raised my hand before.
- Regina Jackson: Yeah. Yes, yes. It was. Go ahead.



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- Brenda Harbin-Forte: Okay. Again, I think we're conflating open forum with public comment. The council has public comment at the beginning of its meeting. We are not doing public comment at the beginning of the meeting. If we are doing open forum as defined by the Oakland sunshine ordinance, then open forum is for non agenda items.
- Brenda Harbin-Forte: So, I do think that we need to be clear and always consider the distinction. The ability to talk about agenda items is at the time the agenda item is called. I'm not sure how mechanically we can do that, except for people to indicate somehow before the clock even starts running, whether or not they are talking about an agenda item or a non-agenda item. And we'd have to do that and go through all 20 people, or 10 people, or whatever at a time. And if they indicate that their comment is going to be related to a topic that we know is on the agenda, then we just not give them the floor for those two minutes, I think would be the way. And if we can get again, attendees to understand, if you have something to say about the agenda item, please say that. Don't get in line during the open forum at the beginning.
- Regina Jackson: Yes, but that's for me to manage. And like I said, I just have to do a better job of delineating and protecting that 15 minutes. And so that our folks get in a rhythm. I thought I saw a hand, but then it went down. So given this last motion, which calls for open forum to be 15 minutes, two minutes per speaker and limited to non-agenda items with the rest of the time, if there are more people who want to dispute, we're going to have to work out. Mr. Russo is capturing them in order to ensure that we don't lose anything. That is the motion that we are voting on now. So commissioner Dorado, what say you?
- José Dorado: Aye.
- Regina Jackson: Thank you, commissioner Gage.
- Henry Gage, III: Yes.
- Regina Jackson: Thank you. Commissioner Garcia.
- Sergio Garcia.: Yes.
- Regina Jackson: Thank you. Commissioner Harbin Forte.
- Brenda Harbin-Forte: Yes.
- Regina Jackson: Thank you. Commissioner Peterson.
- Marsha Peterson: Yes.
- Regina Jackson: Thank you. Commissioner Singleton.
- Tyfahra Singleton: Yes.



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- Regina Jackson: Thank you. And commissioner Jackson. I'm about to talk to myself. I will support this. So, the issue is unanimously passed. Thank you again. Extraordinary work rules committing. We recognize you're not finished, but this has been a great start. Thank you.
- Brenda Harbin-Forte: Thank you. One clarification also Madam chair, I'm sorry. Before we leave. So the rules committee, then we'll revise the language to provide for, to open forums for, one at the beginning for a maximum of 15 minutes limited to that. And then another one had the end. So it'll say that open forum will be agendized twice. And we'll get language for that.
- Regina Jackson: Yes. And I'm hoping we don't just quote unquote, say end, that we can actually find a time or something so that people can know something to focus on, but you all work that out. Thank you. Moving on to item seven.
- Regina Jackson: So before you is an action plan that was developed from our comments at the commission retreat, and given some perspective timelines by when we will address them. For those that were not obviously clear, the vice chair and I put ourselves down as responsible, just to ensure that we had a continuum of responsibility delineated. I'm not sure if there are any questions from the commission on this action plan. What we really wanted to do was produce something that helped us to delineate and prioritize.
- Regina Jackson: Obviously there'll be a bunch more work there, but this is the first action plan that the commission has ever had. And so if there are any questions from the commissioners, please let me know. Otherwise, we can go to public comment. I see no hands. Mr. Rus?
- Juanito Rus: Thank you, Madam chair, if any, member of the public wishes to comment on item seven on tonight's agenda, please raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised. The first speaker on this item, excuse me while I switched to the clock. The first speaker on this item is Lorelei Bosserman. Good evening, Ms. Bosserman the floor is yours.
- Lorelei Bosserman: Yeah. Thank you. I was going to speak on the last topic, but I realize I shouldn't do that. I'm really irritated though. I'm done.
- Juanito Rus: Yeah. Thank you very much. The next speaker on this item is Kevin Cantu. Good evening, Mr. Cantu, can you hear us?
- Kevin Cantu: Yes. Hello. Again, I feel obliged to note that 15 doesn't divide by two minutes. So I think you perhaps need to consider that last motion a little bit further. I also think that the moderation overhead of attempting to distinguish which items the police chief will discuss later that are related to that earlier comment period, or what fits actually under item 17 or 47, instead of an agendized comment will be very difficult. And I don't envy whoever takes on that moderation task. Cheers.



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- Juanito Rus: Thank you, Mr. Cantu. The next speaker in the queue is listed as Mente. Good evening Mente. Can you hear us? Good evening Mente. Can you hear us?
- Joseph Mente: Can you hear me?
- Juanito Rus: We can hear you now.
- Joseph Mente: Okay.
- Juanito Rus: The floor is yours.
- Joseph Mente: Joseph Mente. Commenting on the non-agenda item. Trying to enforce only commenting on non-agendized items, or even the particular item is unworkable, unenforceable and a bad idea. And it's also a really, really bad idea to force people, to wait for hours and hours to comment on a specific agenda item at some uncertain time. Again, people have lives. They have children that they need to attend to. They have bedtimes, as came up earlier for Mr. Alden. Posting a written comment ahead of time is not the same as voicing verbally.
- Joseph Mente: Some people are more eloquent verbally, and some people prefer written comment. It's important to have both options. Is listening to your iPad the same as going to a concert? No. I mean, not that this is a concert, but this is not for fun. This is serious business, but there is much value in being able to bounce off ideas off of each other. Jennifer too, earlier put in written public comment, which the public didn't actually hear. We didn't get to talk to you and hear the other comments that Jennifer had put.
- Joseph Mente: So it's really important to be able to hear what the commissioners are hearing, and to be able to comment on other commenters as they come. As imperfect as that may be, there's lot a value to feeling the momentum and emotion in the room. And again, repeating myself earlier, it's unworkable to try to enforce only commenting on non-agenda items, much less only commenting on that particular agenda. Thank you.
- Juanito Rus: Thank you, Mr. Mente. The next speaker in the queue is Anne Janks. Good evening, Ms. Janks.
- Anne Janks: Good evening. I think that what we are all demonstrating here is exactly the problem with trying to get everybody to [inaudible 03:44:13] later in the evening. People are just going to hijack the first available opportunity. Very, very specifically, I'm still very concerned about, within that 15 minutes, the new person, the person who's never been to the commission, doesn't know to raise their hand before Mr. Rus tells them to raise their hand and is not going to be one of the 15 or seven and a half people.
- Anne Janks: Is there some way to write into the rules where you ask if there's anybody who's never been to a commission meeting before and invite them to speak first? I think that, when people come to the commission for the first time, is part of that public outreach and people learning about the commission and the existence of the commission. And I really hate the idea of cutting that off for



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those people, as opposed to cutting it off for people like me, who just hijack the wrong agenda. Sorry about that.

Juanito Rus: Thank you Ms. Jenks. The next speaker in the queue is Jennifer Tu. Good evening Miss Tu, the floor is yours.

Jennifer Tu: Hi. Thank you. Just wanted to say I'm super disappointed about how the last vote turnout. I just keep thinking about... I know it was repetitious for everyone. It was repetitious for me. And also, we heard so many kids and young people in Oakland speaking up this summer and I never went to any city meetings or spoke up in any way like that when I was high schooler.

Jennifer Tu: And I just feel like the police commission is losing out on hearing these voices that are speaking out and engaging for the first time ever. And it's a gift, and I'm really disappointed that all of us, including members of the public, like me, are going to lose out on that because we aren't going to hear them. That's it. Thank you.

Juanito Rus: Thank you, miss Tu. At this time, there are no other speakers in the queue madam chair, I'll hand the meeting over to you.

Regina Jackson: Thank you very much. Can you go ahead and advance the slide? Thank you. So, Mr. Alden, item number eight is yours.

John Alden: Thank you madam chair. I had quite a few items I wanted to cover. I'm going to try to mention each one very, very briefly, given the hour. And if-

Regina Jackson: Can you speak up a little bit louder, please?

José Dorado: No, but I could try a different microphone.

Regina Jackson: Okay.

John Alden: How's that sound?

Regina Jackson: Much better.

John Alden: Yep. No problem. Thanks for letting me know that my sound was a little off. I really appreciate that. So I have quite a few items that I wanted to mention to the commission tonight, but given that the hour is what it is, I'm going to hit each one very briefly. And I hope the commissioners will let me know which ones they'd like more information about. And I'm happy to tell them little more detail on any of these items.

John Alden: I'm going to organize this into three sections. One, the statistical report, and some related cases. The second about staffing issues. And then the third about some work that we're doing on policy issues, as directed by the commission. So on the first topic I'd like to cover, we have our usual



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statistical report and talked a little bit in our over-training about this. If it's all right with the chair, I will share a screen showing you that report so that it's easier for the public to follow along.

Regina Jackson: Thank you.

John Alden: Absolutely. This was the report that shows up in the packet. I do want to mention that, for reasons that aren't clear to me, somehow in our packet, this particular report ended up in the middle of another item, instead of separated it out. So it does look a little confusing, the PDF. We'll try to sort out how that came to pass, but that said, this is just that report.

John Alden: I'm going to start with the closed cases portion of the report. We completed an unusually high number of cases in this last period, 19, as you can see from this first page. And then, as a reminder to the commissioners, many of the items here are bolded, as you see here in the second case on the first page. That is bolded to show that that is an allegation that CPRA discovered and brought forward on its own. Not one that was brought forward by the Internal Affairs division, or necessarily even by the complainant. And that we've highlighted that here to show you some of the additional issues we're finding. We only bring these forward in these closed reports if it's also sustained. And so, and it's KCC several very significant allegations about-

Regina Jackson: Okay, you fell down a tunnel. Okay, now you're better. Thank you.

John Alden: Not sure why that is. Sorry about that. So you can see here that we had some substantial sustained allegations that added on to allegations that were brought by the complainant. Another issue I thought I should flag for you, is our total number of pending cases, which we see here in about the middle of the report. This section with the green and white lines shows all the pending cases. Our total pending right now is 56, which is about the lowest we've gotten it down to.

John Alden: Sometimes people will ask me why do we care what the number of total pending is? And why is that good? The reason that this is important to us internally, is that it shows that we're pretty close to being able to reach that 250 vehicle that's set forward in the charter. So as a reminder what the chart says, that CPRA should be aiming to have our cases done within 250 days.

John Alden: And that provides additional time for the commission to perhaps have a discipline committee if needed. Now that is not a target we've been consistently hitting in the past. We're getting really close to being able to do that. This total pending case number 56 is about in the range I think we'd normally need to be getting to hit that. So I think we're very close to being able to accomplish that goal on a pretty regular basis moving forward.

John Alden: And this particular important, several of the cases here are into that 250 day range. And that's just because we are not yet fully staffed. And so that makes it harder to get to that goal. I'll talk about staffing a little bit later. This pending case list and the closure list that you saw earlier, are the two reports that are designed to meet the Oakland City ordinance requiring CPRA to make reports periodically.



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- John Alden: And so if the commission wanted to change what we report out publicly, these are the reports that we recommend changing, but we'd only recommend changing it if that city [inaudible 03:51:32] were changed also. So this was the product I was mentioning earlier. One other issue that we have here a little further down, is that we have created a separate report about those cases that are coming from the protests of the last summer in late May, in early June, after the death of Mr. Floyd.
- John Alden: We separate these out because the set's been in particular public importance. But then also, because as we mentioned to the City Council at the time, we were going to need extra resources to get through these cases. I can say we're getting really close to completion on many of these. And so I do anticipate we're going to start seeing these close out in the near future. Which is right about where we want it to be if we're going to have enough time for discipline committee meeting on these. So if you think you're going to start seeing these closing out shortly.
- John Alden: Another issue regarding cases that you don't see here, is that there is a discipline committee, this police commission scheduled for next week on Monday, pursuant to the advice we've been getting from council and making sure we're following all the applicable rules correctly. We have been agendizing and creating public notices about the discipline committee being convened. But because of the rules I described earlier in our training, there's really very little we can say at all past that, other than just the fact that there is a discipline committee convening. So obviously there is some specific case that the Commissioner's on a discipline committee will be able to discuss. I wish I could provide more information about that, but I have not yet seen a way clear to get through those statutes that we talked about earlier to provide that information publicly.
- John Alden: So at least I think one takeaway there for the public is that they can be aware that the police commission's discipline committee is in fact meeting. And so at least, you know that that function is working and the Commissioners are doing that part of the job. Altogether, this means we've got about 97 pending cases, which is still a little higher. I'd like to be, if we're meeting the time goals supports and the charter. I think we're getting pretty close. Before I moved to staffing and the work that we're currently doing on policy, are there any questions from the commissioners on the issues I just talked about?
- Regina Jackson: I see none, Mr. Alden.
- John Alden: Okay. I'll go to the next part of the presentation. Then I will stop the screen sharing. Just a second. I can, there we go.
- John Alden: The next item I wanted to talk about is staffing. As I mentioned earlier, one reason we're still catching up with where we want to be on caseload, is that we still have some vacancies at CPRA. Despite a budget situation in the city of Oakland, I am pleased to say the City Administrator has been very helpful in getting those positions filled. We have a recruitment going right now for a Complaint Investigator three and two. That's a total of two vacancies that we anticipate we'll be able to pull in a couple of months. We're currently doing interviews to fill up the position of Intake



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Technician. We got one vacancy there and we anticipate that will be filled soon as well. I'm also pleased to say that we are continuing to move forward on recruiting the Inspector General.

John Alden: Optimistically, I'm going to say that I think we are weeks not months away from having the opening posted publicly so that applications can start coming in. And as soon as that happens, I will of course let all the Commissioners know. That application process is set up so that the Commission can consider on its own how they'd like to screen those applicants and how they'd like to interview them on their own. This is an actual department head level position. So the commission has a lot of flexibility about selecting. And I think that's another one that we're really excited to fill, because there was so much that maybe Inspector General do wonderfully [inaudible 03:55:35].

John Alden: I also want to mention that we have a new hire that I'd like to introduce. Well, it's quite late. I think he is here on the line. This is our new Chief of Staff. As you may recall from the reorganization work we're doing last year, the Commission had supported, thank you. The creation of a Chief of Staff position at CPRA Aaron Zisser is the person that we've hired for that position. He's on the line. And if it's all right with the chair, I would appreciate if you could say a few words about himself.

Regina Jackson: Yes, Aaron, welcome. Just know that your comments have to be brief because we're going to have to extend the meeting in five minutes.

Aaron Zisser: Absolutely. Can everybody hear me?

Regina Jackson: Yes.

Aaron Zisser: Okay. Yeah. Thank you so much, John and chair. I've been listening closely to the meeting. I really appreciate all the discussion. I'm very excited about joining CPRA and working with John and the staff and with the Commissioners, as well as the public. I will keep my comments extremely brief, but we'll just share one quick sentence about my background. So you have an idea of who I am, and then just one more sentence about a couple of small connections to Oakland.

Regina Jackson: Take a few, don't cut yourself off, but two more minutes.

Aaron Zisser: Okay. I live in San Jose, but I lived in Oakland for a few years ago, and I served on a city commission, the disability commission in Oakland, and have a particular interest in disability rights. Some of the background I bring to CPRA is, I worked for five and a half years at the Civil Rights division at the Justice Department, during the Obama administration. Doing pattern and practice investigations of jails, prisons, mental health agencies, and other agencies.

Aaron Zisser: Once back in the Bay area, I consulted for various oversight agencies, investigative agencies, and different reform efforts around the Bay area and elsewhere. And then I served as the Independent Police Auditor in San Jose and also at the San Francisco District Attorney's office in



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the independent investigations Bureau, which is the unit that investigated officer involved shootings and other incidents in San Francisco related to potential police misconduct.

- Aaron Zisser: So that's just a little bit about me again, I'm very excited about being here and am already digging in and enjoying the work and enjoying getting to know the staff and other stakeholders. So I look forward to meeting everybody and continuing to work with you.
- Regina Jackson: Thank you very much Mr. Zisser. Are there any comments or questions from the Commission? Either on Mr. Alden's report or chief of staff? Okay. I see none. Before we go to public comment topic, I would like to-
- John Alden: I do have one last topic, sorry. Madam chair. After you extend the meeting, I have one last topic about policy.
- Regina Jackson: Okay. thank you. I'm sorry. I thought you were complete. So I would like to take a motion to extend the meeting, please.
- Marsha Peterson: I move to extend the meeting. This is Commissioner Peterson.
- Regina Jackson: Thank you Commissioner Peterson. I see commissioner Dorado's hand up?
- José Dorado: Second.
- Regina Jackson: Okay. Thank you. It has been moved and seconded to extend the meeting. Did we say how long? Commissioner Peterson?
- Marsha Peterson: How long is customary, given what we have to?
- Regina Jackson: Well, so it switches. What we have tended to do is overshoot and then end early. So if you want to extend it one hour and we only go 30 minutes, that's fine. Otherwise, if you want to extend it 30 minutes and we're two minutes away from finishing, we'll have to extend it again.
- Marsha Peterson: I move to extend the meeting by one hour.
- Regina Jackson: Thank you very much. Commissioner Dorado?
- José Dorado: I accept that.
- Regina Jackson: Okay. Very good. It has been moved and properly seconded and let's take our vote to extend and then let John finish and then go to public comment. Commissioner Dorado?
- José Dorado: Aye.
- Regina Jackson: Thank you. Commissioner Gage?



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- Henry Gage, III: Yes.
- Regina Jackson: Okay. Thank you. Commissioner Garcia?
- Sergio Garcia: Yes.
- Regina Jackson: Thank you. Commissioner Harbin Forte?
- Brenda Harbin-Forte: Yes.
- Regina Jackson: Thank you. Commissioner Peterson?
- Marsha Peterson: Yes.
- Regina Jackson: Thank you. Commissioner Singleton?
- Tyfahra Singleton: Yes.
- Regina Jackson: And yes for myself. So our meeting is extended to 11:30 and I thank you very much. back to you, Mr. Alden.
- John Alden: Thank you so much, madam chair. So a few short policy projects that the Commission should be aware of. In consultation with the Commission's Council, Mr. Kennedy, we have been working on some updates to the Commission's enabling ordinance, in light of the charter changes made by F1. We want to make sure that the ordinance that you already have, matches the new powers that are outlined in measure F1 one. Because such changes to those ordinances would go to the city council and the City Attorney's office, ultimately advises the City Council.
- John Alden: We've also been proactively talking to OCA about those issues. We will be sure to bring those ideas back to the Commission first, so the commissioner can weigh in on them and see what the commission would want to recommend to City Council. And then we'll provide staff assistance to help you get that to Council and see if Council will make those changes.
- John Alden: Second item. At a previous meeting I had given a presentation about how it is that the CPRA and also the police department check in with each other about whether they do or do not have the same opinion about any given disciplinary case, as described in section 604(g) of the City Charter, titled Adjudication.
- John Alden: Some folks gave us some feedback about ways in which that report that I had put together, couldn't be better phrased. And so that revised report is attached as part of the CPRA report for this meeting. I do want to stress, in response to some questions I got from people that that report is simply designed to describe what processes we were using at CPRA and the police department in 2019 and in 2020, so that we could create transparency around that. To the extent that anyone has suggested maybe we should have different or altering policies. I do want to stress that that



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report is merely describing what we have done in the past. It's not a document designed to set policy, and I'm sure we're going to have more conversation about how the Commissioner would like us to move forward with that process in the future.

John Alden: So that's in the packet for those who are looking for it. I should also tell the Commission that we have received from the police department, as I believe we heard earlier in the chief's report, potential revisions to the Internal Affairs Division's policy manual, because those procedures touch so closely on what CPRA does. And is so similar to what CPRA does in many ways. And we're having our staff take a very close look at that. So we can provide you some feedback here at the Commission about that product before you're asked to decide if you want to approve that or make changes to it, as it moves forward in that policy approval process.

John Alden: Finally, I had told you that I would keep you abreast of how we're doing on meeting and conferring around the use of force policy that this Commission approved late last year. We have not yet had any beaten converse sessions, but there does seem to be interest from the POA and having some kind of conversation at least about whether they can identify some issues that would trigger meet and confer. No sessions have been set yet. I'll certainly keep the Commission abreast of how that's going as that develops. Those are all policy issues I had. And that concludes my report for this evening. Thank you for making time for that, even though I know it's quite late.

Regina Jackson: Thank you very much Commissioners, are there any questions of Mr. Alden's report? Any portion of it? Okay. I see no questions or comments. No hands raised. So we'll go to Mr. Rus for public comment, please.

Juanito Rus: Thank you, madam chair. If any member of the public wishes to comment on item eight of tonight's agenda, please raise your hand in the zoom queue and you'll be called in the order in which your hands are raised. The first speaker-in the queue on this item belongs to Mente. Good evening, Mente. Can you hear us?

Joseph Mente: Can you hear me?

Juanito Rus: We can hear you.

Joseph Mente: This is Joseph Mente, District One. You're the chair to Mr. Alden, could you provide a couple of metrics on the time it takes to close investigation? OPD consistently failed to do basic practices of measuring its own performance. And it'd be good for CPRA to set a good example. If I could suggest, I would suggest that the 85th percentile of time between when a case is opened and when it is concluded, for all cases open in a rolling 18 month cut-off, as well as the average number of active cases assigned per investigator. And I would appreciate if these were just included in the meeting agenda on our public website, rather than taking up precious meeting time. Thank you. And I would be happy to email that specifics, if that is [inaudible 04:05:52].

Regina Jackson: Would you please do that? I appreciate it very much.



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- Juanito Rus: Thank you, Mr. Mente. The next speaker on this item is Assata Olugbala. Good evening, Ms. Olugbala, you have the floor.
- Assata Olugbala: Yes. Let me start with staffing. I don't know if it's ever been determined if the staff for CPRA or any part of the staffing has a race equity component that determines that race equity is being achieved in staffing. Second with related to staffing, was very disappointed that the position of auditor was eliminated. There was a question in a console meeting wanting to know something about an audit and Mr. Alden was asked about who was going to do the audit. I think he referenced somebody that should not be doing the work. It should be done by an auditor, and we don't have an auditor. As it relates to the pending cases in the cases that have been resolved, sustained cases, you have failure to accept or refer a complaint for sustained conduct to another. One sustained and that's all was sustained.
- Assata Olugbala: Use of force, 23, none sustained. Unfounded or exonerated all 23. Harassment and discrimination, seven cases, all unfounded. So, still we have the same issue related to excessive force, racial profiling, harassment and discrimination. No cases sustained, the last meeting in this meeting. Something has to be done to determine why CPRA and for me, this is the most important thing, not your job with separate job, no disrespect to you, of holding officers accountable for their actions and it's not happening.
- Juanito Rus: Thank you, Ms. Olugbala. At this time, I see no other hands in the queue of Madam Chair. I'll return the meeting to you.
- Regina Jackson: Thank you very much. My apologies, we'd had such a long dialogue about the Rules Committee that I neglected to take a vote to accept the action plan from our retreat. Totally my fault. But I do want to, I think that it would be appropriate to do so. We did take public comment except for most of the comment was about our previous item. Commissioner Dorado.
- Juanito Rus: We accept the action plan as written.
- Regina Jackson: Thank you. Is there a second?
- Tyfahra Singleton: I second.
- Regina Jackson: Okay. Awesome. Oh, thank you, Commissioner Singleton. So, it has been moved and properly seconded. We've already taken previous comment on this subject. So, let us vote please. Commissioner Dorado.
- Jose Dorado: Aye.
- Regina Jackson: Thank you. Commissioner Gage. Commissioner Gage.
- Henry Gage, III: Yes. My apologies.



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Regina Jackson: Thank you. Commissioner Garcia.

Sergio Garcia: Yes.

Regina Jackson: Thank you. Commissioner Harbin-Forte.

Brenda Harbin-Forte: Yes.

Regina Jackson: Thank you. Commissioner Peterson.

Marsha Peterson: Yes.

Regina Jackson: Thank you. Commissioner Singleton.

Tyfahra Singleton: Yes.

Regina Jackson: Excellent. Thank you. And my vote is yes. We are unanimous that we've accepted the action plan on the retreat. I will be speaking with some of you who are responsible for certain things and try and identify owners of other things as we get closer to the timelines. Thank you very much. If you can take us back to the slide, I think it was item nine. Thank you. Does anyone have any recommendations, edits for any changes to the meeting minutes approval from February 11th? Commissioner Peterson.

Marsha Peterson: Yes. Just one, well, major thing, but minor. My name at Roman numeral two, my name is spelled wrong. My name is spelled M-A-R-S-H-A not C-I-A.

Regina Jackson: Thank you. I got you, the Brady Bunch spelling. So, we will make sure that that change is noted and hope... I don't know if we can. Yeah. Okay. We'll make sure that changes noted. Thank you. Are there any other edits? I see no other hands. Can I get a motion to accept the minutes with that one edit?

Sergio Garcia: So moved.

Regina Jackson: Okay. Thank you. I think that was Commissioner Garcia.

Sergio Garcia: Yes.

Regina Jackson: Commissioner Dorado, thank you. You guys are at two-step. It has been properly moved and seconded with the amendment to correctly spell the Marsha and Marsha Peterson. We can go to public comment now, Mr. Rouse.

Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to comment on item nine on tonight's agenda, please raise your hand in the Zoom queue and you'll be called in the order in which your hands are raised. I see no hands on this item, Madam Chair.



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- Regina Jackson: Very good. Thank you. So, now that we have moved and seconded and there's been no public comment, I'd like to take a vote to accept the meeting minutes approval. Commissioner Dorado.
- Jose Dorado: Aye.
- Regina Jackson: Thank you. Gage.
- Henry Gage, III: Yes.
- Regina Jackson: Thank you. Garcia.
- Sergio Garcia: Yes.
- Regina Jackson: Thank you, Harbin-Forte.
- Brenda Harbin-Forte: Yes.
- Regina Jackson: Thank you. Peterson.
- Marsha Peterson: Yes.
- Regina Jackson: Thank you. Singleton.
- Tyfahra Singleton: Yes.
- Regina Jackson: And yes, for myself. We are unanimous and the meeting minutes are approved. Can you advance a slide please, Mr. Rousse? Thank you. So, with respect to committee reports, I believe that David Jordan had one.
- David Jordan: Yes. Thank you, Chair. I will keep this very brief. So, Vice Chair Dorado and I met, had a very informal meeting over the phone. We are two members of the outreach committee currently, although we would love a third and we discussed some of the things that have been coming up in public comments and meetings a lot recently. And a lot of the things that I have been thinking about specifically around the ad hocs and how to increase in codify community engagement within that decision making process around policies. I know that the Rules Committee is working on that. I had touched base with Commissioner Gage to provide some recommendations around community engagement and to inform that forthcoming conversation in the rules committee. And additionally, the thought process that I was having that I had sort of shared with Vice Chair Dorado was that our community engagement should be more formalized and more consistent and cohesive.
- David Jordan: So, is to provide us with the ability to reach a much greater number of citizens with much greater depth and breadth in general, using many different modes of engagement, rather than just open forum, which is what we've done before, or potentially contracting out to people like Raheem and



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figuring out a way to have an ongoing process that is consistent so that we can compare results over the course of time to track trends and other things. I mean, just have a more sort of sophisticated and consistent basis for our decision-making. And we are working on plans to move that forward. It's still in sort of nascent stage, but I just wanted to make it clear that this is in process and we are working on it. Thanks.

Regina Jackson: Thank you very much. I know we've heard from the Rules Committee tonight. Are there any other committee reports? Oh, a hand jumped up. Commissioner Dorado.

Jose Dorado: Yes. Just a thank you Chair Jackson, just real briefly. That was a really thoughtful conversation that we had regarding community input and community engagement via the outreach maybe. And it's going to be, it really informed me in terms of how to approach exactly that in the 15-01 conversation that we'll be having, I would think very shortly, that being the ad hoc committee on the draft policy of OPD policy 15-01. So, I just wanted to thank alternate commissioner David Jordan for his thoughtfulness and his product in terms of exactly that the community engagement that he put out, because it really, really helped me in my thinking.

Jose Dorado: I was really struggling on to do exactly that, bring in community input in a really thoughtful way. And he provided a real template for how that might be done. So I just want to thank him and tell him that and let folks know that we'll be moving forward on a 15-01 with those thoughts in mind. Thank you.

Regina Jackson: Thank you very much. I'd also like to say that as a part of my commentary, when you all reelected me as chair, I made a commitment to create or support development of the pipeline toward leadership on the commission, which is not to say that anybody isn't already a leader, but trying to ensure that you have all of the information and the exposure possible to move into chair status, vice chair status, that kind of thing. And so, one of the first recommendations that I want to put into place is, I guess what I call a round Robin of meeting management so that everyone, including the alternates have an opportunity to run a meeting and also work on the agenda for that meeting.

Regina Jackson: So, currently our administrative assistant, I believe is either set up a doodle poll or has asked for the commissioners to sign up for a meeting. And once I receive, that'll start, excuse me, April 1. So, as soon as I receive that, then I will be working and Vice Chair Dorado also will be supporting that member as the time comes up to both understand the agenda setting process, as well as the actual meeting management kind of looking at their Robert's rules of order and the like. And so, I just wanted to share that with the public. And I believe that you all have received that email now, but I will go back and double check that. There will be other things, but that is one of the first.

Regina Jackson: And I just wanted to make sure that I made mention of it today. If there are no other, I mean, we've had some major committee reports today already, so I see no others. So, we'll go to public comment. Mr. Rousse.



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- Juanito Rus: Thank you, Madam Chair, if any member of the public wishes to speak on item 10, tonight's meeting, please raise your hand in the Zoom queue. The first speaker on this item is Megan Steffen. Good evening, Ms. Stephan, you have the floor.
- Megan Steffen: Thanks so much, Mr Rouse. Thanks to Alternate Commissioner Jordan for his thoughtful approach toward public engagement and also to Commissioner Dorado for advocating so much for this. I do think that the commission needs a more systematic, again, a more consistent and predictable method of engaging the public in getting feedback. One thing I do want to say that I have observed is that, I mean, and this isn't just the commission, this is all over Oakland, but when public engagement comes and it perhaps doesn't fit existing frameworks, the commission and other people in public office find reasons to disqualify the people who are engaging from the public.
- Megan Steffen: Some of you have said to me that people who show up to speak in open forum aren't representative of the public. I agree with that. However, when Raheem presented their survey, there was a lot of talk about whether or not that could be called representative of the public. And again, with the re-imagined public safety task force, the community engagement that policy link contracted out to community-based organizations is also being questioned on similar grounds. I think whatever methods that the commission agrees on, they need to stick with them and sort of trust them and take them in good faith and not find ways to try to discredit them methodologically based on what the substance is. I also think that again, the ad hoc committee process should be transparent. I don't think you necessarily need to real time participation by members of the public. I know you'd have to do work, but it should be possible to get a record of who attended meetings, what was said and how it was decided. Thank you so much.
- Juanito Rus: Thank you, Ms Steffen. The next speaker in the queue is a telephone attendee. With the last four digits 9997. Good evening, 9997. Can you hear us?
- 9997: Hi. Before you start my time, I was trying to speak on the minutes, but I just couldn't get you to see me. I don't know if I did something wrong or there was something wrong there, but I was hoping I could comment on the minutes and also ask the commission to consider reopening that boat because there's a really big mistake. I think it opens you up for Brown Act violations.
- Regina Jackson: Thank you. Would you go ahead, Mr. Rus start his time so that we can hear the comment.
- Juanito Rus: I can do that.
- 9997: Okay. So, on page five of the minutes, it says a motion was made by Henry Gage, seconded by Regina Jackson to adopt the version of the training bulletin, et cetera, et cetera. It says the Is and the nos. Then it says, Chair Jackson promoted David Jordan, as a voting member to cut the tie-breaking vote. There are no ties according to the charter for your commission. Votes are won or lost by majority. So, at that point, what actually happened was the motion had lost. And then Chair Jackson promoted Mr. Jordan, so that it would win. And you should really consider revising that sort of reflects what happened. Thank you.



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- Juanito Rus: Thank you, 9997. The next speaker in the queue, excuse me. The next speaker in the queue on this item is Assata Olugbala. Good evening, Ms. Olugbala, you have the floor.
- Assata Olugbala: Yes. I say this. What I'm about to say, because I've witnessed it. When I sit in the all OUSD school board meetings, and last night, they had a meeting with 300 and something participants, but all of them were not English speakers and they were accommodated in Spanish and Mom that night. But if it's needed, they can accommodate people in Arabic, as well as Mandarin and Chinese Mandarin. This body, you cannot engage people with only English speaking dialogue. This city has a diverse population where over 50 languages are spoke. You have only English. Now, this is not anything you can do about it because in general, the City of Oakland has no way to do what OUSD is doing. And this thing about calling five days ahead is ridiculous, but we cannot have engagement if you only include English speaking participants, that's exclusion.
- Assata Olugbala: And so until we can viably have the ability for larger participation by non English speakers, we won't have true and credible engagement of the community. If you witnessed it at OUSD meetings, how so many people are able to have a voice because they don't speak English. It makes me more forceful about, we need to have it at this meeting, in Oakland City meetings. And I say it again, you can't have public engagement with exclusion of those who don't speak English.
- Juanito Rus: Thank you, Mr. Olugbala. The next speaker in the queue is Rashidah Grinage. Good evening, Ms. Grinage.
- Rashidah Grinage: Good evening, again. I just couldn't help noticing that the commentary by Commissioner Dorado and Jordan about community engagement seemed pretty diametrically opposite to the vote that was taken earlier about open forum. It just seems like the commission is coming and going at the same time. On the one hand, wanting more community engagement on the other hand, limiting it. And so, I would urge the commission to reflect on the mixed messages that you're sending and the inconsistency of your positions, and possibly revisit your earlier vote, which is very disappointing to all of this people who have spoken. Thank you.
- Juanito Rus: Thank you, Ms. Grinage. This time I see no other hands in the queue, Madam Chair.
- Regina Jackson: Thank you very much. Can you advance the slide please? Thank you. Agenda setting and prioritization of the upcoming agenda items. We certainly will need to identify several more ad hocs. I know that it's time for us to get another update on re-imagining public safety. Are there other items that the commission wants to put in place? I think that it's probably time for us to continue to forward some of the work that we already did during the retreat so that we can finalize some things. Is there anything else that somebody wants to suggest on that? Okay. Well, hearing none, I will work with Vice Chair Dorado so that we can finalize our meeting for March 11th. Can you please go to public comment?
- Juanito Rus: Thank you, Madam Chair. If any member of the public wishes to comment on item 11, please raise your hand in the Zoom queue. At this time, I see one hand raised and there are more. The first speaker on this item is Assata Olugbala. Good evening, Ms. Olugbala, you have the floor.



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- Assata Olugbala: Yes. I'm going back to CPRA. And at some point you need to have on the agenda, the racial breakdown of the employees of CPRA to see if there's racial equity. We have a diverse community and we can't have all of one racial group being involved in the agency. We have to have diversity. To meet with these members of the community, it helps to have people that look like you in that format.
- Assata Olugbala: The other thing is, when are you going to do any audits? Performance audits, fiscal audits, whatever you want to call them. When are you going to do it? I think it's mandated that you do. Oh, and lastly, you need to have something that deals with this issue of jurisdiction and clarity on what your jurisdiction is, because you were saying to me, things about you can't do anything about Ginale Harris because it's out of your jurisdiction. And I keep witnessing, you're doing things that I think are not in your jurisdiction, but anyway, I'll continue to address it because you could at least write a letter to put Ginale Harris, if you can write a letter about the officer's need to have the vaccines. You can do that. Ginale Harris will not be a forgotten, but CPRA something's got to happen with CPRA. So, any kind of way, you can make that improve, I hope you can find a way to do it because right now CPRA is not working.
- Juanito Rus: Thank you, Ms. Olugbala. The next speaker in the queue is Jennifer Tu. Good evening, Ms. Tu.
- Jennifer Tu: Hi. Thank you. I was just wondering when we should expect to see the follow-up about the bear cat being retired. I think last time there is a directive for the ad hoc on military equipment to come back with a proposal for how to retire the bear cat. So, I was wondering about when we should expect that to the agendized. Thank you.
- Juanito Rus: Thank you, Ms. Tu. At this time I see no other hands in the queue, Madam Chair. Thank you very much.
- Regina Jackson: Can you advance the slide please? Well, here we go. We are at adjournment. It is 11 o'clock on the dot. Can I get a motion to adjourn? Commissioner Dorado, Vice Chair, Dorado.
- Jose Dorado: Moved.
- Regina Jackson: Thank you. And I see a second by commissioner Peterson. Excuse me. I guess, I see a second. Can I hear the second?
- Marsha Peterson: Yes, I second. Thank you.
- Regina Jackson: Okay, thank you. It has been moved and seconded. Can we take A votes. Commissioner Dorado.
- Jose Dorado: Aye.
- Regina Jackson: Thank you. Commissioner Gage.
- Henry Gage, III: Yes.



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Regina Jackson: Thank you. Commissioner Garcia.

Sergio Garcia: Yes.

Regina Jackson: Thank you, Commissioner Harbin-Forte.

Brenda Harbin-Forte: Yes.

Regina Jackson: Thank you, Commissioner Peterson.

Marsha Peterson: Yes.

Regina Jackson: Thank you. Commissioner Singleton.

Tyfahra Singleton: Yes.

Regina Jackson: And for myself I vote yes that we adjourn. It is 11 o'clock. It has been an excellent evening. Thank you very much for your exhaustive energy and your hard work. And we'll see you next time.

From: [Jennifer Tu](#)
To: [Regina Jackson](#); [Henry Gage, III](#); [David Jordan](#); [Jose Dorado](#); [Sergio Garcia](#); [Brenda Harbin-Forte](#); [Tyfahra Singleton](#); MPeterson@oaklandca.gov
Cc: [Love, Christine \(Chrissie\)](#)
Subject: e-Comment Agenda Item 6: Feedback on Rule 6 regarding public
Date: Monday, February 22, 2021 9:19:20 PM

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

Dear Chair Jackson, Commissioner Gage, Commissioner Harbin-Forte, Commissioner Garcia, Commissioners and Alternate Commissioners,

First, congratulations to the Rules Committee on completing your suite of proposed changes. It's clear a lot of thought went into how to design a better experience for the Police Commission. While I understand the drive for efficiency in meetings, I think two of these changes may introduce missed opportunities for the Police Commission to engage with the public.

(1) Rule 6.1: order of Open Forum

While I'm glad the Rules Committee advocated returning to a 2 minutes per speaker policy, I was very disappointed to see the proposal to move Open Forum from the beginning of the meeting, to the end. There are two ways this creates missed opportunities.

First, Open Forum is the only time members of the public are able to speak in the meeting before discussion is complete. While I empathize with the Commission when public comments may feel repetitive, that repetition is itself a key indicator of a viewpoint that the Commission may not be aware is so widely-felt that even children feel compelled to participate and share their opinions and their traumatic encounters with OPD. Given the rarity of Open Forum running for more than an hour, and the benefits throughout the rest of the meetings in keeping Open Forum at the beginning of the meeting, I strongly encourage the Commission to reconsider and keep Open Forum's position at the beginning of the meeting. Its current position allows the opportunity to receive the gift of feedback, even on nights no one really wants to hear it.

Second, Open Forum at the end of the meeting makes it nearly impossible for the Commission to agendaize a follow-up to any new information. This seems like a very unfortunate side effect that would effectively silence any feedback received in Open Forum.

(2) Rule 6.4: audience conduct

I was very disappointed to see the proposed change for audience conduct expectations. Many members of the public who speak at Police Commission meetings have had their lives negatively impacted by police violence. It is wrong to silence people who have been harmed by requiring precision in their communications, especially from the youth of our city. While I believe it is absolutely appropriate to not accept profanity or hate speech, I hope you will please reconsider the proposed 6.4 change and recognize how easily it could become capricious censorship.

I'm not familiar with the current rules, but if there is no rule against profanity or hate speech, I

hope you will consider amending the proposed Rule 6.4 to limit public comment content to only exclude profanity and hate speech.

Thanks again for all the work you do on this. I hope the Commission will consider these perspectives, and I look forward to discussion on Thursday.

Sincerely,

Jennifer Tu
(District 3 today, District 4 on Thursday)

From: [Mary Vail](#)
To: [Love, Christine \(Chrissie\)](#)
Subject: My comments, Poluc Commission Agenda, 2/25/2021
Date: Thursday, February 25, 2021 4:27:37 PM

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1) General:

NSA status Conference: For the first time in memory, the case parties and the Judge displayed a common understanding of what needs to happen for OPD to reach full, sustainable compliance with the NSA: deep cultural change to support policy change and officer and supervisor accountability when rules and policies are broken. The first road test of OPD's real compliance commitment will be seen with the investigative quality and disposition of the Instagram site cases. The published posts were not just racist and sexist, they also broadly attacked rule and policy reforms required by the NSA and expose the presence of a NSA-resistance culture in OPD's workforce. Will the proven offenders be held accountable?

2) Police Chief's memo on reimbursed overtime? Others will weigh in on this, but in my view, this entire scheme needs to end. What is never reimbursed is the loss of officer work time (hours and fatigue) spent on sporting vans, cars, Home Depot security, that could have been spent on reducing gun violence, investigating killings and responding to crime-related emergencies. Big rail and sports teams can afford to hire and train their own security personnel. Retailers should not be given access to OPD personnel in exchange for promise not to do leave Oakland.

Mary Vail

35 yr. res. of District 5